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# SEMDOC

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## NOTE

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from : the Working Party on Drugs and Organized Crime

to : Steering Group II

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Subject: **Draft report on the combatting of drug trafficking**  
- **Third Pillar contribution**

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1. At its meeting of 4 December 1995, the Working Party on Drugs and Organized Crime discussed the above draft report.

This document contains detailed proposals on Third-Pillar matters which form an essential part of the experts reports to be presented to the Madrid European Council (doc. 1224/95 CORDROGUE 89 SAN 115).

2. The Working Party elaborated the draft annexed to the present note.

The Netherlands delegation expressed a reservation, declaring that its final position would be, to a great extent, determined by :

- the deletion of the following sentence in Chapter IV, point A.6 : "*It is obvious that all forms of legalisation of non-medical use of drugs are incompatible with these efforts*" ;
- the outcome of discussions on Chapter V, point 3.a, 4th indent (drug tourism).

DRAFT REPORT ON THE COMBATTING OF DRUG TRAFFICKING

- Third-Pillar contribution -

I. INTRODUCTION

At its meeting of 26 June 1995 in Cannes the European Council urged Member States to unite their efforts and recommended that steps be taken to ensure practical implementation of the strategy involving reducing supply, combating trafficking, and international cooperation. It instructed a group of experts from the Member States to submit to its Madrid meeting an analytical report accompanied by proposals dealing with all these issues.

- A) The Presidency decided that the competent bodies of the Three Pillars should each draw up elements of the global document in their own fields of competence. Subsequently the expert group will assess their contributions and elaborate a single contribution to be presented to the European Council.
- B) As regards Third Pillar matters the Working Party on Drugs and Organized Crime was invited to make a draft report, it being understood that Member States could invite their experts in fields not usually covered by this group such as police and judicial cooperation, to attend meetings of the Group to contribute to this draft report. The views of the Customs Co-operation Working Party are in document 10637/95 ENFOCUSTOM 38.

C) 1) It was agreed that the contribution of the forerunner countries mentioned in document 9124/94 ENFOPOL 111 should form the basis of the work of the Group. These forerunner countries were the following :

- (i) **Germany** for countries where drugs originate and are cultivated
- (ii) **Belgium** for transit states
- (iii) **the Netherlands and EDU** for the EC's external frontiers
- (iv) **France** for drug trafficking within the EU
- (v) **the Netherlands and EDU** for drug tourism within the EU
- (vi) **Italy** for money laundering
- (vii) **United Kingdom** for the prevention of the diversion of precursors
- (viii) **Spain** for police prevention measures.

The EDU helped some forerunner countries in updating their contributions and drafted a major part of the general situation report as well as statistics on drug seizures.

2) Other basic elements for work of the Group were the document on the strategy against illicit trafficking of drugs adopted by the Council of 9 March 1995 (cf doc 4339/3/95 REV 3 ENFOPOL 13) and the short-term measures featuring in the note of National Drugs Coordinators to the European Council (cf doc 8404/95 CORDROGUE 32).

D) On the basis of the above elements the following draft report was drawn up, which should be considered as the detailed contribution of the Third Pillar to the strategy and actions featuring in document 12247/95 CORDROGUE 69 SAN 115.

E) In particular, the Council stresses that actions against trafficking should form an essential part of a global, coherent and comprehensive approach, covering activities within the remit of the Three Pillars. The struggle against drugs must be based on interaction between preventive measures, control by legislation, police and customs, and care and treatment.

## II. EDU GENERAL SITUATION REPORT ON DRUGS (cf. annexes I and II)

- A. The EU Member States are confronted on a large scale with growing problems arising from the misuse, smuggling and production of drugs, and associated money-laundering activities.

### 1994 seizures statistics (1993 figures in *italics*)

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	heroin (kgs)	cocaine (kgs)	cannabis (kgs)	amphetamines (kgs)	LSD (thousands of doses)	XTC (thousands of doses)
Totals	5907 <i>(4693)</i>	28968 <i>(16884)</i>	733380 <i>(517062)</i>	1892 <i>(1639)</i>	661 <i>(1216)</i>	1254 <i>(2455)</i>

In the source-countries, political, economic and social factors play a major role in influencing both the production and anti-drug effort. The global production of drugs is, in spite of all political and law-enforcement efforts, still increasing.

The "Golden Crescent", the border region between Afghanistan, Pakistan and Iran, is known as the major heroin production area for Europe. Heroin is smuggled to the Member States from Pakistan by ship, by post or by couriers.

