



Council of the
European Union

Brussels, 5 February 2018
(OR. en)

7916/01
DCL 1

CRIMORG 42

DECLASSIFICATION

of document: ST7916/01 RESTREINT UE/EU RESTRICTED
dated: 18 April 2001
new status: Public

Subject: LAW ENFORCEMENT AND ITS ROLE
IN THE FIGHT AGAINST DRUG TRAFFICKING
Report on the Grand Duchy of Luxembourg

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 18 April 2001

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PART I

1. INTRODUCTION

1.1. Luxembourg is the third Member State to have been evaluated with regard to law enforcement and its role in the fight against drug trafficking, pursuant to the Joint Action of 5 December 1997 establishing "*a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime*".

1.2. The evaluation

- Günter BRAUN
- João Manuel
- Claude GIL

This team, accompanied by the Luxembourg authorities, visited Luxembourg from 10 to 14 October 2004 to complete the questionnaire.

1.3. The evaluation meetings were held on 10 and 11 October 2004.

1.4. This report is based on the work of the Council on Drug Trafficking and the implementation in Luxembourg, in particular the organisational structure, legislation, international and national cooperation and at international level.

1.5. The report covers the areas of coordination and cooperation in the fight against drug trafficking.

It then proceeds to evaluate the effectiveness of these systems and make recommendations.

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General Secretariat

is to evaluate

trafficking, and

reference to

authorities both at

intelligence,

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PART II

2. GENERAL COMMENTS AND STRUCTURES ¹

2.1 Competent authorities – general comments

2.1.1. The "interministerial working party" ²

In the Grand Duchy the Government is responsible for the overall coordination of efforts in the fight against drug trafficking. For this purpose, the member referred to a coordination of combating drug addiction. The member is responsible for advising the member referred to a coordination of combating drug addiction. The member is responsible for advising the member referred to a coordination of combating drug addiction.

The task of the member referred to a coordination of combating drug addiction is to coordinate various aspects of the fight against drug trafficking. The member is responsible for advising the member referred to a coordination of combating drug addiction. The member is responsible for advising the member referred to a coordination of combating drug addiction.

As part of its overall coordination of efforts in the fight against drug trafficking (Public Prosecution Act of 28 April 1997), the member is responsible for advising the member referred to a coordination of combating drug addiction. The member is responsible for advising the member referred to a coordination of combating drug addiction.

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¹ This part of the report is mainly based on Luxembourg's replies to the questionnaire.

² The central coordinating body with responsibility for the coordination of law enforcement efforts in the fight against drug trafficking (Recommendation 1 of the Action Plan to combat Organised Crime of 28 April 1997).

The interministerial working party is composed of:

- two representatives of the Minister for Justice, i.e. a representative of the Public Prosecutor's Office and an official from the Ministry of Justice;
- two representatives of the Minister for Health, i.e. the chief medical officer from the Division for Preventive and Social Medicine and an official from the Department of Socio-Therapeutic Action;
- two representatives of the Ministry of the Family, i.e. an official from the Division for the social integration of childhood and family promotion and an official from the National
- two representatives of the Ministry of Education, Science and Research, one from the Department of Prevention of
- one representative of the Ministry of the Interior, one from the Anti-Drug and
- one representative of the Ministry of Justice, one from the ;
- one representative of the Ministry of the Interior, one from the Director of the

Since August 2001, the working party has held several meetings.

The interministerial working party is chaired by the Minister for Health.

It meets on a regular basis to discuss the measures to be taken to fight against drug addiction in the various fields in order to improve the effectiveness of the Department of Socio-Therapeutic Action and the national organization.

provide technical support for

its own.

information regarding the measures to be taken arising in this field in order to improve the effectiveness of the various industries and in various

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The interministerial working party devotes its efforts entirely to the coordination of measures between the various State departments active in its field of competence and between those departments and various NGOs working on prevention and treatment, the representatives of which it invites to meetings where necessary.

2.1.2. The "Centre for the Prevention of Drug Addiction"

At the proposal of the interministerial working party, a foundation called "Centre for the Prevention of Drug Addiction" was set up in 1995 with the primary aim of developing a national coordination mechanism for the prevention of drug addiction. The Centre for the Prevention of Drug Addiction was set up in 1995 with the primary aim of developing a national coordination mechanism for the prevention of drug addiction. The Centre for the Prevention of Drug Addiction was set up in 1995 with the primary aim of developing a national coordination mechanism for the prevention of drug addiction.

