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Subject: **Draft report to the European Council on drugs**

1. The Presidency presents the following draft report to the European Council on drugs as endorsed by COREPER on 4 December 1996.
2. The attention of the European Council is drawn to the fact that:
 - Annex I refers to measures in 1996 to tackle the drug problem in the European Union;
 - Annex II contains the report on harmonization of legislation;
 - Annex III contains the report on the Latin American/Caribbean initiative. Chapters in this report are on Latin America, the implementation of the Caribbean Drugs Initiative and the Cooperation Mechanism.

I. INTRODUCTION

For many years now, and particularly since the major initiative taken by the then President of the French Republic in October 1989, the European Council has placed and maintained the fight against drugs high on its list of priorities. Successive European Council conclusions bear witness to this. Those of Cannes, Madrid and Florence confirmed the importance Heads of State and Government attached to ongoing work on the question. In addition to requesting the translation of approved guidelines to tackle the problem into a programme of precise coordinated operational activities, the latter two Councils requested reports on two particular aspects which had not up to then been the subject of specific examination, namely the problem of drugs in Latin America/the Caribbean on the one hand and the contribution that legislative harmonization might bring to the fight against drugs on the other. They also emphasized the need to intensify cooperation with the countries of Central and Eastern Europe and Russia.

This report gives an account of the progress that has been achieved in 1996 in response to the continuing and intensified priority attached to the problem of drugs by the European Council.

For ease of reference, the specific reports requested at the Madrid meeting, as well as a detailed account of the individual measures either adopted or under examination in the Council, are set out in separate annexes, enabling the report itself to highlight the main developments and to seek further guidance and political impetus from Heads of State and Government for future work. The Florence European Council having already taken stock of the achievements under the Italian Presidency (in particular the action programme on measures included in Cordroque 69, the initiatives on liaison officers, money-laundering and the project on Turkish criminal organizations), the report draws particular attention to the significant advances made in the second half of the year, during which the Irish Presidency has made the fight against drugs a top priority of its semester in the chair of the Council of Ministers.

II. ASSESSMENT OF THE DRUGS PROBLEM FOR THE EUROPEAN UNION

Drugs pose a great threat to present day European society. Drug abuse has generally increased in Member States over the last 5 years, although circumstances in individual Member States may differ.

The first report by the EMCDDA on the state of the drugs problem in the European Union highlights that cannabis continues to be the most common illegal drug throughout the EU. Typically about 1% or less of the general population have tried heroin, but opiates are the main problem drugs in respect of both health and crime consequences.

Synthetic drugs are becoming more and more popular, especially among young people. Cocaine use is less prevalent but the Europol Drugs Unit report on Drug Trafficking and Production warns that decreasing figures for seized cocaine do not reflect a decrease in importation. The Europol Drugs Unit report states that the Balkan routes are the most important supply lines for the importation of heroin to Member States. With regard to cannabis, it states that seizures are still huge and trafficking is mainly organized by networks from Member States.

Synthetic drugs are produced within the Member States and in the Central and Eastern European countries and the Baltic States. 1995 saw a substantial increase in seizures compared with 1994. For example, the seizures of ecstasy rose by 95% to approximately 2 450 000 pills. The seriousness of the synthetic drug problem is also illustrated by the flow, throughout the EU and to other locations where synthetic drugs are produced illegally, of precursors which have been diverted from the licit market.

Furthermore, drugs traffickers and money-launderers have demonstrated a readiness fully to exploit the possibilities offered by new technologies, including INTERNET, to pursue their ends.

III. SUMMARY OF PROGRESS IN 1996

As the detailed report in Annex I shows, real progress can be pointed to. In particular, the agreement reached at Florence on the outstanding problem regarding the EUROPOL Convention means that ratification can and should now proceed rapidly, particularly in response to the appeal by Justice and Home Affairs Ministers in Dublin that all ratifications should be completed by the end of 1997. The completion of preparations

for the entry into force of this Convention should also proceed as soon as possible. In the meantime, the interim Europol Drugs Unit in The Hague as well as the European Monitoring Centre for Drugs and Drug Addiction in Lisbon are beginning to be used to increasing effect by the Union and its Member States.

- A. Demand reduction remains a priority and prevention among youth is here a key target. Towards this end, the Health Council and the Parliament have adopted the Community Action Programme on Prevention of Drug Dependence in the field of Public Health which provides for supporting and coordinating the policies and programmes of Member States in their fight against drug dependence.

Under the programme, the emphasis will be on information, health education, training, data collection, research and evaluation, underscoring the need for regular exchanges of information between Member States on those preventative strategies which prove successful in dissuading young people, in particular, from using drugs. The work of the EMCDDA with respect to the collection and evaluation of relevant data from Member States is particularly important in this context.

- B. Considerable research activities are taking place within the Commission and in the Member States to determine what contribution the scientific and technological community can make in the fight against illicit drugs. This encompasses research in the areas of: biomedicine; drug profiling; detection methods; social and socio-economic impact; epidemiology; and other related subjects.
- C. In the area of supply reduction, the European Union has signalled its determination to cooperate effectively against drug traffickers by agreeing in the last six months on police/customs agreements in the fight against drugs; actions to enhance the protection of the EU external border, including better cooperation between the customs authorities and the trade, as well as supporting the World Customs Organization conducting a strategic operation to prevent drug trafficking on the Balkan routes; measures on combating and dismantling domestic production and cultivation; measures to address the problem of drug tourism and exchange of information on profiles of drugs seized. A European Union manual on controlled deliveries has been produced. Cooperation within the European Union on the prevention of the diversion of precursors has been enhanced by the adoption of further legislation in this area. Work is also under way in respect of urban delinquency linked to drug dependency.

An exchange and training programme for law enforcement personnel engaged in combating drug trafficking, complemented by a directory of relevant skills, has been agreed. In the field of judicial cooperation, the recently signed EU Convention on extradition procedures, once ratified, as well as the recently approved Grotius programme, will contribute in an important way to the efforts of law enforcement agencies to combat drug trafficking. Member States have also agreed to ensure that their national laws provide for the possibility of custodial sentences for serious illicit trafficking in drugs which are within the range of the most severe custodial penalties imposed by their respective criminal law for crimes of comparable gravity. The Joint Action proposed by France regarding approximation of legislation and practices between Member States with a view to combating drug addiction and preventing and combating illicit trafficking in drugs strengthens this extensive programme of measures.

A particular issue which has been identified as needing priority attention both within the European Union and between the Union and third countries is that of synthetic drugs. This is highlighted in the report on harmonization (see section IV below). Member State experts, at the invitation of the Commission, have begun active consultations on the question.

In the area of money-laundering, personnel of law enforcement authorities in Member States have had a valuable exchange on practical cooperation and have identified ways for enhancement of this cooperation especially on the basis of EC legislation.

Important work is under way in the Europol Drugs Unit in respect of combating drug trafficking and associated money-laundering activities through the exchange and analysis of information and intelligence. The activities of the EDU include a strategic report on drug trafficking on the Balkan routes, a strategy on money-laundering and the development of a drugs purity indicator system.

The EU and its Member States are also engaged in projects of alternative development to eradicate the social and economic causes of drug production (e.g. in Chepare). Projects of alternative development are accompanied by infrastructural development.

- D. Internationally, the Union and its Member States have pursued their cooperation with a wide range of international partners through the Pompidou Group, the United Nations Drug Control Programme, the Dublin Group, bilateral and multilateral agreements between the EU and certain key countries and regions.

Five areas have been singled out by the European Council in Madrid and Florence.

(1) **Latin America/the Caribbean**

- Latin America: building on existing agreements and arrangements, principles of actions have been agreed following examination of the recommendations formulated by the evaluation mission to some countries of Latin America (see 11256/96 CORDROGUE 87).
- the Caribbean: under auspices of the Commission rapid implementation of the action plan agreed in Florence has started.

(2) **Central and Eastern European countries**

The drugs problem has been identified as the main issue to be addressed this year between Justice and Home Affairs Ministers of the EU and the countries of Central and Eastern Europe under the structured dialogue. The importance of dealing with this issue in their preparation for membership of the Union has been clearly identified as has the need for financial assistance to deal with it through the PHARE programme. The particular importance of synthetic drugs and the need to combat Balkan route trafficking has been firmly underlined. Cooperation is being developed in the areas of controlled deliveries, money-laundering and precursors control.