Turkey is the main transit country for heroin from the Golden Crescent. Some 85% of the 5,907 kg of heroin seized in the Member States in 1994 was delivered via the various Balkan Routes, which are controlled by Turkish criminal organisations. Use is often made of TIR lorries travelling through the Central European and Baltic states. The network of Turkish drug-trafficking organisations has now spread into almost all the Member States. The main countries of destination are Germany, Spain, Italy, France, Belgium, the Netherlands, the United Kingdom and the Scandinavian countries.

#### **1994 HEROIN SEIZURES IN EU MEMBER STATES**

United Kingdom	:	13%	Germany	:	28%
Spain	:	14%	France	:	11%
Italy	:	19%	Other MS	:	15%

Another production area is known as the "Golden Triangle", on the border of Thailand, Myanmar and Laos. It is the world's main producer of opium with an annual yield of between 30 and 40 tonnes of heroin, about 15% of which goes to the European market. Thailand is the Asian centre for heroin smuggling. Delivery to consumer countries in the EU is made mainly through air passenger using various transit airports. The sale of this heroin is primarily controlled by groups originating from Hong Kong, the People's Republic of China and Singapore.

South America is the main producer of cocaine. Peru, Bolivia, Colombia, and Brazil produce a total of over 30,000 tonnes of coca leaves each year, enough for almost 900 tonnes of cocaine. Groups based in the Cali area of Colombia control the wholesale market in the Member States.

The quantity of cocaine seized at the external borders of the European Union increased by 300% between 1988 and 1992. A large part of all cocaine destined for the Member States is shipped in containers.

Couriers also travel from various airports in South America to the Member States. The Netherlands, Italy, France and Spain accounted for 81% of the cocaine seized in the EU. Central and Eastern European countries are playing an increasingly important role in the transit and trafficking of cocaine to the Member States.

#### **1994 COCAINE SEIZURES IN EU MEMBER STATES**

United Kingdom	:	8%	Italy	:	23%
Spain	:	13%	France	:	16%
Netherlands	:	29%	Other MS	:	11%

Synthetic drugs are found in the Member States in numerous forms. The most widely available of these are amphetamine and amphetamine derivatives MDA, MDEA, MDMA (ecstasy) and LSD. Unlike heroin and cocaine, synthetic drugs are also produced in the European Union itself. Groups which manufacture these drugs operate in many Member States. Amphetamine laboratories have been found in the past few years in the Netherlands, Germany, United Kingdom, Denmark, Belgium and France.

Poland is already a production and exportation country for amphetamines, whereas Hungary, the Czech Republic and the Baltic states are emerging as producers and exporters of these drugs.

#### 1994 XTC SEIZURES IN EU MEMBER STATES

United Kingdom	:	29%	France	:	20%
Spain	:	24%	Other MS	:	17%
Netherlands	:	10%			

In 1994, 733 tonnes of cannabis were seized in the Member States, including 238 tonnes in the Netherlands, 219 tonnes in Spain and 57 tonnes in France. Morocco is the main source country to the EU. A large amount of cannabis is smuggled in yachts, fishing boats and coasters. In the past few years the emphasis has been on road and sea container-transport. In some cases, road haulage companies have been taken over by criminal organisations.

#### 1994 CANNABIS SEIZURES IN EU MEMBER STATES

United Kingdom	:	7%	France	:	8%
Spain	:	30%	Belgium	:	8%
Netherlands	:	33%	Other MS	:	14%

Some Member States are confronted with drug tourism - which, seen from the point of view of the EU as a whole, is a regional problem - and with the phenomenon of organised music parties or "raves" where ecstasy and amphetamines may be widely used. The growing influence of new groups from Central and Eastern Europe is perceptible in almost every Member State.

Most illegal drugs can only be refined by adding or using chemicals. Partly for this reason, the UN Convention of 1988 obliges the signatory countries to the Convention to introduce a system for monitoring international trade in certain chemical substances used in the illegal production of drugs. The regulations adopted by the Council of the European Communities represent an important step forward in the control of drug precursor chemicals ; the drawing up of profiling programmes and controlled delivery of these substances can make a significant contribution to locating the place of production.

## **B. Conclusions**

The global production of drugs is still increasing, despite political and law-enforcement efforts. Most heroin seized in Member States was delivered via Balkan routes. Cocaine is imported from South America, mostly via certain Member States, and cannabis from North Africa. Synthetic drugs, such as amphetamines and MDMA, are manufactured in several European countries. Production and trafficking of some drugs involving countries of Central and Eastern Europe have increased.

The quantities of drugs seized by police and customs authorities in the Member States have increased over the past ten years, though this may also reflect changes in interdiction effectiveness, and year-to-year seizures fluctuate.