2.1.3.

On 17 March 2000, the Government adopted a law on the prevention of drug trafficking. The law provides for the creation of a national coordination mechanism for the prevention of drug trafficking. The law provides for the creation of a national coordination mechanism for the prevention of drug trafficking. The law provides for the creation of a national coordination mechanism for the prevention of drug trafficking.

The Luxembourgish authorities have been working in other countries in order to combat drug trafficking. The Luxembourgish authorities have been working in other countries in order to combat drug trafficking. The Luxembourgish authorities have been working in other countries in order to combat drug trafficking.

The transfer of the question of political agreement to the national level is intended to raise the level of political agreement. The transfer of the question of political agreement to the national level is intended to raise the level of political agreement. The transfer of the question of political agreement to the national level is intended to raise the level of political agreement.

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2.1.4. Directives

(a) Directives from the Public Prosecutor's Office

Guidelines setting out the priority objectives in the fight against drug trafficking have been drawn up by the Public Prosecutor's Office for the law enforcement agencies (Police and Customs). These directives contain inter alia quantified criteria leading to an assumption of trafficking in the various categories of drugs, and allowing consumption and personal need to be ruled out.

Specific guidelines for prosecutors in the basic law enforcement overall situation

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to explain the spirit of
the provisions of the law
developments in the

On the basis of law enforcement other, short

the law
investigations on the

These directives Criminal Procedure

of the Code of
1.

Because of the two countries

each is similar in

(b) Police

Service regulations

Internal Investigation

Department (drugs division) and the regional and local units in the fight against drug trafficking. Without prejudice to any other court decision, this is how the division of responsibilities within the Police is regulated.

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(c) Customs

At national level, the Anti-Drugs and Sensitive Products Division of the Customs and Excise Administration Directorate acts as a "management and coordination unit" for the specialised customs units responsible for criminal investigation missions in the fight against drugs. In this capacity instructions are addressed to the units concerned in the form of service guidelines.

2.2 Public Prosecutor's Office and Judges

2.2.1.

Although there are different types of criminal

with different

Five public prosecutors deal with crime, which

type of organised

They are in charge of serious crimes. Thus, they deal with violent crimes that cause damage to the economy and the environment. A dialogue between

not exclusive.

ficking and

st be pointed out

eight prosecutors

re is daily

2.2.2.

The Public Prosecutor's Office deals specifically with

n deals more

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Ad hoc consultations are held between the two Public Prosecutor's Offices insofar as the case requires.

The Public Prosecutor's Office in Diekirch does not deal with drug-related financial cases: they are referred to the economics and finance division of the Public Prosecutor's Office in Luxembourg.

2.2.3. Operational coordination

Operational
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2.2.4.

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These same coercive measures must be ordered by the investigating magistrate whenever the case of "flagrante delicto" no longer applies.

Telephone tapping may be ordered only by the investigating magistrate.

2.3. Police

The police have general competence to investigate drug cases.

The territorial divisions, together with the local drugs officers, deal with minor drug-trafficking offences.

At regional level, the criminal search and investigation divisions centralise information and deal with cases on a regional scale, and provide a link between local officers and the central unit of the Criminal Investigation Department.

At national and international level, the police have a number of units specialised in the investigation of large-scale

Thus, 11 of the 12 units are specialised in the investigation of drug-related cases.

As regards the fight against drugs, the Law of 17 March 2004

of large-scale

trained in

the fight against drugs set up by the Law of 17 March 2004.

2.4. Customs

The customs are specialised in their competence in the fight against the sale of drugs for consumption and

At regional level, the customs are specialised in fighting drugs traffic. In total, there are 12 units, of which 10 specialises in

combating drugs throughout national territory and particularly in combating

their competence in the fight against consumption and

specialised in fighting drugs traffic. In total, there are 12 units, of which 10 specialises in

³ For more information on the Fund, see point 2.1.3.

drug tourism. The Observation Unit is responsible for monitoring passengers and cargo at Findel airport, Luxembourg's only external border (the only regular passenger flights, excluding charter flights from outside the Schengen countries come from Zurich and London).

