CORRIGENDUM TO THE NOTE

From: Presidency of Horizontal Working Party on Drugs
To: COREPER/Council

No. prev. doc.: 5062/2/03 CORDROGUE 3 COWEB 76 REV 2

Subject: Draft Action Plan on Drugs between the EU and Countries of Western Balkans and Candidate Countries (Bulgaria, Romania and Turkey)

In Chapter IV, Activities, point H, page 13, the second paragraph “Financing .... as well.” will be substituted by the following sentence “Financing for the initiatives contained herein will be sought from the bilateral co-operation programmes and the European Union’s CARDS and other budget lines.”
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I. INTRODUCTION

The European Council of FEIRA of June 2000 confirmed that "its objective remains the fullest possible integration of the countries of the region into the political and economic mainstream of Europe through the Stabilisation and Association process, political dialogue, liberalisation of trade and cooperation in Justice and Home Affairs. All the countries concerned are potential candidates for EU membership. The Union will support the Stabilisation and Association process through technical and economic assistance."

The European Council of Laeken of December 2001 confirmed that "the European Union has taken a full role in encouraging and assisting the countries of the region to continue their efforts in the framework of the Stabilisation and Association Process. The prospect of accession and the assistance provided by the European Union are key elements in promoting that process, respecting human rights, democratic principles and internationally recognised frontiers".
The European Union Action Plan on Drugs 2000–2004 refers to "making full use of the new possibilities offered by the Treaty of Amsterdam, particularly the articles on drug control, police cooperation and judicial cooperation as well as the common minimum standards in legislation (Strategy Target 7), and also sets the goal of action by the Member States to promote regional cooperation where affected by similar drug problems".

At the London Conference on Organized Crime in South Eastern Europe on 25 November 2002, the EU and international partners agreed on a strategy for tackling organized crime in the region (The London Statement) and the countries of the region committed themselves to delivering it through country-specific Areas for Priority Action.

This Conference on Organized Crime in South Eastern Europe, highlighted the importance of the threat of organised crime for the stability in the region. Commitments were agreed as well as Areas for Possible Action for Bosnia/Herzegovina, Albania, Former Yugoslavian Republic of Macedonia (FYROM), Croatia and Serbia and Montenegro.

On this basis the Action Plan on Drugs between European Union and the Balkan Countries was drafted by the Hellenic Presidency of the Council of the European Union.

The countries of the region must now "operationalise" these commitments to make real progress in the fight against drugs and organised crime in general.

II. OBJECTIVE

The aim of the proposed draft Action Plan is to create a coherent framework for cooperation between the European Union, the candidate countries (Bulgaria, Romania and Turkey) and the Countries of Western Balkans (Stabilization and Association Process Countries): Albania, FYROM, Serbia and Montenegro, Croatia, Bosnia and Herzegovina and also to coordinate efforts in the context of implementing various EU programmes (PHARE, Institution Building, Twinning, CARDS, etc.), to strengthen stability and security of the Region and of the European Union.
The Action Plan supports and builds on the process launched at the London Conference on Organised Crime in South Eastern Europe on 25 November 2002 and which emphasised the links between different forms of trafficking along the Balkan route.

In line with UNGASS principles and the EU strategy, the Plan has a comprehensive, multidisciplinary and global character encompassing supply and demand reduction.

Analysis of the situation and activities listed in the Action Plan also draw upon the conclusions of the Seminar on Balkan routes of Heroin Trafficking held on 10/12 February 2003 in Athens. The present Action Plan is a complement to the EU/ Central Asia Action Plan on drugs and actions by major donors in the region such as the CADAP (Central Asia Drug Action Programme), as well as SCAD (South Caucasus Action Drug Programme) and the BUMAD (Belarus, Ukraine, Moldova Action Drug Programme) Commission initiatives.

The Action Plan should result in enhancing anti-drugs activities in the region by the coordination of activities of the partner states, the Commission, the Europol, the EMCDDA, as well as those of SECI and the Adriatic and Ionian Sea Initiative.

This Action plan is open to cooperation with third Countries affected by the drugs trafficking problem situated along the Balkan Routes.

