Council conclusions on cooperation between the EU and Eastern Europe in the field of drugs

3135th JUSTICE and HOME AFFAIRS Council meeting
Brussels, 13 and 14 December 2011

The Council adopted the following conclusions:

"THE COUNCIL OF THE EUROPEAN UNION,

RECALLING

- the EU Drugs Strategy 2005-2012, which calls for a drug-related assistance to European Neighbourhood Countries (ENP) in order to enable them to be more effective in drugs demand, drugs supply reduction and in the prevention and reduction of drug-related health and social harms¹;
- the EU strategy for combating HIV in the EU and in the neighbouring countries, which aims at reducing new HIV infections across all European countries by 2013²;
- the EU Drugs Action Plan 2009-2012, in particular Action 61, which calls on Member States and European Commission to improve the dialogue on drugs with European Neighbourhood Policy (ENP) countries in a bilateral or regional context and Action 30, which invites Member States to use the existing drugs profiling system³;

¹ 15074/04 CORDROGUE 77 SAN 187 ENFOPOL 178 RELEX 564
² COM(2009) 569 final
³ OJ 2008/C 326/09
- the Commission Communication “Towards a stronger European response to drugs”\(^4\) and the Joint Communication from the High Representative of the EU for Foreign Affairs and Security Policy and the Commission “A New Response to a Changing Neighbourhood”\(^5\) which confirm that strengthening relations with the ENP partners remains a priority for the EU;
- the Commission Communication on cooperation in the area of Justice and Home Affairs within the Eastern Partnership, and in particular chapter 3.4, which underlines the need for efficient cooperation with countries in question in the field of tackling illicit drugs\(^6\);
- the European Pact against synthetic drugs\(^7\);
- the European Pact to combat international drug trafficking – disrupting cocaine and heroin routes\(^8\);
- the EU Strategy for the Baltic Sea Region\(^9\) and the Action Plan\(^10\) especially its Flagship 15;
- Council Conclusions on the creation and implementation of an EU policy cycle for organised and serious international crime\(^11\);
- Council Conclusions on setting the EU’s priorities for the fight against organised crime between 2011 and 2013\(^12\);
- the recommendations adopted during the EU-Eastern European conference “Combating drug crime” which took place on 26-27 October 2011 in Warsaw;
- the commitment taken by participants at the Second Eastern Partnership Summit on 29-30 September 2011 to strengthen cooperation in areas related to Freedom, Justice and Security, including the fight against drugs, as outlined in the Joint Declaration of the Summit\(^13\);
- the on-going work of the Integrated Border Management Flagship Initiative under the Eastern Partnership;
- the need for consistency with other areas of external cooperation, as part of the overall goal of strengthening the Eastern Partnership and stepping up its implementation.

\(^4\) COM (2011) 689 final
\(^5\) COM (2011) 303 final
\(^6\) COM(2011) 564 final
\(^7\) 15544/11 JAI 740 COSI 82 CORDROGUE 66 ENFOPOL 360 CRIMORG 184 JAIEX 111 UD 261
\(^8\) 8821/10 JAI 320 COSI 20 CORDROGUE 40 CRIMORG 79 JAIEX 39
\(^9\) COM (2009) 248
\(^10\) SEC (2009) 712
\(^11\) 15358/10 COSI 69 ENFOPOL 298 CRIMORG 185 ENFOCUSTOM 94
\(^12\) 11050/11 JAI 396 COSI 46 ENFOPOL 184 CRIMORG 81 ENFOCUSTOM 52 PESC 718 RELEX 603
\(^13\) 14983/11
BEARING IN MIND THAT:

- the threat posed by illegal drugs and recently also the potential new threat posed by new psychoactive substances\(^{14}\) both in the EU and Eastern Europe remains very high and requires a joint and comprehensive response;
- some of the Eastern European countries are important countries of transit for drugs arriving to the EU from Asia and - on the other hand - chemicals used to produce drugs being smuggled to Asia from Europe;
- the smuggling of precursors used for manufacturing narcotic drugs and other psychoactive substances between the EU and different regions of the world, including Eastern European countries, is a matter of growing concern. Effective international cooperation against the diversion of drug precursors, including so called pre-precursors, is of key importance to limit the illegal production of drugs. To that end, a bilateral agreement on drug precursors between the European Union and the Russian Federation which is currently being negotiated, and possible future negotiations with other Eastern European countries, would significantly contribute to this goal;
- although some progress has been noted, there are still major gaps in the area of prevention, harm reduction and treatment in the region, operational as well as legal.