(3) **Russia**

Organized crime, including drug trafficking, was the subject of the seminar in Helsinki, between the EU and Russia, where opportunities for further cooperation were identified. These operations can be carried forward through the European/Russian agreement, in the framework of the Russian action plan and the TACIS programme.

(4) **The Transatlantic Dialogue**

Drugs constitute a key general topic for transatlantic cooperation. 1996 has seen specific examples of such cooperation, e.g. concerning the drugs problem in Latin America/the Caribbean where the European Council specifically called for joint efforts with the USA and Canada, where appropriate. Also, experts from these countries have taken part in a number of meetings of a specialized nature concerning the drugs problem.

(5) **Follow up to the Barcelona Declaration**

Drugs are one of the problems which have been addressed as a follow up to the Barcelona Declaration. One significant development in this area was the Conference of Taormina, in June 1996, which analysed different strategies of collaboration between law enforcement agencies against drugs, such as training (e.g. an initiative developed by Italy and France).

IV. HARMONIZATION

From the very beginnings of the European Community/Union's commitment to act together to address the problem of drugs, the question has been on the table as to whether legislative harmonization could contribute substantively to a reduction in the consumption of and unlawful trafficking in drugs.

It arose in connection with the removal of internal frontier controls; in the follow-up to the European Council in Strasbourg in December 1989, which ushered in a new period of European cooperation against drugs; in the discussions which led to the adoption of the Treaty on European Union which led to the first mention in the Treaty of the fight against drugs; and, most recently, in the conclusions of the two most recent European Councils (in Madrid and Florence) which called for a report on the question. Specifically, the Madrid European Council called on the Council and the Commission to consider the extent to which harmonization of Member States' laws could contribute to a reduction in the consumption of drugs and unlawful trafficking in them.

The report on this question, which is to be found in Annex II to this document, resulted from a series of meetings of national drug experts who in turn had available the results of two recent conferences/seminars which directly addressed the question.

The conclusion of the work done over these years is that a great deal of harmonization has in practice been introduced and is playing an important part in the fight against drugs. This is true of national legislation introduced in implementation of obligations resulting from the various UN Conventions, most recently that of the 1988 Vienna Convention. It is also true of legislation and other instruments introduced at the level of the European Community (money laundering, precursor chemicals), or under discussion at the level of the Union (sentencing resolution).

The report identifies at least one area where insufficiencies exist, namely that of synthetic drugs, where new products reach the market with alarming suddenness. Continuing and urgent examination of this matter should now be pursued with a view to ensuring that new synthetic drugs, where appropriate, are put on the controlled lists sufficiently quickly.

There is therefore no doubt that legislative harmonization has both played a valuable role in the fight against drugs, and may continue to do so if and when insufficiencies in the present legislative armoury are identified by common agreement. It is necessary, however, to note also the clear message in the report that further harmonization alone is not sufficient to tackle the drugs problem in Europe.

At least as important, and more urgent, is the enhancement of practical cooperation between Member States across the board, and particularly between the law enforcement agencies. This is underpinned by the Joint Action proposed by France regarding approximation of legislation and practices between Member States with a view to combating drug addiction and preventing and combating illicit trafficking in drugs. The task of the law enforcement agencies will be further facilitated by the full ratification and implementation of the EUROPOL Convention.

V. CONCLUSIONS

In inviting the European Council to take note of this report and its annexes, the Council and the Commission suggest that, against the background of ongoing activities, special attention in 1997 should be focused on:

- (i) the problem of synthetic drugs which needs to be tackled at three levels:
 - (a) legislation;
 - (b) practical cooperation against production and trafficking including improved cooperation between national authorities and the chemical industry and
 - (c) international cooperation;

- (ii) rapid implementation of the Community Action Programme on Prevention of Drug Dependence in the field of Public Health with emphasis on appropriate prevention measures including measures directed towards young people and continuation of exchanges on best practice in the field of demand-reduction programmes;
- (iii) further work to enhance cooperation between law enforcement agencies (police, customs etc.) to combat trafficking, in particular through further strengthening of the external frontiers of the Member States. In this context, the completion of the preparations for the entry into force of the EUROPOL Convention and its ratification by the end of 1997 are highly desirable. Efficient law enforcement cooperation should be enhanced by stepped-up judicial cooperation and would be complemented by urgent conclusion of the draft Convention on mutual assistance and ratification of the extradition Convention;
- (iv) measures to deal with drug related and money-laundering related abuse of new technologies, e.g. Internet;
- (v) the problem of money-laundering, which needs to be tackled through:
 - (a) full application of the Directive to those professions and bodies outside the classic financial sector which are most likely to be used for money-laundering purposes;
 - (b) enhanced cooperation between Member States, including ratification of the Council of Europe Convention on Money-Laundering, and
 - (c) more effective and consistent procedures for confiscation of assets and proceeds;
- (vi) continuing openness to the possibilities offered by legislative harmonization, for example in the areas of synthetic drugs. Further improvement in this field will not prevent a Member State from maintaining or strengthening its national policies in the fight against drugs on its territory;
- (vii) enhancing the role of research in the fight against drug abuse and drug trafficking.
- (viii) active and energetic pursuit of the emerging cooperation against drugs with the countries bordering on the EU, in particular Central and Eastern Europe, the launching of a cooperation programme, including through use of TACIS finance, with Russia and cooperation with the Mediterranean countries in the context of the Barcelona Declaration;
- (ix) continued work in order to complete the network of precursors agreements with third countries, in particular the USA;

- (x) ensuring that, within available financial resources and instruments, levels of support for drugs related projects reflect the priority importance attached by the European Council to this subject;
- (xi) Latin America/the Caribbean:
 - Latin America: in cooperation with OAS/CICAD and within existing financial resources, an urgent start on implementation of principles of action on the basis of the recommendations of the evaluation mission to Latin America;
 - the Caribbean: active pursuit of implementation of the action plan agreed at the European Council in Florence;
- (xi) in regard to coordination, consideration should continue to be given to how the Union and its Member States can work better within international fora and organizations involved in international drugs control cooperation.

	Objective	State of Play
I. DEMAND REDUCTION		
Programme of Community action on the prevention of drug dependence	This five-year programme, within the framework for action in the field of public health, aims to help in combating drug dependence, by encouraging cooperation between Member States, supporting their action and promoting coordination between their policies and programmes.	Adopted by the European Parliament and Council.
Programme of Community action on health monitoring	This five-year programme, within the framework for action in the field of public health, aims to establish comparable health indicators to better sustain common efforts directed to measure improved health conditions throughout the Member States.	Adoption by the European Parliament and Council planned for the first half of 1997.
Programme of Community action on health promotion, information, education and training	This five-year programme aims to promote and support the provision of information and education on healthy lifestyles, laying emphasis on the activities identified in the framework for action in the field of public health.	Effective implementation has started.
Programme of Community action on the prevention of aids and other communicable diseases	This five-year programme, within the framework for action in the field of public health, considers drug addicts as a risk group and proposes related prevention measures.	Effective implementation has started.
EMCDDA Implementation of work programme	Develop REITOX network.	Network of focal points established and framework of communication being implemented.

	Objective	State of Play
EMCDDA Implementation of work programme (continued)	Improve quality and comparability of key epidemiological indicators.	Seminar and studies on the prevalence of drug consumption and drug addiction. Studies under way on health consequences, especially drug-related deaths.
	Improve information on drug demand reduction activities and their effectiveness.	Information system on demand reduction activities being developed. Guidelines for evaluation of prevention programmes in development.
	Collect information on new trends in synthetic drugs.	Studies started concerning epidemiological data and information on existing interventions in EU.
	Cooperation with UNDCP, Pompidou Group, WHO and EDU.	Cooperation agreements developing, especially to streamline reporting requirements from Member States.
II. DEMAND REDUCTION IN CONJUNCTION WITH SUPPLY REDUCTION		
Urban delinquency linked to drug consumption	Work in this area aims at gathering information with a view to developing further action involving both law enforcement and health and social authorities.	Build on the results of the joint European Parliament, Presidency and Commission seminar held in November 1996.