At national level, the Anti-Drugs and Sensitive Products Division of the Customs and Excise Directorate, composed of a total of eight officers, manages and coordinates the activities of the two units mentioned above.

2.5. Cooperation between competent authorities

2.5.1.

The Police l
1997 Action

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The Custom
Directorate,
Europol and
with Europe

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2.5.2.

Luxembourg,
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Anti-Drugs
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involved.

⁴ Recommendation 19 of the Action Plan to combat Organised Crime of 28 April 1997.

⁵ Recommendation 20 of the Action Plan to combat Organised Crime of 28 April 1997.

2.5.3. Operational cooperation between Police and Customs

Joint operations between police and customs may be decided on an ad hoc basis at the initiative of the Public Prosecutor's Office or of the departments concerned, although there is no established procedure for dealing with operational questions.

Thus, joint operations between the police and customs take place in the context of international cross-border operations against trafficking organised at regional level. They involve the judicial, police and customs authorities of Belgium, France, the Netherlands and Luxembourg. In principle, prior consultation of inspection units in the Netherlands and Belgium is required. The units do not only carry out joint operations in the Netherlands and Belgium, but also in France and Customs, as well as a

In principle, the units are equipped with the necessary equipment (e.g. tracker equipment, night vision equipment, etc.) acquired with the aid of the

Luxembourg, Belgian and

prior
line the formation
t only carry out
e Netherlands
ce and Customs,

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lance vehicle).

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operations.

2.6. Training

Specific training of law, legislation given by pro

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on officers, are
ustoms.

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In the case of the Police, officers of the central unit and the regional units take part annually in general and/or specialised training courses abroad, depending on the places and budget appropriations available.

Each year a course for local officers is organised by the Criminal Investigation Department. In addition, in-service training courses lasting several weeks are provided for these officers, within the Criminal Investigation Department.

Subjects covered in this training include legislation, the situation regarding the various types of narcotic drugs at national level and police search techniques. The training is coordinated internally with

Since 1999, operational

An analysis on 1 January. No analysis

In the case of Administrative Narcotics, narcotic drug shooting, or combating c

Public prosecutors but are instr

course covers

tered into force

exercise

training, on

training in

ers specialised in

training courses

2.7. Evaluation

Luxembourg does

assess whether

agreed decisions have been implemented, whether resources are used in an appropriate way and

whether all the mandatory procedures have been respected in drug trafficking investigations

PART III

3. INTELLIGENCE

3.1. Data banks

The Police and the Customs and Excise Administration currently have only a manual file, as no authorisation has

3.2 Use of intel

The law enforcement units (e.g. strategic units) use the intelligence

The specialised units use the following databases:

(1) systems set

(a) for the

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ons, administered
ies of the

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ie Computer

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(b) for the Police:

- INGEPOL, a police search system for particulars of natural persons and stolen cars, under the technical administration of the Computer Centre and with data input from the Grand-Duchy Police;
- a national file on vehicles, under the technical administration of the Computer Centre. Information is supplied by the Customs and Excise Administration and the Ministry of Transport;
- a file on companies under the technical administration of the Computer Centre.

– secutor at the
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(2) systems set

(a) for the

– ng information

(b) for the

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Furthermore, in the course of their investigations, the customs units specialised in combating drugs may consult the following databases:

- RILO (Regional Intelligence Liaison Office) administered by the WCO (World Customs Organisation) with the objective of disseminating customs information collected from all WCO members;
- BALKANINFO, administered by the German ZKA (Customs Crime Agency), containing information of seizures of drugs on the Balkan supply route (registration plates of vehicles used for fraudulent purposes. drivers' names. etc.):
- CARC information on seizures of drugs

3.3. Sharing int

3.3.1.

There is no agencies. In regular dial

aw enforcement course of the ment agencies.

It is apparer the flow of assured the both parties

at reciprocity in s Office has ence accessible to

In the absen national lev trafficking,

ities at the oms on drug However, there

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seem to be no legal or other restrictions (procedural or administrative) to the free exchange of crime data and intelligence relating to drug trafficking between specialised law enforcement authorities at national level (prosecutors, customs and police). For the exchange of data contained in a computerised database, the conditions imposed by the laws on databases are applicable.

