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COMMUNICATION FROM THE COMMISSION
TO THE COUNCIL AND THE EUROPEAN PARLIAMENT
WITH A VIEW TO ESTABLISHING A COMMON EUROPEAN UNION
PLATFORM FOR THE SPECIAL SESSION OF THE UN GENERAL
ASSEMBLY ON INTERNATIONAL COOPERATION
IN THE FIGHT AGAINST DRUGS

The aim of this Communication is to help prepare the EU position for the Special Session of the UN General Assembly on international action to combat drug abuse and illicit drug production and trafficking (UNGASS).

The decision to convene this Special Session for 8-10 June 1998 was taken in Resolution 51/64 of the General Assembly at its Plenary meeting of 12 December 1996. This resolution also established that the UN Commission on Narcotic Drugs (CND) would act as the preparatory body for the Special Session.

In March 1997, the CND established the agenda for UNGASS, namely an assessment of the situation, and the establishment of principles for action on chemical precursors, synthetic drugs, money laundering, demand reduction, judicial cooperation, alternative development and strengthening of the UN drug control mechanisms. It also decided on the nature of, and calendar for, the preparatory meetings to take place.

Of the four preparatory meetings proposed, two have already taken place (in July 1997 on chemical precursors and synthetic drugs; and in October 1997 on money laundering, judicial cooperation and demand reduction). A third meeting will take place in December 1997 on alternative development and to prepare elements for a political declaration. The last preparatory meeting is planned for March 1998 to finalise all the documents to be presented at UNGASS.

In line with past Commission practice, the objective of this Communication is to launch discussions with and among Member States of the European Union, with a view to establishing a common European platform for the Special Session of the General Assembly.

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1. THE INTERNATIONAL SITUATION: DRUGS AS A GROWING AND COSTLY INTERNATIONAL THREAT

Drugs have become one of the major threats to humanity today. Individual and public health, social harmony, public safety, political stability and overall security are frequently threatened by the production, trafficking and consumption of illicit drugs. The huge size of illicit drug profits dwarfs the nonetheless large amounts of national and international resources devoted to preventing these illegal activities.

The economic costs of drug abuse in OECD countries, including expenditure on law enforcement, prevention programmes and health care for drug-related diseases, currently amount to about \$120 billion per year.¹ The contrast with the regularly quoted estimates of drug profits of between \$300 and \$500 billion², shows the dimensions of the problem, particularly when it is considered that Africa's total GNP is barely above \$300 billion and that Foreign Direct Investment outflows throughout the world averaged \$245 billion per year over the period 1990-95³.

The fact that the situation has not become any better since the international community formally addressed the issue in an earlier Special Session of the UN General Assembly (UNGASS) in 1990 shows the need to adapt to a changing international environment, to assess the impact of current efforts and to draw lessons from the policy experience to date.

A number of indicators show that in spite of encouraging signs, and notwithstanding evident disparities among countries, global trends have hardly improved in recent years. Driven by steady demand, production of the major so-called natural drugs has continued to increase: opium production increased by 20% from 1990 to 1994, while coca leaf production tripled

¹ UNDCP, Report on the Economic and Social consequences of drug abuse and illicit trafficking, 1997

² UNDCP, World Drug Report, Oxford University Press, 1997, p.124

³ United Nations, Handbook of Trade and Development Statistics, Tables 6.1 and 5.3 respectively, New York and Geneva 1997

from 1987 to 1994⁴. At the same time, the production of synthetic drugs, mostly in advanced economies, has exploded in the last decade.

As regards consumption of illicit drugs, two main changes are particularly disturbing. Drug consumption is no longer a nearly-exclusively industrialised countries' problem, but is becoming a serious problem in a number of developing countries. At the same time, the marked increase in synthetic drug consumption is also becoming a major source of concern⁵.

The world of drugs has thus become highly globalized and the old distinction between producing /trafficking and consuming countries is increasingly irrelevant. While debating the reasons for the widespread character and intensity of these phenomena is beyond the scope of this Communication, no serious effort at fighting drugs can take place without an analysis of some of the main forces at work. After all, while drugs have always existed and their abuse has often been a source of individual and family distress, it is only in recent years that they have become a major health and social problem. Three main factors, all significant for the understanding of the problem and the search for effective solutions, seem to account for this development.

