



Brussels, 1 February 2018  
(OR. en)

15500/02  
DCL 1

CRIMORG 110

#### **DECLASSIFICATION**

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of document: ST15500/02 RESTRIENT UE/EU RESTRICTED  
dated: 12 December 2002  
new status: Public  
Subject: EVALUATION REPORT ON  
SECOND ROUND OF MUTUAL EVALUATIONS  
"LAW ENFORCEMENT AND ITS ROLE  
IN THE FIGHT AGAINST DRUG TRAFFICKING"  
REPORT ON FRANCE

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# RESTREINT UE



COUNCIL OF  
THE EUROPEAN UNION

Brussels, 12 December 2002

15500/02

RESTREINT UE

CRIMORG 110

EVALUATION REPORT ON  
SECOND ROUND OF MUTUAL EVALUATIONS  
"LAW ENFORCEMENT AND ITS ROLE  
IN THE FIGHT AGAINST DRUG TRAFFICKING"

REPORT ON FRANCE

# RESTRIENT UE

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## PART 1

### 1. INTRODUCTION

#### 1.1. General

Following the adoption of the Joint Action of 5 December 1997, a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime was established.

France was the fourteenth Member State to be evaluated as part of the second round of mutual evaluations concerning law enforcement and its role in the fight against drug trafficking.

#### 1.2. Persons involved in the evaluation

The examiners for the evaluation were Mr. Leendert H. Erkelens (Ministry of Justice, The Hague, Netherlands), Mr. Charles de Winter (Police Nationale, Brussels, Belgium) and Mr José Maria Lombardo Uvazquez (Fiscalía Antidroga, Madrid, Spain). This team accompanied by two members of the General Secretariat and one member of the Commission visited France for five days from 26 November 2001 to 30 November 2001.

#### 1.3. Programme

The programme of the evaluation team is at annex A. The list of the persons seen during the evaluation visit and from whom information was received, is at annex B.

#### 1.4. Preparation of the report

Following these meetings, the evaluation team prepared this report, with the assistance of the Council Secretariat, based on the observations and conclusions of the experts in the team together with the answers to the Questionnaire (Council document 12972/1/99 CRIMORG 171 REV 1) which the French authorities had provided. The principle purpose of this report is to evaluate the application and implementation at national level of instruments dealing with law enforcement and drug trafficking, of the resulting legislation and practices at national level and of international cooperation in the fight against drug trafficking. The evaluation seeks in particular to assess cooperation and coordination between different law enforcement structures and operational practices in them. The main focus of the evaluation is the practical day to day cooperation between different units both at national and international level.

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## **1.5. Structure of the report**

The report first describes the organisational structures, intelligence systems, special investigation techniques and methods of coordination and cooperation utilised in France in the fight against drug trafficking. The report then evaluates the effectiveness of these systems and finally, the experts draw conclusions and make recommendations.

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## PART II

### 2. GENERAL INFORMATION AND STRUCTURES<sup>1</sup>

This chapter sets out to describe the institutional and legal framework that is employed in France in the fight against drug-related crime.

#### 2.1. Government Structures

##### 2.1.1. *Interdepartmental Mission for the fight against drugs and drug abuse (MILDt)*<sup>2</sup>

Within the Prime Minister's Office, the Interdepartmental Mission for the fight against drugs and drug abuse (*MILDt Mission Interministérielle de Lutte contre la Drogue et la Toxicomanie*) coordinates government action and policies of 19 ministries in the domain of prevention, health and social care, law enforcement, training, communication, research and international exchanges. With the objective of promoting consistency in the work carried out by each of the respective players, it coordinates and supports the work of other state and private partners such as local authorities, specialist institutions, professional bodies, associations and players involved within society. At local level, it relies on project heads, designated by the Prefects, to coordinate intergovernmental action and create partnerships with local elected representatives or associations.

The *MILDt* not only prepares the government plans for the fight against drugs, and monitors the application of these plans, it also finances public interest groups, e.g. the *Observatoire Français des Drogues et des Toxicomanies (OFDT)* and *Drogues alcool tabac Info Service (DIS)*, a telephone service providing information and advice.

Budget and staff of the *MILDt* that is headed by a chairperson are also provided for from different ministries.

<sup>1</sup> This part is mainly based on the answers of the French authorities to the questionnaire.

<sup>2</sup> The information on the *MILDt* has also been taken from its website [www.drogues.gouv.fr](http://www.drogues.gouv.fr).

## 2.1.2. Drug policies

### 2.1.2.1. Coordinating process

The general guidelines for French policy in the fight against drugs and drug addiction are the responsibility of the *MILD'T* which, in conjunction with all the services involved both in enforcement and in prevention, prepares a three-year plan to fight drugs and prevent dependency. Several instruments have been established to facilitate the *MILD'T*'s objectives, both at central and at local level:

- the departmental agreements on justice and health objectives which propose alternatives to criminal proceedings in the form of guidance towards preventive mechanisms and treatment;;
- the departmental Steering Committees on drugs and drug addiction convening, under the responsibility of the Prefect, all departmental authorities (administrative authorities and associations) concerned by public policy on drugs;;
- departmental "drugs and drug addiction" project leaders, who are appointed by the Prefect in each department, coordinate all the departments and with them draw up a departmental plan to fight against drug and drug addiction;
- Information and Resources Centres on Drugs and Drug Addiction (*CIRDD*), which constitute a central point for all documentation on drugs and help set up projects to counter drugs and drug addiction.

### 2.1.2.2. Triannual plan to combat drugs

The government's triennial plan to combat drug use and prevent addiction 1999-2001 was drawn up following inter-ministerial consultations. According to the information provided by the *MILD'T* the plan takes account of the latest knowledge of all disciplines on drug addiction and has a strong emphasis on prevention. *MILD'T* monitors the plan in conjunction with the ministries.

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The plan's objective is to define priority goals for action and the means to achieve them.

## 2.1.2.3. Implementation of the plan in the law enforcement services

The plan to combat drugs is implemented by the Ministries' Directorates-General, coordinated by *MILD'T*.

### *Mission for the Fight against Drugs (MILAD)*

Within the Ministry of the Interior, the *Mission for the Fight against Drugs (MILAD)*, set up in 1995, serves as a coordinating body; it comes under the National Police Commissioner responsible for coordinating and guiding the policy of Ministry of the Interior directorates and services in the fight against drug use and trafficking and related money laundering. The *MILAD* also prepares the Ministry's preventive action. It proposes adjustments to strategy and means required. In conjunction with all the central directorates and services, it therefore helps define the Ministry's position in national and international bodies.

*MILAD* acts as the focal point or interface for *MILD'T*, within the National Police, and for all the administrations and legal persons covered by private law on matters relating to drugs. *MILAD*, however, plays no part at operational level.

*MILAD* has undertaken several steps to implement the *MILD'T*'s tri-annual plan, particularly with regard to fighting drug trafficking at local level. According to the information received this involves a combination of forces in order to achieve particular synergy effects;<sup>1</sup> the representatives of *MILAD* emphasised that the coordination arrangements at regional level did not, however result in a reduced commitment of the Ministry of the Interior in the fight against international drug trafficking.

<sup>1</sup> The experts were informed after the visit that in order to allow detailed implementation of multidisciplinary action, *GIRs* (Regional Action Groups) have been set up, bringing together not only the National Police and the National Gendarmerie, but also customs and authorities in the fields of taxation, competition, consumer affairs, anti-fraud, labour and employment. In the *Ile de France* region there is one *GIR* per department and on the rest of French territory *GIRs* have regional jurisdiction.

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*MILAD* promotes and coordinates the Interior Ministry's prevention drive mainly by targeting schools; to this end, partnerships have been created with the social and health sector.

### *Gendarmerie Nationale*

The General Directorate of the *Gendarmerie Nationale (DGGN)*, for its part, has set up an organised crime section within its criminal police office. This section, which is the focal point or interface for the *Gendarmerie* within *MILDT*, is responsible for working out principles for the use of units in the fight against drugs and drug addiction. While it does not intervene in operational activity (which is the domain of the *DGGN*'s "promotion/coordination" office), it takes part in all interdepartmental considerations and subsequently drafts directives for the various hierarchical levels.

Meanwhile, the "promotion/coordination" office is more specifically responsible for operational conduct of the most important cases and is capable of coordinating and providing the necessary back up for units that so request.

### *Customs*

Since 1997 the customs have introduced guidelines for control at two levels:

Firstly, customs have adopted a framework guideline for twelve priority sectors one of which is fighting drug trafficking, the main objective directed against traffickers and their networks; Secondly a national control plan, applying to all customs services throughout metropolitan France has been set up annually. The implementation at a regional level allows configurations to meet the specific characteristics of trafficking in a given region, while several regions are coordinated at interregional level.

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While all national control plans since 1997 have contained measures pertaining to the various routes of trafficking (for instance scrutiny on secondary airfields), customs attention for 2001 was focused on targeting drugs concealed in commercial freight and synthetic drugs. In contrast to other law enforcement services, customs aimed at directing its action at uncovering major drug trafficking in all forms of cargo transport, be it road, air, sea or rail, by means of inspections.

## 2.2. Legal Bases, Guidelines and Strategies

### 2.2.1. Legal provisions with regard to fighting drug trafficking

The general provisions dealing with counteracting drug crime are laid down in different French laws.

*MILD'T* informed the evaluation team that it had opened up a debate on possible avenues for updating legislation on drugs.

#### 2.2.1.1. Code Penal

The main provisions penalising drug trafficking and production are laid down in Articles 222-34 through 222-40 of the French *Code Penal* and entered into force in March 1994. The composite inventory of drug-related crime is penalised and the law prescribes high sentences for all kinds of delinquency associated with drug trafficking and production.