*Cooperation will be based on the following:* 
- respect for international law, human rights and fundamental freedoms;
- the principles adopted at the Special Session of the United Nations General Assembly on Drugs in June 1998, including shared responsibility;
- the guidelines contained the European Union Drugs Strategy (2000–2004) and the ensuing Action Plan;
- the existing Stabilisation and Association Agreements between the European Union and the Balkan States;
• commitments made at the London Conference on Organized Crime in South Eastern Europe and country specific Areas for Priority Action committed to by countries of the region;
• an integrated and balanced approach based on partnership;
• European Union support to enable the Balkan States to meet the commitments they have made to combat drugs;
• implementation of the measures to combat synthetic drugs as set out in Council document 12452/2/02 CORDROGUE 81 REV 2.
• Europol Convention and Council Decision of 13 June 2002 amending the Council Decision of 27 March 2000 authorising the Director of Europol to enter into negotiations on agreements to combat in an effective way organised forms of criminality through Europol with Albania, Bosnia and Herzegovina, Croatia, FYROM and Serbia and Montenegro.

The European Union and the Balkan States reaffirm that international cooperation is essential in fighting all illicit trafficking and organized crime activities connected to the drug trafficking through the region. To that end they will make every possible effort to further cooperation by the European Union with other initiatives in the region (UNODC, Stability and Association Process, Council of Europe, O.S.C.E, South –Eastern Europe Cooperation Process, Adriatic and Ionian Sea Initiative, Southeast European Cooperative Initiative/SECI, the Vlora Centre on anti-trafficking etc.), with the participation of EUROPOL and EMCDDA, within their competences.

Assistance to the partner countries will be provided at the national, sub-national, regional and sub-regional level, in particular in the development of policies and institution building which will enable them to improve their capacity to cope with the drug problem. Activities will be coordinated with other EU programmes and bodies (European Monitoring Centre for Drugs and Drug Addiction, Europol, Eurojust, European Judicial Network, European Commission, European Crime Prevention Network, etc.) and taking into account the commitments made in the London Statement and the country specific Areas for Priority Action.
III. SITUATION OVERVIEW

a) **Heroin constitutes a considerable threat to Europe.** The Balkan region is the major transit area for drug trafficking from the source countries of Central Asia to countries of the European Union. 90–95% of heroin comes to Europe from Afghanistan. Production in Afghanistan is now back on 1995-level 3.400 tonnes. However, there is no longer one Balkan route, which initially ran in a straight line from Turkey to Germany, the Netherlands or Italy, as different variations now exist.

b) Central Asian countries play a particularly important role in the movement of heroin and opium to the European Union. The central role of these countries is explained by the proximity of Afghanistan and of other opium producing countries in southwest Asia and the fact that some Central Asian Countries are also traditional or potential opium producing countries. Failure to take action against opium cultivation and drug trafficking in Central Asia would pose a serious threat to security and reconstruction in Afghanistan. The drugs situation in Afghanistan and its neighbouring countries might have negative consequences for regional and global stability. The main source country is Afghanistan. Recent rise in production is a main concern. The UK is in the lead as regards drugs for the international community’s reconstruction efforts in this country.

c) Consumption in Balkan countries is increasing especially in synthetic drugs.

d) Trafficking organisations, which often are also engaged in other fields of criminal activity such as trafficking in human beings and smuggling, have a great flexibility. They adapt their routes to changing political, law enforcement and economic circumstances.

e) Corruption encourages production and trafficking of illicit drugs and together with weak judicial institutions and the lack of rule of law counteracts a sustainable economic development in the region.
IV. ACTIVITIES

A. Strategic planning

An overview at international, regional and national levels is vital to ensure that all aspects of the problem are considered and that resources, both national and from public and private external sources, are well targeted to priority areas of activity. A structured approach is required, drawing in all participants to cooperate actively, and to avoid duplication of effort. The United Nations has a particularly important role to play, and in particular the United Nations Office on Drugs and Crime.

Activities under this Action Plan will include support, as necessary, to:

- assist government institutions, in coordination with other players, in the development and implementation of national strategic master plans and action plans developing concrete projects and activities;
- assist governments in the setting up of Horizontal Drugs Coordinating bodies;
- assist government institutions, in coordination with other players in the region, in the development and implementation of an overall regional strategy;
- work with all interested parties to ensure coherence and complementarity so that the activities are effectively implemented without overlaps;
- assist the Countries of Western Balkans in establishing of a network of Focal Points similar to the EMCDDA REITOX Focal Points;
- make regular evaluations and assessments on the basis of clear criteria.

B. Legislation and institution building

The UNGASS Declaration as well as the acquis of the European Union in the fight against drugs, as regards both legislation and operational means and action, must form the basis on which the Action Plan is founded.
An effective legal system protects individuals and defines criminal activity. It establishes enforcement procedures, defines the powers and limitations of law enforcement agencies and is the basis for the criminal justice process.