Firstly, the huge profits associated with drug production and trafficking allows the suppliers to take great risks in their efforts to make drugs available and thus make it worthwhile to supply them. Indeed, the legal prohibition of illicit drugs raises their black market price, thus making such drugs harder to obtain, and therefore reducing their consumption. Yet, perversely enough, it not only encourages the use of more dangerous substitutes, but also contributes to the accumulation of large profits by organised crime.

Secondly, two seemingly opposite factors paradoxically fuel a seemingly insatiable market for illicit drugs. One is increasing purchasing power resulting from rising incomes. The other is increasing social and cultural marginalization, in both industrialised and developing societies. In this way, while the poorer groups are more likely to fall into the drugs trap, the drugs spectrum ends up covering all social classes.

⁴ UN Secretariat, "Crops from which drugs are extracted and appropriate strategies for their reduction", E/CN.7/1996/11, 1 March 1996

⁵ As regards illicit consumption in Europe, the 1997 report from the European Monitoring Centre on Drugs and Drug Addiction (EMCDDA) gives an enlightening picture of the present trends. This is notwithstanding the difficulty of such an analysis which results from both the illegal character of drug abuse and the lack of harmonisation of practices in data collection in the EU. The main findings are that, throughout the EU, cannabis is the most commonly-used illegal drug yet this use is commonly occasional or intermittent rather than frequent; that in most countries amphetamines are the second most-frequently used illegal drug and that since the late 1980s many countries are reporting that amphetamines, ecstasy, and in some cases LSD, have become more popular among young people, linked to a youth culture based around discotheques and large "house" parties; that EU populations have less experience of heroin (1%) than of almost any other drugs though heroin continues to dominate among populations identified as having problems related to drug use and remains a major threat to public health and public safety; that more people have tried cocaine than heroine (4%); that combinations of drugs, including medicines and alcohol, play a continuing and increasingly important part in drugs problems; that capital cities tend to have problem use rates higher than provincial cities and higher than national rates; that related health risks like AIDS and Hepatitis C are serious public health risks (there may be half a million drug users infected with hepatitis C in the European Union and that this disease is 50 to 100 times more infectious than AIDS).

Thirdly, the continued improvements in means of transportation and communication make deliveries, financial transactions and money laundering easier and cheaper than ever. The globalization of economic activities and the Internet revolution with its drug-manufacturing and -using information availability are just the most recent steps on this ladder.

II. FACING THE INTERNATIONAL THREAT

Both the magnitude of the problems and the interdependencies associated with it require that national efforts be supported by international cooperation. Furthermore, as supply and demand reduction mutually reinforce each other, societies must act simultaneously on the demand and on the supply sides, the latter including production and trafficking of illicit drugs and money laundering. On both grounds, the principle of shared international responsibility must preside over all efforts to address the issue of drug control if there is to be any serious hope of success.

In this regard, higher priority must be attached to five lines of approach:

- integration of drug control components into mainstream policies such as health, education and research;
- promotion of sustainable development in the broadest sense, as drug production and trafficking is a consequence of differences in relative profitability of economic activities and often results from the absence of opportunities for lawful sources of employment and income;
- focusing drug control based on the strategic viewpoint that consumption of the most dangerous drugs results not only from individuals' choices but also from social conditions that marginalise certain groups in society;
- encouragement of primary prevention, treatment and rehabilitation through, among other things, preventive education, research on the immediate and long-term effects on human health, and information on drugs as a source of psychiatric disorders;
- strengthening of law enforcement through judicial/police/customs action on producers and traffickers and on money laundering, so as to narrow expected profit margins of drug suppliers and thus reduce the opportunities for their enrichment.

To ensure the impact on the world-wide drug situation of these lines of approach, coordination at the international level as well as a common understanding of the issues at stake and the measures to be taken is needed. This is where the UN system can be at its most effective since its global membership and Convention-making capacities mean that it is particularly well-placed for the task of addressing cross-frontier problems.

Indeed, it is within the framework of the UN institutions that a body of legally-binding instruments has been developed. It is also in this framework that an international convergence has taken place as regards both the importance of the problem and the broad strategy to follow for drug-fighting. This is notwithstanding the fact that there are significant disagreements among countries on the relative weight to be given to the various facets of the problem and thus on the priorities and methods for implementing specific policies.