Under the Penal Code, the most severe criminal penalties are for trafficking in the context of organised crime. Articles 222-34 to 222-36 make provision for three crimes:

- Directing or organising a group for the purpose of drug trafficking;
- The illegal production or manufacture of drugs;
- The illegal importation or exportation of drugs by an organised gang.

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All the other drug violations laid down in the Penal Code (Article 222-36-1 to Article 222-39-1) are offences (the illegal transportation, possession, offer, supply, acquisition or use of drugs; facilitating the illegal use of drugs; using or accepting fictitious or bogus prescriptions; laundering the proceeds of drug trafficking; supplying or offering drugs to a person for personal consumption; non-justification of resources).

Lastly, Article 222-42 of the Penal Code establishes the criminal liability of legal persons for any of the above offences.

### 2.2.1.2. Law "Sécurité quotidienne"<sup>1</sup>

The most recent law, the "Sécurité quotidienne" law of 15 November 2001 introduced new measures on the authorisation to search vehicles, the protection of witnesses and new arrangements with regard to the communication of tax data to law enforcement services.

### 2.2.1.3. Public Health Code

The classification of toxic plants, substances and preparations as narcotics or psychotropic drugs is undertaken, in accordance with Article L 5132-7 of the Public Health Code, by decree of the Health Minister, acting on a proposal from the Director-General of the French Agency for the Safety of Health Products.

Such directives specify the table in which plants and substances are listed. Depending on the table, the preparations<sup>2</sup> containing the plants or substances are/are not themselves classified as narcotics or psychotropic drugs.

<sup>1</sup> The evaluation team was informed after the visit that from 29 August 2002, an Internal Security Guidance and Planning Law will allow the identification of various measures aimed at improving the efficiency of police investigations and stepping up the operational and legal means available to the security forces

<sup>2</sup> "Preparation" is understood to mean mixtures or solutions composed of two or more substances. Narcotics or psychotropic medicines constitute preparations.

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Customs officers derive their powers of inspection with regard to drugs from Articles 222-34 to 222-37 of the Penal Code but from the Public Health Code<sup>1</sup> and the Customs Code.

## 2.2.1.4. *Law 94-589 of 15 July 1994*

Law 94-589 of 15 July 1994 lays down the procedures for the exercise by the State of its powers of inspection at sea, amended by Law 96-359 of 26 April 1996 on drug trafficking on the high seas and adapting French legislation to Article 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, signed in Vienna on 20 December 1988.

## 2.2.1.5. *Circulars*

In the framework of the triennial plan to combat drugs, the Justice Ministry issued circulars, providing guidance for interpreting existing legislation so as to revamp strategies and adapt their implementation to a changed situation.

### *Circulars to the Prosecution Services*

In 1999 the Ministry of Justice issued two criminal law policy circulars<sup>2</sup> in an effort to combine law enforcement action to reduce supply with demand reducing action.

One circular deals with intensifying action against drug trafficking by improving coordination in criminal proceedings and stepping up the implementation of measures to target traffickers' assets. A practical memo of protective measures in relation to drug trafficking adopted under Article 706-30 of the Code of Criminal Procedure was attached to the criminal law policy circular.

Another circular<sup>3</sup> concerns the fight against drug-related crime and prevention aspects.

<sup>1</sup> Article L 5132-8 of the Public Health Code introduces a ban on the importation and/or exportation of drugs irrespective of their status (Community or not) and assigns the task of laying down the conditions for their use to decrees of the Council of State. Article L 5132-9 of the Public Health Code requires that Community narcotics be presented to customs. Article R 5173 of the Public Health Code is the regulatory article which enforces the ban, the principle of which is set out in Article L 5132-8.

<sup>2</sup> NOR JUS D 99 30090 C of 17 June 1999.

<sup>3</sup> NOR JUS D 99 00148 C.

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*Circulars concerning the Nord/Pas-de-Calais and French Antilles/Guyana regions*

On 5 May 1997, an interministerial circular was issued concerning the Nord/Pas-de-Calais and French Antilles/Guyana regions. This deals with the special features of these regions, which are particularly sensitive in terms of exposure to drug trafficking.

*Circulars to the Police Nationale*

Following government adoption of the first tri-annual strategy in 1999, the Ministry of the Interior issued a circular<sup>1</sup> specifying the field of action for the police services and priorities in the drugs sector. The *Police Nationale*, for instance, is prioritising its efforts in the fight against local and synthetic drug trafficking, thus implementing one of the *MILD'T*'s primary objectives, as well as one of the main topics of the EU Action Plan to Combat Drugs 2000-2004.

*Circulars to the Gendarmerie Nationale*

Within the *Gendarmerie Nationale*, directives have also been adopted and are updated as necessary to take account of legal developments or changes in crime patterns.

## 2.2.2. Cooperation with other authorities and NGOs

As part of their daily activity, customs officers maintain informal contacts with chambers of commerce and the business sector particularly airlines and shipping companies.

Within the framework of the WCO partnership programmes<sup>2</sup>, customs are also developing a programme known as Alliance of Customs and Trade for the Interdiction of Narcotics (*Douane et Entreprises Face au Trafic Illicite de Stupéfiants (DEFIS) – ACTION*). *ACTION* is based on protocols of agreement signed on a voluntary basis between trade associations and customs at national or local level. The purpose of these protocols is to reinforce cooperation in various areas (improved targeting of suspect consignments, specialist training courses for the staff of undertakings and customs services in contact with operators, etc.).

<sup>1</sup> Dated 11 October 1999.

<sup>2</sup> Since 1985 the WCO has signed protocols of agreement with 25 trade and international transport associations to fight drug trafficking.

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## 2.3. Competent Authorities

### 2.3.1. Central Office for the Prevention of Drug Trafficking (OCRTIS)

The Central Office for the Prevention of Drug Trafficking (*Office Central pour la Répression du Trafic Illicite des Stupéfiants – OCRTIS*) which forms part of the *Police Nationale*, has been in existence since 1953 and is the national body responsible for centralising and coordinating the fight against drug trafficking.

Some sixty police officers (both desk and patrol) make up the staff at *OCRTIS* head office, under the direction of a Chief Superintendent.

In particular, the tasks of *OCRTIS* are to:

- centralise all the information supplied by the enforcement services likely to facilitate the fight against drug trafficking,
- liaise with national services and services in other countries on matters relating to drugs,
- coordinate major investigations, controlled deliveries and infiltration operations initiated by the national police throughout French territory,
- Send staff abroad in connection with international operations.

*OCRTIS* has also set up a branch in Martinique to cover the French overseas departments in the Americas headed by a Superintendent.

*OCRTIS* includes representatives of the *Gendarmerie Nationale*, who act as liaison officers between the two administrations, in particular to facilitate exchanges of information.

In their answers to the questionnaire the French authorities indicated that customs representatives were soon to be detached to *OCRTIS*.<sup>1</sup>

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<sup>1</sup> The evaluation team was informed after the visit that a customs representative had been assigned to *OCRTIS*.

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Furthermore *OCRTIS* is supported by a network of fifteen liaison officers from the *Police Nationale* posted abroad and attached to the Technical International Police Cooperation Department (*Service de Coopération Technique Internationale de Police – SCTIP*) and by a central structure attached to the Criminal Investigation Department (*Police Judiciaire – PJ*) responsible for operational technical support during controlled deliveries and the planning of undercover operations.

All the other specialist structures within the Central Directorate of the Criminal Investigation Department (*Direction Centrale de la Police Judiciaire – DCPJ*) can, if necessary, be called upon by *OCRTIS* for overall treatment of a case, both to provide technical expertise and to complement work in the operational and judicial field. Partners include the Central Office for Combating Serious Financial Crime (*L'office Central pour la Répression de la Grande Délinquance Financière – OCRGDF*) and the office specialising in new technology crime.

### 2.3.2. *Police Nationale*

The *Police Nationale*, which comes under the Ministry of the Interior, and comprises some 158 000 officials including officers and administrative and technical staff, plays an important role in fighting drug trafficking and the prevention of drug use. At operational level, such missions are assigned to several of its directorates and their operational police forces in the field.

#### 2.3.2.1. *Central Directorate for Public Security (DCSP)*

The Central Directorate for Public Security (*Direction Centrale de la Sécurité Publique – DCSP*) has a staff of 81 000 police officers and administrative staff spread over 1 432 police stations and provides dense cover in urban areas. These officers have all-round experience and are organised in such a way as to deal with the drug problem in its entirety; their primary tasks are as follows:

- Liaising with citizens in the context of neighbourhood and community policing.

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- Prevention of local trafficking: within each police station a judicial section handles intelligence obtained, exploits it and initiates judicial proceedings for offences involving drug use or trafficking. Fighting local trafficking, the source of much neighbourhood disturbance, is a top priority for these police officers who have the requisite operational resources.
- Prevention as such is provided through action directed at young people in difficult neighbourhoods (Youth Leisure Centres) and awareness and information modules in schools targeting both pupils and adults. The 300 Police Anti-Drug Instructors (*Policiers Formateurs Anti-Drogue – PFAD*) have a long record of successful prevention work in conjunction with institutional or community partners. Their action is coordinated at local level with the preventive action undertaken in the public health and social sector.

### 2.3.2.2. *Criminal Investigation Central Directorate (DCPJ)*

The Criminal Investigation Central Directorate (*Direction Centrale de la Police Judiciaire – DCPJ*) has a diversified structure throughout the country so as to enable it to fulfil its role in counteracting organised drug trafficking.

As already mentioned above (cf. para. 2.3.1) one of the *DCJP* units is *OCRTIS*, which plays a decisive part as a central coordinating body, hence the interdepartmental structure. *OCRTIS* comprises several groups of investigators responsible for national or international investigations. They enjoy judicial competence for the entire national territory.