	Objective	State of Play
Urban Crime including reference to drug addiction/consumption	Development of measures to combat urban crime	Build on the results of the seminars held in Saragossa (February, 1996) Stockholm (May, 1996) Dublin (July, 1996)
EMCDDA study on drug-related Urban petty crime	This pilot project, which involved 10 cities in the European Union, aims at drawing up an inventory of existing networks and exploring the feasibility of an information exchange system and a system for further research and training	Pilot project completed and report presented.
Quantities of each drug that, in practice, the judicial authorities in each Member State consider for personal use and for various levels of trafficking	Investigation of this issue	General overall position set out by Member States. Feasibility study by EMCDDA on a more detailed investigation has commenced.
Cross-disciplinary cooperation	To examine practical examples of such cooperation.	Discussed by operational personnel at seminar in Dublin in November, 1996
Report on Drugs Problem	EMCDDA Report on the state of the drugs problem in the European Union	Report published
Follow-up to December 1995 Conference on European Drug Policy	Consider further the application of national drugs legislation.	Workshop, jointly organized by the Italian Presidency, the Commission and the European Parliament, held in March.
Synthetic Drugs	To consider measures to combat synthetic drugs.	Brainstorming exercise with Member States organized by the Commission in September 1996.

	Objective	State of Play
Research	To enhance the role of research in tackling the drugs problem by developing an overview of research activities in Member States and the Commission, by identifying those research areas which Member States consider would make a major contribution to tackling the problem and identifying priority research areas.	In progress. A list of the relevant research documents has been compiled and circulated by the Commission and a Workshop on identifying priority research areas was held.
III. SUPPLY REDUCTION		
General	Approximation of legislation and practices between Member States with a view to combating drug addiction and preventing and combating illicit trafficking in drugs	Joint Action adopted.
Europol	Adoption by Council of the Protocol to the Europol Convention concerning the role of the European Court of Justice Ratification of the Europol Convention Completion of the Implementing Regulations Provision of a computer system as envisaged in the Europol Convention	Protocol adopted Member States have undertaken to ratify the Convention by end 1997 Work is well advanced and proceeding as a matter of priority In progress
Customs cooperation, in particular at External Borders		
Customs Joint Surveillance Operations	Proposal for a Council "Mandate" allowing Customs to organize Joint Surveillance Operations annually for a 5 year period.	Approved by Council
	To review organizational arrangements for these exercises with a view to improving their efficiency.	Review carried out and revised procedures agreed.

	Objective	State of Play
Customs 2000 for the Third Pillar	Preparation of a 5 year plan of action for customs services	Under active consideration.
Strengthening of external frontier	To draw up a programme of measures for improving external border control; including proposals for improved control of container traffic; for identification of national resources in the air and maritime fields with a view to supporting other Member States; for refining of targeting criteria and collection of intelligence; and for creation of national mobile search squads.	Several discussion papers have been drawn up and a number of questionnaires have been issued. Existing situation is being analyzed. A seminar was held and several questionnaires were dealt with and proposals were being drawn up.
Customs/Business cooperation	Promotion of Memoranda of Understanding between customs and business in the fight against drugs trafficking	Joint Action adopted.
Development of legal base for further cooperation in the customs field	Revise Naples Convention.	In progress.
Curb trafficking on European Routes	Coordinate Member States' efforts by participation of the Member States of the EU in the strategic operation planned by the world customs organization to combat drug smuggling on the Balkan routes (in the framework of Oisín Programme).	Joint Action concerning Oisín Programme adopted. Separate draft Joint Action concerning the Balkan Route ready for adoption but requires appropriate amendment to take account of the fact that financing will take place within the framework of the Oisín Programme.
Cooperation among law enforcement services		
Police and Customs Cooperation	To strengthen Police and Customs cooperation in relation to drug trafficking by agreement on the drawing up of Police/Customs Agreements in the fight against drugs and promotion of greater information exchange and cooperation at an operational level.	Resolution adopted. Seminar held in July, 1996.

	Objective	State of Play
Controlled Deliveries	Enhance operational cooperation through establishment of a formal network of contact points, production of an EU Manual and the development of compatible standards for tracking equipment.	A network of contact points has been established and a manual has been drawn up. An expert meeting in November 1996 of technical and operational personnel agreed user and technical requirements for compatible tracking systems and identified a need for a Research Programme.
Domestic Cultivation and production of illicit drugs	Prevention and Detection of Illicit Cultivation and Production by Member States undertaking to pay special attention to the problem, by further restriction on indoor cultivation of cannabis and by enhancing the effectiveness of operational personnel in conjunction with the EDU through exchange of operational and strategic intelligence, cooperation with forensic laboratories, enhanced training and exchange of skills, and compilation of a manual on detection of illicit cultivation and production.	[Resolution adopted.] A report was drawn up on the measures in place to control illicit cultivation and production of drugs, the measures introduced to assist in detecting and combating illicit cultivation and production and the number of seizures and prosecutions in 1994/1995.
Chemical Profiling of Drugs seized	Improve information and intelligence for law enforcement purposes on the sources and routes of illicit drug trafficking through the exchange of information between forensic laboratories, through the EDU on the chemical profiling of drugs seized including cocaine, heroin, LSD, amphetamines and their ecstasy type derivatives MDA, MDMA and MDCA.	Joint Action adopted. Seminar held in July, 1996

	Objective	State of Play
Drugs Purity Indicator	To gain an overview by the competent laboratories in conjunction with the EDU of the average purity, both at importation/wholesale and at consumer/street level, of heroin, cocaine, amphetamines and ecstasy-type stimulants. To agree that the EDU will disseminate the results to Member States and to other relevant institutions, e.g. EMCDDA, ICPO/Interpol, WCO and UNDCP.	Agreement has been reached.
	Link Drugs Purity indicator system with existing Drugs Prices Indicator System.	Agreement has been reached.
Logo Project	Development by the EDU of a programme of profiling the physical appearance of XTC tablets seized.	Programme in place.
Drugs tourism	Improvement of cross border cooperation to curb drug tourism and reduce the amount of drugs destined for drug tourists through a report on Drug Tourism in the European Union and agreement on measures to tackle the problem.	Resolution and report adopted.
Reports on Drug Trafficking	EDU report on Drug Production and Drug Trafficking.	Report produced.
Organizations involved in drug trafficking	To draw up a confidential EDU strategic report on drug trafficking activities by Turkish criminal organizations	Report completed and recommendations for further action are being considered.

	Objective	State of Play
Directory of skills in field of law enforcement	To facilitate optimal cooperation between law enforcement authorities by means of a repertoire of operational skills, training, knowledge and expertise.	A Joint Action adopted. Proposals for Joint training modules for the different law enforcement agencies will be considered.
Oisín Programme	To establish a multi-annual programme of funding including training, exchange of personnel and research in the law enforcement area	[A Joint Action adopted.]
Liaison Officers	To provide a common framework for the initiatives of the EU Member States concerning liaison officers	A Joint Action adopted.
Intelligence sharing	To study practices and legal possibilities of intelligence sharing at European level in order to propose recommendations on the subject to the Council.	Expert meeting (December 1996) in preparation of an EU Congress (May 1997)
Judicial Cooperation		
1988 UN Convention and 1990 Strasbourg Convention	Ratification and implementation.	14 Member States are now parties to the 1988 UN Convention. All Member States have committed themselves to implementing the 1990 Strasbourg Convention, 7 Member States have ratified it to date. These Conventions are supplemented in two Member States by additional bilateral agreements.

	Objective	State of Play
Other relevant Conventions and Instruments	Strengthen the legal basis by work concluded or ongoing on the following: - EU Convention relating to Extradition - Joint Action on Exchange of Liaison Magistrates - Draft Mutual Assistance Convention - Council Resolution on the protection of witnesses in the fight against International Organised Crime	- adopted 27 September 1996 - adopted 22 April 1996 - in progress - adopted 23 November 1995 and the Central and Eastern European countries became associated with it in 1996.
	- Council Resolution on sentencing for serious illicit drug trafficking - Council Resolution on individuals who cooperate with the judicial process in the fight against International Organised Crime	[- adopted November 1996] - awaiting lifting of parliamentary scrutiny reservation by one Member State
Grotius Programme	To establish a multi-annual framework for cooperation through the exchange of persons responsible in the judicial field.	Joint Action adopted.
Money-Laundering		
Combating money-laundering	Full application of Directive 91/308/EEC to those professions and bodies outside the classic financial sector which are most likely to be used for money-laundering purposes	This was addressed by the Contact Committee on 25 November 1996 where a revised version of the Draft Opinion, outlining the professions and bodies which involve prima facie a special risk of being used for money-laundering purposes, was presented by the Commission and discussed in detail. Discussions will continue with a view to reaching full consensus by Member States.