III. THE UNION'S BROAD OBJECTIVES FOR UNGASS

Illicit drugs have important implications for the stability, security and well-being of the countries and citizens of the Union and of the world. To the extent that the preservation of these is an objective in the UN Charter, as well as in the Treaty on European Union, the Community and its Member States have a major responsibility in ensuring the success of UNGASS. Both our citizens and our international partners expect us to exercise this responsibility. The endorsement by the 1995 Cannes and Madrid, and 1996 Dublin European Councils of the 1990-1995 EU Action Plan to fight drugs provides political legitimacy to those expectations.

However, as in any other major international conference, a balance must be struck between forward-looking wishes and pragmatic expectations. Indeed, the European Union has to be realistic about what can be achieved in this session, as it cannot expect (even though it might wish) that, in the immediate future, all countries will adopt and implement the far-reaching legislation and measures its Members apply. Yet, at the same time, the Union must be forceful in encouraging the international community to examine current efforts, to address new threats and to put shared responsibility at the centre of the international fight against drugs.

Three major objectives must determine the Union's efforts towards a successful conclusion of UNGASS:

- the consolidation and the practical implementation of the principle of co-responsibility, in accordance with the UN Resolution which launched UNGASS⁶ and with the 1995 EU-Rio Group Declaration of Cochabamba which, for the first time, made this principle explicit in EU external relations;
- the provision of political impetus throughout the UN Member States, so that drug-fighting is at the top of the international agenda and an integral part of mainstream policies;
- the achievement of policy advances in areas on which the Union has already defined its interest and has exhibited a degree of consensus.

The latter applies in particular to reaching agreement on a Declaration on the prevention of the abuse of illicit drugs ("Guiding principles of drug demand reduction"), which will be a major innovation as compared with the UN conventions, which address this question only marginally. It is also the case as regards the new threats posed by synthetic drugs. There is a need to spell out the implications of international co-responsibility. Likewise, it is in the Union's interest to encourage advances in areas of Community competence, particularly as regards money laundering and chemical precursor control. As regards the former, it is important to push for a general acceptance of the FATF forty recommendations and for stronger action on financial safe-havens. Precursor control, on the other hand, has important implications for trade policy. Finally, there is a need to foster the role of the UN institutions in the fight against drugs and encourage the universal ratification of UN instruments.

⁶ International action to combat drug abuse and illicit production and trafficking. Resolution 55/64 of December 1996.

The Special Session of the UN takes place as part of a series of UN Conferences and Summits (Rio, Vienna, Cairo, Beijing, Copenhagen) the aim of which is the promotion of people-centred sustainable development. The way the drug issue is tackled must be in conformity with the commitments entered into by the international community in this framework, especially as regards the full respect for human rights and fundamental freedoms.

IV. THE UNION'S SPECIFIC PRIORITIES FOR UNGASS

In parallel with the preparatory process in UN bodies, the Union is both bound and eager to discuss UNGASS at bilateral and regional meetings (including the San Jose and EU-Rio Group ministerials, EU-ASEAN and EU-ACP dialogues, etc.) in the early part of 1998. It is, thus, particularly important that the Union establishes a common set of priorities on the main issues to be addressed at UNGASS.

In March 1997, at the time the CND set up the agenda for the preparatory process for UNGASS, a number of topics were singled out for debate during this process. In chronological order these were: chemical precursors, synthetic drugs, judicial cooperation, money laundering, alternative development, demand reduction.

The Union's contributions regarding these and other related topics should focus on:

A. Demand reduction

1. Emphasis on demand reduction as a critical instrument in any drug-fighting strategy.
2. A strong accent on the relationship between demand reduction and social integration and cohesion. In particular, there is a need to build on policies which allow all people to participate fully in society and which promote human values which include, for a great many, a spiritual aspiration. Fighting against drugs calls for an effective priority to be given to job creation, especially for young people, more inclusive social protection systems, supportive public services, and a social environment that strengthens family structures.
3. Recognition that drug demand reduction covers all areas of prevention, from discouraging initial use to reducing the negative health and social consequences of drug abuse. Thus, it encompasses information, education, public awareness, early intervention, counselling, treatment, rehabilitation, relapse prevention, aftercare and social reintegration.
4. Support for research on the biological, medical and socio-economic aspects of drug addiction and on the impact of drug abuse on human health and life expectancy.
5. Importance of fostering both the integration of drug concerns into mainstream policies and coordination among the different policies and programmes which have an impact on drug demand reduction (most notably research, education and training, health and legal measures), and of supporting demand reduction activities through adequate means of assessment and evaluation.
6. Need to stimulate exchanges of experience and information - taking due account of cultural background and specificity - on the best health and social initiatives. Particularly important

in this regard are those based on community partnership, society involvement and actions in respect of vulnerable groups such as young people, drug abusers and former drug abusers.