19 regional criminal investigation centres (*Services Regionaux de la Police Judiciaire – SRPJ*) cover the national territory and each has its own groups of special investigators trained to deal with specific features of drug crime, including financial aspects. They have the necessary technical resources and equipment to fight large-scale trafficking.

The Central Office for Combating Serious Financial Crime (*OCRGDF*) plays a complementary part in fighting drugs through preventing laundering of the funds and of the parallel economies generated by such trafficking.

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The other forces within the Police Nationale with specific duties in France also perform the tasks mentioned in this paragraph.

### 2.3.2.3. *Paris Police Department Services*

The Paris Police Department Services (*Services de la Préfecture de Police de Paris – SPPP*) perform the functions mentioned in 2.3.2.2 for the Paris area and its suburbs. The Paris Police Department is organised around the Directorate for Neighbourhood and Community Policing (*Direction de la Police Urbaine de Proximité – DPUP*) and the Criminal Investigation Services which include the Drug Squad (*Brigade des Stupéfiants – BSP*) and the Financial Crime Squad (*Brigade Financière – BFP*).

### 2.3.2.4. *Central Border Police Directorate (DCPAF)*

In border areas (including airports and seaports) the Central Border Police Directorate (*Direction Centrale de la Police Aux Frontières – DCPAF*) assume responsibility for the aforementioned tasks.

### 2.3.2.5. *Central General Intelligence Directorate (DCRG)*

Units of the Central General Intelligence Directorate (*la Direction Centrale des Renseignements Généraux -DCRG*) also contribute to the fight against drugs through their analysis and knowledge of urban phenomena, particularly in housing estates.

### 2.3.3. *Gendarmerie Nationale*

The *Gendarmerie Nationale* comes under the authority of the Ministry of Defence<sup>1</sup>. The fight against drugs is one of the major objectives of the *Gendarmerie Nationale*, which has an overall staff of 100 700, both military and civilian.

<sup>1</sup> The experts were informed that since May 2002, although the *Gendarmerie Nationale* remained structurally attached to the Ministry of Defence, for all non-military matters relating to security, it may be used by the Ministry of the Interior in order to step up coordination between forces and improve their complementarity.

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The appeal courts have investigation sections (30) in charge of large-scale criminal cases who maintain liaison with the national police Regional Criminal Investigation Departments (*Services Régionaux de la Police Judiciaire – SRPJ*). In addition, every *département* in France has a departmental *Gendarmerie Nationale* group (97 in metropolitan France) organised into companies (465) most of which have investigation squads (330) specialising in fighting small and medium-scale crime; they thus play an important part in fighting local drug trafficking.

*Gendarmerie Nationale* competence covers 36 000 communes in criminal investigation matters. At national level there is also a forensic science service, the *Gendarmerie Nationale* Criminal Investigation Institute (*Institut de Recherche Criminelle de la Gendarmerie Nationale – IRCGN*), and a Technical Criminal Investigation and Documentation Department (*Service Technique de Recherches Judiciaires et de Documentation – STRJD*), which, through their expertise and analytical capabilities, provide real support for units in the field.

For preventive work, the gendarmerie's Anti-Drug Training Liaison Officers (*Formateurs Relais Antidrogue – FRAD*) comprise a network of 480 specialists whose expertise is acknowledged by all the local actors. Their action is coordinated at local level with the preventive action undertaken in the public health and social sector. The objective of *FRAD* is threefold: a) to marginalise dealers by prompting rejection by potential clients, b) to reinforce teenagers' defences against the danger of drugs and to prepare parents to enter into dialogue with their children and c) helping them to spot the signs of possible addiction. The organisation is based on the versatility of units on the ground, with the support and back-up provided by specialist units, and thus has a coherent structure in which all the military in the institution are involved.

### 2.3.4. Inland Revenue/Customs

At national level, several customs services that come under the responsibility of the Ministry of Finance, Economy and Industry are particularly concerned with the fight against drug trafficking:

- The anti-fraud office within the Directorate-General of Customs and Indirect Taxes (*Direction Générale des Douanes et des Droits Indirects – DGDDI*) is responsible for determining policy on the fight against drugs trafficking in conjunction with the other services concerned. It also follows interdepartmental and international proceedings on drugs and has daily contacts with the operational level.

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- The National Directorate for Customs Intelligence and Investigations (*Direction Nationale des Renseignements et des Enquêtes des Douanières – DNRED*) whose activities fall into three main categories: gathering and processing intelligence, investigation, monitoring and coordination of operational relations with the Criminal Investigation Department (particularly the Central Office for the Prevention of Drug Trafficking) and with foreign customs services in the context of international mutual administrative assistance.

At local level there are no specialist services since all services that monitor and control commercial transactions take part in the fight against drug trafficking, as part of their overall task of customs clearance and monitoring movements of goods, persons and means of transport. The customs service has 180 sniffer dog teams trained to detect drugs.

Customs also has a large air and sea support and intervention capability (24 aircraft, 8 helicopters and 70 boats), making customs the largest civil force at sea. They also have technical back-up services: a network of 10 scientific laboratories as well as container scanners in Le Havre and Calais to check maritime containers (*Sycoscan*) and locate narcotics (*Ionscan*).

Customs take part in the activities of the Central Operational Police Cooperation Section (*Section Centrale de Coopération de Police – SCCOPOL*), an interdepartmental structure which is located in Nanterre on the premises of the Central Directorate of the Criminal Investigation Department (*DNPJ*) and comprises the SIRENE-France (Schengen) international police cooperation channels, the Europol National Unit and the Interpol National Central Bureau. Customs has seconded one official to this unit.

For customs, the central service that receives and handles all requests from abroad for information on organised crime in the customs field is *DNRED*.

# RESTRICTION

Customs officers are not empowered to lead an investigation on their own unless they form part of a joint team with the police.<sup>1</sup>

## 2.3.5. National Mission for Control of Chemical Precursors (MNCPC)

The National Mission for Control of Chemical Precursors (*Mission Nationale de Contrôle des Précurseurs Chimiques -MNCPC*) is set within the responsibility of the Ministry of Economy, Finance and Industry. It is an interministerial authority, staffed by members from customs, police and industry with the control of precursor flows and the collection of information on operators' suspicions as its main tasks.

## 2.4. Prosecution Services and Judges

### 2.4.1. Prosecution services specifically competent for fighting drug trafficking

In France the specific aspects of drug crime have led the Public Prosecutor's Offices, particularly the major ones, to assign magistrates to specialise in the area.

The role of a French Deputy Public Prosecutor involved in drugs matters comprises the following:

- Preparing and following up departmental agreements relating to the fight against drugs and drug addiction which are intended to step up health and social support for drug addicts facing charges.

<sup>1</sup> The French authorities clarified that pursuant to Article 28-1 of the Code of Criminal Procedure, established by Law 99-515 of 23 June 1999 ( French Republic Official Journal of 24 June 1999), some grade A and B customs officers may be required to carry out criminal police investigations at the request of the State Prosecutor or by letters rogatory from an examining magistrate. Such employees, designated by joint order of the Keeper of the Seals and the Minister for the Budget, may undertake inquiries to investigate and detect offences laid down in the Customs Code, offences relating to indirect taxation, offences relating to the counterfeiting of trademarks and any other related offences. Offences involving the trafficking of drugs or weapons, theft of cultural assets and the laundering of money resulting from these three categories of offence are, however, excluded. On the other hand, in relation to the investigation and detection of the latter offences, the State Prosecutor or the examining magistrate with territorial jurisdiction may set up temporary investigation units made up of authorised customs and criminal police officers.

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- Applying national criminal law policy circulars (two circulars of 17 June 1999 - one on the conduct of criminal proceedings relating to the fight against drug trafficking and the other on judicial solutions for drug addiction).
- Setting up specific mechanisms for coordinating action of all enforcement agencies called upon to intervene in matters relating to drug trafficking, in order to prevent overlapping investigations into similar offences.

To achieve this "conventions regarding particular law enforcement subjects" are adopted or interdepartmental cells to combat organised crime and money laundering, established. These are based on the sharing of information between the various law enforcement services engaged in fighting drugs and on the identification of clearly targeted subjects, that are defined on the basis of concrete information, thus allowing preliminary enquiries to be launched.

In their answers to the questionnaire, the French authorities stated that even though the specialisation of examining magistrates in the fight against drug trafficking remained marginal and simply constituted an organisational option in the larger courts, the procedural rules on declining jurisdiction and actual practice have created de facto specialisation.

### 2.4.2. *Coordination within the prosecution services*

The tasks of centralising information and coordinating enquiries devolving upon the *OCRTIS* are reflected at the central and regional levels of the prosecution services in the use of operational coordination arrangements in investigations relating to drug trafficking.

At national level the Ministry of Justice's Directorate for Criminal Affairs and Pardons coordinates and groups procedures through criminal policy circulars or coordination dispatches bringing related features of cases to the attention of the Principal Public Prosecutors and reminding them of the need to circulate information via any relevant coordination meeting between the prosecutor's offices concerned and the investigating services.

# RESTRICTION

At regional level, the Principal Public Prosecutors' offices, which receive a multiplicity of intelligence from a variety of sources, identify related features of investigations in progress which necessitate a grouping of procedures and make them known to the prosecutor's offices under their control through coordination meetings.

Such coordination may be inter-regional and may bring together the representatives of a number of Principal Public Prosecutors' offices.

Instruments exist to ensure procedural consistency. This can be safeguarded either by a) the prosecutor's office referring exclusively to a single magistrate or b) by different examining magistrates declining jurisdiction<sup>1</sup> for their individual but inter-related cases so that it can be transferred to one examining magistrate to guarantee that all aspects of the same trafficking are concentrated in one person's hands.

## 2.5. Training

### 2.5.1. Police Nationale

As part of their initial training, depending on the police service they are attached to, police officers of all echelons receive basic instruction relating to procedures and psychoactive agents.

