



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 13 December 2010

17286/10

CORDROGUE 102

OUTCOME OF PROCEEDINGS

of: Meeting of the Horizontal Working Party on Drugs
on: 15 November 2010
Subject: Summary of discussions

1. Adoption of the agenda

The meeting adopted the agenda set out in document CM 5314/10 REV 1 with the addition of the following points under AOB:

- cooperation with Russia
- draft resolution for the 2nd CND
- Presidency of the ‘Pompidou Group’
- Paris Pact expert roundtable on precursors
- new call under the Prevention of and Fight Against Crime programme (ISEC)
- Schengen certificates
- HDG meeting of 21st December 2010

2. Information concerning the proceedings of other EU bodies

The Presidency informed the meeting that the Council Conclusions on the prevention and reduction of health and social risks associated with the use of illicit drugs in recreational settings, as set out in document 12847/2/10 REV 2 CORDROGUE 68, were approved as an A item by the Council of 9 November 2010.

The Presidency also referred to the AIRPOL project, which would be dealt with by the Law Enforcement Working Party (LEWP) on 17 November 2010, and explained the state of play regarding the 3 project groups set up to implement the European pact to combat international drug trafficking.

Furthermore, the Presidency informed that the matrix on West Africa would be discussed at the COSI on 24 November 2010, that COLAT (Latin American group) did not intend to tackle the coca leaf issue and that a draft country programme of UNODC on Iran (2011-2014) included 3 sub-programmes : illicit trafficking and smuggling, drug demand reduction and crime prevention.

3. Mephedrone: Commission proposal for decision

The COM presented its proposal for a Council Decision on submitting 4-methylmethcathinone (mephedrone) to control measures, as set out in document 15330/10 CORDROGUE 89 and stressed that its proposal was not based on the principle of precaution, but on the risk assessment. The use of the term “precaution” thus only referred to the need to carry out further studies. The COM also underlined that now that 15 EU Member States already controlled mephedrone, there was a need to take into account the differences existing between the legal systems and therefore recalled that there was an ongoing assessment on the Council Decision 20005/387/JHA as regards its functioning, its procedure and the efficiency of the duration of the procedure provided. The COM also informed that it will soon start drawing Conclusions that are to be presented in the first quarter of 2011. In this context, the COM gave a questionnaire to all delegates and the deadline to give their comments was fixed to the 26th of November at the latest.

Finally, confirming the informal views expressed at the last meeting, the HDG agreed on the proposal as set out in document 15330/10 CORDROGUE 89, which would be submitted to COREPER and Council for adoption.

4. Commission progress report on the EU Drugs Action Plan (2009-2012) and EMCDDA annual report on the situation with regard to drugs in Europe: presentation and conclusions

The Presidency informed the meeting that for the first time the Council took note at the ministerial level of the COM 2010 progress report (doc.15671 CORDROGUE 92 SAN 224 ENFOPOL 310 RELEX 912) and EMCDDA's annual report (doc. 11280/10 CORDROGUE 56 + COR 1). Meanwhile, they were also presented to the EP in the LIBE Committee and to the European press.

The COM explained to the HDG its 2010 progress review of the EU Drugs Action Plan (2009-2012) which covers 2009 and the first half of 2010 and explained that it mainly reflected the outputs of the activities undertaken because it came too early to make any impact analysis.

EMCDDA presented its annual report on the state of the drug problem in Europe in 2010 to the HDG and stressed the importance of defining priorities and on the need to study better what is on the market and how the drugs are going to the population. Moreover, there is still progress to be made in treatment, in prisons and in prevention and furthermore, the need to control and monitor internet was also raised.

On a delegation's question about the possible link between the economic crisis and a change in consumption patterns, the EMCDDA expert stated that there is no automatic link, but different reactions could be noted: either people having less money to buy drugs consumed less or people losing their jobs found refuge in drugs heading towards cheaper ones such as crack or others could be enrolled in organised crime to pay for their habits.

COM underlined that for many years, the EU objective was to put drug users under treatment, but now the focus is also put on the recovery and therefore on the quality of treatment and delivery as well as on the establishment of a psycho-social help which increases the chances for the cure.

The Presidency suggested to propose in collaboration with the COM and EMCDDA draft Council Conclusions on the two reports (doc. 17014/10 CORDROGUE 100 + COR 1), including their common points in order to identify priorities for actions.

5. Supply side indicators: conclusions of the conference on 20 to 22 October 2010 and Commission working document

In October 2010, the COM presented a working document on improving the collection of data on drug markets, drug-related crime and drug-supply reduction measures in the EU (doc. 14865/10 CORDROGUE 86 CRIMORG 176 ENFOPOL 283 STATIS 79) and its objectives were to steer further debate on an EU definition of the term ‘drug-related crimes’ as well as to contribute to the development at EU level of key indicators in the field.

Following the conference, the COM estimated that a bottom-up assessment was needed to determine the feasibility of certain actions. The EMCDDA therefore coordinated this work and informed that developments were envisaged such as the creation of three working groups (drug market, drug-related crime and drug-supply reduction) composed by experts for each thematic area. The outcome of their work would be presented in a consensus building conference that is to take place in the beginning of 2012.

6. Review of United Nations questionnaires: progress report

The EMCDDA informed that the intergovernmental expert group on data collection, which met in Vienna from 11 October to 13 October 2010, made improvements compared to the first questionnaire, notably on drug demand reduction and alcohol.