3.3.2. At international level

– Police

Police servi
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n Member States

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When exchanging intelligence, the Luxembourg Customs and Excise Administration applies the appropriate provisions of the following regulations, conventions and agreements:

- (a) Convention on administrative and judicial cooperation in the field of regulations relating to the achievement of the objectives of the Benelux Economic Union, signed in The Hague on 29 April 1969 (Benelux cooperation);
- (b) Naples I Convention: Convention on Assistance between Customs Administrations, signed in Rome on 7 September 1967 (EEC cooperation);
- (c) Wiest in drugs;
- (d) Council of Ministers of the Community in the field of drug
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and th tween the latter
agricu toms or
precur the field of drug

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4. SPECIAL]

4.1. Financial in

In the Grant
proceeds of

igations on the

4.1.1. Customs

Investigators from the Customs and Excise Administration have no powers to carry out financial investigations in this connection.

4.1.2. Police

Financial investigations are carried out by specialised investigators from the Police Force on the basis of the following general laws:

- Amen addict t against drug
- Amen v of
- Law c 6 Dec on of criminal
- Law c organi d the fight against
- * id of betting on
- *
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or

- under the special powers as regards the handling of reports of suspect transactions assigned to the Public Prosecutor, who may order the non-execution of a transaction in respect of any financial undertaking which has provided serious evidence giving rise to the assumption that it is a money-laundering transaction (Article 40 of the law of 5 April 1993 on the financial sector).

4.2.2. Execution

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4.2.3.

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established in Luxembourg, it is evident that Luxembourg's investigators are not directly involved in the investigation into the primary offence committed abroad.

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4.2.4. Limited number of cases

Confiscations linked with drug trafficking are rare at national level; but where such cases occur, confiscation poses no problems. Given that the amounts involved are generally relatively small, their financial impact is difficult to put into figures.

On the other hand, Luxembourg points out that, as early as the late 1980s, it was keen to direct its resources towards the detection of money derived from trafficking taking place in other countries. This involves both support for investigations carried out abroad and research into and pro
territory.

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4.2.5.

Amounts de

Drugs and r

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Year
1994
1995
1996
1997
1998
1999

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Amounts seized in drugs cases (LUF):

Year	National cases	Requests for assistance
1994	87 238 520	72 355 233
1995		402 060 056
1996	358 624 894	16 011 279
1997		216 204
1998		291 824
1999		370 479

Amounts seized in

Year	for assistance
1994	
1995	566 797
1996	180 575
1997	779 690
1998	329 717
1999	256 635

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4.2.6. Problems in international cooperation

Luxembourg reports the following problems in international cooperation in financial investigations:

1. The exchange of soft information is found to be difficult in the absence of appropriate conventions;
2. The impact that financial intelligence has on competent authorities in other countries is often . . . r investigation.
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4.2.7. Exchanges of financial information between the competent law enforcement authorities ⁶

In addition to the general duty of discretion on all civil servants, Luxembourg law specifically lays down a duty of tax secrecy in the general law on taxation. Such tax secrecy is inviolable. There can be no derogation from the principle of confidentiality of tax information except where the taxable person gives prior consent, where authorised by legal provisions or where a general public policy interest is at stake.

Legal provi:
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⁶ Recommendation 29 of the Action Plan to combat Organised Crime of 28 April 1997.

4.3. Controlled deliveries

4.3.1. Legal basis – competent authorities

The legal basis for using the controlled delivery technique is twofold: the Vienna Convention of 20 December 1988 and the discretionary powers principle.

As indicated in the Europol Manual on Controlled Deliveries, the competent judicial authority is the Public Prosecutor's Office; authorisation is granted by the public prosecutor with

territorial competence. The competent authority will have the power to grant authorisation.

The deputy public prosecutor will be contacted on a 24-hour basis.

The request must be submitted to the competent authority in proper procedure.

For further information, see the Europol Manual on Controlled Deliveries.

4.3.2.

While in practice, authorisation is often granted on a last minute, not in advance, because of the need for flexibility in leaving evidence in place.