## **III. REQUIREMENTS FOR MORE EFFECTIVE LAW ENFORCEMENT**

### **A) Drugs**

The large-scale smuggling of drugs from the source countries to and between the Member States is controlled by criminal organisations and groups both from within and from outside Member States, albeit that the strategic and integrated response of these Member States varies from country to country according to national circumstances.

In some Member States the prospective strengths of both police and customs agencies may not have been focused to maximum effect in the past.

Improved co-operation between law enforcement agencies at national and international level is essential in the fight against drug smuggling. Consultation between such agencies and judicial authorities should be intensified in order to remove, wherever possible, any obstacles to effective investigations and prosecutions.

Judicial authorities in EU countries are increasingly being faced with questions involving assessment of the lawfulness of investigation methods used in other EU countries, the lawfulness of the supply of data obtained by means of them and the admissibility of the use of such data in evidence. The permissibility of certain investigation methods differs from one Member State to another. The provisions applicable to the various investigation methods therefore need to be collated.

An EU survey on the size and impact of organised crime involved in the drug trade based upon national surveys should continue to be undertaken on a regular basis. Efforts should be directed at equivalence of and greater comparability between data to be gathered at national level.

It seems necessary to create within the EU a systematic and open access to strategic and operational intelligence subject to national laws, so that the authorities at EU level and within the Member States obtain a better view on methods, trends and prognoses influencing future developments. Therefore the use of sensitive data is essential to enrich the information already available via other channels.

In addition there is a specific need to exchange so-called hard and sensitive data between Member States for operational use by the various law enforcement agencies involved in the fight against illicit drugs. A pro-active and project-oriented approach is especially needed to enable all law enforcement agencies to benefit from the variety of accessible sources of information and intelligence. This is not only a matter of organizing and structuring the procedures and the technical means but mainly a matter of building up mutual trust and

confidence between the different law enforcement agencies at national and international level. Therefore all the intelligence related activities must be organised within a secure and confidential framework in order to give the various law enforcement agencies the necessary assurances to encourage them to exchange intelligence information between each other.

Therefore the needed consensus and mutual understanding within the EU should be a guarantee for a common EU approach. ~

Although co-operation between the Member States has existed and been developed for many years, it is often carried out on an ad hoc basis in relation to forthcoming or ongoing investigations. It is partly for this reason that requests for assistance from one Member State to another, e.g. with regard to cross-border observation and controlled deliveries, do not always receive a satisfactory response owing to differences in legal conditions and enforcement practices in addition to differing perceptions of priorities and resource implications.

As already mentioned, most of the drugs that come onto the users' markets in the Member States are produced outside the territory of the EU and therefore have to cross one of its external borders. Controls on the external borders, using advanced detection techniques and tactics as well as shared intelligence data, are therefore an essential part of the fight against international drug-related crime.

The continuous and better organised collection, exchange and co-ordination of information and intelligence, nationally and internationally, is therefore essential as are the compatibility of enforcement techniques, technical means and a permanent willingness to co-operate internationally.

## **B) Money laundering**

- 1) The international community as a whole and in particular the bodies of the EU, have made efforts to combat the use of the legitimate financial sector for the laundering of proceeds from crime. To this end, the 1990 Strasbourg Convention and the 1991 Council Directive have required the Member States of the EU to ratify and introduce new legislation. It is essential that all Member States ratify this Convention. The

Commission has submitted a report on the implementation of the 1991 Directive. As described in this report, the major stumbling block, however, is the unique nature of the implementation in the individual Member States and the consequent diverse interpretations. A notable operational problem in some Member States is the reluctance by the organisations set up to receive suspicious or unusual transactions to disclose sensitive financial information and intelligence to their counterparts in other Member States. Undoubtedly this results in the withholding of one of the most valuable forms of criminal intelligence and reduces the effectiveness of the law enforcement agencies tasked with the investigation of the money laundering offenses.

The principal difficulty in most countries in prosecuting those responsible for laundering money is that any prosecution is dependent upon another initial criminal offence being proven. It is not investigated as a crime independent of any other activity, which is an unusual phenomenon in the law enforcement field. Other difficulties are :

- (i) divergent approaches by Member States relating to the application of legislation to the credit and financial institutions ;
- (ii) differing privacy levels in EU countries ;
- (iii) differences between Member States in the coverage of money-laundering legislation (i.e. application to drugs proceeds only or also the proceeds of other serious offenses) ;
- (iv) different reporting systems for suspicious or unusual transactions within the Member States and the different structures of the responsible organizations and in particular the lack, in some Member States, of a central body that receives reports on suspicious transactions ;
- (v) limits, judicial or administrative, placed on use and circulation of the information received in a financial disclosure ;
- (vi) burden of proof (whether the criminal has to prove how he obtained the funds or the prosecution has to prove the funds came from illegal means) ;
- (vii) in several Member States there is no law enforcement infrastructure to ensure that information regarding suspicious transactions is dealt with in a qualified way.