After being assigned to a specialist structure, police officers have access to training relating to their tasks, provided on a topic-by-topic basis as continuous in-service training. Likewise, at a purely operational level, practical simulation exercises are organised for policemen in specific contexts such as controlled deliveries or undercover operations. In addition to such optional training, on-site sessions are organised with the police liaison officers known as Police Anti-Drug Instructors (*Policiers Formateurs Anti-Drogue – PFAD*) whose tasks include both furthering their colleagues' knowledge and promoting preventive action, especially in the school environment. To this end, they receive full training in drug matters and the programme will henceforth take account of concerns relating to the treatment and care of drug users. The *PFAD* have full training in drugs matters and the programme is being modified to allow fuller consideration of concerns relating to treatment and care of drug users.

<sup>1</sup> Under Article 663 of the Code of Criminal Procedure.

## RESTRICTION

In addition to the traditional repressive anti-drug curriculum specific training is now being provided for police officers that wish to specialise in preventive action, for young people or for adults.

The French authorities noted in their answers to the questionnaire that although the *OCTRIS* is acting as a centre for analysis in drug crime, the officers employed in this task did not receive any specific training in criminal analysis.

### 2.5.2. *Gendarmerie Nationale*

All gendarmerie staff receives basic training at the officers' training academy that is then completed by ongoing training in basic units. Officials assigned to investigation units receive specific training during their advanced training at the Criminal Police National Training Centre in Fontainebleau. That initial training is then supplemented by continuous training for generalist staff then by specialist training for officials assigned to investigation units.

Since 1990, in the face of the increasing prevalence of the drug phenomenon in its area of competence, the *Gendarmerie Nationale* has become actively involved in the prevention of drug addiction and, more generally, in the campaign against consumption of unlawful drugs. It has thus trained and appointed Anti-Drug Training Liaison Officers (*Formateurs Relais Antidrogue – FRAD*).

Volunteers, the lower ranks and gendarmes involved in prevention, as well as all detectives of the *Police Judiciaire* undergo a four-week training course at the national training centre for *Gendarmerie Nationale* detectives (*Collège National de la Formation de la Police Judiciaire – CNFPJ*). The programme comprises a variety of topics: law and procedure, communication techniques, knowledge of drugs and their effects and psychology of the drug addict.

*Gendarmerie Nationale* investigation unit staff responsible for crime analysis also receive special training.

## RESTRICTION UE

### 2.5.3. Inland Revenue/Customs

In addition to the modules on drugs included in the initial training for surveillance branch customs officers, there is also more specific training for customs officers in certain areas as part of in-service training, such as:

- Targeting of drugs in air, sea and land cargo;
- Specific training of sniffer dog handlers;
- Controlled deliveries (particularly controlled deliveries by mail, *DNRED* and Regional Customs Investigation Brigades (*BRR* -*Brigades de Recherche Regionales*) investigation practice).

Shared training on undercover work (active controlled deliveries) is provided in *DCPJ* and *DNRED*.

*DNRED* also provides information and awareness material regularly in a monthly newsletter, "Suggestions and Directives for Investigations and Controls" (*SDEC*) designed to give all services access to information on fraud (new products, trends, hidden means and modus operandi).

Staff of the surveillance analysis division in *DNRED* receives a three-week training in the use of Analyst's Notebook® software at the gendarmerie school in Fontainebleau.

### 2.5.4. Prosecution services

The experts were provided after the visit with the information that magistrates participate in numerous ongoing vocational training courses, at national level (courses on economic and financial investigations) or at local level (regional meetings on criminal law policy). Such courses focus on the methodologies for applying the provisions allowing the identification, seizure and confiscation of financial and property assets of drug traffickers, in cooperation with the investigating authorities, the tax authorities, the labour inspectorate and any other authority whose assistance proves necessary.

## RESTREINT UE

Similarly, at the initiative of the public prosecutors at the Court of Appeal in *Fort-de-France* and *Basse-Terre* and with the assistance of *MILD'T*, annual conferences have been organised for a number of years on specific criminal proceedings topics, analysing the responses used to combat drugs (use and trafficking in the Caribbean region).

These meetings, organised at the initiative of the judicial institution, provide a unique opportunity to assess proceedings instituted over a year, to outline the difficulties encountered and to sketch out priority guidelines for the following year.

Lastly, French magistrates take part in training programmes run by the Interministerial Anti-Drug Training Centre (*Centre Interministériel de Formation Anti-Drogue – CIFAD*).

### 2.5.5. *Inter-service training*

As indicated above, specialist knowledge of techniques employed in containing drug trafficking are shared among services for the benefit of all law enforcement agencies.

### 2.5.6. *Financial Investigation Training*

There are a number of continuing training schemes for magistrates, both nationally and locally, which provide training in economics and finance and in the procedure for enforcing the provisions whereby drug traffickers' financial assets and other property can be identified, seized or confiscated, in cooperation with the investigating departments, the tax authorities, employment inspectors and any other administrative authorities whose assistance may be deemed necessary.

### 2.5.7. *Coordination of training*

In order to harmonise the training programmes of the different services, *MILD'T* has defined a common basis with the cooperation of the ministries involved in enforcement. The answers provided show that the experience of *CIFAD* set up in *Fort-de-France* (*Martinique*) has been successful and serves as a good example of pooling the know-how and experience of all law enforcement agencies for training purposes.

## RESTRICTION UE

### 2.6. Monitoring

There are no mechanisms specifically devoted to evaluating the action of the enforcement agencies.

Nevertheless, the Interior Ministry recently put in place an arrangement to monitor this activity with a view to improving crime analysis and the authority's ability to react.

However, in practice their hierarchical structure to a large extent facilitates and enables observation and control of services' activities in regard both to the technical and statistical aspects of investigations and the financial and budgetary implications.

In addition, at national level the Court of Auditors, although only an advisory body, is responsible for overseeing proper use of public funds and the transparency of ministerial accounts.

## 3. INTELLIGENCE

### 3.1. General

#### 3.1.1. Organisation

At a central level, the Central Office facilitates crime analysis on drug crime for the Prevention of Drug Trafficking (*OCRTIS*). The *OCRTIS* staff is appropriately trained and their work is aimed at enabling *OCRTIS* to follow developments in trafficking and consumption of narcotics constantly and to direct health authorities' attention to the usefulness of classifying certain substances as narcotics.

Other services maintain their own crime analytical components.

# RESTREINT UE

## 3.1.2. Sources

### 3.1.2.1. Police Nationale and Gendarmerie Nationale

Operational intelligence on drug trafficking is gained from different sources: a) by exploiting investigations and the information derived from it, b) information obtained from surveillance operations, statements made by traffickers and information passed on by informers, and c) data collected by foreign police services and transmitted through the national police service's network of liaison officers.

#### Databases<sup>1</sup>

In the *Police Nationale* there are two databases containing data on individuals:

- *STIC* – (*Système de Traitement Informatique de la Criminalité*), a computer processing system for crime. This is an application which can be accessed throughout the French territory by all services and is designed to provide information for the investigator on a suspect;
- *FBS* – (*Fichier de Brigades Spécialisées*), this specialist squads' database is fed by the criminal investigation department and searchable by their own services; it is designed to handle live documentation of the criminal scene (connections – haunts – vehicles – addresses – telephone numbers, etc.). The system is designed to allow information to be stored as the "property" of a single user, thus avoiding duplicate records and overlaps in investigation. It enjoys a high level of security. The criminal police, when requested by a service from another directorate, decide to what extent the intelligence may be shared.

#### Gendarmerie Nationale

For crime analysis purposes the *Gendarmerie Nationale* uses special databases:

- *JUDEX*
- *ANACRIM*

<sup>1</sup> The experts were informed after the visit, that during the second half of 2002, the Interior Ministry instigated studies aimed at aligning the general databases of the police and the gendarmerie.

## RESTREINT UE

Both Police services are using the Internet for intelligence purposes.

The experts were informed that the databases of the *Police Nationale* and the *Gendarmerie Nationale* were updated daily.

The experts were also told that while it was possible to record data on a suspect temporarily, i.e. solely for the purposes of an ongoing investigation, such data could not be entered in a national application, except in the case of major crime, which would then involve use of the file by the specialised squads mentioned above. Although the gendarmerie's analytical staff were said to be well trained and equipped, their analytical data on a particular file did not merge into strategic intelligence products as it had to be destroyed after the finalisation of the case.

### 3.1.2.2. *Customs*

Customs derive intelligence relating to drug trafficking from a variety of sources:

All customs officers collect information in the course of the general customs inspections. That information is transmitted and disseminated via the appropriate channels (e.g. the *CERES* cards, information cards on fraud).

Further intelligence is gained from international sources, as for instance international mutual administrative assistance with other customs administrations and customs attachés and Europol (Analysis Work Files in particular);

The Customs Internet Research and Analysis Unit (*Cellule de Recueil et d'Analyse Internet Douane – CRAIDO*) within the *DNRED*, is exploiting open sources, namely the Internet. The *CRAIDO* is responsible for collecting intelligence likely to relate to unlawful transactions involving prohibited goods, including drugs.

# RESTRICTION UE

Furthermore coordination with other administrations, the Directorate-General for Taxation (*Direction Générale des Impôts – DGI*) and the police (mainly within meetings of the Anti-Mafia Coordination and Research Unit (*Unité de Coordination et de Recherches Anti-Mafia – UCRAM*), attached to the Director-General of the National Police in particular, feeds intelligence into customs.