Whereas the current practice is to grant authorisation in advance, since Europol was set up in 1995, the focus has been on the fight against drug trafficking.

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However, cases of controlled delivery in which Luxembourg is directly involved are rather rare. The Luxembourg authorities reported that no controlled deliveries had taken place in 1999 and 2000.

Since Luxembourg law does not lay down any provisions on controlled money deliveries, such operations are not prohibited. However, Luxembourg cannot claim to have any practical experience in this area.

Luxembourg has no experience of so-called "cross-border" drug transactions, in the case where the d:

5. COORDIN

5.1. Cooperatio

5.1.1.

Day-to-day agencies co out of the or

The repre the need for which the C exchange of

by forwarding customs reports to the police. "Soft" information is never exchanged.

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forcement mation which is e.

: always stressed ents, without rtaneous fice fills the gap

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In practice, isolated "accidents" are almost unavoidable: a customs check carried out on all vehicles on a sensitive major road may lead to the arrest of a courier working for a certain organisation while he is committing an offence; that organisation may have been subject to covert surveillance and telephone tapping by the criminal investigation department for many months. Interception by the customs authorities in these circumstances could compromise an inquiry by another department.

Regular coordination meetings are convened by the Public Prosecutor's Office and have made it possible to adopt guidelines for facilitating cooperation and to define the respective responsibilities of the various departments. The exchange of information between the departments in Luxembourg, Belgium and the Netherlands is essential.

5.1.2.

Following the agreement between the business organisations, recourse to the courts is avoided. The economic operators have agreed on a protocol of cooperation.

This agreement was signed by the general aviation authorities and the members of the customs authorities to gather vital information on infringements.

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This was followed in June 1999 by the protocol of agreement with the airline Cargolux, aiming to promote cooperation and exchange of information in the field of air freight, so as to combat effectively infringements of customs legislation and in particular illegal trafficking in drugs and sensitive products.

Negotiations are under way with other economic operators.

5.2. Cooperation at international level

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In 1994, 1 444 telegrams (of 18 819 received) and 608 messages by post were sent to Interpol. During the same period eight requests were sent to Europol (245 requests received).

International exchange of information between police forces takes place on a daily basis. Exchange is often fast and satisfactory and takes place within the appropriate legal framework.

Exchange of information between the customs authorities of the Member States in matters relating to tax, drug trafficking and precursor products takes place daily in a rapid and efficient manner.

As regards cooperation with Europol, when Luxembourg is involved in an analysis project, the police services are passed on to the relevant Member State for technical assistance where necessary.

5.3 Liaison Office

Luxembourg has a Liaison Office in each Member State for the purpose of assisting in investigations.

Nor has Luxembourg special investigative powers between the

Member States.

For the purpose of investigations abroad.

The application of the law of the Member State is not a condition for the application of the law of the Member State. The application of the law of the Member State is not a condition for the application of the law of the Member State.

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PART VI

6. EVALUATION OF THE APPLICATION AND IMPLEMENTATION OF INTERNATIONAL COMMITMENTS IN LUXEMBOURG – CONCLUSIONS AND SPECIFIC RECOMMENDATIONS

6.1. General observations

6.1.1. The Luxembourg authorities are clearly careful to respond adequately to the questions put particularly particularly

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6.1.2. country and somewhat d problem see Luxembourg, laundering c

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Obtaining information from the banks in drug cases does not pose any particular problems because they are unable to invoke banking secrecy once a decision has been taken by an investigating magistrate. The Public Prosecutor's Office has the same powers in money-laundering cases. The police departments confirmed that in general their cooperation with the banks is excellent.

It is possible to confiscate direct or indirect proceeds of drug trafficking and to confiscate the equivalent of such proceeds.

6.1.3.
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⁷ The 1999 Annual Report is available on the Fund's website and contains information on finances and projects adopted: <http://www.etat.lu/FI/>.

6.2. Possible improvements

During their evaluation mission, the experts noted a few problems requiring special attention on the part of the Luxembourg authorities. Several of the suggestions below come from interviews with prosecutors, police officers, customs officers and representatives of the ministries. Their only purpose is to offer some lines of enquiry on the way in which Luxembourg could strengthen its anti-drug effort.

6.2.1. Structure

6.2.1.1.