Building on legislation, appropriate institutions which are active or which might have a role to play in tackling the drugs problem can benefit from the experience of the European Union. Definition of the role of the different law enforcement agencies involved, both through legislation and operating procedures so that they are complementary and can work effectively together, is crucial, as is the legislative framework for agencies to cooperate across borders, such as in the case of controlled deliveries.

Furthermore, sentencing policies should distinguish between those who have committed serious offences and addicts, who may need medical care rather than prison sentences.

**Activities may include:**

- help in bringing legislation up to EU standards and implementing it;
- assistance in the implementation of relevant UN Conventions, including the U.N Convention against Transnational Organized Crime;
- support to judicial systems in dealing with drugs issues, e.g. by improving their organisation and providing training to public prosecutors and judges and in ensuring inter alia respect for human rights;
- assistance in the effort to make civil society aware and active in the prevention and the combating of drugs;
- support in drugs prevention, social protection, rehabilitation of drug addicts, reduction of risks programmes to reinforce the integrity of judicial, law enforcement and government staff.

Develop and implement national anti-corruption plans, in connection with drug trafficking:

- create independent entities to investigate judges and prosecutors suspected of criminal activity;
- development of a network for judicial cooperation.
C. Law enforcement and judicial cooperation

Cooperation between the European Union and the Balkan States in the field of law enforcement and judicial cooperation will be in accordance with the UN standards and norms in criminal justice in particular: The Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988 Vienna Convention) and the measures to promote judicial cooperation (extradition, mutual legal assistance, transfer of proceedings, training and other forms of cooperation, controlled delivery, etc.), as adopted by the Special Session of the United Nations General Assembly (UNGASS).

Law enforcement agencies are in the forefront of the fight against drugs production and trafficking. For the drug abuser they are also often the first contact with official bodies. The effectiveness of Law Enforcement Agencies, as well as of the supporting Forensic Laboratories is crucial in combating the criminal aspects of drugs.

The judicial system in the countries of the region must have a consistent approach to offenders, so that the level of penalties does not negatively influence efforts against trafficking and associated offences by creating weak links within and between countries.

In this context the Partners will consider:

- support for operational projects aimed at combating the supply of drugs and the disbanding of organised criminal groups involved in drug trafficking;
- support for the modernisation of law enforcement agencies and operating methods (strategic and operational analysis of information, risk analysis, investigative procedures and the collection, analysis, exchange, dissemination and use of information, promotion of a uniform statistics model for seizure of drugs);
- support for the improvement of cross-border security measures including an integrated border management strategy at airports, ports, railways and roads, particularly at transport bottlenecks, through projects and programmes;
• promotion of inter-regional cooperation between law enforcement agencies, including the exchange of information and operational cooperation;
• increasing the exchange of information between law enforcement agencies in the European Union and the Balkans
• support modernization, promotion of cooperation and exchange of information between the Forensic Laboratories of E.U and the Countries of Western Balkans (Stabilisation and Association Process Countries) and Candidate Countries (Bulgaria, Romania and Turkey)
• developing a Drugs network on information exchange on drugs between the European Agencies, namely EUROPOL and Eurojust and the local Agencies involved in the fight against drugs trafficking;
• organizing joint high impact operations to fight against drugs trafficking along the Balkan Routes in the Region, making full use of EUROPOL and of other regional initiatives if legally possible;
• encouraging and facilitating the inter-agency cooperation (Police, Customs, Justice);
• promotion of the use of the "controlled delivery" technique as well as other special investigative methods and the introduction of national legislation where necessary, and the promotion of training and support for law enforcement and judicial bodies;
• supporting decisive action against individuals and criminal gangs including asset seizure and specialised court chambers to try drug cases and other serious crimes
• development of a network for judicial cooperation;
• development of national drug law enforcement focal points including drugs coordination units and the creation of national centres for documentation, information and communication on drugs;
• development of an exchange of information system for new synthetic drugs in the Western Balkans (Stabilization and Association Process Countries) and Candidate Countries (Bulgaria, Romania and Turkey), similar to that established under the provisions of the Joint Action of 16 June 1997 on new synthetic drugs.
D. Precursor and essential chemicals control

All measures developed within the framework of this Action Plan must be in conformity with Article 12 of the 1988 Vienna Convention and the measures introduced by the Political Declaration of the UNGASS. In their implementation, the International Narcotics Control Board (INCB) plays a specific role.

By their very nature, precursors can be difficult to control, as most are needed for legitimate and widespread uses. The juridical and technical assistance offered by the European Union particularly within the framework of the PHARE Program is very useful to the Balkan States.