Although legislation is now in place in all Member States, the degree to which any investigation of money laundering activity is carried out varies enormously. These anti-money laundering measures, whilst considered effective at a national level, fail to achieve their objectives internationally.

## 2) Asset Seizure

In order to counter the ever-increasing threat from internationally-organized drug-related crime and the associated social, economic and penal policy problems, the fight against drugs must be multifaceted and conducted on an international level.

Asset seizure is made possible internationally on the basis of the 1990 Strasbourg Convention and bilateral agreements. Following the identification of proceeds suspected of being derived from criminal activity problems are encountered with the restraint of assets pending the successful conclusion of the prosecution, and subsequently the forfeiture of the assets once a full assessment has been made. In some Member States asset identification and tracing inquiries are undertaken in every drug trafficking criminal enquiry whereas in others there is no set procedure for commencing these tasks. This is obviously an area for improvement, as is the seizure of assets by one EU country on behalf of another Member State. Although in some cases assets are identified, restrained and later confiscated on behalf of another Member State it is an infrequent occurrence and normally undertaken on an ad-hoc basis. The reasons behind this are unclear although the reticence to exchange information with another country is often given as an explanation. Certain Member States have overcome problems in the exchange of information by signing bi-lateral confiscation agreements specifically to carry out asset seizure.

Once the assets are confiscated after a successful conviction, problems still occur as there is often a shortfall between the estimated benefit to the offender and the amount collected. However in some Member States some or all of the confiscated assets may be used to further law enforcement activity.

#### **IV. THIRD PILLAR AIMS AND OBJECTIVES**

##### **A) Aims**

- 1) The Third Pillar strategy to combat drug trafficking should make a significant contribution to the EU's law enforcement actions in combating illegal drug production and trafficking, and in dismantling international drug trafficking organizations and financially affecting those involved in the illicit drug trade.
  
- 2) This has to be accomplished by :
  - encouraging all appropriate police, judicial and customs co-operation initiatives, especially concerning new conventions or judicial or administrative assistance ;
  
  - improving practical and operational co-operation between police and customs departments;
  
  - encouraging effectiveness, co-operation, the exchange of information and the complementarity of action between the various national and international law enforcement agencies in order to better fight against illicit traffic in narcotic drugs and psychotropic substances, including the increased development of co-operation in combating the illicit traffic in precursors, and being more effective in tackling the laundering of proceeds obtained by criminal organisations involved in the drugs trade.
  
- 3) A coherent and global drugs policy requires appropriate coordination between the various main bodies in this field. Its objective is to avoid duplication and enhance efficiency. Coordination should take place at the following levels:
  1. between the competent national authorities within a Member State and with authorities of other Member States;
  
  2. between Union Institutions and bodies;
  
  3. between Union Institutions/bodies and international organizations.

Within the existing legal framework, full use should be made of possibilities offered by the EDU and the European Drugs Monitoring Centre.

- 4) A common position in international fora should be opted for at European level in order to assert our decisions with the unity required in a good many cases.
- 5) The question of whether and to what extent activities referred to in this report can be financed from European Union funds, will need to be examined further.
- 6) The concrete measures put forward in this document aim at reducing the supply of drugs. To make the measures effective, they have to be founded on legislation that admits intervention against the drug problem in all its parts and that there is an intention and a capability to uphold such a legislation. [It is obvious that all forms of legalisation of non-medical use of drugs are incompatible with these efforts.] <sup>(1)</sup> The framework for all Member States' activities is set out in the three relevant U.N. Conventions (1961, 1971 and 1988).
- 7) The response to the drugs problem demands renewed efforts in all areas. Many agencies and authorities have a part to play in this - the police and customs and their support services, prosecutors, criminal justice authorities and a range of Ministries. There is a need to ensure close and continuing consultation and co-operation between those agencies and authorities. An important strand in this is the ongoing consideration being given by working groups under Steering Group III to ways of improving judicial co-operation in such areas as extradition, mutual legal assistance and international organized crime.
- 8) Any actions taken or suggestions implemented as a result of this report should be evaluated and the effectiveness of the results judged before studying new proposals.