	Objective	State of Play
Combating money-laundering (continued)	Enhancing the role of the EDU through the development of a strategy on money-laundering	Completed
	Study by the EDU of money-laundering Modi Operandi, bureau de change and cash flow and banking system within the most vulnerable countries;	Ongoing
	Examination by the EDU of the feasibility of an EU law enforcement financial data base	At the feasibility planning stage.
	Pilot project by some Member States, coordinated by the EDU, into the flow of crime-related money, both from and into the EU via airports	At the planning stage.
	Enhancing practical cooperation between the law enforcement authorities of the Member States and with certain third countries in combating money-laundering.	Seminar held.
	Inventory of bilateral agreements on asset seizure	Completed
	Inclusion of an anti-money-laundering cooperation clause in all agreements concluded with third countries.	This is sought systematically.
	Promote anti-money-laundering measures in the three Baltic States.	Commission is co-sponsoring, with UNDCP, a Conference in Riga in November 1996.
Preventing the Diversion of Precursors		
Action at international level	Introduction of coordinated trade controls in the international field through conclusion and implementation of bilateral agreements on precursor controls:	

	Objective	State of Play
Action at international level (continued)	– meetings of the Follow-up Groups as established under the Agreements with Columbia, Peru and Venezuela regarding practical working arrangements including technical assistance.	First meeting held on 19 November 1996.
	– Agreement with Mexico – Agreement with the United States of America	Initialled on 25 October 1996. Negotiations are well advanced.
	– Agreements with the ASEAN countries and with the Mercosur countries	Negotiations are in progress with a view to signature of these agreements in 1997.
	Closer cooperation with PHARE countries through reviewing the adoption of precursor legislation, compatible with Regulation No 3677/90, as sponsored under the PHARE precursors programme and set objectives for closer administrative cooperation in a pan-European framework. Continuation of the PHARE project on drugs precursors including promotion of adoption of EU-compatible legislation.	2nd Regional PHARE Conference on Drugs Precursors held in October 1996. Ongoing.
	Feasibility study on an e-mail network for operational communication between the trade control and enforcement authorities of the PHARE countries.	Ongoing.
Action at Community level	Implementation of Regulation EEC No 3677/90 and Directive 92/109/EEC. The improvement of precursor control by means of an end use declaration.	Ongoing. Commission Regulation (1485/96) Adopted.

	Objective	State of Play
Action at Community level (continued)	Improving cooperation with industry and trade through – Ongoing contracts with the chemical industry and trade, in particular through their association at European level (CEFIC). – Memoranda of Understanding between the competent administration and industry/trade in several Member States.	CEFIC took part in a hearing organised by the Commission in 1996 on legal and practical coverage of chemical mixtures and preparations and in a seminar in Ireland. Such MOU's have been completed in several Member States.
	Enhanced training through seminars and workshops and the publication of a Guide for investigators in precursors matters. Accelerate decision making in export control matters through enhancement of the central Prexco database	1-day workshop held in Brussels in July 1996 on Export Authorizations and Related Investigations. 2-day training seminar held in Ireland in October 1996 on the Community System on Drugs Precursors. Guide published. Additional terminals were installed in 1996.
Action by law enforcement authorities of Member States	Enhancing the role of the law enforcement authorities, complementary to action at a Community level, particularly in relation to (i) chemical substances not covered by legislation which are used for illicit drug production and (ii) substitutes for precursors covered by legislation	Proposals are being examined;

	Objective	State of Play
IV. ACTION AT THE INTERNATIONAL LEVEL		
EU Agreements with third countries	Inclusion of standard provision on combating drugs trafficking in EU Agreements with third countries.	Included in increasing number of EU Agreements.
Central and Eastern European Countries including the Baltic States	To make full use of the existing PHARE programmes (multi-country and national programmes) and to utilise the forthcoming new financing in the field of Justice and Home Affairs. To strengthen judicial cooperation in the fight against international organised crime.	In progress. Seminar held in Budapest in March 1996.
	To strengthen cooperation in the fight against drugs within the framework of the structured dialogue (see concluding remarks of the Ministerial meeting on 28 November and conclusions of the experts seminar on 23 October). Attendance at EU seminars. To cooperate with the PHARE programme on Information Systems concerning drugs and drug addiction.	The meeting under the structured dialogue with these countries agreed that measures to improve cooperation on trafficking on the Balkan routes and to curb the flow of synthetic drugs be prioritised. Such attendance took place. PHARE training seminar held in collaboration with EMCDDA . Dialogue continuing.
New Independent States	To integrate the drugs dimension into technical assistance programmes (TACIS) and make full use of the instruments in place	In progress.
	To consider the mutual impact of organised crime on the European Union and Russia.	A joint seminar hosted by the Irish Presidency and the Finnish Ministry of the Interior in Helsinki in December 1996 considered this.

	Objective	State of Play
Latin America/Caribbean	Development cooperation	See Annex III.
Transatlantic dialogue	To reinforce dialogue and consultation on matters and areas of common interest	In progress.
	Meetings of Presidency, Council Secretariat and Commission with the U.S. on Justice and Home Affairs issues (including drugs). Attendance of U.S. experts at EU seminars. Exchange of information at expert level (between Working Party on Drugs and Organised Crime and US experts).	Meetings held. US experts attended. Agreed, date to be fixed.
EU Mediterranean	To make full use of the MEDA and further enhance regional approaches.	In progress.
	Consider organised crime including drug trafficking; follow-up to the Barcelona Declaration, including consideration at an initial meeting on organised crime and drug trafficking.	Meeting held in Taormina, Sicily, in June 1996 with the Mediterranean countries.
Council Regulation on North-South cooperation in the Campaign Against Drugs and Drug Addiction	To formalise the action aimed at improving the efficiency of the EU campaign against drugs and drug addiction within the Union by supplementing it with measures to support developing countries' efforts in this field.	Common position adopted by the Council. Final adoption by Council and Parliament planned for the first half of 1997.
Africa	Preparation of a regional plan as a follow-up to the 1995 EU/SADC Conference and a sub-regional training package for West African States, with a view to developing capacity.	Ongoing.

	Objective	State of Play
Relationships with partner countries	Exchange of information with partner countries of the EU – USA, Canada, Norway and Switzerland on the basis of the results of the December 1995 Conference on drugs policies in Europe.	Meeting, jointly organised by the Irish Presidency, Commission and European Parliament, held in October 1996.
Coordination of External Action		
Meetings of the Dublin Group	Strengthen cooperation through the Dublin Group, consultative mechanism on drugs.	Meeting held in Dublin in October 1996.
Coordination of External Action within the Union.	Improved coordination between Common Foreign and Security Policy and Justice and Home Affairs bodies in the field of drugs.	A joint meeting of the Working Party on Drugs and Organized Crime in the Justice and Home Affairs area and the Working Party on Drugs under Political cooperation was held in October 1996. It was concluded that more coordination is needed, including in the area of EC competence.
International Relations with the Council of Europe.	Drugs dimension in Community's relations within International Organizations: Council of Europe.	Multidisciplinary cooperation under way with Pompidou Group (Phare, epidemiology, R&D, etc.) In preparation for the Pompidou Group's next triennial programme 1997-2000 to be adopted by the next PG's Pan-European Ministerial Conference of 15-16 May 1997.
Coordination between donor/recipient countries.	Strengthen coordination between donor/recipient countries.	Ongoing

The Group of Experts on Drugs agreed on the text of the attached report on harmonization of legislations. Following this agreement it gave its support to ongoing work especially in the fields of:

- police, customs and judicial cooperation;
- role of the liaison officers;
- controlled deliveries;
- intelligence services and role of Europol;
- relations with Central and Eastern European countries;
- effective cooperation in respect of seizure of assets of drugs traffickers.

Given that harmonisation of legislation cannot be attained at present, the Group considers that the Joint Action regarding approximation of legislation and practices between Member States with a view to combating drug addiction and combating illegal trafficking in drugs represents a significant step.

REPORT ON THE HARMONISATION OF NATIONAL DRUGS LEGISLATION
AS REQUESTED BY THE MADRID AND FLORENCE EUROPEAN COUNCILS

HARMONISATION OF DRUGS LEGISLATION

Introduction

1. The European Council, meeting in Madrid on 15 and 16 December 1995, invited the Council and the Commission to "*consider the extent to which harmonisation of Member States' laws could contribute to a reduction in the consumption of drugs and unlawful trafficking in them*". At its meeting in Florence, on 21 and 22 June 1996, it reiterated the importance of speedily completing the study.
2. The approach adopted in this report is to examine:
 - (i) the legislation currently in force in the Member States of the European Union in the field of drugs, and the main differences, if any, between national legislations;
 - (ii) the way in which this legislation is interpreted and implemented in practice, particularly by the law enforcement and judicial authorities in each Member State;
 - (iii) the extent to which a degree of harmonisation of (i) and (ii) above might contribute to tackling collectively the serious problems posed in all Member States by drugs and drugs addiction;
 - (iv) what other forms of cooperation or joint action might contribute, either in addition to or instead of harmonising legislation, to tackling the drugs problem in the European Union.

