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ENFOPOL 65

NOTE

from : the Presidency

to : K.4 Committee

No. prev. doc. : 6452/97 ENFOPOL 48

Subject : **Conclusions of Joint meeting Drugs and Organised Crime Working Group and the Customs Cooperation Working Group with accession candidates from Central and Eastern Europe and the Baltic States on 10 March 1997**

I. Introduction

The Presidency did not intend to frame new recommendations in the consultations with the CCEEs and the Baltic States: the worthwhile consultations have already taken place in the past and have formed a solid basis for further activities. The particular focus of attention for the Presidency was the implementation of the recommendations and arrangements made as well as the stepping up of cooperation aimed at securing the achievement by the CCEE and the Baltic States of the Third Pillar "acquis", involving :

1. the European Union "acquis" in the area of drugs, and
2. the European Union "acquis" in the area of the Third Pillar.

The Presidency priority based itself on the recommendations of October 1996 (ENFOPOL 170), and in particular the following three aspects :

1. the progress of implementation;
2. where financial problems stood in the way of the implementation of the recommendations, an examination of the extent to which PHARE funds could provide a solution, and

3. how the advice and expertise of the EU Member States can help to overcome any other difficulties with implementation.

Preparation

The document which would be submitted to the meeting with the CCEE and the Baltic States was examined by the Presidency in detail on 12 February 1997 with the Working Party on Drugs and Organized Crime.

The Presidency subsequently held preliminary discussions with Council Secretariat and Commission representatives and representatives of the CCEE and the Baltic States on 26 February 1997 with the aim of, inter alia, arranging for the right experts to attend the meeting.

The Presidency also consulted Commission representatives in November and December 1996 and January and February 1997. These talks examined the need for an understanding of the allocation of PHARE funds in support of Third Pillar projects, in the interests of holding worthwhile discussions. It is crucially important for any assessment of progress by the CCEE towards achieving the "acquis" that the allocation of PHARE funds for Third Pillar projects should be transparent for the delegations to the Working Party.

The Commission promised to draw up an overview of projects and of PHARE funds which the CCEE and the Baltic States have either been allocated or have requested in connection with Third Pillar programmes.

Unfortunately, this information was not yet available at the meeting on 10 March 1997.

The Presidency points out that if the requisite information is not made available shortly and cannot be discussed openly with the CCEE and the Baltic States, it will not be possible to assess how far the recommendations have been implemented.

The joint meeting on 10 March 1997 arrived at the following conclusions and proposals on the different recommendations in 6452/97 ENFOPOL 48:

II. Coordination of co-operation and exchange of information (recommendations 8 to 14)

- a) On exchange of information (recommendation 8) the Presidency, after consultation with the General Secretariat, indicated the following guidelines for the improved flow of information to the associated countries, in conformity with the rules of confidentiality of the Council. The meeting endorsed the following principles :

Priority should be given to identification of the enlarged acquis, on the basis of the decisions of the JHA Council in November and the conclusions of the European Council in December 1996 in Dublin. This can be provided by the Council Secretariat.

In order to make EU documents more easily accessible for the associated countries the General Secretariat of the Council undertakes, in full respect of confidentiality rules of the Council, to ensure that officially published documents that are being transmitted to them are being grouped into categories in accordance with the areas of the different Steering Groups, i.e. I for asylum and immigration matters, II for police and customs cooperation, and III for judicial cooperation. The same applies to :

- documents mentioned in Press releases, officially published as well as unpublished, which can normally be given,
- certain internal preparatory documents which also generally can be given, but which normally are not to be sent to capitals at an early stage, to avoid confusion in cases when the final document has been approved after numerous amendments as is often the case,
- other documents, after unanimous decision in the K.4 Committee.

The JHA Counsellors are to be briefed regularly by the Presidency and the General Secretariat on recent developments, in particular after the meetings of the K.4 Committee and the JHA Council, and on the work programmes and activity reports every 6 months.

The representative of the Commission handed out and introduced the document "UPDATED ACQUIS OF THE WORKING DOCUMENT FROM THE COMMISSION

SERVICES ON DRUGS" (10.3.1997), which was first presented to the ministerial meeting in November 1996 . On the basis of the mandate given by the Council in the context of the structured dialogue, the Commission will continue to produce factual reports on the acquis of the Third pillar.

