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From:	General Secretariat
To:	Council
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Subject:	European pact to combat international drug trafficking - Disrupting cocaine and heroin routes

At its meeting on 14 April 2010, the COREPER agreed on the draft European pact to combat international drug trafficking - Disrupting cocaine and heroin routes, as set out in document 8495/10 JAI 294 COSI 18 CORDROGUE 38 CRIMORG 74 JAIEX 36 + COR 1.

Council is therefore invited to approve the above-mentioned pact as set out in annex.

EUROPEAN PACT TO COMBAT INTERNATIONAL DRUG TRAFFICKING – DISRUPTING COCAINE AND HEROIN ROUTES

The consumption of and increased trafficking in drugs continue to be a matter of concern for all Member States of the European Union and its Institutions. It is a major concern in terms of public order and public health.

The international drug trafficking situation prompts two observations:

- Organised crime networks involved in drug trafficking are transnational. They can adapt to the counter measures taken by individual States. The most effective response is to be found at the European level.
- EU Member States are affected by drug trafficking in different ways; they can all agree to join in countering these traffickings by taking specific measures, according to their geographical location, the extent of their resources and the intensity of the threats that in particular affect them.

These observations are the grounds for the Council's decision to conclude a European pact against international drug trafficking focused at this stage on cocaine and heroin. This project is a first step which should serve in the future as a model for the fight against other categories of drugs, primarily cannabis and synthetics. It is an integral part of the law enforcement aspect of the EU's anti-drug strategy (established in 2005) and the EU action plan for 2009-2012 that advocate a global balanced approach based on simultaneous reduction of supply and demand. It is a practical application of the Stockholm programme and of the European internal security strategy adopted by the Council. Its implementation must take place in accordance with relevant EU and national law, especially that on data protection.

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The European pact to combat international drug trafficking shall be based on the following principles:

1. We shall be committed to reinforce political coordination between Member States, the Institutions of the European Union and the relevant European agencies, in particular with Europol and Eurojust. Our aim is to ensure coherence of action both inside and outside the European Union against drug trafficking.
2. We shall make the best possible use of our resources. We shall bring together more specialised services of Member States in operational networks, which shall be based on the existing multilateral structures for information exchange including Europol and Eurojust, according to their respective competences. We shall make use of existing groups of high-level experts whenever necessary.
3. We shall « share our tasks » within the European Union. In this way, groups of Member States and the Commission can unite their efforts and give priority use of their resources to the kind of combat they are best equipped for, while benefiting from the actions carried out by their partners against other forms of trafficking. For example, the experience of Member States in tackling the trafficking in cocaine in the Western route and the equivalent for those Member States in tackling the trafficking in heroin on the Eastern route should be capitalised upon.
4. We shall take into account the situation and needs of the source and transit countries and shall work in partnership with them. We shall involve the EU's major partner countries outside the EU as well as UNODC and Interpol. Accordingly, we shall take these elements into consideration when defining the European policies towards these various third countries. This cooperation should be consistent and in synergy with the EU external and enlargement policies and structures.

5. In the first instance we shall choose to focus our action against cocaine and heroin. Other types of drugs (synthetic drugs, cannabis) will be the object of forthcoming initiatives. A comparable initiative concerning synthetic drugs will be launched in 2011, together with the Commission, in order to establish a common approach among the States most affected in particular in terms of information sharing and specialised training, to combat the diversion of chemical precursors and to intensify regional cooperation between Member States as well as partnership with relevant third countries. Furthermore a similar initiative on tackling cannabis will be envisaged.
6. We shall decide to combine this targeted action with a two-fold common undertaking. Within the Union we shall examine and improve where appropriate the instruments indispensable to strike at traffickers by means of their criminal earnings. We shall also support the development of comparable instruments in third countries.
7. We shall be resolved to fight against drug trafficking in order to deal a severe blow against the criminal organisations that are major threats to our civil societies as well as societies of origin and transit countries, by reason of their versatility, their disposition to violence, their available resources and their trans-national nature.
8. We shall encourage Member States to closely cooperate in order to enhance external border control with a view to prevent illicit drug trafficking into the EU.

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Accordingly, this European Pact shall be hinged on three main commitments:

I – Disrupting cocaine routes

- The regional information exchange centres set up in West Africa at Accra (Ghana) and Dakar (Senegal) shall become a special instrument in the combat against cocaine trafficking, as part of a common action by the European States and the EU Institutions on the Atlantic coast and the Mediterranean. In this regard:
 - their resources and their capacity to work together shall be reinforced (target: September 2010);
 - their functions shall include exchanging intelligence between partners, providing expert advice to improve the effectiveness of local investigations and supporting the assistance and cooperation policies with the transit countries in West Africa (target: as from September 2010);
 - the information exchange centres shall be linked to each other, to MAOC-N and CECLAD-M by means of a secure ICT network put into place by Europol under the authority of the Member States (target: January 2011);
 - Europol’s Secure Information Exchange Network Application (SIENA) shall be used by Member States in the regional centres in the form of a SIENA terminal (target: as from January 2011);
 - in order to improve the flow of information, Europol shall liaise with the regional centres within the applicable legal framework (target: 2010-2011).