UNDERLINING THAT:

- in order to effectively tackle the constantly evolving drugs market in Europe there is a clear need for an active dialogue with Eastern European countries with a special emphasis on promoting a multidisciplinary approach in regional cooperation (involving police, border guards, customs, tax authorities, prosecutors, coast guard, health authorities, etc.) and intelligence led policing on the basis of respective threat assessments;
- any kind of enhanced operational co-operation and exchange of data with the Eastern European law enforcement services shall be accompanied by the necessary and appropriate level of data protection, proper transparency and reciprocity;
- the development of research and monitoring tools in Eastern European countries based on standards recommended by EMCDDA shall be promoted and supported by the EU. This will result in comparable and compatible information being collected and will allow the creation of a global picture of the phenomenon in Europe;
- the importance of promoting the exchange of best practises on drug demand reduction.

\(^{14}\) New psychoactive substances are conventionally defined as new narcotic drugs or psychotropic substances which may pose a threat to public health comparable to illicit drugs, and which emerged only recently on the market and are not banned. The large majority of these substances are synthetic.
INVITES THE MEMBER STATES, THE COMMISSION AND THE EUROPEAN EXTERNAL ACTION SERVICE, AS APPROPRIATE

- To actively promote in Eastern European countries the development of drug policies which fully respect the human rights, human dignity, rule of law and the principle of proportionality in response of drug problem;
- to strengthen and streamline cooperation between the EU and Eastern European countries preferably by using existing structures for regional co-operation such as the Baltic Sea Region Task Force on organised crime (BSTF) in the field of information exchange on new trends and threats regarding narcotic substances;
- to take actions to enhance cooperation with Eastern European countries against the diversion of drug precursors, in particular to conclude the agreement between the EU and the Russian Federation on drug precursors, as soon as possible;
- to share good practices on the monitoring of trade in precursors with the Eastern European countries and the Balkans (i.e. to organize a seminar on drug precursors);
- to promote and, where relevant, support awareness-raising and provision of relevant information regarding emergence of new psychoactive substances;
- to step up operational cooperation with Eastern European law enforcement services, in full cooperation with CEPOL and EUROPOL, preferably via existing regional co-operation initiatives such as the BSTF and CARICC in order to disrupt drug trafficking, in particular the smuggling of heroin from Afghanistan, illegal production and trafficking of synthetic drugs and the new psychoactive substances, through - among others - the support for capacity building of relevant law enforcement authorities (police, customs, border guards) and in the area of the criminal justice system, including the judiciary, the prosecutors as well as penitentiary services;
- to encourage Eastern European countries to contribute to the functioning of the European Drugs Profiling System, and if needed, give support in strengthening their forensic capabilities in order to associate to the program;
- to promote and facilitate, in full cooperation with CEPOL and EUROPOL and using already existing infrastructure and facilities, training schemes in the field of combating drugs, in particular with regards to detecting, investigating and dismantling illicit clandestine laboratories dedicated for the representatives of law enforcement agencies from Eastern Europe;
- to foster the development of capacities in monitoring the drug situation, and establishing national drug observatories in the Eastern European countries in line with the agreed European standards developed by the EMCDDA;
to ensure that each of the above measures complements and does not duplicate operational cooperation being driven through the EU Policy Cycle for organised and serious international crime;
- to take measures to support Eastern European countries to develop and implement integrated and balanced national drug policies and integrated drug action plans, incorporating both demand and supply reduction;
- to encourage Eastern European countries to actively engage with civil society in the development, implementation and evaluation of drugs policy at national level,
- to promote in Eastern European countries the development and implementation of effective prevention programmes aimed at vulnerable groups, the provision of diverse and evidence-based drug treatment options as well as specialised health and social assistance aimed at reducing risk and harm among high-risk drug users, with special attention to the relationship between HIV/AIDS and injecting drug use to prevent HIV/AIDS epidemic among intravenous drug users and to minimise the risk for the general population;
- to support the strengthening of drug demand reduction by providing external assistance programs to support institution and capacity building, as well as support to enhance quality of services and evaluation;
- to continue commitment in Eastern European countries to providing external assistance programs to support institution building, training for law enforcement and prosecution services and demand reduction, wherever possible through adequate technical assistance;
- the Commission and the General Secretariat of the Council in close cooperation to review on a regular basis the progress and effectiveness of the initiatives, actions and processes developed as a result of these Council conclusions.

INVITES EUROPOL AND THE EMCDDA, AS APPROPRIATE

- to foster and facilitate the exchange of expertise on data collection, monitoring and analysis, including the Early Warning System – with due regard to regulatory requirements, at regional and local level along with the creation of an experts’ network;
- to consider the possibility of inviting representatives of the Eastern Partnership and the Russian Federation to collaborate with and participate in the meetings of the EMCDDA as appropriate, in order to exchange experience and discuss the contribution of monitoring and research in streamlining the effectiveness of anti-drug policy;

In the implementation of these Council conclusions, only existing funds and financial programmes will be used, without prejudice to the negotiations on the future financial framework."