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EXPLANATORY MEMORANDUM ON A EUROPEAN COMMUNITY DOCUMENT

COMMISSION COMMUNICATION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT ON A EUROPEAN UNION ACTION PLAN TO COMBAT DRUGS (2000 - 2004)

Submitted by the Home Office

SUBJECT MATTER

The European Commission first tabled the Communication COM (1999) 239 final at the meeting of the Horizontal Drugs Group on 17 June. The Communication responds to the mandate of the Cardiff and Vienna European Councils tasking the Commission and the Council to develop the key elements of a post-99 EU drugs strategy endorsed at Cardiff into a comprehensive Action Plan for 2000-4. The Communication sets out a framework for possible actions and initiatives in tackling drug misuse and trafficking at both the Community and inter-governmental level. This further updates and builds on the main elements of the existing EU Action Plan to Combat Drugs (1995-99). The scrutiny history of the existing EU Plan is set out in the annex to this Explanatory Memorandum.

The new EU Plan seeks to consolidate and supplement the work already undertaken by the Community under the public health provisions of Article 152 of the TEC on the programme of Community action in the field of drug dependence and through inter - governmental co-operation in combating illicit drug trafficking. The main aims and objectives are:-

- To continue, as a priority for EU internal and external action, an integrated balanced approach to tackling drugs, covering both supply and demand reduction;
- The collection, analysis and dissemination of objective, reliable and comparable data on the drugs situation in the EU;
- Evaluation of existing activity and to identify best practice with a view to ensuring consistency and continuity in tackling drugs;

- To promote and develop international co-operation and integration of drug control based on the principles adopted at the United Nations General Special Session on Drugs (UNGASS) in New York in June 1998.

Specific targets include improvement of data comparison methods, taking action to reduce demand through prevention, education, research, training and to help with the re-integration of former drug users into society. The Communication proposes that priority attention should also be given to enhancing measures related to the control of chemical precursors to prevent their diversion to the illicit market; the prevention of money laundering; enhancing effective co-operation between police, customs and judicial authorities to combat drug trafficking; and monitoring of new communication systems (i.e. Internet) to prevent these being used as a vehicle to promote drug misuse and trafficking. Drug misuse and driving and doping in sport have also been included as areas for future activity.

The various Council Working Groups will be commenting on the Communication. Their comments will be co-ordinated into a Council document, which together with the Communication, will form the comprehensive Action Plan (2000-4).

MINISTERIAL RESPONSIBILITY

The Communication relates to the responsibilities of several United Kingdom Ministers, including the Home and Foreign Secretaries, the Chancellor of the Exchequer, the Minister for the Cabinet Office (as the Minister responsible for co-ordination of the Government's drugs policy and in addition the UK Anti-Drugs Co-ordinator acts as a Special Adviser to the Government on the UK drugs strategy) and the Secretaries of State for Health; Education and Employment; Environment and Transport; Scotland; Wales and Northern Ireland. It also relates to the devolved responsibilities of the Scottish Parliament and Executive and the National Assembly for Wales. The Home Secretary has lead responsibility on questions relating to co-operation with other Member States within the framework of Title VI, in consultation with the Secretaries of State for Scotland and Northern Ireland.

LEGAL AND PROCEDURAL ISSUES

The Communication contains no specific proposals for new Community legislation. The emphasis is rather more on implementation of existing legislative instruments, evaluations and where necessary, re-orientation. The Commission has recently made the Communication available to the European Parliament for information.

APPLICATION TO THE EUROPEAN ECONOMIC AREA

The proposals relate to the European Union Member States and would not apply to or involve the non - EU EEA states.

SUBSIDIARITY

It is common ground that the cross-pillar nature of drugs issues and the need to adopt a balanced multi-disciplinary approach to tackling the problem of drug misuse requires action at all levels (international, regional, national and local). The Communication acknowledges the principle of subsidiarity. Areas in which the Commission has competence (i.e. public health provisions of Article 152, money laundering and precursors) and areas for which Member States are responsible are, in general, clearly and correctly set out.

CONSULTATION WITH OUTSIDE INTERESTS

In respect of EC precursors legislation, the Government consults from time to time with the chemical industry.