## *Databases*

Custom uses numerous databases, the most important of which are the following:

### *Domestic databases*

- FNAILS: the national database containing persons who have committed a breach of the drug law kept by *OCRTIS*
- FNID: the national computerised documentation database;

### *European and international databases:*

- Community databases accessible via SCENT (System of Customs Enforcement Network), a data communications network developed by the Commission, in close liaison with Member States, for the compilation, analysis and distribution of information within the Union. It also serves as a tool for the sending of multipurpose telex-type messages. It gives access to databases such as COMEXT (European foreign-trade statistics) and the Customs Information System (CIS), a computerised anti-fraud system introduced among the fifteen European Union countries in order to provide clearer guidance for customs work and inspection targeting;
- MARINFO, a system for exchanging intelligence on drug smuggling by sea and in containers. It deals with operational information coming from customs sources or obtained in inspections and potentially of interest to customs authorities;
- YACHTINFO, a database designed to combat drug trafficking using pleasure craft and similar boats;
- LLOYD'S SEADATA, a commercial database, containing worldwide shipping information, of use in tracing and monitoring shipping movements;
- BALKAN INFO, a system for giving and receiving notice of drugs seizures and for exchanging suspicion reports on drug trafficking along the "Balkan route";

## RESTREINT UE

- CARGO INFO, a reporting system on drugs conveyed by air (seizure notifications and intelligence on couriers' modi operandi);
- CEN (Customs Enforcement Network), a system for information exchange and communication between WCO member countries.

### 3.1.2.3. *National Mission for Control of Chemical Precursors (MNCPC)*

For precursors, the Precursor Trade and Trader Monitoring System (*SCOOP*) database, operated by the *MNCPC*, and the Computerised International Precursor Monitoring System (*SISIP*) database at the precursor watch unit of the Directorate for Intelligence and Documentation (*DRD*) are being used.

### 3.1.3. *Information exchange – domestic*

In order to ensure an exchange of intelligence, the strategy of cooperation between services operates at both local and national level.

#### 3.1.3.1. *National level – OCRTIS*

All law enforcement services are under an obligation to inform *OCRTIS* of drug-related intelligence, while *OCRTIS* must transmit technical or strategic information to all services concerned in the most appropriate manner. This unit of the *Police Nationale* may therefore be considered as the clearing house for national crime intelligence.

*OCRTIS* and the *DNED* were reported to liaise frequently on large-scale drug investigations or those with an international context.

Customs and *gendarmerie* will inform *OCRTIS* of any procedure carried out that relates to cases dealt with by their services; *OCRTIS* then feeds the information into the National File of Drug Legislation Offenders (*Fichier National des Auteurs d'Infraction à la Législation sur les Stupéfiants – FNAILS*).

## RESTRICTION UE

Twice a year the *Police Judiciaire* hold a "liaison office" meeting under the aegis of *OCRTIS*, bringing together the heads of the drug squads in regional criminal investigation services (*SRPJ*).

The French authorities noted that experience in the field showed that services were striving to complement each other by seeking to operate in a way that took account of the duties and interests of all concerned.

### 3.1.3.2. Local level

At local level, inter-service contacts provide an avenue for daily exchanges of information; attention is regularly drawn to the importance of these contacts in the various circulars and instructions. The prosecution services also serve as a catalyst between law enforcement services by means of the investigations that they initiate. Coordination instruments such as the departmental prevention council and the departmental security conference also provide opportunities to harmonise each service's efforts.

The Regional Action Groups (*GIRs*) can contribute expert knowledge, mainly through their permanent human resources (police – customs – gendarmerie – taxation) in local situations by gathering information and ensuring it is used to best effect.

### 3.1.3.3. Interregional cooperation

Two regions that are particularly affected by the flow of drugs, *Nord/Pas-de-Calais* and the overseas *Antilles Guyane*, have a special regime of cooperation between the three law enforcement services at an interregional level. This is effected in the form of a concerted action by the most senior representatives from the services concerned, including the prosecution service.

## RESTREINT UE

### 3.1.3.4. Permanent Liaison Offices (BLP)

The two Permanent Liaison Offices (*Bureaux de liaison permanents – BLP*), one in the Antilles, the other one in Lille, have files of individuals designed to reinforce exchanges of operational information between all those involved in the fight against drug trafficking in zones of high drug transit. Their main purpose is to prevent investigation overlaps by recording individuals involved or potentially involved in drug trafficking, i.e. who are the subject of current investigations by an enforcement agency.

### 3.1.3.5. Gendarmerie Nationale

The *Gendarmerie's* Technical Criminal Investigation and Documentation Department (*STRJD*) centralises judicial information on crimes, offences and searches for persons and vehicles transmitted by all *Gendarmerie* units. It also maintains links with the *Police Nationale*, customs and administrations, as well as with other countries via Interpol, Europol and Schengen. It is thus at the centre of the gendarmerie's intelligence activities.

### 3.1.3.6. Databases at Europol

Specialist law enforcement units are also able to consult databases operated by Europol. Lastly, customs, police and *gendarmerie* have indirect access to databases run by and with input from units coming under those three authorities.

### 3.1.3.7. Inland Revenue

Customs receive information from the *Police Nationale* that includes watch lists for certain persons, boats or vehicles likely to be transporting drugs but whose location has not been established during the course of a criminal investigation.

# RESTRIENT UE

## 3.1.3.8. *Difficulties encountered*

According to answers to the questionnaire, the input of "sensitive" data by investigating authorities did not give rise to any particular difficulty.

Apart from procedural rules familiar to investigators, no legal limits exist on the exchange of data and intelligence between specialist law enforcement authorities.

## 3.1.4. *Information exchange - international*

### 3.1.4.1. *Legal Bases and Channels used*

#### *OCRTIS*

Owing to its interministerial nature *OCRTIS* provides the structure for sharing and exchange of intelligence with law enforcement authorities abroad.

#### *Police and customs cooperation centres*

Additionally, the entry into force of cross-border police cooperation agreements has resulted in the establishment of police and customs cooperation centres (*PCCCs*). Since the opening of the first such centre in Offenburg/Germany in March 1999, a significant increase in exchange of intelligence in this specific field between French and German investigators has been observed.

There are currently five *PCCCs* (police and customs cooperation centres): Offenburg (soon Kehl)/Germany – Tournai/Belgium – Ventimiglia, Modena/Italy and Geneva-Cointrin/Switzerland. There will be seven in the near future as a result of the conversion of two Franco-Spanish joint police stations (Le Perthus and Biriou) into *PCCCs*.

#### *Mutual administrative assistance*

Furthermore, under multilateral or bilateral agreements signed with foreign partners, the international mutual administrative assistance unit can supply any information covered by an agreement and coming within the customs authorities' powers.

# RESTRICTION UE

*National Mission for Control of Chemical Precursors (MNCPC)*

As the French competent authority for supervising trade in and the manufacture and use of chemical products, the *MNCPC* is required, under Article 12 of the 1988 Vienna Convention and the relevant EU implementing provisions, to exchange intelligence with those law enforcement authorities that act as competent authorities for their countries. It is commensurate with its counterparts in all other countries, regardless of whether those counterparts are law enforcement agencies or not.

It liaises with the INCB to exchange information on actual or potential transactions.

## 3.1.4.2. Exchange of soft data

No legal obstacle to the exchange of "soft" data exists in the case of such authorities abroad that relate to those covered by the interministerial decree of 1953 setting up *OCRTIS*.

## 3.1.5. Intelligence – use and impact

Owing to the pinpointed character of the information received the team was not able to conclude on the overall impact of intelligence throughout the French law enforcement system. The general impression was that individual services were treating the intelligence issue in a very professional manner but that the exchange between them, however, might profit from a more consistent approach.

## 3.2. Financial Intelligence

### 3.2.1. Units

#### 3.2.1.1. TRACFIN

*TRACFIN (Traitement du Renseignement et Action contre les Circuits Financiers Clandestins)* is the French FIU. It is an administrative-type unit depending on the Ministry of Economy, Finance and Industry. It was established in 1990 in order to assume tasks assigned to it following the introduction of money laundering legislation.

## RESTRICTION UE

*TRACFIN* is a clearing house for money laundering intelligence between the private sector and law enforcement agencies; it also acts as a centre of excellence concerning anti-money laundering measures.

Apart from the processing of suspicious transaction reports (STRs) *TRACFIN* staff devotes a considerable amount of time to presenting their objectives to professionals and giving feedback on STRs that have been transmitted. As per end of 2000 *TRACFIN* had signed 19 bilateral cooperation agreements with similar units worldwide; apart from this, *TRACFIN* is a member of the EGMONT group and the FATF.

Following an amendment of the legislation in May 2001 *TRACFIN* has been endowed with additional capacities to fulfil its tasks: the courts are obliged to inform *TRACFIN* about the results of STRs that have been submitted; furthermore all French civil servants can now directly transmit any intelligence to *TRACFIN*.

*TRACFIN* has some 36 staff recruited from the various financial administrations. Of these, 20 are investigators or analysts.

### 3.2.1.2. Police

Any officer of the *Police Judiciaire* may look into the financial aspects of a drug trafficking case during an investigation.

These are usually entrusted to CID officers in economic and financial sections of which there are approximately 300 in the *Police Nationale*. Those specialist financial investigators have usually received 2 to 6 years in higher education and follow-up continuing specialist training.

With a view to a possible confiscation of assets they may be called upon at a very early stage of the drug investigations.

## RESTRICTION UE

### 3.2.1.3. Gendarmerie Nationale

The *Gendarmerie Nationale* has taken determined action against financial crime. Its approach is based on a flexible scale of tasks and responsibilities, ranging from the local to the national level. Thus, investigators from the investigation squad have been given special training in economic and financial crime. As regards investigation centres, Financial investigation teams have been put in place near the financial centres that are located in Paris, Marseilles, Lille, Bastia, Lyons, Bordeaux and Orléans. As regards the *STRJD*, an economic and financial crime group is responsible for helping units with operational methods and alerts. In order to ensure a flow of intelligence, *gendarmerie* staff are on secondment to the Central anti-corruption department (*SCPC*), the Central Office for Combating Serious Financial Crime (*OCRGDF*) and the International mission for public investigations (*MIEP*). Lastly, the criminal investigation department of the DGGN monitors financial crime in close liaison with the various national and international bodies/departments and working groups (*FATF*, *TRACFIN*, *COB*, *OLAF*, *SCPC*, *DNRED*, *Europol*, *OCRGDF* and the *MIEP*).