These initiatives will be implemented keeping in mind upcoming evaluations of regional information exchange centres.

- Europol shall provide analytical support to the participating Member States in the regional centres under different forms:
 - On the basis of the first Organised Crime Threat Assessment – West Africa (OCTA-WA) that will be updated, if needed, strategic analysis included in the OCTA shall be made available and complemented by customised “threat notices” (OC-SCAN) (target: September 2010);
 - in parallel operational analysis shall be provided by using specific “target groups” within the existing analysis files such as AWF COLA (target: January 2011).
- Information exchange between Europol and CSDP missions in West Africa (notably EUSSR Guinea Bissau) shall be explored carefully as a way forward to support capacity building of the local authorities.
- The combat against drugs shall remain an important element of the external relations between the European Union and key countries:
 - In full coherence and synergy with EU other external policies, partnerships with source countries (South and Central America) and transit countries (West Africa) and the main partners of the EU (notably the United States) shall be reinforced and their operational aspect developed (target: 2010-2012);
 - regular contacts with the relevant international information exchange structures, such as the JIATF in Key West, shall be established within the applicable legal frameworks (target: as from September 2010).

- Following the philosophy of regional partnerships and shared efforts, technical assistance to source countries (Latin America and Caribbean) and to transit countries (West Africa) shall be intensified and coordinated.

In this regard, the strategic and concerted action to improve cooperation in combating organised crime originating in West Africa included in the action oriented paper adopted by the Council on 22-23 April 2010, as well as the EU-LAC coordination and cooperation mechanism on drugs shall be the reference framework:

- cooperation activities led by EU Member States and the Commission in training to the fight against illegal drug trafficking shall be made coherent in order to avoid duplications and to cover possible gaps (target: to be effective as from 2011);
 - to this end, an ad hoc flexible and consultative mechanism shall be set up to coordinate the technical assistance activities destined to West Africa, in association with the Commission and in accordance with the conclusions adopted by the Council on 30 November 2009 (target: 2011). This should be done in full respect of the EU financial instrument's rules and procedures;
 - technical assistance activities shall meet the needs and priorities expressed by the countries of the region in the framework of the Regional action plan adopted by ECOWAS and supported by the Commission and implemented also by UNODC (target: as from September 2010).
- Improve the efforts to prevent the diversion of precursors for illicit drug production in cooperation with the Commission.

- Skills and capacity of resources in terms of information and conducting sea interception and air intervention operations shall be improved:
 - a list of the resources and funding implemented by the Member States and the EU shall be drawn up and updated on a regular basis (target: 2nd semester 2010);
 - agreements shall be sought with the relevant third countries in the regions and some "flag States" to facilitate boarding procedures as provided by the United Nations Convention against illicit traffic in narcotic drugs and psychotropic substances 1988 (target: 2011-2012);
 - joint land, sea, river and air operations shall be developed (target: as from September 2010, as many operations as needed).

II - Disrupting heroin routes

- The Member States concerned by heroin trafficking shall adopt a common approach that takes into account the large variety of routes and partners involved. This common approach shall be built mainly on the Member States' liaison officers network and the EU delegations in the Balkans and other transit regions, building upon Member States and EU existing efforts:
 - the capacity and the relevance of the existing network shall be assessed according to operational needs (target: 2011);
 - the network shall be consolidated, as necessary, by the posting of additional Member States' liaison officers in the relevant third countries (target: 1st semester 2012);
 - information exchanges by liaison officers of EU Member States shall be strongly encouraged and the results, where appropriate, shared on the level of the responsible law enforcement agencies (target: as from September 2010, to be fully effective in January 2011);

- this approach shall involve, as necessary, the existing regional law enforcement cooperation agencies, such as SECI /SELEC in Bucharest and CARICC in Almaty (Kazakhstan) (target start from September 2010).
- Operational cooperation with the third countries concerned by heroin trafficking on the Balkans and Black Sea routes as well as cooperation with Eastern European neighbouring Countries shall be intensified as much as possible:
 - the States on the Balkan route shall take part, as necessary, in the projects led by Europol and in the feeding of its Analysis Work Files (AWFs) within the applicable legal framework (target: start from September 2010);
 - controlled deliveries and the use of undercover agents shall be carried out in suitable cases and in cooperation with the relevant third countries (target: to start 2011);
 - special techniques shall be used when appropriate for the surveillance of the heroin routes in cooperation with the relevant third countries (target: 2011-2012);
 - where possible and necessary joint investigations shall be conducted with the third countries concerned, if necessary within the framework of bilateral cooperation with these countries (target: 2011-2012);
 - initiatives shall be carried out by the European Union to increase information and know-how exchanges between Member States and the Balkan States concerned (target: as from the 2nd semester 2010).