7. Need to redefine national health policies, in developing countries in particular, so as to integrate demand reduction aspects of drugs control into existing health programmes.

B. Synthetic drugs

1. Acknowledgement that, compared with other types of drugs and psychotropic substances, the emergence and development of new synthetic drugs has become an acute problem in the world and poses special challenges: they are easy to produce, their chemical structures change frequently and many types of precursors can be used for making them.
2. Recognition that the social perception of the so-called "designer drugs" has been very 'soft', and thus not commensurate with their risks and the ease with which these drugs can be manufactured.
3. Emphasis on the need to obtain accurate information regarding the issue of synthetic drugs and thus to initiate research, increase knowledge and collect relevant data on the health effects of, as well as on the social, economic and cultural factors behind, the consumption of amphetamine-type stimulants (ATS) and to exchange and disseminate this information. The example of the European Union work in this regard⁷ can be used in support of this proposal.
4. Recognition of the need to strengthen the control system for new synthetic drugs and their precursors. The joint action adopted by the Council on 16 June 1997 concerning information exchange, risk assessment and the control of new synthetic drugs to provide the basis for bringing under control new synthetic drugs can be offered as an example for addressing this need. Likewise, the more flexible scheduling mechanisms for psychotropic substances (emergency list, analogues, generic approach) under examination in some EU Member States, can also be referred to.
5. As regards prevention campaigns, emphasis on appropriate action targeted at young people, in line with efforts by the Community Action Programme on the Prevention of Drug Dependence.
6. In the light of the above, endorsement of the draft Action Plan against the manufacture, trafficking and abuse of ATS, proposed at July's CND preparatory meeting for UNGASS.

⁷ More particularly, the information provided by both the EMCDDA and the Europol Drugs Unit (EDU) on the levels of consumption of, and trafficking in, synthetic drugs. Equally significant are the transnational pilot projects supported by the European Community and aimed at building up a system to recognise trends in consumption among the young, to assess prevalence of drug use in particular settings such as techno-scenes and to develop transnational exchange of data. Finally, research priorities regarding the particular dangers posed by synthetic drugs have been identified by the Community in three areas: medical, pharmacological and toxicological; psychological and sociological; and epidemiological and monitoring.

Reaffirmation of alternative development as a move from a production system based on illicit cultivation towards a licit one, taking into account not only its economic dimension but, more broadly, the overall living conditions of the affected populations.

2. Recognition that alternative development is primarily the responsibility of the countries where production of illicit drugs takes place. Alternative development should be supported by international cooperation, as long as there are guarantees that the programmes will ensure the definitive abandonment of illicit cultivation.
3. Recognition that alternative development is not conceivable without a case-by-case dialogue among the potential populations affected, the public authorities and, possibly, international donors. This dialogue should be on choices regarding new alternative sources of income and employment, and on calendars for shifting economic activities from illicit to licit productions, all of which implies the recognition of de-centralised structures and democratic participation.
4. Need for an efficient and credible monitoring and verification mechanism, based on commonly agreed goals and objectives to guarantee the sustainability of eradication. This system needs not only the support of the country's administration, but also the involvement of affected populations through their representative institutions.