POLICY IMPLICATIONS

The Communication provides a useful and comprehensive overview of programmes and measures implemented hitherto by the Community and Member States and puts forward ideas for supplementing these in future. The Communication is broadly acceptable to the UK. The fresh emphasis on the need for evaluation is particularly welcome. There are some potential areas of concern which we flagged up at the meeting of the Horizontal Drugs Group:-

Page 14 : The target set for illicit drug use is "(i) to reduce significantly over 5 years the prevalence of illicit drug use among young people under 18 years of age". We can probably accept this as drafted, although our UK domestic strategy contains a slightly different and more specific target *"reducing the proportion of people under 25 reporting use of illegal drugs in the last month and previous year substantially, and to reduce the proportion of young people using the drugs which cause the greatest harm - heroin and cocaine - by 50% by 2008, and by 25% by 2005."* In respect of the second EU target "to reduce substantially over 5 years the number of drug-related deaths", the UK is in the process of developing a baseline from which to measure drug related deaths by 2000/1, with a view to developing by 2002 an action plan to reduce these. Again we can accept the text, in as much as the target is not quantified. However, at the EU level, work remains to be done on the comparability of Member's States data about drug related deaths and we would be wary of the EU setting more prescriptive targets.

Page 20 : While welcoming the inclusion of the section on doping, it will be important to avoid duplication with work already being done by the Council of Europe and the International Anti-Doping Agreement (IADA) in this field. The third goal "introducing and improving co-ordination in the legislative field" is ambiguously worded. The text suggesting "developing new measures at Community level to make more effective use of the different Community policies and to harmonise legislation" goes beyond what was set out in the Vienna Council conclusions:- "to examine possible measures to intensify the fight against this danger (i.e. doping) in particular through better co-ordination of existing national

measures". We would prefer the language adopted at the Vienna Council. We would not want to see the introduction of new legislation.

Page 15: It is not clear what is meant by "Improving the quality of substitute treatment programmes with oral methadone and further exploration of alternative less addictive substitutes". Treatment policy is a matter for national Governments - if what is intended is the exchange of information and best practices then we are content with the reference.

Page 26: We would also welcome including an explicit reference to the Customs Information System (CIS) in the text in the section on police co-operation which will help improve information exchange and law enforcement co-operation between customs administrations.

Delegations have been invited to submit written comments on the text before the next meeting of Horizontal Drugs Group on 7 July. There is likely to be ongoing consideration of the Plan by Council Working Groups throughout the Finnish Presidency.

REGULATORY IMPACT ASSESSMENT

There would be no major impact on current UK regulatory practices.

FINANCIAL IMPLICATIONS

No direct financial implications for the UK. Where Community expenditure is involved it is covered by existing budget lines. The Commission is not seeking to bid for additional resources to finance these proposals.

TIMETABLE

The Horizontal Drugs Group will now circulate the Communication to relevant EU Council working groups for their comments. These comments will be combined, following discussion, in a Council document which will be submitted for endorsement, together with the Communication, to the Helsinki European Council on 10-11 December 1999. Once approved by the Council, the Plan will supersede the existing Action Plan.



PARLIAMENTARY UNDER SECRETARY OF STATE FOR THE HOME
OFFICE

ANNEX

SCRUTINY HISTORY OF EU ACTION PLAN TO COMBAT DRUGS (1995-99) COM (94) 234 final AND COMMISSION COMMUNICATION CONCERNING COMMUNITY ACTION IN THE FIELD OF DRUG DEPENDENCE COM (94) 223 final

8077/94 COM 94 234 final

The House of Lords Select Committee remitted the EM to Sub Committees C and E on 25 July 1994 (sift number 824) and it was subsequently cleared without report by both of these sub-committees on 24 November 1994. The House of Commons Select Committee considered the document raised issues of legal and political importance and recommended it for debate in European Standing Committee B, together with 8929/94 on 19 October 1994 (26th report session 93/94). It was debated in European Standing Committee B on 14 December 1994 together with 8929/94.

8929/94 COM (94) 223 final

The House of Lords Select Committee on the European Communities cleared this EM on 10 October 1994 (sift number 826). The House of Commons Select Committee on European Legislation at their meeting on 19 October considered it to be legally and politically important and recommended it for debate in European Standing Committee B (26th report session 93/94). It was debated in European Standing Committee B on 14 December 1994 together with 8077/94.