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<sup>(1)</sup> The Netherlands delegation insists on the deletion of this sentence and suggests to add the following sentence to this paragraph: "All forms of legalisation of non-medical use of drugs are incompatible with these Conventions".  
The Swedish delegation asks for the deletion of the brackets.

## **B) Objectives**

To achieve these aims, the strategic objectives will be :

- to prepare the coordination and initiation of simultaneous law enforcement operations in the Member States against criminal organisations involved in the drugs trade ;
- to make strategic and operational analyses and to exchange intelligence, in relation to the cultivation and production of, and trafficking in, illegal drugs ;
- to develop and implement specific projects related to Central and Eastern European, and Mediterranean transit areas, in order to improve co-operation, strategic and operational analysis, and exchange of intelligence in relation to the cultivation and production of, and trafficking in, illegal drugs ;
- to accelerate the process of coordinating and improving methods of control at air, sea and land frontiers, in particular with regards to checks on containers in sea, inland waterways, and combined ports of the EU ;
- to achieve a well-organized and effective EU intelligence exchange, and improve cross-border and international law enforcement co-operation, giving attention where feasible to the necessity for cross-border observations, controlled deliveries and undercover activities in all traffic flows, including capital movements and chemical precursors ;
- to maximise the input of police and customs services at both national and international level in the fight against drugs by improving practical co-operation and greater complementarity of action between these services and by improved sharing of drugs intelligence between them.

## V. ACTIONS

In order to achieve these aims and strategic objectives, the following actions are proposed.

### 1. Third countries

#### a) Third countries

##### (i) Drug production and cultivation

- Knowledge about drug production and cultivation has to be improved. In the context of the actions carried out and financed by the EU and the Member States, it would be desirable to extend, depending of resources available, the use of satellites to monitor the situation in the producing countries and to assist the effective analysis of the problem. This information should, whenever possible, be shared.
- The provision of assistance in the form of advice, equipment and training for foreign drug control agencies requires coordination of the various programmes on the part of donors. Coordination efforts to date have not as yet proved adequate to plan and carry out an integrated overall project in a partner country.

A procedure comparable to that for the Central and Eastern European countries (Task Force of donors organized within the framework of the UNDCP) could be envisaged in this connection.

##### (ii) Transit Countries

- Following the Corfu and Essen Summit, the Central and Eastern European countries (PECOS) must be considered as priority regions for EU action. Full and effective use should be made of possibilities offered by the PHARE programme and the UNDCP Task Force and this must be properly coordinated.

(iii) Regions of specific interest

The European Union has a clear interest in all producer and transit countries which are sources of drugs reaching its borders. There has been recent action in respect of two specific regions :

- **Mediterranean**

The Euro-Mediterranean Conference of 27/28 November 1995 in Barcelona has considered it necessary to fight jointly and effectively against drug trafficking.

- **Andean region**

At the Ministerial Troika of the Union and Ministers responsible for the fight against drugs in the Andean countries of 26 September 1995, it was agreed that :

- = regular high-level technical meetings would be held between those responsible for the fight against drugs ;
- = the mechanisms for a permanent and smooth exchange of information and coordination between authorities and bodies specializing in the monitoring and prevention of all manifestations of the drug phenomenon were to be bolstered ; to that end a contact point will be designated for each European Union and Andean Pact State ;
- = those States which so wish could negotiate bilaterally the appointment of liaison officers in order to step up co-operation between the parties ;
- = specific bi-regional co-operation was to be continued and stepped up in areas such as : judicial administration and the training and strengthening of specialized bodies to combat and monitor illicit drug trafficking, prevention of drug addiction and the treatment and reintegration of addicts, as well as reducing the dangers from drug abuse ;
- = balanced, alternative development programmes would be stepped up as an action strategy to complement the eradication of illicit crops. Similarly, support would be provided for the protection and conservation of ecosystems threatened by such crops.

b) Role of liaison officers

In devising coordinated action to make use of knowledge of the drugs problem, there is an important role to be played by the police and customs liaison officers posted by European Union States to drug growing and producing countries and to transit countries.

The establishment and updating of a network of liaison officers, underpinning an anti-drugs strategy, should be carried out in accordance with clear points of reference geared to the obtaining of a body of information at the various places of destination that is able to enhance Member States' action within the appropriate institutional frameworks.