Customs services, together with the licensing services and the police, have major roles in fighting precursor diversion by:

- ensuring appropriate prior screening of precursor shipments before these leave their customs territories;
- collecting and analysing information to create intelligence and thus anticipate diversion trends;
- sharing information at the national, regional and international level.
- encouraging and providing of assistance to the Balkan Countries for the conclusion of MOUs with the Chemical Industry, in order to prevent the diversion of precursors chemicals to the illicit manufacture of drugs and psychotropic substances and the identification of suspicious consignments;
- setting up a list of competent authorities and a network of persons responsible on the control of precursors, which will be updated regularly;

Support could be granted to:

- providing training to officials in the Balkan States responsible for precursor control in the administrative and law enforcement arena. Such training, preferably backed by appropriate legislation, should particularly embrace assistance in precursor control legislation and forensic techniques to fight precursor diversion (the role of EUROPOL could be of particular importance);
• strengthening national and regional systems for controlling precursors, principally in relation to information, such as mechanisms for estimating production capacity as regards controlled substances, amounts actually produced, and the needs of legitimate industries;
• promoting the exchange of information and further development of systems for surveillance and investigation of forms of diversion, with particular emphasis on the activities being developed by regional bodies;
• promoting the exchange of practical experience in the field of precursor control with a view to facilitating more effective cooperation both in the region and with the EU;
• advise on legal and operational surveillance mechanisms to avoid diversion and trafficking of precursors;
• law enforcement agencies in fulfilling their role.

E. **Money laundering**

The following concrete measures could be envisaged:

• support for activities to combat money laundering and the identification, freezing, seizure and confiscation of the proceeds of the production, distribution and trafficking of drugs;
• high-level commitment to combat money laundering in particular as regards the engagements made at the London Conference of 25 November 2002;
• implementation of the FATF (Financial Action Task Force on Money Laundering) recommendations and of the current EC legislation, as well as assistance in developing legislation and in establishing Financial Intelligence Units (FIUs);
• in implementing the recommendations resulting from Moneyval evaluations on Money Laundering within the framework of the Council of Europe;
• the provision of appropriate training to the public, banking and financial sectors;
• organisation of seminars with the assistance of EUROPOL on financial analysis, analysis of financial transactions and money laundering;
F. **Demand reduction**

The international illicit drugs market is dependent on demand. All programmes and actions under the present Action Plan will be based on the declaration on the guiding principles on demand reduction as adopted by the UNGASS as well as on its corresponding Action Plan. In addition, the EU’s and Member States’ experience in the field of demand reduction as well as the analysis and experiences of the EMCDDA, and the objectives laid down in the EU Action Plan on Drugs 2000-2004 might be used as a valuable basis for cooperation and as a source of inspiration.

Special attention has to be given to the problem of synthetic drugs, of heroin, cocaine and crack cocaine. The form and scale of addiction has been accelerating into new sectors of the population. This is particularly true among the young and urban dwellers.

Much of the growth in demand is related to lack of education and economic development as well as social deprivation and wrongly transmitted role models. Tackling the growth in demand requires a fresh look at its source. Social policies, which advocate alternative activity, the provision of targeted education to the young and especially vulnerable, and not least activities which counter the social pressures to become a drug abuser.

Suppliers and traffickers also create demand, not least by paying in kind the individuals involved in smuggling and distributing, thus developing pressures to sell these illicit products locally. Economic and social development, whether or not aimed specifically at the reduction of demand for drugs, can have a significant impact on drug demand.

**Specific activities under this plan might include:**

- support for demand reduction activities, targeted on high risk populations (Roma, drug addicts in prison e.t.c)
- support for risk reduction
- exchanging information on indicators of the use and abuse of drugs as well as their impact on health and society;
• bilateral and multilateral initiatives aimed at curbing the supply and demand of synthetic drugs, both within the E.U and within the Western Balkan Countries (Stabilisation and Association Process Countries) and the Candidate Countries (Bulgaria, Romania and Turkey)

• support for prevention programmes;

• exchange of information on early intervention and prevention programmes through the existing channels, for example through the EMCDDA and the REITOX network;

• establishment of rehabilitation centres for drug addicts;

G. Sharing best practises

Furthermore, the interchange of experience, knowledge and practice gathered in both regions on the reduction of supply and demand should be promoted.

H. Financing and follow-up

Member States and the European Commission consider the financing of drug projects a priority in their cooperation efforts.

Financing for the initiatives contained herein will be provided by the bilateral cooperation programmes and the European Union’s CARDS and other budget lines. Co-financing will be sought from beneficiary countries, as well.

Every year partners agree on priorities of the Action Plan based on an assessment of the cooperation and the situation in the region.