COUNCIL OF THE EUROPEAN UNION

Brussels, 16 May 2012

9988/12

CORDROGUE 32

OUTCOME OF PROCEEDINGS

of:	Meeting of the Horizontal Working Party on Drugs
on:	18 April 2012
Subject:	Summary of discussions

1. Adoption of the agenda

The agenda set out in document CM 2514/12 was approved with addition of the following points under AOB:

- Drug related developments in the UK;
- HU legislation concerning new synthetic substances.

2. Information concerning the proceedings of other EU bodies

- ***Financial programmes***

The Presidency informed the delegates about the state of play concerning drug related funding foreseen for the next financial period explaining that the Presidency came to a conclusion that drugs should be removed from the Justice programme and that all drug demand reduction issues should be addressed in Health for Growth programme while all drug supply reduction issues should be covered by the Internal Security Fund.

A representative of the COM expressed doubts about such an approach explaining that this might lead to gaps because of the cross-cutting nature of the drugs policy, as there were many horizontal aspects of the problem not falling purely under health or law enforcement. Another problem is that such an approach can lead to the competition for resources, where drug related issues would receive only the funding left from other priorities. Therefore the speaker expressed her conviction that there was room to fund the horizontal aspects of the drugs problem under the Justice programme while drug related health issues should be covered by the Health for Growth programme and drug trafficking, related to operational cooperation, by the Internal Security Fund.

A number of delegations echoed these concerns. Some delegations inquired if the transfer of the drugs issues to Health for Growth programme and Internal Security Fund would be followed by the appropriate funding. A few delegations asked the Chairman of the HDG to cooperate closely with other chairmen of working groups dealing with financial programmes and to report on the state of play at the next HDG. One delegation emphasised that the balanced approach enjoyed consensus and that it was not up to the technical groups to guarantee that EU was conducting a balanced drugs policy.

The Chairman promised to pass the above-mentioned concerns to the respective groups and encouraged the HDG delegations to coordinate nationally with their representatives in the working groups dealing with financial programmes. He also added that once the final version of the Health for Growth programme would be available, it could be examined and the drug-related issues which were left out could be dealt with then.

- ***Report on West Africa***

A representative of the GSC presented the annual report on the coordination of cooperation to "Combat serious and organised crime originating in West Africa", contained in doc. 8610/12, outlining the activities implemented and launched in West Africa in 2011. He informed the meeting that the document was endorsed at the COSI meeting on 11 April 2012 with a view to submitting it to COREPER/Council for approval.

A representative of the Commission noticed that they were working very closely with other EU institutions to restructure the West Africa matrix according to the lines of Praia action plan, so as to guarantee that the Praia action plan remained the basis of the EU actions in West Africa.

3. Preparation of the new EU drugs strategy

a) Draft Council Conclusions on the new EU drugs strategy

The meeting discussed the above-mentioned Council Conclusions contained in doc. DS 1262/12. A number of delegations welcomed the Conclusions and some delegations raised doubts about the obligation foreseen in them to make a report on the implementation of the EU drugs action plan in force at the end of each Presidency with some delegations advocating for a short presentation instead of a formal report. The Presidency explained that a formal report was not in their intention.

Some delegations noted that the horizontal role of the HDG should be further underlined and that discussion on financing drug related issues should be more clearly presented in the document. A few delegations also missed a reference to legal drugs, especially alcohol. The BE delegation noted that the necessity to have the strategy adopted by the end of the year should be stressed more. The delegations were asked to send their written comments to the Conclusions by 30 April 2012.

b) Practical arrangements

The Presidency informed the meeting about the deadlines and drafting process of the new EU drugs strategy, explaining that the strategy should be adopted by the European Council in December, meaning that the HDG should finalise its discussions in the second half of November and that the incoming CY Presidency would be supported in the drafting process by other Presidencies and the EU institutions in order to guarantee continuity.

4. ***Proposal to the EU Member States and the Commission for inclusion in the new EU Drugs Strategy and Action Plan***

A representative of the COM presented the EU Civil Society Forum on drugs, explaining that it was organised by the European Commission and currently consisted of 35 organisations working in the drugs field.

The representatives of the Forum noted that their organisation united members with sometimes diametrical ideological background, therefore reaching compromise was not easy. They presented a discussion paper, containing a number of recommendations for the drafting of the new EU drugs strategy, approved by all except for one (which believed the issue of alternative drug policy was not sufficiently addressed) members of the Forum. They expressed their satisfaction that civil society was increasingly involved in policy planning, implementation, monitoring and evaluation processes at the national and EU level and noted that this should be continued. However, it should be ensured that civil society organisations had access to funding mechanisms. Among other recommendations, they proposed putting in place a range of alternatives to custody for people with drug dependency, securing the human rights of people affected by drugs, adopting and effectively implementing the EU minimum quality standards for drug demand reduction and guaranteeing swift and easy access to a range of evidence-based services for people with drug problems aimed at reducing health-related harms (HIV, hepatitis and overdose). They also stressed that it was vital to continue the funding for drug-related services during the economic downturn, as according to the National Treatment Outcome Research project conducted in the UK, for each euro spent on services there were savings of ten euros on other costs to society.