D. Chemical precursors

1. Recognition that a solely law-enforcement approach has its limits: precursor diversion is the exception to licit trade transactions; so efforts to counter diversion have to take into due consideration the legitimate needs of licit trade. Therefore, co-operation with industry is essential.
2. Acceptance that the most effective way to tackle precursors diversion is by targeting the international precursors control mechanism towards a specific and limited number of chemicals under a system consistent with the nature and trade patterns of each product.
3. Recognition that precursor diversion is a three-way problem, with a shared responsibility for importers, transit countries and exporters. Therefore, it is important to ensure that the appropriate means are put in place to curb diversion at a global level: countries, notably importing and transit States, should identify and provide regular up-dates to their partners of their focal points for sending and receiving of information on precursor consignments importing countries should provide timely feed-back on pre-export notifications. Whenever a consignment is suspected of being diverted, timely information should be distributed to the relevant administrative bodies within the affected countries so that action is taken in good time.
4. Bilateral agreements with third countries are to be encouraged as they contribute to widespread information-sharing in the combat against precursors diversion and can be a useful tool for maintaining, enhancing and extending the precursors control system. These agreements, when they are part of a regional approach, can take account of the cross boundary nature of precursors' diversion.

5. In the light of the above, support for the draft Plan of Action for Precursors presented at the CND preparatory meeting of July 1997, as long as it ensures that its envisaged control system is practicable and that data protection is ensured when sharing sensitive information.
6. As to precursors for new synthetic drugs, inappropriateness of establishing a control mechanism similar to that imposed on the 22 scheduled substances in the 1988 Vienna Convention as these precursors have a rapidly evolving nature. Therefore, expanding the number of substances could only result in weakening the global efficiency of the precursor control system while hampering the co-operation between operators and the authorities.
7. Reference to the establishment of "special surveillance lists" for non-scheduled precursors used in the manufacturing of synthetic drugs provided those lists reflect the contracting parties' national and regional needs, the evolving nature of any such surveillance list and the principle of co-operation with industry and trade.

E. Money laundering

1. Recognition that huge profits are the driving force of the international drugs trade. The vast sums generated are used to develop and facilitate the drugs trade, finance other criminal activities and, once laundered, they are also invested in physical and financial assets, in real estate and in other legitimate businesses.
2. Acceptance that, contrary to the frequent perception that financial inflows into a country are always desirable and beneficial, dirty money ultimately undermines the social, judicial and political stability of vulnerable countries. It also has dangerous macro-economic effects and can undermine and destroy confidence in the legitimate financial sector.
3. Recognition that the prevention of money laundering, the prosecution and conviction of money launderers, and the pursuit and confiscation of criminal money form an integral part of the effort to combat drugs.
4. Wider acceptance that, as reflected at UN level in the link-up between UNDCP and the Division for Crime Prevention and Criminal Justice, it is no longer sufficient to target solely the laundering of drugs money. The criminalisation of money laundering pre-supposes an underlying criminal offence. The wider the range of sanctions, the easier it is to pursue criminal money and establish the necessary international cooperation.
5. Call for determined action against all forms of financial or corporate safe-havens for illicit funds.
6. Affirmation that the best vehicle for a comprehensive and effective international effort against money laundering remains the Financial Action Task Force (FATF), and that the international standard to be followed is the FATF's 40 Recommendations.

F. Corruption

1. Recognition that corruption is intrinsically linked with illicit drug trafficking and other forms of organized crime. To conduct their criminal trade, to escape punishment, to conceal

their activities to exert influence and to launder illicit profits, traffickers have to
corruption.

2. Completion of currently discussed international legal instruments dealing with criminal law, namely the OECD draft convention on combating bribery of foreign public officials in international business transactions, and the Council of Europe draft convention on corruption.
3. Raising of public awareness and promotion of public ethics, as well as calling for the provision of appropriate working and living conditions which protect vulnerable professions and targeted positions.
4. Maintenance of a regulatory environment which guarantees as much transparency as is consistent with the need to achieve effectiveness.

G. Judicial cooperation

1. Emphasis on the ratification, where appropriate, of multilateral conventions for extradition and mutual assistance.
2. Encouragement of bilateral treaties on extradition and mutual assistance, taking into account the guidelines set up in UN model treaties.
3. As regards the answer to international mutual assistance requests dealing with serious crimes, need to attach a priority to them equivalent to that granted to national proceedings.
4. Setting up of suitable mechanisms for exchanging information and facilitating contacts among judicial authorities.
5. Support of exchange and training programs for magistrates and officials associated with the justice system.