3. In conducting this examination, the Council and the Commission have drawn to a large extent on the results of the December 1995 Conference on Drugs Policy and its subsequent March 1996 seminar, both of them organised jointly by the Presidency of the Council, the European Parliament and the Commission. These two events, which took place coincidentally either side of the Madrid European Council, offer the most up-to-date consideration by experts, including experts from national administrations, of the question raised by the Heads of State and Government as they themselves recognised in Florence in June 1996.

They also took account of the Opinion of the European Parliament on the communication from the Commission to the Council and the European Parliament on a European Union Action Plan to Combat Drugs (1995-1999).

I. DRUGS LEGISLATION IN FORCE IN THE EUROPEAN UNION AND ITS MEMBER STATES: CONVERGENCE AND DIFFERENCES

National drugs ⁽¹⁾ legislation in the EU exists on three levels:

- (i) Effective implementation of international UN Conventions (Single Convention on Narcotic Drugs, 1961, as amended in 1972; Convention on Psychotropic Substances, 1971; Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988).
- (ii) Transposition or application of EC legislation and programmes (international control and intra-Community surveillance of chemical precursors, Directive on prevention of the use of the financial system for the purpose of money laundering, Regulation on the establishment on a European Monitoring Centre for Drugs and Drug Addiction. Community programmes towards producing and transit countries providing them with technical, financial and economical assistance, Community action on the prevention of drug dependence within the framework for action in the field of public health (1996-2000) which is expected to be adopted shortly).

⁽¹⁾ In this report the term drugs is used in the sense of narcotic drugs and not of medicinal products.

(iii) National law

Aspects covered by points (i) and (ii) are already harmonised by definition. What differences exist are to be found in (iii). As Annex II.1 indicates these differences between Member States' legislation relate primarily to:

- the wide range of sanctions for trafficking and for possession;
- the approach in relation to drugs use (6 Member States prohibit drugs use, in 3 Member States drugs use is prohibited according to certain circumstances, in 4 Member States drugs use is indirectly controlled through the repression of possession or acquisition and finally in 2 Member States administrative sanctions are applied);
- the distinction introduced in some Member States' legislation between, on one side, cannabis and its derivatives and, on the other, other drugs (that are described in many forms), as far as definition of offences and penalties/sanctions for drugs use, possession and trafficking are concerned;
- alternative measures to penal sanctions, which are applied on the basis of different circumstances and with different supervisory and control mechanisms. In some Member States it is the judicial authorities which determine the characteristics of the treatment that the drug addict must undergo. In other Member States it is the health and social affairs administration. In the third group of Member States the decision is taken by agreement between both authorities.

Some areas have not been addressed to any real extent at Union level. This is notably the case of synthetic drugs, where new products reach the market with alarming suddenness. To date there are no specific mechanisms at the European level to tackle this problem. Further study is urgently needed in order to determine the extent to which action is required at the European level.

II. IMPLEMENTATION OF LEGISLATION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES

These differences between national legislation would appear to become smaller when considering the approach being followed by the law enforcement and judicial authorities in implementing it. In general:

- medical or social measures are preferred to a prison sentence, in particular for those drug addicts who wish to undergo treatment;
- in the case of occasional use with no aggravating circumstances the drugs user is approached, is invited to refrain in the future from taking drugs, receives a fine or is subject to administrative sanctions;
- prison continues to play a repressive role only when sizeable quantities are concerned or in the presence of aggravating circumstances;
- in the case of cannabis offences, lower sanctions are applied. This distinction can also be made by the judicial authorities of the Member States which do not make any distinction in their legislation;
- illicit trafficking is severely repressed in all Member States;
- lower penalties are applied in the case of addict-pushers (users supplying drugs to finance their own consumption).

It should be noted, however, that within the framework of the abovementioned approach, the judiciary, with or without guidelines from the central authorities, enjoy or exercise a considerable degree of discretion, particularly in sentencing policy. In this field, large differences exist not only between Member States but also between regions of the same Member State. This is, in particular, the case in relation to the evaluation of quantities which are considered for personal use and for trafficking. A similar quantity of drugs could be the subject of different judgements at Member State level or within a Member State by the different regions.

In this context, the judicial and police authorities have the possibility of applying sanctions which would take into account alleviating or aggravating circumstances (quantity, nature of drugs, repeated arrests, health condition of addict and social situation).

III. CAN FURTHER HARMONIZATION CONTRIBUTE?

Against the background that there already exists a considerable degree of harmonization based on UN Conventions and EC legislation, further harmonization could only address:

- the residual differences in national legislation, bearing in mind that these differences are not so great, particularly in view of national practice in implementation;
- areas where legislation hardly yet exists, notably concerning synthetic drugs.

It should also be borne in mind that the question of harmonization has already been examined on various occasions by the Member States and the Commission since the end of the 1980s.

The most recent examination of this question took place at the December 1995 Conference on Drugs Policy in Europe and its follow-up Seminar on the Application of National Drugs Legislation. These two events had, as the European Council in Florence acknowledged, fully comprehensive material at their disposal. On the specific question of harmonization, the Conference concluded that it would be important first to set common political objectives in relation to the illicit use of and trafficking in drugs as well as the means to reach these objectives. These objectives are, amongst others, demand reduction, risk reduction, the fight against traffickers through the repression of drugs use and possession, reduction of delinquency linked to drug abuse, rehabilitation of drug addicts, etc.

The initial conclusions from the Workshop on the Application of National Drugs Legislation were the following:

- All Member States' legislation does in fact comply with the 3 UN Conventions and is, therefore, in all cases basically the same in content.
- Harmonization is not a feasible objective as it should be based on common elements in the setting of priorities (which does not exist at the moment).

The workshop concluded on the need for increased cooperation and coordination between Member States' police, judicial and customs authorities as a priority (see section V).

It can be concluded from the study that it is necessary to ensure that working practices between Member States are sufficiently compatible to allow the trafficking and consumption of drugs to be reduced, in particular by full and effective cooperation between police, customs and judicial authorities, particularly in the areas listed in section V.

IV. POSSIBILITIES UNDER THE TREATIES FOR HARMONIZATION OF LEGISLATION

The Treaty on European Union and the Treaty establishing the European Community offer only limited opportunities for harmonizing legislation on drugs.

On health matters, the Community can act only through incentive measures (Article 129), to the exclusion of any harmonization.

It may, however, act in areas which do not come under the heading of health by regulating the import or placing on the market of certain products, such as chemical precursors.

With regard to Title VI of the Treaty on European Union, recourse to joint actions or conventions, with the limitations which such instruments involve, does make it possible to work towards harmonization or, failing that, towards approximation of laws in order to combat drug addiction and illicit trafficking in drugs (Article K.1(4) and (9) and Article K.3(2)(b) and (c)).

V. MEASURES, APART FROM HARMONIZATION, WHICH COULD CONTRIBUTE

Enhanced cooperation between the Union and the Member States, as provided for in the TEU, clearly has a key role, particularly in the following areas:

- police, customs and judicial cooperation;
- role of the liaison officers;
- controlled deliveries (monitoring the journey of a shipment known to contain drugs across borders);
- intelligence services and role of Europol;
- relations with Central and Eastern European countries;
- effective cooperation in respect of seizure of assets of drugs traffickers ⁽¹⁾.

Working practices in the field of the fight against drugs and drug trafficking should operate in full and effective conformity with the provisions laid down by international Conventions and Agreements, as ratified by the Member States, as well as instruments agreed within the framework of the European Union.

The Workshop on the Application of National Drugs Legislation also identified a number of concrete proposals to which a follow-up should be ensured:

- to study the possibility of introducing a system which would permit the 15 Member States to monitor and control the new molecules in an efficient and rapid manner in order to face the rising trend in production, trafficking and abuse of new synthetic drugs;
- to investigate, in the most precise way, the quantities of each drug that, in practice, the judicial authorities in each Member State consider for personal use or for various levels of trafficking;
- to assess the trends in the effectiveness of national drugs policies in curbing illicit trafficking in and demand for drugs;
- to evaluate the programmes in the area of alternative measures to penal sanctions.