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various services (see below). The experts invite Luxembourg to examine whether a much more elaborate structure should not be introduced to ensure coordination and communication between the three partners.

6.2.1.3. Several authorities complained of a dearth of human resources, particularly with an eye to initiatives targeting prevention and elimination of drug-trafficking. The experts invite Luxembourg to examine the situation in each department closely, particularly with regard to better coordination and communication between them (see below) and to increase staff where necessary.

6.2.1.4. The experts also learned that a bill on the prevention of drug addiction is under consideration in the relevant ministries. One of its effects would be to provide a legal basis for a pilot project for setting up reception and rehabilitation centres for drug addicts

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Office, Police, Customs) to establish guidelines for closer cooperation between police and customs.

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6.2.2. Legislation

At present Luxembourg has a population of 425 000, of whom 35% are foreign nationals. In addition, many people who work in Luxembourg do not reside there.

Yet the Public Prosecutor's Office cannot take action in the Luxembourg courts against a foreign resident for a crime committed outside the country. Of necessity, that influences how much cooperation Luxembourg can offer its partners in such cases. The problem is aggravated by the fact that many drug addicts residing in Luxembourg go to neighbouring countries for a specific situation, Luxembourg, for national jurisdiction in criminal matters.

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responsibility for Communications in 1999, the Grand Duchy's Police made a request for authorisation to establish a computerised database directly to the Minister with responsibility for Communications in the first quarter of 2000.



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The Ministry of Justice added that that request raised legal problems regarding compliance with the provisions on data protection, particularly the amended law of 31 March 1979 regulating the use of personal data in data processing, and was still under detailed consideration.

That state of affairs is all the more surprising in that the police took delivery of computer equipment for such a system a long time ago and finance for that equipment and for an employee's salary has been provided by the Fund to Combat Drug Trafficking since 1999.

The evaluators are not aware of any other Member State in a similar situation. The experts recommend remedying a situation with its European Union with its European Union

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No exchanges of "soft" information take place.

The Ministry of Justice informed the experts that it is for the Public Prosecutor's Office to set detailed rules for access to intelligence by the various law enforcement authorities involved in combating drugs. However, attempts to urge the customs authorities to introduce a system of direct communication of customs reports to the Criminal Investigation Department met with no success because the customs authorities insisted on reciprocal exchange of reports and the Ministry considered it impossible to guarantee that on account of the differences in competence.

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request of the prosecutor or the investigating magistrate in a judicial investigation, the reports are not normally sent to the Grand Duchy's police but go directly to the Public Prosecutor's Office or to the investigating magistrate. The experts call upon the Luxembourg authorities to examine the matter with a view to preventing a situation in which part of the information could not be shared internationally.

6.2.3.4. With regard to the exchange of "soft" information, the experts learned that there was no problem in exchanging such information through Europol provided that the Public Prosecutor's Office gave its consent. However, Europol assistance is rarely requested and the investigator within other countries' law enforcement systems. It is not possible to phone a foreign colleague in The Hague. There also are a number of activities and that gives rise to a need for assistance in Luxembourg. The police authorities in other countries are often more distant.

At international level, the exchange of information is a difficult area. It is not possible to send that the problem be solved.

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: Public communications of underlying cases e banks without

needing to refer the case to an investigating magistrate. If there is a warrant from the Public Prosecutor's Office, the banks may not invoke banking secrecy. The prosecutors confirmed that there is good cooperation from the financial sector. The obligation to report on transactions is very wide. The Luxembourg Public Prosecutor's Office has concluded memorandums of understanding with its Belgian and French counterparts and no problems have been reported in that respect.

- Luxembourg has, however, had problems in cooperating with German information

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6.2.4.2 Special investigative techniques

Telephone tapping is permissible for all forms of serious crime but must be ordered by the investigating magistrate. It is carried out by those in charge of the dossier and Luxembourg has very modern equipment. However, it is used infrequently mainly because of legal restrictions on using it (only if other means of proof cannot be used) and because it requires considerable resources.

There is no specific legislation in Luxembourg on special investigative techniques such as

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6.2.5.2. According to the Luxembourg authorities, drug trafficking problems arise mainly with dealers in certain districts of Luxembourg city and with transport firms at Findel airport. Police and customs activities target both these areas.