H. Strengthening of UN bodies for drugs control

1. Ensuring that the issue of UN reform in the drugs field remains on UNGASS' final agenda. This follows not only from the EU's strong commitment to overall UN reform, but also from the need to provide credibility for the entire UNGASS exercise which would be put into question if UN Members decided on new actions without providing the structures and means to implement them effectively.
2. Recognition of the need to improve the current structure and functioning of the UN bodies involved in drugs control. Acknowledgement that the Secretary General's UN reform proposals regarding the drugs field, even if implemented,⁸ do not address three current main

⁸ Only two proposals of the UN Secretary General's comprehensive UN reform package concern directly the UN institutions dealing with drugs. One is the creation of a common managerial structure for the UNDCP and the Division for Crime Prevention and Criminal Justice. The other foresees the merger of the CND with the Commission on Crime Prevention and Criminal Justice. The first proposal has been dealt with in General

shortcomings: these are the functioning of the CND and the governance and financing of UNDCP.⁹

3. Call for improvement in the agenda-setting process for CND and in the Secretariat's preparatory work for CND's meetings. The Secretariat's preparation should involve all the relevant UN bodies, including specialised agencies, Bretton Woods institutions and, where appropriate, civil society. It should also aim at facilitating the adoption of action-oriented recommendations to the UN bodies and to the Members of the UN. Call for improvement of the substance of the debates in CND and for systematic follow up to CND resolutions.
4. Need to support the International Narcotics Control Board (INCB) in its capacity as an expert body for the practical implementation of the UN drug conventions, for analysing trafficking trends and for drawing up recommendations for the consideration of Member States in CND.
5. Recognition that CND's strength lies in its normative role rather than in its present function as the governing body of UNDCP. Call for a more efficient governing structure that would promote dialogue between developing and developed countries and which would be in line with the existing governance structures of other UN funds and programmes. The new governing structure should consist of the present Major Donors and representatives from developing countries/regions.
6. Call for improvement in the financing of UNDCP activities so that more funds are made available for core tasks, thus reducing the current concentration on voluntary contributions for UNDCP's operational activities. One of UNGASS' objectives should be to devise new funding approaches reflecting the principle of partnership, shared responsibility and capacity to pay, which would guarantee sufficient and predictable resources to finance the activities that UNDCP is expected to carry out.

V. CONCLUSIONS

Considerable efforts have been undertaken in the last two decades to address the drugs problem at the international level. The recognition of the importance of both demand reduction and of the threats posed by the new synthetic drugs are two cases in point. Yet, much remains to be done.

What is most needed is to ensure the recognition of drugs as a global concern, the fight on which must be based on the principle of shared responsibility among producing, consuming and trafficking countries.

Assembly Resolution A/RES/52/11 and has already been implemented. Whether the second proposal will be eventually approved by Member States is not certain.

⁹ The problem of the functioning of the CND (or the new Commission still to be created) is not addressed in the Secretary General's reform package. Likewise, the problem of UNDCP governance is not tackled at all. Finally, UNDCP financing is not addressed as such but some recommendations in the package, particularly as regards financing of development assistance could be of interest for the UNDCP.

Further, the drugs issue must be accepted as a cross-cutting issue in all international whether the focus is on sustainable development or on security issues. In this context should be given to schemes designed to foster cooperation and encourage response from countries, rather than those which imply unilateral actions.

The reduction in both demand for, and supply of, illicit drugs requires societal and policy changes to ensure income and employment growth and, frequently, a more equitable sharing in the fruits of development. The lack of sufficient progress in the fight against poverty, and towards more job opportunities and fairer social conditions, which was urged by the Social Development Summit, help create environments which are conducive to drug abuse as well as to the cultivation of, and trafficking in, illicit drugs. As, in spite of the efficiency gains brought about by globalization and by economic growth, social conditions seem to worsen in a number of countries and social groups, governments must ensure that options and choices remain open to disadvantaged groups. UNGASS provides a unique opportunity for raising the stakes and bringing producing, consuming and trafficking countries to face these complex common challenges.

As a conclusion to the present Communication, the Commission therefore requests the Council:

- a) to take note of the present Communication and use it as its common platform for statements by the Community and its Member States during the Special Session;
- b) to take note that the Commission will present at UNGASS, on behalf of the Community, its agreed positions on chemical precursors;
- c) to authorise the Commission to endorse, on behalf of the Community, in the framework of its competences and after coordination with Member States, any political declaration or commitments which would be adopted at the Special Session and which are in conformity with the principles, objectives and priorities laid out in this Communication;
- d) to note that the Commission will to this end closely consult with the Member States.