⁽¹⁾ Without prejudice to the powers of the German Länder.

GENERAL OVERVIEW OF THE MEMBER STATES DRUG POLICY – LEGISLATION AND PRACTICE

27/6/94

ANNEX II.1

		AUSTRIA	BELGIUM	DENMARK	FINLAND	FRANCE	GERMANY	GREECE	IRELAND
General Approach	Formal distinction among drugs	NO ⁽¹⁾	NO	NO	NO	NO	NO	NO	YES
	Lower penalties in case of cannabis offences	NO	NO ⁽²⁾	YES <i>(practice)</i>	NO	NO ⁽²⁾	YES <i>(practice)</i>	YES <i>(practice)</i>	YES
Use	Prohibition of drug use and sanctions provided	Not an offence	YES, <i>only in group</i> , between 3 m/5 years	Not an offence	YES <i>up to 2 years</i>	YES <i>up to 1 year</i>	Not an offence	YES, <i>from 10 days up to 5 years</i>	YES, <i>only opium up to 1 year</i>
	Lower sanctions for occasional use	Not an offence	YES <i>(practice)</i>	Not an offence	YES <i>(practice)</i>	YES <i>(practice)</i>	Not an offence	YES, <i>very first time offence</i>	YES <i>(practice)</i>
Possession	Sanctions for possession (often with intent to supply to another)	YES <i>(big quantity) up to 3 years</i>	YES <i>between 3 months and 5 years</i>	YES <i>up to 2y; or 5y, or 10y</i>	YES <i>up to 2 years; up to 10y</i>	YES <i>up to 2y; up to 10y</i>	YES <i>up to 5 years</i>	YES <i>from 10 days up to 5 years</i>	YES <i>up to 1 year, fine (cannabis)</i>
	Lower sanctions for possession (for personal use)	YES <i>up to 6 months</i>	YES <i>suspension of proceedings</i>	YES, fine or warning <i>(practice)</i>	NO	NO	YES <i>(practice)</i>	YES <i>(drug addicts) (practice)</i>	YES
Traffic	Sanctions for traffic ⁽³⁾	5 years. In group 10y. Leader 20y.	Up to 5y. Between 10/20y	Up to 2 years Up to 10 years	Up to 2 years Up to 10 years	5 years. In group 30y. Leaders lifetime	Up to 5 years Up to 15 years	Batw. 5 and 20 years. Lifetime possible	1 year or 7 years. Lifetime possible.
	Provision of lower penalties for addict-pushers ⁽⁴⁾	YES <i>Max up to 5 years</i>	YES <i>(practice) habitual users</i>	YES <i>(cannabis) (practice)</i>	NO	YES <i>up to 5 years</i>	YES <i>(practice)</i>	YES <i>(practice)</i>	YES <i>(practice)</i>
Alternative measures	Drug offences max up to 2-3 years	YES	YES	YES	YES	YES	YES	YES	YES

⁽¹⁾ Austria makes a distinction on the basis of the health risk, through interpretation of the concept of small and large amounts of drugs.

⁽²⁾ France, Belgium: the judicial and police authorities decide case-by-case as they retain a certain degree of autonomy.

⁽³⁾ Illicit traffic is curbed with a wide range of penalties, according to the quantity, the nature of drugs, the state of addiction of the offender, the participation in a criminal organization, etc.

⁽⁴⁾ Addict-pushers: users (addicts) supplying drugs to finance their own consumption.

		ITALY	LUXEMBOURG	NETHERLANDS	PORTUGAL	SPAIN	SWEDEN	UNITED KINGDOM
General Approach	Formal distinction among drugs	YES	YES	YES	YES	YES	NO	YES
	Lower penalties in case of cannabis offences	YES	YES	YES	YES	YES (<i>practice</i>)	YES (<i>practice</i>)	YES
Use	Prohibition of drug use and sanctions provided	<i>Administrative sanctions</i>	YES <i>betw. 3m/3y or betw. 1y/5years</i>	Not an offence	YES <i>up to 3 months</i>	<i>Administrative sanctions</i>	YES <i>up to 6m; 3y; 10y</i>	YES, <i>up to 6 months (only opium)</i>
	Lower sanctions for occasional use	YES (<i>practice</i>)	YES (<i>practice</i>)	Not an offence	YES	YES (<i>practice</i>)	YES minor offence (<i>practice</i>)	YES (<i>practice</i>)
Possession	Sanctions for possession	YES <i>between 8/20 years 2/6 years</i>	YES <i>between 1/5 years. Serious cases: lifetime.</i>	YES <i>up to 2 years up to 4 years</i>	YES <i>up to 1 year up to 3 years</i>	YES <i>up to 4 years up to 8 years</i>	YES <i>up to 6 years between 3/10 years</i>	YES (3 classes of drugs) (on indictment) lifetime, up to 14y, up to 5 years
	Lower sanctions for possession (for personal use)	YES <i>only administrative sanctions</i>	YES <i>between 3 months/3 years</i>	YES <i>up to 1 month up to 1 year</i>	YES <i>up to 3 months</i>	<i>Administrative sanctions</i>	YES (<i>practice</i>)	YES
Traffic	Sanctions for traffic ⁽¹⁾	8/20y or 2/6y; 1/6y or 6m/4y	1/5 years Lifetime	Up to 2 years or 8 years Up to 4 years or 12 years	Up to 15 y Up to 5 years	Max up to: 8, 14 or 23 years	Up to 3 years Betw. 2/10 y	Lifetime or up to 14y or up to 5y. (3 classes of drugs)
	Provision of lower penalties for addict-pushers ⁽²⁾	YES (<i>practice</i>)	NO	YES (<i>practice</i>)	YES	NO ⁽³⁾	NO	NO
Alternative measures	Drug offences (by addict) max up to 2-3 years	YES	YES	YES	YES	YES	YES	YES

⁽¹⁾ For the repression of illicit traffic the Member States have a wide range of penalties; in certain cases taking into account the nature of drugs, the state of addiction of the offender, the aggravating circumstances, etc.

⁽²⁾ Addict-pushers: users (addicts) supplying drugs to finance their own consumption.

⁽³⁾ Spain: although not specified in the legislation, most probably applied in practice.

I. LATIN AMERICA

A. General considerations

The objective of the European Union and its Member States is to encourage and assist the countries of Latin America to the greatest possible degree in eradicating production of narcotic drugs within their territories and drug trafficking through their borders. Towards this end the European Union and its Member States will continue to place this matter on the agenda of political dialogue with the countries of the region both bilaterally and through the dialogue with the regional formations in Latin America (e.g. Rio Group, OAS/CICAD, Mercosur, Andean Pact and Central American countries).

It is important to recall that the Union and its Member States have been engaged in combating drug trafficking and production in Latin America since the late 1980s. To this end special provisions under the Generalized System of Preferences (GSP) have been agreed by the Council for the countries of the Andean Pact and Central America.

Through its EU Embassies in Latin American countries and through the mini-Dublin Groups, governments in Latin America have been encouraged to ratify the relevant United Nations Conventions in the field of combating drugs, in particular, the 1988 Vienna Convention on Drugs and Psychotropic Substances in order to provide an agreed international legal matrix with which the European Union and its Member States could develop and enhance its cooperation within Latin American countries in the fight against drugs. Where this has taken place and where governments have firmly undertaken their obligations to combat drug production and trafficking the European Union has engaged in substantive programmes of assistance with these countries.

The European Union also works in close contact with the United Nations Drug Control Programme (UNDCP) and with other Dublin Group members in combating the drug problem in Latin America.

Following the adoption by Inter-American Drug Abuse Control Commission (CICAD) of the OAS of an anti-drug strategy in the hemisphere it is clearly important that the European Union should, in developing its anti-drug assistance to Latin America, take full account of the policies and actions to be adopted by individual countries in fulfilment of this strategy and evolve its own programmes in consultation with the individual governments and regional groupings in Latin America and in liaison with OAS/CICAD and UNDCP.

It should be recalled that combating drugs forms one element of a complex set of political, economic and trade relations which the European Union and its Member States has with the countries of Latin America.

Within the Latin American region different countries are at varied stages of institutional and economic development and the degree to which the European Union can assist them in combating drugs will be conditioned by the needs arising from these factors. Clearly also factors which form part of a broader political dialogue in some cases also impact on the success of the fight against drugs i.e. social exclusion, employment creation, land reform and land distribution, human rights, and internal strife.