The speakers also informed that 20 organisations argued for depenalisation and decriminalisation of drug possession for personal use, stating that incarceration of people who use drugs caused a number of negative health and social consequences.

5. Development of EU consensus on quality standards and benchmarks of prevention, treatment, harm reduction and rehabilitation

A representative of the Commission reminded the delegations that the results of the EQUS study were presented during the February HDG meeting and informed the meeting that further work would be done to make the implementation more practical and that a written proposal on minimum quality standards would be presented by the end of 2013. Answering to the concerns of delegations, the speaker emphasised that there was no intention to harmonise the standards in drug demand reduction, but rather to elaborate the minimum quality standards, which could help to improve the quality of the service.

6. EMCDDA-Europol 2011 Annual Report on the implementation of Council Decision 2005/387/JHA

A representative of the EMCDDA gave an overview of the above-mentioned report, contained in doc. 8431/12 CORDROGUE 17, informing the meeting that in 2011 49 new substances were notified to the early warning system for the first time, which represents the largest number of new substances so far reported in one year and that two thirds of these substances belonged to two families – synthetic cannabinois and synthetic cathinones. The speaker noted that in 2012 so far 13 new substances have been identified. He explained that monitoring of Internet shops was increased from 170 shops in January 2010 to 670 shops two years afterwards, which indicated a prominent role of the Internet in selling the new psychoactive substances, eve though the results of the last Eurobarometer study on drug use among youth, conducted in 2011, indicated the contrary.

A representative of Europol noted that the provision of Member States' law enforcement data to Europol should be improved, which would lead to a bigger number of new substances reported, and invited the law enforcement specialists in the Member States to report properly to Europol on the seizures of new psychoactive substances or unidentified substances.

The representative of the Commission informed the meeting that the proposal on the new legislation on new psychoactive substances would be submitted either before or after the summer holidays and that they were concluding an impact assessment on the new legislation.

7. 55th session of the CND

The Presidency reported on the 55th session of the CND held in Vienna on 12-16 March 2012 informing the meeting that 12 resolutions were adopted during the Session and that the EU co-sponsored all the resolutions. Some delegations mentioned a necessity to find an appropriate method for co-sponsoring the resolutions and noted that this method should be based on the content of resolutions and not other principles. The Presidency agreed on a need to hold a discussion on the principles of the co-sponsorship.

An issue of the participation of the NGOs in the CND session was raised and the Presidency emphasised the need to have clear rules whether NGOs need to consult with the Secretariat if they want to make an oral presentation during the session. The Presidency also mentioned that it should be up to the Presidency of the session and not up to the Secretariat to decide how many presentations the NGOs could make on each agenda item. The BE delegation noted that if NGOs presented their views, it had to be guaranteed that all the different views were represented.

8. Report on the EU-CELAC Technical Committee meeting

The PL delegation reported on the above-mentioned meeting held on 6 March 2012 (see doc. 8622/12 CORDROGUE 19 COLAT 12 AMLAT 15).

Considering the EU and CELAC proposals for the thematic debates during the forthcoming EU-CELAC High Level Meeting, it was proposed to choose the topics concerning synthetic drugs and new psychoactive substances, judicial cooperation and alternative justice. The delegations agreed with the suggested topics.

9. Preparation for the EU expert dialogue on drugs with Azerbaijan, Georgia, Moldova and Ukraine

The PL delegation presented the agenda of the above-mentioned expert dialogue to be held on 19 April 2012, contained in doc. CM 2445/12.

10. AOB:

- ***Invitation for international drugs conference in Lima***

The Presidency informed the meeting about the above-mentioned conference to be held on 25-26 June 2012, drawing attention to the fact that not all EU delegations were invited to participate in this conference. The conference should adopt a declaration prepared and negotiated beforehand, therefore the Presidency promised to try to coordinate the EU position on the draft declaration once it was available. Discussion concerning the possible participation in the meeting followed.

- ***Drug related developments in the UK***

The UK delegation informed the meeting that they had recently published an alcohol strategy, that they would be soon publishing a review of their drugs strategy and that the House of Lords had published an independent inquiry on the EU drugs strategy.

- ***HU legislation concerning new synthetic substances***

The HU delegation presented a new national law, which took effect on 1 April 2012, making it possible to put new synthetic substances (individual substances and their groups) under a temporary ban. Following this, the expert group is given one year to decide if the new substance should be placed under permanent control.