The airport is Europe's fourth air freight terminal. The experts were able to establish on the spot that the customs officers deployed on the ground are highly motivated and efficiently managed and would encourage the customs authorities to continue to operate in this manner.

The evaluators were astonished to find that there was no concerted action between police and customs in relation to road haulage, despite the heavy flow of cars and lorries and the two large service areas along the motorway which crosses the Grand Duchy. The experts

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officers under the Joint Action of 14 October 1996 providing for a common framework for the initiatives of the Member States concerning liaison officers. Luxembourg would certainly be interested in resuming these negotiations. The experts invite the competent authorities in Benelux to consider whether such an arrangement is still possible, perhaps on a bilateral basis.

The Luxembourg authorities drew the experts' attention to the fact that they often face a lack of interest by foreign authorities in investigating money-laundering offences. That lack of cooperation at international level inevitably leads to situations in which Luxembourg is obliged to release criminal assets confiscated in its financial institutions because of the inability to (the Member s recommend that out delay.

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⁸ A memorandum of understanding of 4 June 1996 on enhanced cooperation between the judicial and police authorities in Belgium, the Netherlands and Luxembourg.

PART VII

7. CONCLUSIONS AND GENERAL RECOMMENDATIONS TO LUXEMBOURG AND, WHERE APPROPRIATE, TO THE EUROPEAN UNION

The evaluation team has deemed it useful to make some suggestions to the Luxembourg authorities, while acknowledging that Luxembourg has already invested a great deal in fighting drug trafficking and problems relating to drug addiction.

The evaluation team has addressed the issues in order to improve the fight against

recommendations to the European Union in order to improve the role of the authorities in the

7.1 Recommendations

7.1.1. Preparation of the

role of the authorities in the preparation of the

7.1.2. Cooperation between the Member States and 6.2.4.1)

communication between the Member States see points 6.2.1.2

7.1.3. Whether the Member States meet the requirements of the 1988 United Nations Convention on Narcotic Drugs, as amended, and the outcome (see

be carefully examined to ensure that drug addicts meet the requirements of the 1988 United Nations Convention on Narcotic Drugs, as amended, and the outcome (see

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7.1.4. The evaluators recommend that the Luxembourg authorities examine whether, in the enforcement of sentences, Luxembourg could adopt a measure suspending at least part of a sentence on condition that the drug addict underwent medical treatment and psychotherapy (see point 6.2.1.5).

7.1.5. Luxembourg could consider the possibility of extending its jurisdiction in criminal matters to foreign nationals residing in Luxembourg for crimes committed outside the country (see point 6.2.2).

7.1.6. data on drug computerised

7.1.7. the law enforcement difficulty arising from various international and soft, between without ted via the

7.1.8. Action of 10 s under the Joint

7.1.9. available in study the police investigation that the means are ing effectively and ie main

7.1.10. special techniques point 6.2.4.1 authorisation of (see

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7.1.11. Luxembourg should examine how to improve checks on roads (see point 6.2.5.2).

7.1.12. Luxembourg should check that it has a sufficient number of qualified staff in all the competent authorities (see point 6.2.1).

7.1.13. The experts encourage the customs authorities to conclude memorandums of understanding with all the operators at the airport (see point 6.2.5.3).

7.2 Recommendations to the other Member States and the European Union

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List of persons met or from whom information was obtained

Tuesday 19 September 2000

Ministry of Justice

Ms Andrée

Ms Martine

Mr Pascal P

Mr Robert V

Dr Simonne

Ministry of

Mr Romain

Mr Charles

Mr Guy Wa

Mr Gérard L

Mr Robert S

Mr Roland C

sion,

Fund to Cor

Mr Jean Gu

Ms Andrée

Ms Martine

Palais de Ju

Ms Andrée Clemang, Ministry of Justice

Ms Martine Solovieff, General Public Prosecutor's Office

Mr Pascal Probst, Diekirch Public Prosecutor's Office

Mr Robert Welter, Luxembourg Public Prosecutor's Office

Wednesday 20 September 2000

Grand Duchy Police

Mr Romain Nettgen, Grand Duchy Police

Mr Charles Hamen, Grand Duchy Police

Mr Jeff Neuens, Grand Duchy Police

Mr Georges Neu, Grand Duchy Police

Mr Marc Colbett, Grand Duchy Police

Mr Silvain S

Ms Andrée

Customs

Mr Guy Wa

Mr Gérard L

Mr Robert S

Ms Andrée

Thursday 2

Ministry of

Ms Claudin

Ms Martine

Mr Robert V

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Establishment Plan of the Customs Anti-Drugs and Sensitive Products Division