Given the present network of such officers, European Union States should :

- inform one another of the posting of further specialists to non-Member countries and other relevant issues including overall threat/risk assessments based on national reports from DLOs ;
- pay particular attention to the most sensitive regions, for the purposes of the processes in question of drug growing, production, transit and storage, that are not "covered" by Member States ;
- bear in mind, when taking assignment decisions, the 1994 Berlin Declaration designed to give priority to the Central and Eastern European countries, as well as the Mediterranean area ;
- consider the possibility of shared use (at EU level) of liaison officers in the case of data that are not personal or strategic, where appropriate promoting their establishment in non-Member countries under specific agreements, including bilateral ones ;
- have such officers draw up, when appropriate, periodic reports which, with regard to the assessment made wherever they are operating, reflect the Union's common requirements, as referred to in Title VI for the fields covered in these reports.

c) Without prejudicing bilateral and multilateral agreements, specific priorities should be set out in the following areas :

- exchange of intelligence (EDU and neighbourhood EU countries)
- operational (cross-border) co-operation of neighbourhood countries of transit countries concerned.

Member States should make efforts to enhance co-operation and coordination between DLOs both within the EU and in third countries, through increased exchanges of information and intelligence and through regular in-country meetings. They should make use of the DLO network in the control and monitoring of precursors.

## **2. EU external borders**

a) Prior consideration should be given to the following measures :

- the external frontier strategy which is currently being developed in the Customs Co-operation Working Party, should pay special attention to the effectiveness of controls at external borders and co-operation between police and customs authorities. Practical measures should be developed to improve co-operation between law-enforcement agencies of Member States. The adequacy of the resources, facilities and arrangements in place at sea and airports, required to protect the external borders of the Union from drug trafficking, should be looked at ;
- special attention should be given to container traffic, including containers in transit, and cross-border drug-related cash flow, as well as co-operation with national and international transport organizations ;
- refined selection of checks (e.g. targeting criteria, methods of selection) and collection of operational information, should be pursued in the context of the respective responsibilities of the police and customs authorities and their normal co-operation arrangements, making use of information and intelligence obtained specifically for this purpose ;
- customs authorities should conclude memoranda of understanding with the business world in order to arrive at a common approach to combating drugs and fraud. Under such arrangements, before vehicles arrive, businesses should provide information regarding the goods carried, on which basis the customs can use risk analysis to target their checks on higher-risk goods.

2. Other measures could relate to:

- improved assessment of the threat and of law-enforcement problems should be organized at EU level by exchanging regional situation reports ;
- identification of all national technical resources in the air and maritime fields with the purpose of supporting other Member States ;
- creation of national mobile search squads by the competent authorities for targeted use against drug-related crime at the EU's external frontiers ;
- enlargement of the scope of the initiative on the future exchange of intelligence between law-enforcement authorities actually being prepared by EDU with Member States, should be studied and possibly coordinated, among others, with the Customs Information System.

3. Intra EU-actions

a) Priority consideration should be given to the following measures :

- common actions to fight internationally-operating criminal organizations involved in the drugs trade (the creation of task forces of police and customs officers could avoid duplication of efforts and make optimum use of their complementary tasks, manpower and resources), at the borders as well as within the Member States ;
- strong and effective action to combat and dismantle commercial domestic cultivations and production of drugs within the Member States concerned ;
- Member States should exchange and second the law-enforcement officers involved in anti-drug trafficking activities; exchanges should be centrally coordinated or arranged on a mutually-beneficial bilateral basis between Member States, as appropriate ; appropriate work areas in incoming/outgoing exchanges/secondments should be identified ;
- operational co-operation between the competent bodies of the Member States through controlled deliveries and, where feasible, international surveillance and undercover operations with, if appropriate, the logistic support of the EDU-structure ;

- [reduction of drugs available to drugs tourists attracted notably by sales in coffeeshops,] <sup>(1)</sup> by appropriate police and administrative measures of Member States concerned, such as regular drug tourism study, strengthening and developing of the staff of law-enforcement and/or customs administrations, mobile patrol squads, intensification of internationally coordinated controls, common investigations, adequate network of contact points, operational registration and data system, exchange of liaison officers, judicial co-operation, transfer of criminal cases, common preventive measures and common control actions ;
- coordination of Member States' efforts to tackle Turkish traffickers on an EU-wide basis, using intelligence sharing and profiling techniques, imposing stronger controls on eastern external borders and, in due course, identifying a suitable joint project to be conducted in co-operation with EDU, Interpol and the World Customs Organization ;
- the necessary legal bases for improved international co-operation between law-enforcement agencies, such as for example surveillance, controlled delivery, hot pursuit or the use of undercover operatives or informants, must be created or, where appropriate, improved ;
- the European Union should consider or support measures respecting national legislation in order to control the diversion of legal drug crops, including cannabis, for trafficking purposes. <sup>(2)</sup>

b) Other measures should include:

- effective exchange of sensitive intelligence non-personal data to be organized between the Member States and at EU-level ;
- a profiling system to identify patterns for ecstasy throughout the EU is being compiled by the EDU with the assistance of the European Drugs Monitoring Centre. The question needs to be addressed by Member States, with EDU support, whether an additional chemical profiling system is required, perhaps through a European network of forensic laboratories ;
- the drug-prices indicator system produced by the EDU should be enhanced by the addition of a purity indicator system. This will need the assistance of the European network of forensic laboratories and the European Drugs Monitoring Centre.