Within the framework of the consensus to be signed on 2 December 2010, the EU is expected to better organise the questionnaire with emphasis on the quantitative and qualitative data which represents the difference between factual data and expert opinion, and UNODC with EU’s support is willing to provide help to countries not having the ability to monitor data.

Since the data collection for the UN should rely on the same definitions and data as the ones of EMCDDA, it would be essential to establish a constant working synergy among drug monitoring centres in order to avoid divergent interpretations among the two institutions.

The Presidency pointed out that the implementation of the questionnaire would be discussed at the next HDG meeting so as to clarify issues.

7. Request by Bolivia concerning coca leaf

Regarding the coca leaf issue, the Presidency recalled the roundtable organised by the COM on drug issues in Bolivia, which took place on 13 October 2010, and where Bolivia introduced its new strategy regarding the fight against drugs and UNODC presented its position.

The Presidency explained that the reception held in Vienna on 28 October 2010 to gather all the countries willing to participate at the meeting of the “friends of the Convention”, had been limited to some exchange of information without any concrete results.

The Presidency indicated that it would explain the context as well as the EU’s interpretation of the proceeding at the dialogue with the USA on 17 November 2010. This would raise the political, legal and health elements of the EU position regarding Bolivia’s request.

8. Preparation for the political dialogue with the US (17/11): CM 5365/10

– agenda:

The meeting considered the agenda for the meeting with the USA and was informed that the COM would make a statement on the security situation in Mexico. Regarding the item relating to the EU and US strategies on alternatives to imprisonment, EMCDDA intervened suggesting to Member States to share the measures taken individually as EMCDDA is not able to quantify them and determine whether they are effective.

– matrix of activities in West Africa and Aircop project

The Presidency recalled the conclusions of the conference on West Africa they co-organised with Interpol on 30 September 2010 (doc. 15331/10 COSI 68 JAIEX 81 CORDROGUE 90 CRIMORG 184 COAFR 372), notably on the efficiency of EU’s intervention (€ 4 billion) in West Africa covering the fight against drugs, but also other fields such as organised crime.

The Presidency also informed the meeting of the proposals in document 16525/10 COSI 73 JAIEX 89 CORDROGUE 96 CRIMORG 201 AOAFR 411, which would be submitted to the COSI meeting on 24 November 2010, to improve the content, use and distribution of the matrix.

The COM stressed that working on the drug demand reduction should be given more importance and not only on operational field

9. Preparation for the technical committee of the EU/LAC mechanism (17/11): CM 5356/10

The meeting reviewed the agenda and was informed that the presentation on COPOLAD would be done by ES. The Presidency also noted that 25 LAC countries would participate, but that they were not ready to express a fixed position.

10. Other business: cooperation with Russia

- Cooperation with Russia

The Presidency informed that a new strategy on drugs was approved by Russia until 2020 and that a ministerial meeting between the EU and Russia about Justice and Home Affairs is to be held on 18-19 November 2010. The Presidency also stated that a joint declaration will include a paragraph on drugs, more specifically on Afghanistan and calling for the cooperation of high level experts. Furthermore, the group was informed that a senior police level meeting between Finland and Russia on cyber crime, human trafficking and drugs would be held on 25 January at Europol.

- Draft resolution for the 2nd CND

FI informed the meeting that it was preparing a draft resolution for the 2nd CND (DS 1893/10) on the improvement of laboratory services regarding the identification of drugs. The draft resolution would be submitted for discussion at the HDG meeting of 21 December 2010.

- Presidency of the Pompidou Group

FR informed the meeting that it took over from PL the Presidency of the Pompidou Group for the next four years. It was noted that 25 Member States (not UK and DK) are in the Group, that Serbia and Former Yugoslav Republic of Macedonia recently joined the Group and that the accession of Morocco was forthcoming.

- Paris Pact expert roundtable on precursors

The Presidency informed that the Paris Pact expert roundtable on precursors, held on 8 and 9 November 2010 was proactive and constructive since a number of recommendations were issued. FR welcomed the offer of Russia to host a ministerial meeting under the Pact of Paris.

- New call, under the Prevention of and Fight Against Crime programme (ISEC)

COM informed the meeting that it had issued a call under the ISEC programme for a study analysing the EU illicit drugs market and the responses to it. The deadline for application was 8 December 2010.

- Schengen certificates

The UK delegation explained that the UK recognises individual Schengen certificates provided for under Article 75 of the CISA which allows for travellers within the Schengen States to carry prescribed controlled substances that are necessary for their medical treatment provided they have “a Schengen certificate” - issued or authenticated by a competent authority of their state of residence. However, the UK wants to ensure that there is a robust system of verification so that UK citizens cannot take advantage of the certificates to circumvent UK laws. As there is no homogeneous system regarding the Schengen certificates, the UK disseminated a questionnaire to all the delegations in order to understand how Schengen certificates are issued and verified in individual Member States.

In this regard, the Presidency recalled that while the original purpose of the Schengen certificate was to enable old people to travel with their regular medication, problems arose when drug addicts started to use those certificates to cross borders with abusive prescriptions. The two main technical problems were the falsification of the certificates and the issue of the linguistic conformity since the form is to be filled in the national language.

- Proposal of items from the Presidency for the HDG meeting of 21st December 2010

- 1) Draft Council Conclusions on the Drugs Situation in Europe in 2010
- 2) The Pact of Paris
- 3) Bolivia’s request concerning coca leaf
- 4) Preparatory work of the Dublin Group meeting to be held on 24 January 2010