### 3.2.1.4. Customs

French customs do not have any units specialising in drugs-related financial investigations. However, the National Directorate for Customs Investigations (*DNRED*) has a unit of specialised investigators who deal with all types of financial investigations, whatever the offence. In addition, each local *DNRED* branch has an investigator specialising in the area. There are a total of approximately 25 investigators specialising in the field. They all have a university degree; additionally some of them have banking expertise. Training courses are organised on a regular basis, in conjunction with *TRACFIN*, the Banking Commission and *Europol*, etc. The financial centres have specialist assistants made available by customs.

# RESTRICTIONUE

## 4. SPECIAL INVESTIGATION TECHNIQUES

### 4.1. Legislation, Regulations and Procedures

Special investigative techniques are covered by procedural law.

The French National Commission of Informatics and Liberty (*CNIL – Commission Nationale de l'Informatique et des Libertés*) determines to a great extent the rules under which data can be exchanged, also within law enforcement.

### 4.2. Financial Investigations

Depriving the criminal of his illegally acquired assets is a major element of the French policy for tackling drug trafficking through the criminal law. It involves magistrates taking more action to seek out, identify, seize and confiscate the proceeds of trafficking.

During the 1990s the French Republic introduced and frequently updated legislation to combat the financial aspects of crime, especially drug crime.

#### 4.2.1. Legislation, Regulations and Procedures

##### 4.2.1.1. Legislation employed against financial crime

Neither French criminal law nor the criminal code of procedure refers to "financial investigations" as such. The financial aspects of a crime are investigated as transgressions of an economic or financial nature, which do not constitute a subject to any specific rules of criminal procedure.

Over the last decade, France has adopted a number of laws in order to create a sound body of legislation for combating money laundering:

- Law of 31 December 1987 introducing the crime of laundering money from drug trafficking;
- Law of 12 July 1990 on the participation of financial institutions in combating money laundering (amended by the law of 29 January 1993 on the prevention of corruption and on transparency in business life and public procedures);

## RESTRICTION OF THE EXTRADITION OF CRIMINALS

- Law of 13 May 1996 on the combating of money laundering and drugs trafficking and international cooperation on the seizure and confiscation of the proceeds of crime;
- Law of 2 July 1998 laying down various economic and financial provisions;
- Law of 15 May 2001 on additional economic regulations;
- Law on Everyday Security of 15 November 2001.

### 4.2.1.2. Economic and financial support units

The 1998 law provided the courts with more tools to combat economic and financial crime more successfully. It established economic and financial support units, bringing together human and material resources on which the courts can draw.

"Specialist assistant" posts were created in order to enable public prosecutors and examining magistrates to draw on the services of a team of officials from specialists (staff of the Bank of France, inspectors from the Inland Revenue, Customs and Excise, and the competition, consumer affairs and anti-fraud departments) when dealing with highly technical and complex subjects. This special staff will be made available by the Ministry of Economic Affairs, Finance and Industry.

Likewise, where a drug trafficking case involves complex money-laundering aspects, Article 83-1 of the Code of Criminal Procedure allows a generalist examining magistrate to be accompanied by an examining magistrate specialising in economic and financial matters, so that during investigation of the case, the expertise and resources of the economic and financial support unit can be drawn upon.

## RESTRICTION

### 4.2.1.3. Anti-Money laundering provisions and penalties

Money laundering and the financial aspects of misdemeanours commonly related to organised crime in all its facets are penalised.

The general offence of money laundering<sup>1</sup> is punishable by 5 years' imprisonment and a fine of € 375 000 (if there are aggravating circumstances – in cases where the offence is committed habitually or as part of a gang or in the pursuit of a professional activity – the penalty increases to 10 years' imprisonment and a fine of € 750 000). In addition, where the crime or misdemeanour which generated the laundered money is punishable by a longer custodial sentence than that laid down in Articles 324-1 or 324-2 of the Penal Code, money laundering is punishable by the penalties which would have been attracted by that offence.

The specific offence of laundering money from drug trafficking (Article 222-38) is punishable by 10 years' imprisonment and a fine of € 750 000.

The offence known as "living off the proceeds of drug-related offences" (Article 222-39-1 of the Penal Code), defined as "inability to prove resources corresponding to his or her lifestyle, while having regular contact with one or more persons indulging in [drug trafficking or use of drugs]" is punishable by 5 years' imprisonment or a fine of € 75 000.

Under Article 415 of the Customs Code, those who have carried out or attempted to carry out a financial transaction between France and abroad, involving funds which they knew to have been generated directly or indirectly by a misdemeanour as defined in the Customs Code or by an offence under narcotics legislation, are punishable by between 2 and 10 years' imprisonment, confiscation of the sums involved or equivalent sums where it has not been possible to order seizure and a fine of between one and five times the sum involved in the offence or attempted offence.

<sup>1</sup> (Art. 324-1 of the Penal Code – law of 13 May 1996).

## RESTRICTION

Furthermore, failing to declare the transfer of funds of an amount equal to or exceeding EUR 7 600 to or from another country is punishable by confiscation of the undeclared sums and a fine of between a quarter and the whole of the amount.

### 4.2.1.4. Legislation for seizure and confiscation

In respect of the laundering of money from drug offences <sup>1</sup>, the Penal Code <sup>2</sup> authorises the confiscation of all or part of the offender's property, whether or not related to the offence, where the person has been convicted <sup>3</sup>.

To enable departments involved in the fight against drugs to step up their action, notably by means of specific financial support, Decree No 95-322 of 17 March 1995 set up a fund to collect the proceeds of the sale of assets confiscated in the course of criminal proceedings instituted for infringement of the law on drugs.

The revenue paid into the fund is part of the budget of the Social Affairs Ministry which, along with the Budget and Health Ministries, is responsible for its implementation and is administered by *MILDT*.

The ability to confiscate assets has recently been extended to the general offence of money laundering <sup>4</sup> by Law No 2001-420 of 15 May 2001 on additional economic regulations <sup>5</sup>.

To enable this provision to be properly enforced, the Code of Criminal Procedure <sup>6</sup> allows protective measures to be taken to secure the offender's property as soon as formal judicial investigations begin, to ensure payment of any fines incurred and recovery of any amounts confiscated under the Penal Code <sup>7</sup>.

<sup>1</sup> Articles 222-34 to 222-37 of the Penal Code.

<sup>2</sup> Article 222-49 of the Penal Code.

<sup>3</sup> Under Articles 222-34, 222-35, 222-36 and 222-38 of the Penal Code.

<sup>4</sup> Article 324-1 of the Penal Code.

<sup>5</sup> Article 47.

<sup>6</sup> Article 706-30 of the Code of Criminal Procedure.

<sup>7</sup> Articles 222-49(2).

## RESTRICTION OF THE USE

This provision, which previously applied solely to drugs offenders, has been extended to persons under investigation for laundering money from any crime or misdemeanour<sup>1</sup>.

The fact that the proceeds of trafficking are frequently concealed abroad, together with the facilities offered by the liberalisation of capital movements, often necessitate investigations abroad in close international judicial cooperation.

To this end, a number of legal instruments have been incorporated into French substantive law:

- The law of 14 November 1990 adapting French legislation to the provisions of Article 5 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 20 December 1998;
- The law of 13 May 1996 adapting French legislation to Chapter III of the Council of Europe Convention of 8 November 1990 on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime;
- The European Convention on Mutual Assistance in Criminal Matters of 20 April 1959.

### 4.2.2. Services involved in financial investigations

As already mentioned above, all law enforcement services do conduct financial investigations.

### 4.2.3. Practical experience

The French law enforcement services reported that they were deriving multiple intelligence from financial-type investigations, such as estimating the quantity of drugs imported on the basis of the amounts of money in the seized accounts; furthermore, associating this type of investigation with a conventional criminal investigation was said to often shed light on the structure and working methods of a criminal organisation.

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<sup>1</sup> (Article 324-1 of the Penal Code) by law No 2001-420 of 15 May 2001 on additional economic regulations.

## RESTRICTION

In the answers to the questionnaire it was revealed that to date customs investigations have led to approximately thirty convictions for money laundering, most of them *in absentia*, as it had been impossible to arrest the offender.

It was said that in 2000, customs have dealt with approx. forty cases relating to seizure of capital from drugs trafficking, amounting to over 58m. FF<sup>1</sup>. This was possible as the persons concerned were importing or exporting cash money without declaring it to customs, thus contravening French law; in such cases assets will always be confiscated.

Proving a link between the cash being transported and drugs trafficking on one hand, and the criminal intent of the offender on the other, was considered as the limiting factor to the number of prosecutions for money laundering and, subsequently the number of convictions.

According to the French law enforcement services the key factors hampering their investigations into money laundering were as follows:

- Drugs trafficking organisations are often highly compartmentalised, to keep the "business" part separate from the financial part; hence, a drugs haul does not always open up a financial trail;
- Seizures and arrests rarely involve those who mastermind and finance the operations; when they are arrested, they have usually arranged to be insolvent;
- The predicate offence is often particularly difficult to prove, especially if it was committed abroad;
- Funds of criminal origin have often gone through several stages of the laundering process before being re-invested in France, thus making them more awkward to track down.

<sup>1</sup> Approximately € 13m.

