

# SEMDOC

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12083/98

LIMITE

CORDROGUE 64

## NOTE

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from : Presidency

to : Horizontal Working Party on Drugs

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No. prev. doc.: 5061/98 CORDROGUE 1, 7669/98 CORDROGUE 22, 7718/98  
CORDROGUE 23, 7930/2/98 CORDROGUE 26 REV 2

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Subject: Further elaboration of the key elements of a post-1999 EU drugs strategy

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### 1. Introduction – Background

The United Kingdom Presidency laid the foundations for elaboration of the key elements of a post-1999 EU drugs strategy and, on the basis of proposals made by some of the Member States, the European Commission and the EDU, drew up an initial list of the key elements of a post-1999 EU drugs strategy (Annex to 7930/2/98 CORDROGUE 26 REV 2, SAN 80, PESC 118, ENFOPOL 70).

At its meeting on 15 and 16 June 1998, the European Council in Cardiff welcomed all aspects of these key elements of a post-1999 EU drugs strategy and requested the Council and the Commission to go further in elaborating a comprehensive plan as a basis for appropriate measures.

One of the key elements noted was the need to take full account of the opportunities afforded by the coming into force of the Amsterdam Treaty (see Annex to CORDROGUE 26, point II.13). Moreover, a balanced, integrated and multidisciplinary approach should reinforce international cooperation across the three Pillars of the EU (see Annex to CORDROGUE 26, point II.2).

The Presidency would draw attention to the key elements worked out under the United Kingdom Presidency and proposes that these be supplemented by further elaboration of key elements of a post-1999 EU drugs strategy with reference inter alia to the prospects offered by entry into force of the Amsterdam Treaty and that ideas for further key elements of an EU drugs strategy be identified on the basis of the present document.

The Presidency is therefore submitting the following points for discussion and would suggest that the partners embark on further consideration of options for a post-1999 drugs strategy including the possible interpretation or consequences and effects on the drugs sector of the provisions amended by the Amsterdam Treaty.

## **2. Health-policy aspects**

The "Guiding Principles of Demand Reduction" adopted at the UNGASS constitutes a fundamental document which the Presidency thinks should be used, implemented and elaborated on as a matter of course in any post-1999 EU drugs strategy. This paper particularly highlights generally recognised principles for reducing demand such as multidisciplinary and the establishing of partnerships.

The Presidency feels that the following further elements along these lines would be appropriate in any drugs strategy:

- continuous observation and assessment of progress made in mainstreaming efforts to reduce demand at national and EU level;
- on the basis of evaluation results, development and improvement of drugs-related Community programmes in the health, social, research and education sectors with particular reference to establishing synergies between the various programmes.

In accordance with the legal framework conditions to be provided by the Amsterdam Treaty, consideration will be given not only to promoting cooperation between the Member States and where necessary supporting their actions but in future also to additional drug-policy measures. The stated aim of "reducing drugs-related health damage" (see new Article 152(1) of the TEC) seems to confirm the importance of measures involving treatment and rehabilitation. The Presidency therefore thinks that in any future drugs strategy consideration could be given inter alia to laying down guidelines for replacement therapy (e.g. leave arrangements, prescription procedures, etc.) and working out minimum standards for secondary prevention as practical starting points. The identification of specific measures should in any case be based on a thorough examination of the drug-policy implications of the new Article 152 and take account of the principles of subsidiarity and proportionality.

### **3. Aspects of international cooperation**

One of the key elements of a post-1999 EU drug strategy that has met with total agreement is the need for the European Union to play an active role in international bodies dealing with drug problems, e.g. the WHO, the UNDCP, the Council of Europe (Pompidou Group), etc.

Such multilateral fora for international cooperation in combatting the world drugs problem should therefore be supported and action plans to step up international cooperation should be encouraged. In so doing, the EU's aim must be to add an external dimension to its own internal action plan for combatting drugs.

A starting point is provided by the Treaty on European Union, which offers the possibility of adopting a more rigorous global approach in external action on combatting drugs through the Common Foreign and Security Policy.

Priority should be given here to strengthening the security of the Union in all its forms and encouraging international cooperation on a basis of mutual trust and solidarity.

On these premises the Presidency believes that the following additional key elements of a post-1999 drugs strategy could be developed in the sphere of international cooperation:

- stepping up contacts and cooperation with the associated applicant countries of Central and Eastern Europe (CCEEs), including the Baltic States and Cyprus, taking particular account of the activities in progress under PHARE. In this process, greater use should be made in all Pillars of the instruments provided by the pre-accession pact and there should be discussion of the drug problem in the light of the European Union acquis;
- with regard to the drug transit route from South West Asia, stepping up contacts and cooperation with the countries of Central Asia and Russia and the Newly Independent States, inter alia within the framework of TACIS, would be particularly important. In this process, one starting point for an initial coordinated approach should be the Commission's multiannual action programme for cooperation with the NIS in combatting the illegal manufacture of and trafficking in drugs;
- particular importance should also be attached to cooperation in the context of the March 1998 cooperation and coordination mechanism for cooperation in preventing and combatting drugs between the EU and Latin America and the Caribbean;
- international cooperation in preventing and combatting drugs should be seen in the context of a mainstreaming approach to development policy. The action plan adopted by the UNGASS for international cooperation in the sphere of alternative development provides a generally valid basis for this, and should be taken into account in EU cooperation projects;

- in general the drugs problem should appear as a horizontal issue in all international discussions, closer cooperation should be encouraged and international exchanges of experience stepped up. In this process particular care should be taken to ensure that the drugs issue is given the importance it deserves when tasks are being distributed to the High Representatives for the CFSP resulting from the Amsterdam Treaty.
  