At the sixth institutionalised ministerial meeting of the European Union and Rio Group, in April 1996, Foreign Ministers from both sides emphasized the importance of maintaining a high-level dialogue between the Rio Group and the European Union on cooperation in the field of drugs and related issues. They emphasised the importance of promoting practical joint measures to address the global threat posed by the problem of drugs.

They appealed to the international community to take joint action based on the principle of co-responsibility to deal with this problem. Ministers considered that this global co-responsibility strategy was essential in bringing about a genuine reduction in the supply of and demand for illicit drugs of both natural and synthetic origin, to control the diversion of chemical precursors, money-laundering and other related offences, and to ensure judicial cooperation and the implementation of development programmes aimed at abolishing production.

The European Union has begun to negotiate and conclude precursor chemical agreements with a range of Latin American countries. It will continue its work towards the completion of agreements with the countries of Latin America.

It is against this background of activities and political decisions and considerations that the European Union and its Member States will continue to develop and coordinate its actions against drug production and drug trafficking with the countries of Latin America in cooperation with the governments and relevant agencies in each country in liaison with other donors, regional and international organisations as appropriate. Duplication efforts will have to be avoided.

Equally it was in the light of this background and in the perspective of the requests made by the European Councils in Madrid and Florence to identify any remaining gaps in the European Union policy towards Latin America that an expert mission visited Latin American countries in September/October 1996. Their report has been examined by the ad hoc group Latin America/Caribbean working group on drugs which has proposed that the following areas should be pursued in European Union relations in the field of combating drug production and trafficking in Latin America.

B. Principles of action

The overall cooperation strategy will aim, in each case, to combine the actions best suited to the particular situation of each country or subregion.

1. Strengthening institutional capacity

Actions will focus on two aspects:

- (a) definition of the general framework for intervention by the adoption of National Drugs Control Master Plans for countries which do not have them, and their updating;

(b) operational mechanisms:

- support for restructuring of the administration of justice through the setting up of an administrative organization and the introduction of appropriate working methods to guarantee its independence and through strengthening the available human resources, particularly as regards the training of magistrates and prosecutors;
- support for the adaptation of national legislation with a view to the efficient implementation of international conventions signed, in particular those of the United Nations (1961 Convention, 1971 Convention, as amended in 1972, and 1988 Convention), particularly their recommendations regarding the infiltration of networks (controlled deliveries), banking secrecy and combating money-laundering and, more generally, drug trafficking.

2. Prevention

Initiatives will be in three areas:

- continued provision of information, particularly to young people, aimed at reinforcing prevention of the illicit use of drugs;
- continuation of existing initiatives regarding the prevention of drug addiction and the treatment and rehabilitation of addicts, especially those aimed at vulnerable groups;
- support for the competent national bodies and institutions in respect of prevention through the improvement of their working methods and training of their staff.

3. Reducing supply

Three categories of action are envisaged:

- effective use by local operators of the access to the European market offered by the GSP "special drugs regime", especially through the provision of information to businesses, support for certain production sectors and the promotion of partnerships between European and Latin American commercial operators;
- monitoring of the application of existing agreements on the control of chemical precursors, encouraging their ratification by the countries that have not yet done so and rapidly implementing the monitoring mechanisms laid down in the texts;
- continuation of the development programmes aimed directly or indirectly at reducing coca or poppy production by the creation of viable production alternatives in the framework of sustainable development and at eliminating the social and economic causes of drug production. These programmes need to include infrastructure development measures;
- the European Union and its Member States will work in close cooperation with UNDCP.

4. Law enforcement

- Support for and appropriate coordination of high level training for the personnel of anti-drugs and money-laundering law enforcement agencies, the training of trainers and refresher courses. Training needs to include in particular new types of criminal activity, especially money-laundering, as well as special investigation techniques such as controlled deliveries.
- Encourage and support the improvement of control at ports and airports.

5. Combating trafficking and money laundering

Actions will relate to the following areas:

- support for the review of legislation with a view to the effective and complete implementation of the 1988 UN Convention;
- support for the adaptation of national legislation for an intensified and effective fight against money-laundering, particularly with a view to enabling the Latin American countries to accede to the European Convention on money-laundering and to apply the FATF recommendations;
- support for the adaptation of legislation for effective combating of money-laundering which integrates the responsibility of the financial and credit institutions and of all the other economic operators which can contribute to money-laundering as well as obstacles to the fight against money-laundering created, among other things, by the maintenance of banking secrecy and insufficient monitoring of suspect transactions.

6. Regional cooperation

The plan is to support regional cooperation actions designed to permit better exchange of experience and know-how in the above areas.

C. Implementation of principles

Building upon existing agreements and arrangements, the principles of actions described above have been agreed on the basis of the recommendations formulated by the expert mission to Latin America. The urgent implementation of the principles – within the financial resources of existing Community programmes, as provided for by their financial statements or financing articles – will draw upon the concrete proposals set out below.

1. Alternative development

- (a) To continue the General System of Preferences (GSP) Special Regime, and to promote its benefits to exporters in beneficiary countries; to continue to study the potential broadening of its scope.
- (b) To study the possibility of special concessions to countries which, because of the structure of their economy and their geographical location, cannot benefit to the same extent as others from the GSP Special Regime (the case in particular of Bolivia).
- (c) Where governments receiving the benefits of the GSP Special Regime have not periodically submitted reports on their efforts against drugs, to establish by consensus a model for such regular reporting.
- (d) To study whether the effectiveness of alternative development initiatives could be improved by research on the marketing of substitute crops, on transport and distribution channels etc.
- (e) European Union assistance for Latin American countries should be focused primarily on their development and the welfare of the disadvantaged sectors of the population.
- (f) Assistance for alternative development should have as its objective the general improvement of conditions for the whole population in the areas covered, which may include those from which migrants are attracted to the regions of drug production.
- (g) To study the possibility of alternative systems of monitoring the area under cultivation of illicit drugs (especially cocaine and poppies) to give the most objective and reliable results possible.
- (h) To coordinate the efforts of European Union countries (and the EU's own aid programme) in respect of alternative development projects, to avoid overlaps and achieve greater effectiveness.

2. Cultivation, production and transport

- (a) A study should be made of the ecological effects of cocaine and heroin cultivation, including the damage caused by the pouring of chemicals used in processing into streams.
- (b) A study should be made of alternative ways in which police forces could dispose of chemicals found at maceration pits and laboratories discovered, in order to avoid ecological contamination.
- (c) There is a need for in-depth study of cocaine and heroin trafficking and flows between Latin America and Europe, including routes and methods used.
- (d) Technical and material assistance is required, to improve methods of control at ports, airports and frontiers.

3. Precursor chemicals

- (a) To negotiate agreements on precursor chemicals, similar to those with the countries of the Andean Pact, with the remaining Latin American countries.
- (b) To encourage the remaining Andean Pact countries which have not yet ratified the agreements with the European Union to do so.
- (c) To implement as soon as possible the technical and scientific assistance provided for under the agreements.
- (d) To set up under these agreements a committee of policing authorities to coordinate and follow up the technical matters of law enforcement involved. Support the establishment of a network for the exchange of information on movements of precursor chemicals within Latin America, and its connection with the EU network. Under the same mechanism, ensure the expertise obtained by the relevant authorities in the EU is shared with the Latin American countries.

- (e) Encourage more regional cooperation and coordination. Technical assistance might be made available for a coordinating group to hold regular meetings.
- (f) Encourage the harmonization of laws, including those specifying the precursor chemicals to be controlled, and the monitoring systems in existence. Provide technical assistance where necessary, e.g. for studies of what is required.
- (g) Assistance should be provided to enhance the systems in place through providing specialist training, as well as additional computer software and even hardware where it is confirmed as necessary.
- (h) Encourage all countries to develop an enforcement/verification system, the formation of which could be supported by specialized training on a regional basis.
- (i) Assistance should be given for the strengthening of frontier control points in the detection of precursor chemicals. European customs services responsible for controlling precursor chemicals should assist the Latin American counterparts to improve their control systems at ports of entry.
- (j) Study the practicality of support and assistance for Brazil in respect of the proposals to develop controls on the Amazon River and in the Amazon Region in general.
- (k) Improve the professionalism of services dealing with precursors, through training and technical assistance, including the preparation of a manual of norms on their procedures.

4. Government organisation against drugs

- (a) Support the national councils and the institutions which they comprise in order to encourage suppression, prevention and rehabilitation policies and plans and to develop coordination of action in this matter.

