EUROPEAN UNION
THE COUNCIL

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LIMITE

ENFOPOL 159

NOTE

from: French delegation

~~to :K.4 Committee~~

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Subject: **Draft joint action concerning the approximation of the laws and practices of the Member States of the European Union to combat drug consumption and drug trafficking**

Draft
Joint Action
of .....

concerning the approximation of the laws and practices of the Member States of the European Union to combat drug consumption and drug trafficking.

The Council of the European Union,

Having regard to the Treaty on European Union, and in particular Article K.1(4) and (9) and Article K.3 thereof,

Having regard to the French initiative,

RECALLING that the Cannes European Council of 26 and 27 June 1995 approved the work relating to the European action plan (1995 – 1999) to combat drugs and recognized the need for an integrated approach in this area,

RECALLING that the Madrid European Council of 15 and 16 December 1995 approved the report from the Group of Experts on Drugs and stressed the urgency of translating the guidelines it contained into precise, coordinated operational activities within the Union,

RECALLING that that Council also invited the Italian and Irish Presidencies to prepare, after consultation of the Member States, the Commission, the Europol Drugs Unit and the European Monitoring Centre for Drugs and Drug Addiction, a programme of activities which took account of the guidelines in that report, progress with which would be examined at the Dublin European Council on 13 and 14 December 1996,

CONSIDERING that the Florence European Council on 21 and 22 June 1996 stressed the vital importance of reinforced cooperation between Member States to fight drugs,

CONSIDERING that that Council also **restated the importance of** rapid completion of the study on harmonization of Member States' laws and the influence thereof on reducing consumption of and illicit trafficking in drugs,

RECALLING the priority attached by the Irish Presidency to the fight against drugs, and the initiatives taken further to the instructions of the Madrid and Florence European Councils to give it a specific content, and in particular the Council Resolution on sentencing for serious drug trafficking,

CONSIDERING the Commission's important contribution to the study on harmonization of the Member States' drugs laws,

CONSIDERING that the fight against drug trafficking must be combined with an active policy of prevention, care and rehabilitation of drug addicts,

CONSIDERING that, failing harmonized legislation in the short term, mutually compatible practices would reinforce European cooperation in fighting drug consumption and drug trafficking,

NOTING the memorandum on a European Social Model submitted by France at the European Council in Turin on 29 March 1996, which advocates harmonization of national legislation on combating drugs,

CONSIDERING the dangers inherent in the development of synthetic drugs,

CONSIDERING that a high level of European and international cooperation between police and customs services and judicial authorities would help to increase the efficiency of the fight against the drugs trade,

NOTING the Community action programme on the prevention of drug dependence and in particular the fifteen priority actions which it contains,

Has adopted this Joint Action:

Article 1

– Member States shall endeavour to align their laws and practices to make them mutually compatible, **to the extent necessary** to reduce drug consumption and drug trafficking in the Union.

Article 2

– Member States shall endeavour to eliminate the differences that subsist between their laws, in particular by ensuring that the penalties imposed for trafficking **are among the most severe penalties available for crimes of comparable severity**.

Article 3

– Member States undertake to draft harmonized legislation to fill the legal vacuum as regards synthetic drugs, and in particular to ensure that they are entered simultaneously on each country's list of banned substances as soon as they appear anywhere in the Community.

Article 4

– Member States undertake to take the necessary measures to effect a tangible increase in operational cooperation between police and customs services and judicial authorities.

Article 5

– Member States shall ensure strict and effective compliance with the United Nations Conventions on Drugs of 1961, 1971, and 1988.

Article 6

– Member States undertake to take the most appropriate steps to combat illicit cultivation of narcotic plants.

Article 7

– Member States undertake to prohibit and to punish all forms of publication which encourage the use of narcotics **or the illicit production of drugs**, by whatever medium they are disseminated, including on-line data services and in particular the Internet.

Article 8

– Member States undertake to combat illicit movements of narcotics within the Community and "drug tourism".

Article 9

– Member States undertake to take all appropriate steps to implement this joint action as soon as it is adopted.