- consideration should be given to including a drugs clause in all EC agreements with third countries and international organisations, not only cooperation agreements but also agreements on political dialogue. The EU's political dialogue with third countries within the framework of the Common Foreign and Security Policy should therefore always include drugs-related issues on the agenda, with reference to experiences with democratisation and human rights and with the aim of increasing awareness of the drugs phenomenon at the highest political level.

#### **4. Cooperation on justice and home affairs**

In addition to existing moves (in particular regarding the implementation of recommendations 13 and 14 of the Action Plan to combat organised crime, see 7612/98 CRIMORG 54, 9639/98 CK4 25), the Presidency thinks that an attempt should be made to improve police and judicial cooperation above all by ratifying the Agreements relating to this area, e.g. the EPC Convention, the Treaty on Extradition of 27 September 1996, etc. In future further elaboration of the key elements of a post-1999 EU drugs strategy, it will therefore also be of interest to see what progress is made in establishing a European Convention on Mutual Assistance in Criminal Matters.

In addition, future plans for gradually establishing – whilst at the same time strengthening the subsidiarity principle – an area of freedom, security and justice provide an appropriate basis for developing joint action by the Member States on police and judicial cooperation in criminal matters. This should be achieved by closer cooperation between judicial, police, customs and other relevant authorities in the Member States both directly and through the offices of EUROPOL.

In implementing the objectives indicated below, particular account should be taken of the fact that cross-border drug trafficking is a form of organised crime and a large number of measures and objectives relating to the combatting of drug crime therefore already form part of the recommendations of the Action Plan on Organised Crime (see 9657/98 CORDROGUE 34, 9862/98 CRIMORG 109 CEDCO 1). It will consequently be even more necessary in future than at present to take account of the progress made by the Multidisciplinary Group (e.g. mutual assessment, common measures concerning the penalties for participation in a criminal organisation, European judicial network, work on mutual recognition of criminal-law decisions), the Working Party on Mutual Assistance in Criminal Matters and the Police Cooperation Working Party, etc., in order to make use of any resulting possibilities for synergy in respect of the various elements of the EU drugs strategy which involve measures to combat drug crime.

**(a) Judicial cooperation**

On these premises, the Presidency believes that the following key elements of a post-1999 EU drugs strategy could be developed in the sphere of judicial cooperation:

- support for effective cooperation between the competent authorities of the Member States in order to facilitate and speed up cooperation in extradition and the enforcement of judgments by stepping up efforts to remove obstacles to practical cooperation;

- identification of problem areas in which specific problems relating to drug crime occur in the course of judicial cooperation, e.g. in mutual assistance and the extradition or arrest of drug traffickers
- assessment of the measures adopted by the UNGASS in support of judicial cooperation.

**(b) Police cooperation**

An essential element in the prevention and combatting of organised drug trafficking is a conscious effort to attribute greater importance to cooperation between prosecuting authorities.

This should involve the gradual stepping of operational cooperation by the relevant authorities, the exchange of specific information, cooperation and joint initiatives in the training and further training of staff, the use of special equipment, forensic research and the joint assessment of individual investigation techniques.

On these premises, the Presidency believes that the following additional key elements could be developed in the sphere of police cooperation:

- on the basis of concrete projects, establishing closer working contacts between police, customs and other prosecuting authorities including the exchanges of staff and best practices, training and further training and improved exchanges of information on drug trafficking;
- strengthening drug-prevention checks at the external borders and organising a structured dialogue between security officials and lawyers within the Member States as well as bilateral exchanges of liaison officials and lawyers together with regional exchanges of experience;

- coordinating projects initiated jointly by EUROPOL and the Schengen Information System and encouraging interdisciplinary exchanges of experience between prosecuting, security and social authorities in the Member States.

## 5. Further moves

The Presidency would propose that the Horizontal Working Party on Drugs invite the relevant Council working parties to report back to it by a deadline it will specify on any relevant conclusions they reach in their fields of competence.

The Presidency would also urge the Horizontal Working Party on Drugs to consider submitting to the Legal Service any practical legal questions which arise from discussions.

On the basis of comments from the partners and working parties, the Presidency will make any necessary additions to the present paper.

The European Council in Vienna will be informed of the progress of discussions during the Austrian Presidency.