- (b) Support the strengthening of the role of national councils in respect of coordination and control, in all countries and in particular in Venezuela.
- (c) Support the representation of the judicial sector in national councils.
- (d) Support contacts between the national councils which permit exchanges of knowledge and experience and harmonization of policies and plans in the Latin American region and subregions.
- (e) Support the development of national plans of action against drugs which include specific time frames and follow-up and evaluation in respect of the fulfilment of objectives.

5. Legislation

- (a) Support a study on the possible harmonization of laws in respect of drug trafficking, including penalties.
- (b) Support a study of the potential for developing legal frameworks for supervised deliveries, the raising of bank secrecy and the combating of money-laundering, and mechanisms for international judicial cooperation (rogatory commissions). Stimulate legal reforms in this area.
- (c) Support a study of judicial practice in respect of the establishment of penalties: the criteria applied.
- (d) Support legal reforms to permit control by judicial authorities in respect to the serving of sentences.

6. Law enforcement

- (a) Stimulate and support the structural modernization of police forces to adapt them to the requirements of the anti-drugs effort in respect of police methods and techniques (acquisition of intelligence and information etc.).

- (b) Support where necessary the introduction of a multi-agency operational drug law enforcement team or task force inclusive of all police forces engaged in drug enforcement, designed to utilise to the maximum effect all the resources, human and technical, available within each country.
- (c) Create effective mechanisms for cooperation at all levels between all the anti-drugs agencies.
- (d) Support a study of the role of customs controls in the fight against drugs.
- (e) Support higher-level training for the personnel of anti-drugs enforcement agencies, the training of trainers and refresher courses. It is important to ensure that trainees remain for a minimal period within anti-drugs departments where the acquired expertise will be used. It is suggested that European drugs liaison officers could participate in the selection of candidates. The organisation of the training could be by the formation of a group of European experts in this field, who would assist the training institutions in each Latin American country, in an initial phase themselves giving the training over short periods in each country. Training needs to include in particular new types of criminal activity, especially money-laundering, as well as special investigation techniques such as supervised delivery.
- (f) Support as far as possible the Latin American countries in respect of the resource deficiencies in each unit having a responsibility, in whole or in part, for law enforcement in the fight against drugs. Such support should be monitored in terms of its efficient and effective use. European drug liaison officers should be involved in reviewing needs and priorities.
- (g) Encourage Latin American police authorities to increase the number of personnel in their anti-drugs units.
- (h) Support the establishment of a Central American Police Academy, as agreed by Central American countries (to be located in El Salvador). Support the development of an anti-drugs section at this Academy.
- (i) Support with technical assistance (including for training) the Federal Police Academy of Brazil.

7. Judicial organization

- (a) Encourage the active participation of prosecutors (*fiscales of the Ministerios Públicos*) in the direction and control of law enforcement activities against drugs, in order to reinforce their legality and the effectiveness of prosecutions.
- (b) Encourage the creation of centralized national judicial authorities (courts and prosecutors) to deal with serious drugs offences.
- (c) Encourage the restructuring of judicial institutions in order to strengthen their autonomy and professionalism; the EU could give technical assistance in this regard.
- (d) Encourage professional systems of recruitment and promotion of judges and prosecutors; the EU could give technical assistance in this regard also.
- (e) Support with technical assistance the training of judges and prosecutors in drugs matters.
- (f) Establish at the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) in Lisbon a documentation centre of studies on drugs and drug legislation, open to consultation, including electronic consultation, by Latin American judicial personnel. Encourage the publication of an annual directory of research and training centres.
- (g) Encourage the assumption by normal civil legal systems of all drugs offences, including those which have been subject to military or exceptional court systems.
- (h) Encourage the direction of judicial action against larger-scale drug trafficking organizations; encourage severe penalties against the heads of such organizations.
- (i) Support the improvement of conditions in jails and in temporary detention facilities, including police cells.

8. Information/intelligence

- (a) Create a communications network encompassing each of the countries in the region effectively and efficiently. The contact point within each country should be determined locally and the system should be streamlined to ensure secure, speedy and direct communication.
- (b) Introduce a Memorandum of Understanding between drug law enforcement agencies designed to facilitate the exchange of information and intelligence expeditiously.

9. Money laundering and seizure of assets

- (a) Promote and encourage the recognition of money laundering as a separate criminal offence not necessarily related to drug trafficking and the effective application of the existing legislation to exchange offices and casinos.
- (b) Support Colombia's legislative initiative against illicit enrichment which reverses the burden of proof, requiring the legal origin of the increase in assets to be proved. Study the feasibility of having similar legislation in other countries.
- (c) Promote and encourage confiscation of all property derived directly or indirectly from serious crime.
- (d) Support the creation of specialist units to deal with money laundering.
- (e) Support legislative and police initiatives to waive banking secrecy in investigations into serious crimes.
- (f) Establish effective mechanisms to detect dubious transactions, making the banking and credit institutions and the banking supervisory body liable in the event of failure to comply. Support the obligation on banking institutions to notify the judicial and police authorities of dubious transactions.

- (g) Support the accession of Latin American countries to the Council of Europe Strasbourg Convention.
- (h) Support the final allocation of confiscated property and its provisional use (prior to the final judgment) for prevention and treatment projects and action to suppress drug trafficking.

10. Corruption

- (a) Support the development of internal control procedures in police bodies and judicial systems, to prevent and investigate corrupt practices and those which do not respect human rights. Support the inclusion of professional ethics as an important element in programmes of training in police and judicial academies.
- (b) Support the creation (reinforce the role, where they already exist) of independent institutions which will investigate cases in which corruption or human rights violations are alleged or suspected and will inform the judicial authorities with a view to prosecution. Support the creation of the Ombudsman or *Defensor del Pueblo* in Bolivia, who would assume this role.

11. Prevention and rehabilitation

- (a) Support the diffusion of knowledge throughout Latin America concerning the initiatives undertaken in each country in this field. One means may be sponsorship of exchanges of visits.
- (b) Continue current efforts in support of prevention, treatment and rehabilitation programmes, and programmes for street children and other vulnerable groups. Support the actions in these areas of non-governmental organisations which demonstrate dedication and professionalism.
- (c) Support training for the staff of penal institutions in relation to the treatment of drug addicts in their charge and to combating the abuse of drugs by inmates.

- (d) Study the feasibility of programmes for those released from prison, to ensure their reinsertion into society in ways which reduce the risk that they will be involved with drugs either as traffickers or consumers.

II. IMPLEMENTATION OF THE CARIBBEAN DRUGS INITIATIVE

The Commission and the Member States are swiftly implementing the recommendations of the Florence European Council concerning the Caribbean. The Community will contribute with up to ECU 20 million, also supported by the Community budget for Title VI of the TEU, as part of a financial package that is being put together to support the specific needs in the areas of demand reduction, supply reduction and trafficking of illicit drugs, in an integrated and coordinated manner.

The first initiatives under this programme include support for:

- the development of maritime cooperation;
- the development of an effective communications and intelligence network;
- the training and equipment needs in the area of law enforcement;
- the treatment and rehabilitation facilities of drugs addicts in the region.

The Caribbean countries through CARIFORUM have responded positively to the EU initiative and reconfirmed their commitment in the struggle against the vicious scourge of drugs. To ensure a continuing dialogue with the Caribbean partners it would seem useful in 1997, to hold a follow-up meeting of the Barbados Conference in order to examine progress in the implementation of the Caribbean Action Plan, with all the parties involved.

As provided for under the New Transatlantic Agenda, cooperation with the United States is actively pursued.

III. COOPERATION MECHANISM

(a) Overall mechanism

An overall mechanism will be created which can be linked or associated with the Rio Group.

The members of the Rio Group meet once a year at ministerial level, in Latin America or in a Member State of the European Union. The Group is made up of countries of South America, Central America and the Caribbean.

In the context of the annual meeting, the ministers or senior officials responsible for drugs questions could meet to follow up generally and update the experts' recommendations and to set priorities.

(b) Lightweight structures

Caribbean

A regional cooperation and implementation mechanism should be set up in Barbados under the auspices of the Commission, with Member States and partners (CARIFORUM) as participants.

Andean countries

The dialogue instituted between the Andean Group (GRAN) and the European Union should continue periodically for the purpose of concrete follow-up of recommendations and of the technical assistance set up.

Central America

A mechanism associated with the San José Group could be set up to facilitate dialogue and follow up the recommendations on drugs in this region.

Other

If it proved necessary to deal with the concrete needs of other countries, the creation of lightweight structures could be envisaged in order to give better practical effect to actions to combat drugs.