## RESTRICTION OF THE EXCHANGE OF INFORMATION

Besides these phenomenon-related obstacles, the French authorities further named deficiencies of an organisational nature: shortcomings in international cooperation, both police and judicial cooperation were said to be seriously prejudicial to the resolution of many ongoing investigations. Apparently, this has caused major difficulties for investigators, particularly where such cooperation was needed to get hold of the mastermind of the trafficking, which generates the laundered funds.

### 4.2.4. Exchange of fiscal information

The French tax authorities can exchange financial information with the relevant enforcement agencies, acting on letters rogatory<sup>1</sup> issued by an examining magistrate. In addition, approximately 50 staff from the tax authorities have been seconded to law enforcement units responsible for combating money laundering, in particular the *OCRGDF*, facilitating the exchange of information between police and the tax authorities.

The tax authority notifies the relevant public prosecutor's office of any information brought to its attention, which might be of use in criminal proceedings.

No extra legal approval is needed for the exchange of information between tax (*DGI*) and customs authorities; they may exchange information with each other on their own initiative and it is mandatory to reply to requests<sup>2</sup>.

At local level, under the existing procedure for the exchange of information, the tax services directorate will usually correspond with the regional customs directorate. Each directorate has to designate a contact point for the purpose.

When there is a joint inquiry, an information circuit is defined, providing for information to be passed directly from one local unit to another in emergencies. In both cases, the information is forwarded by a single transmission bulletin (*BTI*). The *BTI* also enables information to be returned to the issuing department.

<sup>1</sup> The experts were informed after the visit that since the adoption of Article 5 of the Internal Security Guidance and Planning Law No 2002-1094 of 29 August 2002, information exchanges with law enforcement agencies may go beyond letters rogatory.

<sup>2</sup> Articles L81 and L83 of the Book of Fiscal Procedure and 65 of the Customs Code.

# RESTRICTION

In the framework of investigations into crimes covered by Articles 222-38 (laundering of drug money) and 222-39-1 (non-justification of resources) of the Penal Code, at the request of the Public Prosecutor tax authorities may investigate taxation matters.

## 4.3. Controlled deliveries (CDs)

### 4.3.1. Legal bases, regulation, requirements

#### 4.3.1.1. Legislation

Monitored/controlled deliveries are dealt with by the Penal Code, the Code of Criminal Procedure and the French Customs Code. They apply to products classified as drugs or proceeds derived from the commission of offences laid down by Articles 222-34 to 222-38 of the Penal Code, to chemical precursors and all the products which facilitate their production and to materials used in their manufacture.

#### 4.3.1.2. Monitored deliveries vs. controlled deliveries

French law distinguishes between monitored deliveries and controlled deliveries.

In the case of monitored deliveries, French law enforcement officers play a passive role and may be accompanied by foreign observers, during surveillance of the transit through French territory of substances or the proceeds from their sale, as laid down in the French Penal Code. They are monitored and coordinated by the judicial authority, which liaises with the central departments of the criminal police and the National Directorate for Customs Intelligence and Investigations (DNRED). Monitored deliveries must be notified in advance to the competent local Public Prosecutor's Office.

In the case of controlled deliveries, French law enforcement officers play an active part as drug dealers or buyers, or French informers infiltrating a drugs network.

## RESTRICTION

"Buying" or "infiltration" operations meet the criteria set for the measures enumerated, within certain limits, by the French Criminal Code of Procedure: officers may acquire, hold, transport or deliver narcotics, chemical precursors or substances used in their manufacture. They may also place legal resources, means of transportation, storage, preservation or communication at the disposal of the infiltrated network.

Such operations must be notified in advance to either *OCRTIS* or *DNRED*, and also require the prior authorisation of the Public Prosecutor's Office or the examining magistrate. The different authorities also have to ensure that all the services concerned are informed.

Controlled deliveries are strictly defined by the legislator and by the Supreme Court of Appeal. In the case of transport on French territory, substitute products, which look like drugs, may be used.

### *4.3.1.3. Infiltration of traffickers' networks*

French legislation allows for the infiltration of traffickers' networks by police and customs officers under the strict control of a magistrate.

However, while it would be possible for French undercover agents to infiltrate a drug-trafficking network at the request of a foreign State, the current provisions of the Code of Criminal Procedure do not allow authorisation to be given to a foreign agent to carry out such investigations on French territory.

### *4.3.2. Availability*

The authorities responsible for authorising controlled deliveries and the departments charged with carrying them out are able to respond to requests from foreign countries round the clock.

The preparation time required by the various intervention agencies can vary, in practice, from a few hours to 48 hours, depending on circumstances and on distance.

## RESTREINT UE

It should be noted that French legislation relating to "controlled deliveries" (see above) imposes no time limit on the judicial authorities either for examining the request for the authorisation or for granting it.

### 4.3.3. *Operational experience*

#### 4.3.3.1. *Coordination of Controlled Deliveries*

According to the answers received French police use the bilateral cooperation network of French and foreign liaison officers as the preferred channel, as it guaranteed maximum efficiency. The foreign liaison officer is given full details of the case, organises direct operational contact with investigators from his country and is, if necessary, part of the French team on the ground.

French police may use the multilateral cooperation channel via Europol in the same way if a third country should request a controlled delivery through Europol.

Customs use the international mutual administrative assistance system and its network of customs attachés.

#### 4.3.3.2. *Difficulties encountered*

The French authorities reported that they had not encountered any particular difficulties when cooperating with other Member States on controlled deliveries.

### 4.4. **Controlled money deliveries**

The French system provides for controlled delivery of money representing the proceeds of drug-related offences. Authorisation and implementation procedures are the same as in the cases of controlled drug deliveries.

### 4.5. **Cross border drug transactions**

Replacement of drugs, in whole or in part, by a harmless substance is permitted in France during the course of a controlled delivery.

# RESTRICTION UE

## 5. COORDINATION AND COOPERATION

### 5.1. Cooperation at national level

#### 5.1.1. Information exchange between law enforcement services

As noted in 2.3.1, the Central Office for the Prevention of Drug Trafficking (*ORCTIS*) is the national body with responsibility for centralisation and coordination to fight drug trafficking.

No formal working relationship exists between *Police Nationale*, *Gendarmerie Nationale* and customs specialist units. In their answers to the questionnaire, the French authorities described the mechanism of exchange between specialist law enforcement units as informal, striving to be as effective as possible. Procedurally, the units responsible are designated by magistrates who should assume the task to avoid any overlap.

The general assumption in France is that a clearly defined separation of duties and responsibilities in fighting drug trafficking is safeguarded by the fact that *Police Nationale* and *Gendarmerie Nationale* detect and investigate offences under the penal code, while customs do so under the customs code.

In two particularly sensitive regions in terms of drug trafficking (the north of France and the French Antilles), however, Permanent Liaison Offices (*BLP*), linking police, customs and *Gendarmerie Nationale* under the responsibility of a public prosecutor cater for an institutionalised working relationship.

In a number of French departments, so-called 'target lists' have been introduced. These have been drawn up with input from the three law enforcement services, enabling ongoing investigations of them to be cooordinated.

The experts were informed that the *DGDDI* had deployed a liaison officer to the *DGPN* (National Police Force) and to *OCRTIS* to cooperate on the fight against drugs.

# RESTRICTION OF THE POLICE

## 5.1.2. Multidisciplinary teams

France has no permanent integrated multidisciplinary teams tackling organised crime.<sup>1</sup> However, mixed teams comprising police or gendarmes alongside customs officials are set up as the need arises.

This could happen a) either on the initiative of the investigating services or b) a magistrate<sup>2</sup>. In case b) there is provision for allowing the State Prosecutor or the examining magistrate to set up temporary units, known as joint teams, comprising customs officers carrying out criminal investigation tasks and detectives (gendarmes and police officers) to carry out investigations, particularly in the area of drugs.

## 5.1.3. Joint operations

Several operations would require the collaboration of different law enforcement services: Operations in the context of controlled deliveries and multinational operations targeting "drug tourism" would be decided on and carried out jointly by the police, customs and gendarmerie.

Moreover, customs are regularly requested to carry out controls at borders or elsewhere on national territory in the context of police enquiries and for the specific needs of an investigation in progress.

<sup>1</sup> The experts were informed after the visit that an inter-ministerial circular dated 22 May 2002 set up regional intervention groups (*GIRs*) which are multidisciplinary integrated teams operating on a permanent basis. The *GIRs* can combat all forms of crime using the full range of legislative and regulatory means not only in the criminal field, but also in the fiscal, customs and administrative fields. While these structures are not specifically dedicated to combating drug trafficking, since their task is to tackle all forms of crime requiring inter-ministerial powers, one of their priority fields of action is the dismantling of local or regional networks for supplying drugs. The *GIRs* are activated by joint decision of the Prefect of the department and the State Prosecutor, who set them well defined objectives which are subsequently evaluated. The *GIRs* do not constitute a new category of service, serving rather as tools available to local services handling legal proceedings.

<sup>2</sup> Under the provisions of Article 28-1 of the Code of Criminal Procedure certain customs agents may be authorised to carry out criminal investigations on the basis of a requisition from the State Prosecutor or letters rogatory from an examining magistrate.

## RESTREINT UE

In addition, technical cooperation links exist between several customs services and the national police, as demonstrated, for instance, by the collaboration put in place between the *DNRED* investigation division and the *DCPJ* operational technical assistance centre (*SCOAT*).

Customs also collaborate regularly with the *Gendarmerie Nationale* in view of the existence of fields of action common to both, particularly in matters of public safety. Such collaboration involves regular meetings at all levels, policy and operational. Customs are notably associated with the *Gendarmerie Nationale* and the police within the *BLP*, during joint operations, common checks on circulation and interventions during rave parties.

### 5.2. Cooperation at international level

#### 5.2.1. Bilateral and multilateral agreements

##### 5.2.1.1. Police

Apart from bilateral or multilateral agreements on police cooperation generally, France has concluded agreements specifically concerning drug trafficking or expressly including both areas with the following European Union Member States:

- Belgium, Italy, the Netherlands, Portugal, Spain and Sweden.