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<sup>(1)</sup> The Netherlands delegation suggested the following text : "*Reduction of drug tourism by appropriate police and administrative measures of Member States concerned, .... (rest unchanged)*".

<sup>(2)</sup> This text was presented by the French delegation and agreed upon by a majority of delegations.

#### **4. Money laundering**

##### **1. Priority should be given to the following actions:**

- the ratification and effective implementation of the 1988 Vienna Convention, the 1990 Strasbourg Convention as well as implementation of EC Directive 91/308/EEC ;
- improved coordination of the exchange of intelligence between national disclosure institutes and law-enforcement agencies, and between intelligence units of the Member States as well as with Third Countries' authorities. One single contact point or a network of specific contact points per Member State should be responsible for the organization of internal EU co-operation, together with EU institutions and bodies. The feasibility of an EU law-enforcement financial database should be studied ;
- extension of money-laundering legislation to include those business and financial professions which technically do not fall within the category of traditional financial institutions and which are most likely to be used for money-laundering purposes.

##### **2. Other measures:**

- competent bodies of the Union to produce, in co-operation with the Member States, a report on financial transport techniques, methods of dissemination of information on suspicious transactions and money-laundering ;
- improvement of co-operation between judicial authorities ;
- inclusion of money-laundering clauses in bilateral and multilateral agreements.

Competent bodies of the Union, especially the Commission and EDU, will also elaborate an internal strategy on money laundering, leading to investigation related initiatives, and have been invited to prepare a report to be presented to the Council of Ministers before the end of 1995.

These bodies are also carrying out specific work in the field of money laundering e.g. bureau de change and asset seizure.

Contacts should be established and maintained with other bodies active in the field of money laundering, in particular the FATF.

## 5. Preventing the diversion of precursors

Work in the field of prevention of diversion of precursors is undertaken through Community legislation, the PHARE Regional Drugs Programme and both bilateral and multilateral investigations by national authorities and enforcement agencies. In addition the role of the DLO network as well as co-operation with UNDCP is essential.

At EU level, any proposed strategy to prevent the diversion of precursors should reflect the full range of existing and potential activity in this field. A comprehensive strategy should include the following components:

- stricter enforcement controls on commercial trade of certain chemical substances used in the illegal production of drugs, especially in free-trade zones ;
- EU relations with third countries ;
- enforcement (Member States/police and customs co-operation/EDU support) ;
- effective co-ordination and co-operation within the EU institutions, with other international organisations and with the industry involved, having regard of national data protection and tax secrecy laws ;
- Member States should promote and maintain the closest possible co-operation and understanding between responsible enforcement, licensing and regulatory bodies at both national and international levels.

In the field of drug precursors (Council Regulations (EEC) No. 3677/90 and No. 900/92 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances) administrative

co-operation between Member States and the Commission is extensively stated. To demonstrate the competence between the first and third pillar it is clear that enforcement (non administrative co-operation) is the competency of the bodies governed by Title VI of TEU.

Various competent bodies can provide support to co-operation and mutual assistance. The exchange of information and intelligence should be coordinated in respect of this distribution of competencies.

## **6. Police prevention measures**

The Swedish initiative to collect data on a union-wide scale of prevention measures (ENFOPOL 91) and the subsequent seminar will enable the stock taking of preventive action and offer elements for the consideration of union-wide action.

Police prevention measures could be enhanced through a number of measures, e.g. specific training, co-operation and involvement in the elaboration of policy, exchanging of information and improving interaction between the public, the police and health and social services.

Exploratory consideration will be given to the whole issue of petty crime related to drug-taking. On the subject, the Commission and the European Monitoring Centre for Drugs and Drug Addiction will prepare documentation and identify possible lines of approach.

## **7. Training**

In the EU, depending on national capabilities, joint training programmes for officials from the different law enforcement agencies should be increased both at national and international level. Priorities should be basic training and advanced courses on crime analysis, controlled deliveries, observation, undercover operations, diversion of precursor chemicals, money laundering, automation and communication, profiling and detection. Training programmes could be supplemented by common expert meetings, common exchange programmes, and a constant sharing of information, for example in the field of scientific analysis and detection.