- In full coherence and synergy with external and enlargement policies, partnerships shall be developed with some third countries whose cooperation is deemed essential, in particular those countries with a role to play in impacting on the drugs trade at source (target: 2011-2012).
- The technical cooperation activities led by Member States and the Commission with third countries concerned by heroin trafficking in the Balkans shall be better coordinated in order to avoid duplications and to share certain investments agreed by Member States; this should be done in full respect of the EU financial instruments, rules and procedures.
 - an ad hoc flexible and consultative mechanism shall be set up to coordinate the technical assistance to the relevant third countries, in association with the Commission (target: September 2010); This should be done in full respect of the EU financial instrument's rules and procedures;
 - with this prospect in mind, a schedule of cooperation activities led by the Commission and Member States shall be set up, distributed to the Member States concerned and analysed in order to improve the European Union's overall offer of cooperation (target: 2011, regularly updated);
 - The results of ongoing European projects shall be assessed and European projects should be supported and continued as necessary (target: 1st semester 2011, updated regularly).

- The role of Europol in the region shall be reinforced within the applicable legal framework as necessary:
 - the cooperation between Europol and the SELEC/SECI in Bucharest may be enhanced by Europol’s making available analysis capacities and by the posting of Europol representatives at the headquarters of SECI/SELEC (target September 2010);
 - Europol shall provide analytical support to the Member States concerned, including the liaison officers network, SECI/SELEC and CARICC, on the basis of the OCTA and in the form of customized “threat notices” (OC-SCAN) (target: September 2010);
 - Europol shall supply operational analyses to the Member States concerned, including the liaison officers network, SECI/SELEC and CARICC using the specific “target groups” in the existing Analysis Work Files like the HEROIN AWF (target: start from January 2011);
 - Information exchanges between Europol and the Common Security and Defense Policy missions (EUPM and EULEX Kosovo) shall be improved (target: start from 2011);
 - Europol’s Secure Information Exchange Network Application (SIENA) shall be used by Member States in the regional centres in the form of a SIENA terminal (target: January 2011).

- Countering the diversion of chemical precursors shall become a common priority of the Member States that are particularly involved in countering heroin:
 - Invite the Member States to support the Commission in its efforts to reinforce control and to address weaknesses identified in the European law on precursors by the evaluation report on the respective EC precursor legislation (target: end of 2011);
 - Improve the efforts to prevent the diversion of precursors for illicit drug production in cooperation with the Commission;
 - the special monitoring measures shall be continued, within the framework of the COHESION and PRISM projects (target : 2010-2011);
 - ongoing European projects, such as the EU's ISEC programme, shall be supported and continued (target : 2012).

- We reiterate the importance of an effective fight against drug trafficking, in cooperation with the EU Member States and also within the framework of the EU enlargement policy.

III – Countering the proceeds of crime

- Instruments allowing the identification of the proceeds of crime shall be reinforced within the European Union keeping in mind the ongoing evaluations:
 - Member States shall continue to take steps towards making their criminal asset recovery agencies rapidly operational, pursuant to Decision 2007/845/JAI of 6 December 2007, bearing in mind the recent financial Action Task Force best practice guidance in asset recovery and provide them with substantial means (target: end of 2010 at the latest);

- Member States shall undertake necessary steps with a view to identifying effective means of identification of crime proceeds (target: as from September 2010);
 - within the framework of Europol, cooperation of money laundering investigation units and other police services of the Member States dealing with money laundering should be strengthened and the added value of an informal specific network shall be examined (target: end of 2010);
 - Europol Information System (IS) and Analysis Work Files (e.g. SUSTRANS) should be used to process data and intelligence pertaining in particular to money laundering clandestine financial circuits linked to drug trafficking and identification of criminal assets. (target: 1st semester 2011).
- Eurojust shall, when requested by Member States, help facilitating execution of decisions pertaining to seizure or confiscation of proceeds of crime within the EU, whenever such facilitation is useful.
 - The EU should consider providing technical assistance to third countries willing to develop instruments for identification and seizure / confiscation and to adopt the necessary legislation to make them effective. This will take into account existing international initiatives (e.g. the UNODC/World Bank STAR initiative).
 - The Member States are encouraged whenever applicable to use the proceeds of seizure/confiscation and other similar measures, in accordance with national legislation, of criminal assets generated by drug trafficking to improve the fight against drugs, as much as possible and with full respect of the budgetary competences of the Member States:
 - Common goals shall be identified for Member States to attain within the EU (target: 2011).

Following the recommendations of the COSI, the JHA Council will periodically review the state of the implementation of this pact. The said pact will also be supplemented during future presidencies by complementary actions with regard to other drugs.