- b)** On training, exchange of personnel, and cooperation between the CEEC, EU and UNDCP (recommendations 9 and 13), the group noted :
- a broad satisfaction with cooperation with UNDCP, with eg. Estonia, Latvia and Hungary expressing specific wishes as regards assistance in the field of training of law enforcement personnel, drafting of legislation, controlled deliveries and precursors control,
 - the efforts of the Commission and UNDCP towards coordination in the fight against drugs, especially within the PHARE multi-country programmes to eg. develop a joint law enforcement programme at the regional level in the context of the Balkan Route,
 - the willingness of the World Customs Organization to make its training modules available,
 - differences in implementation of programmes reflecting differences in needs of countries,
 - the associated countries can also be providers of training, not only receivers
 - it would be useful to draw up an overview of all assistance being provided by the Member States in the field of training and other operational projects.
- c)** On liaison officers (recommendation 10) the associated countries were invited to update their information on liaison officers following the procedures laid out in doc. 4521/96 ENFOPOL 24, which was handed out; to date no replies have been provided.
- d)** On bilateral and multilateral contacts and the PHARE programme (recommendations 11 and 12) the Swedish delegation outlined the cooperation within the Baltic Sea Task Force to combat organised crime, established in 1996. Its activities mainly concentrate on information exchange and contact points, joint measures (eg. amphetamine, trafficking in human beings, controlled deliveries manual, stolen vehicles), judicial cooperation, and research, development and training.

It was agreed that practical cooperation on items foreseen in the acquis between a limited number of Member States and CEEC can be useful where :

- the cooperation is characterised by transparency and openness,
- the cooperation projects concentrate on practical items which have been established to be of primary importance and which fall within the acquis,
- appropriate EU institutions are informed and involved,
- there is no contradiction between the forms of cooperation and Union-wide action, and
- any possible regional cooperation can be extended to some or all of the EU Member States and associated countries.

The meeting noted that PHARE financial help could be available to any national and horizontal projects as well as to participation of associated countries in EU-internal programmes

- e) On information processing and protection of privacy (recommendation 14) the associated countries responded positively to the Presidency's request concerning their interest for participation in training. The Commission representative gave information about a study on precursors and information systems to be finalised in the near future and which could then be circulated to the participating countries.

III. Control of external borders (recommendations 1 and 4)

The chairman of the Customs Cooperation Working Group outlined the operational action on the Balkan Route which will take place during the second half of 1997. On the basis of this operation it will be considered how a standard operation at an operational level can be initiated.

The Representative of the World Customs Organisation gave a broad overview of its activities, eg. in the fields of drugs combatting, fraud combatting, money laundering, and training, and declared its willingness to cooperate with the associated countries

and share with them its experience.

IV. Controlled deliveries (recommendation 7)

The associated countries were invited to submit their replies to the previously issued questionnaire on the conditions under which a controlled delivery can take place in the respective countries, to complete the EU Guide with this information. The completed version will then be sent to the countries that have provided information.

The Presidency also gave information about the experts' meeting on controlled deliveries to be held on 24 April in Brussels, with the aim of bringing experts together to discuss practical problems raised. The associated countries were invited to this meeting.

V. Synthetic drugs (recommendations 2, 3, 5 and 6)

The Commission representative gave information on the PHARE programme and on its activities within the First pillar, eg. the planned extension of the list of 22 prohibited precursors to substances not included in the UN Convention.

The Commission handed out two documents :

- "LIST OF COMPETENT AUTHORITIES" related to Regulation 3677/90 and Directive 92/109/EEC on drugs precursors (16th January 1997), and
- "PRE-ACCESSION STRATEGY: DEVELOPMENT OF JHA ACTIVITIES UNDER HORIZONTAL PROGRAMMES" (B/jsj D(97) 6265).

The Presidency informed about the ongoing work to develop an early warning mechanism on synthetic drugs, and about the seminar to be held on 28-29 April 1997 in Eindhoven to which the associated countries were invited. The associated countries were asked to return the questionnaire on the existence of new synthetic drugs outside the above mentioned list and on the legal situation as regards them, before the seminar.

VI. Conclusion

The Presidency invites the K.4 Committee to note the above mentioned conclusions and proposals and to decide on any further action.