For specific courses where certain countries have gained experience in the field consideration should be given to the setting up of international ad-hoc training teams. Duplication of efforts can then be avoided, a better co-ordination of training activities can be arranged and realistic operational needs can be identified and reached.

The coordination function required to reach this position will benefit from the contribution of the UNDCP.

#### 8. Judicial co-operation

With regard to judicial co-operation, the following measures should be taken :

- improvement of the legal basis for co-operation, i.e. by ratification of relevant treaties (see annex III) ;
- organization of a structured dialogue between magistrates/prosecutors in Member States ;
- bilateral exchange of liaison magistrates/prosecutors as appropriate.

1994 DRUGS SEIZURES STATISTICS (1993 figures in *Italics*)Compiled by Europol/EDU, based upon figures provided by Member States <sup>(1)</sup>

	heroin (kgs)	cocaine (kgs)	cannabis (kgs)	amphetamines (kgs)	LSD (thousands of doses)	XTC (thousands of doses)
Austria	80 (105)	53 (84)	388 (547)	1 (1)	2 (28)	3 (0)
Belgium	137 (76)	479 (2892)	59904 (35217)	23 (19)	5 (6)	56 (98)
Denmark	27 (28)	26 (11)	10149 (1227)	8 (12)	0 (0)	0 (0)
Finland	2 (1)	0 (0)	64 (117)	9 (19)	0 (0)	0 (0)
France	661 (286)	4743 (1715)	58014 (45783)	80 (43)	74 (431)	255 (13)
Germany	1590 (1095)	767 (1051)	25694 (11352)	120 (109)	254 (78)	30 (23)
Greece	283 (148)	176 (5)	6142 (491)	0 (0)	0 (0)	0 (0)
Ireland	5 (1)	0 (0)	1461 (4995)	0 (0)	17 (6)	29 (2)
Italy	1149 (625)	6633 (1101)	18941 (12019)	3 (1)	28 (20)	91 (57)
Luxembourg	1 (11)	15 (16)	317 (403)	0 (0)	0 (0)	0 (0)
Netherlands	246 (916)	8200 (3720)	238258 (138222)	215 (293)	16 (187)	127 (1677)
Portugal	88 (92)	1711 (219)	40542 (52682)	0 (0)	0 (0)	0 (0)
Spain	824 (604)	3899 (5347)	219195 (160165)	32 (34)	7 (7)	307 (274)
Sweden	21 (22)	29 (14)	356 (321)	210 (142)	0 (0)	0 (0)
United Kingdom	793 (683)	2237 (709)	53955 (53521)	1191 (966)	258 (453)	356 (301)
Totals	5907 (4693)	28968 (16884)	733380 (517062)	1892 (1639)	661 (1216)	1254 (2455)

<sup>(1)</sup> these figures only show seizures documented in annual reports.

**DRUGS SEIZURES IN THE EUROPEAN UNION 1989 - 1994**

Compiled by Europol/EDU, based upon figures provided by Member States <sup>(1)</sup>

	1989	1990	1991	1992	1993	1994
HEROIN (kgs)	3560	4695	8030	5391	4791	5907
COCAIN (kgs)	7775	16435	18451	17722	16884	28968
CANNABIS (kgs)	236477	279846	320967	371540	517062	733380
AMPHETAMINES (kgs)	321	807	883	1302	1639	1892
LSD (thousands of doses)	187	374	232	793	1162	437
XTC (thousands of doses)	1010	72	535	3398	2464	1241

<sup>(1)</sup> These figures only show seizures that have been documented in annual reports.

**IMPROVEMENT OF THE LEGAL BASIS FOR JUDICIAL CO-OPERATION**

(cf. point V.8, page 23)

Multilateral treaties on judicial co-operation which may be relevant to and facilitate the fight against illicit drug trafficking and which should be ratified as appropriate by the Member States of the European Union :

- Additional Protocol to the European Convention on Extradition (Strasbourg, 15 October 1975)
- Second additional Protocol to the European Convention on Extradition (Strasbourg, 17 March 1978)
- Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (Strasbourg, 17 March 1978)
- European Convention on the International Validity of Criminal Judgments (The Hague, 28 May 1970)
- European Convention on the Transfer of Proceedings in Criminal Matters (Strasbourg, 15 May 1972)
- Convention on the Transfer of Sentenced Persons (Strasbourg, 21 March 1983)
- Convention on the Enforcement of Foreign Criminal Judgments (Brussels, 13 November 1991)
- Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (Strasbourg, 8 November 1990)