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Motor Patrols (Circ. 212/STUP 11/04/94)

Attributions:

- (2)
- ✓ Chemical precursors and drugs
 - ✓ Chemical and biological weapons
 - ✓ Dual use
 - ✓ Strategic nuclear products
 - ✓ Surveillance, tailing (training)
 - ✓ Sniffer dogs
 - ✓ Internet
 - ✓ JCSO
 - ✓ Customs and Excise executive officer training
 - ✓ Controlled deliveries

- ✓ Registry
- ✓ Personnel management
- ✓ Vehicle management
- ✓ Management of supplies
- ✓ Technical supplies and equipment
- ✓ Technical interventions
- ✓ Mutual assistance
- ✓ Management of technical information – Balkans, etc.
- ✓ Controlled deliveries

- (3)
- ✓ EU customs cooperation
 - ✓ Customs cooperation operational experts
 - ✓ Drug trafficking (Ex Schengen-Stup)
 - ✓ JCSO briefing and debriefing
 - ✓ JCSO practical organisation
 - ✓ Paedophilia
 - ✓ (CIS 3rd pillar)
 - ✓ Controlled deliveries

JCSO = joint customs surveillance operations

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Central Services

Criminal Investigation
Department

Airport Control Service

Police Academy

Regional Districts

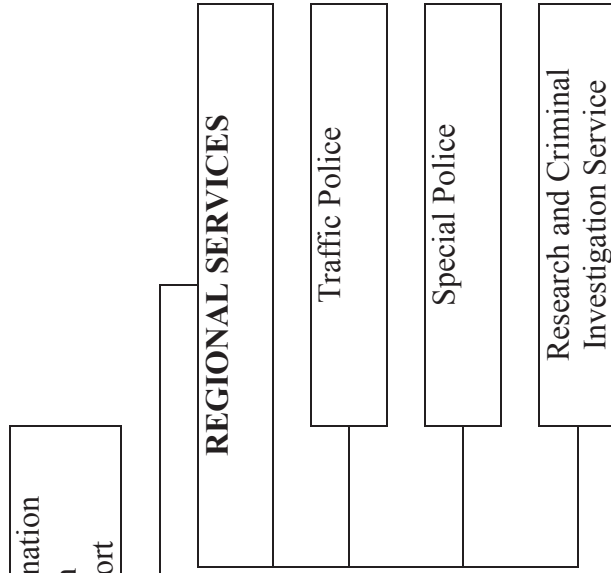
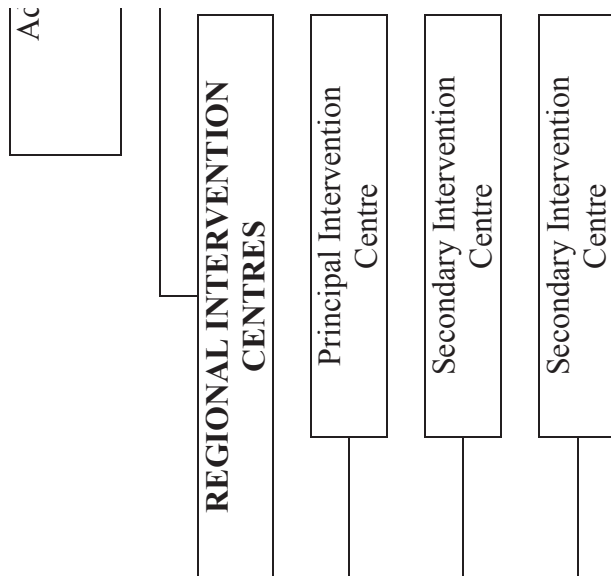
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Diekirch

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Organisation of the Grand Duchy Police Regional District

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CID Establishment Plan

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