Countries outside the EU:

- Albania, Azerbaijan, Canada, Czech Republic, Georgia, Hungary, Malta, Morocco, Poland, Qatar, Romania, Russia, Tunisia, Ukraine, United States of America and Venezuela.

## RESTRICTION UE

### 5.2.1.2. Customs

French customs have long engaged in an active policy of negotiating administrative assistance agreements. The first bilateral agreement on international mutual administrative assistance with the United States of America dates back to 1936. There are currently some thirty bilateral administrative assistance agreements in force.

In addition to encouraging exchanges of information (as provided in particular in Article 9 of the 1988 United Nations Convention), those intergovernmental agreements are also designed to prevent, trace, detect and penalise customs offences; they provide the legal basis for bilateral mutual assistance.

Information exchanges in conjunction with fighting drug trafficking are conducted on the basis of bilateral international mutual administrative assistance agreements, the 1967 Naples Convention, the Convention of 18 December 1997 (Naples II) and Article 65-6 of the Customs Code.

Operational implementation of administrative assistance comes under the National Directorate for Customs Intelligence and Investigations (*DNRED*) and in particular the specialist international mutual assistance unit at the Directorate for Intelligence and Documentation (*DRD*).

Centralisation of requests for intelligence within a single unit is designed to cut out unnecessary queries and ensure that the most appropriate partners are approached at the right time. The unit's specialisation in the handling of intelligence in dealings with other countries and its knowledge of foreign contacts thus enable requests to be promptly addressed to the recipients best placed to respond.

### 5.2.1.3. Police and Customs cooperation centres

The opening of the first police and customs cooperation centres with adjoining States, lastly, forms part of arrangements under Article 9 of the 1988 United Nations Convention.

# RESTRICTION UE

## 5.2.2. Joint teams

Bilateral work is currently under way for the establishment of joint French and Netherlands teams. In the particular case of customs, they do not negotiate any agreements dealing solely with joint teams. However, bilateral agreements on international mutual administrative assistance in customs matters systematically include provisions allowing a foreign customs officer to take part, as an observer, in investigations carried out within the requested State.

Under EU customs cooperation, moreover, the Naples II Convention, currently undergoing ratification, makes more specific provision for the establishment of joint teams.

## 5.3. Information channels used

### 5.3.1. Police

For international exchange of information, national police give precedence to the ICPO-Interpol channel, which may present evidence in French courts. For intelligence that needs to be substantiated by police checking, they also use the national police liaison officer network, enabling operational exchange to be improved.

Specialist units of the *Gendarmerie Nationale* make use of all channels for exchange of information, without any of them particularly taking precedence.

### 5.3.2. Customs

In general terms, bilateral cooperation takes precedence, since international mutual administrative assistance agreements are bilateral and a customs attaché network is available.

Drugs information is exchanged either directly with the countries concerned or via the customs attachés stationed in those countries or responsible for the geographical area in question.

# RESTRICTION UE

## 5.3.2.1. EU-Member States

Within the European Union, information is mostly supplied as follows:

- Through real-time communication: where detecting units refer it to the international mutual administrative assistance unit, information on seizures in France is faxed directly to the foreign counterparts (Istanbul Resolution), except for large seizures, which are reported to the French customs attachés. During their hours of duty, foreign units are notified directly via their operational contact points or duty officers;
- Seizures reported after the event are notified by way of customs attachés;
- Operational information (intelligence on consignments or individuals, in particular) is supplied to customs attachés, who take it up with the relevant authorities.

## 5.3.2.2. Countries outside the EU

In non-EU countries customs attachés act as an intermediary for all drugs information. The French authorities mentioned that they had recently carried out CDs with the United States of America, Canada, Bulgaria, the Czech Republic, Poland and Russia. Where there are no attachés, information is supplied directly to customs contact points in the countries concerned.

## 5.4. Operational Experience

### 5.4.1. General experience

It was reported that intelligence obtained via the various channels is used by French law enforcement authorities without any difficulties with their foreign counterparts or the latter's judicial authorities. Exchanges of operational information with other Member States' law enforcement authorities were said to have been effective in tackling cocaine couriers on airliners from Latin America to Europe.

## **RESTREINT UE**

The liaison officer network regularly supplies information on individuals who may be engaged in this facet of international trafficking as well as intelligence necessary for their apprehension (any previous record, flights used, passenger and luggage descriptions, photos etc.).

French customs reported that requests for assistance had revealed that most cases dealt with usually involved EU Member States.

In 2000, out of a total of 3 208 cases, 2 354 concerned European Union Member States.

The French authorities reported extensive cooperation with the following countries, figures for 2000 in descending order: United Kingdom (517 cases), Spain (452 cases), Italy (330 cases), Germany (318 cases), Belgium (300 cases) and the Netherlands (222 cases).

France plays a particularly active part, being the source of 1 669 requests, out of 2 354 cases.

Until the date of the evaluation visit, international cooperation and exchange of intelligence have enabled French customs to seize 0,7 tonnes of drugs (including 28 kg of cocaine and 31 kg of heroin) and around FRF 30.m in 2001.

French customs have claimed that as a result of their information provided to foreign units, the latter succeeded in seizing 3,28 tonnes of drugs (including 3,2 tonnes of cannabis and 59 kg of cocaine).

According to the answers given, legal aspects did not cause any particular difficulty within the European Union. In the majority of the cases, difficulties arose due to practical problems. The answers to the questionnaire gave one example of a case when it was not possible to send officers abroad to recover drugs from an international controlled delivery because the cost of travel was out of proportion with the quantity of drugs found. Consequently the drugs had to be entrusted to French airline pilots.

## RESTRICTION UE

### 5.4.2. Precursor tracking

As regards the supply of information on precursors, the French authorities noted that response times in requests for international mutual administrative assistance (suspicion report handling and export permit processing) were considered too long; a response usually took about a month, and thus belied the characterisation of measures suited for surveillance or inspection of suspicious transactions.

Furthermore it was noted that with unrestricted intra-EU movement of precursors, units would face a major legal difficulty. Although there was an unmistakable legal basis for vehicle inspection, it was felt that the lack of any accompanying documentation made it impossible to ascertain whether the business behind a transport was lawful.

Following France's request, the next recasting of Community texts governing intra-Community trade will require that the most sensitive precursors (Category 1) be accompanied by documentation during their transport within the Community.

### 5.5. Europol

All French law enforcement agencies are involved in one way or another in the activities of Europol.

OCRTIS participates in drug projects initiated by Europol by providing input for databases controlled by the Europol Drugs Unit via the French national desk. After updating and processing of the databases the information gained would further be used by the national French law enforcement services for operational purposes.

Presently OCRTIS feeds three Europol databases:

- The *Latin American* project, produced by merging the *Coca-phone* and *Coca-pass* files;
- The *Meunier* file on tools required for unlawful manufacture of ecstasy;
- The *Moutarde* file on Turkish heroin trafficking networks in Europe.

## RESTREINT UE

France also participates in Europol drugs work through the involvement of experts in analysis files. Customs reports seizures of 50 or more ecstasy pills to the *Logo* project via the Europol national unit.

The assignment of officers from the various French law enforcement authorities to the French desk at Europol has repeatedly facilitated the processing of foreign requests by accessing the different French law enforcement databases.

### 5.6. Liaison officers (LOs)

#### 5.6.1. Foreign LOs posted in France

##### 5.6.1.1. Police

Four EU Member States have posted specialist drugs liaison officers in France, stationed at their embassies in Paris:

- Germany, Italy, the Netherlands and the United Kingdom.

Multipurpose liaison officers have also been posted by:

- Belgium, Spain and Sweden and the United States of America.

##### 5.6.1.2. Customs

In addition, Germany, the Netherlands, the United Kingdom and the United States of America have stationed customs attachés at their embassies in Paris. In general, their sphere of responsibility extends beyond drug trafficking and money laundering. Only the United Kingdom customs attaché handles both areas.

# RESTREINT UE

## 5.6.2. French Liaison Officers posted abroad

### 5.6.2.1. Police

The French police administrations have posted drug liaison officers in the following countries:

- Colombia, Morocco, the Netherlands, Puerto Rico, Romania, Spain, Thailand, the United States of America, Venezuela.

In these countries, the officers specialise in the field of drugs, with their main duty being to establish operational cooperation relations between France and the region concerned. They are administratively attached to the Technical International Police Cooperation Department (*SCTIP – Service de coopération technique internationale de police*), a national body managing all representatives of the Interior Ministry abroad. The *SCTIP* is present in some sixty countries and thus has a network in most regions and human resources, which can be deployed for any problem affecting national security, in particular therefore for the fight against drugs.

Depending on the main crime problem arising in police cooperation between France and the country concerned they come from different operational divisions of the national police.

Administratively, they are attached to the Technical International Police Cooperation Department (*SCTIP*), the national body which directs their work.

Furthermore, one *Gendarmerie Nationale* officer, acting as an interministerial liaison officer is stationed at the Joint Interagency Task Force East in Key West (USA).

### 5.6.2.2. Customs

French customs have a network of 15 customs attachés and deputy customs attachés. Stationed mostly in mainland Europe (within the European Union and in Eastern European countries), their remit generally covers the adjoining countries. They are presently stationed in the following countries:

## RESTREINT UE

- Argentina, Austria, Colombia, Germany, Italy, Japan, Poland, the Netherlands, Romania, Spain, Turkey, United Kingdom, United States of America.

Customs attachés directly report to the Director General of Customs and Excise, from whom they receive their instructions. Concerning fraud and the action to be taken in this field, they also receive directions from the Directorate General and from the National Directorate for Customs Intelligence and Investigations (*DNRED*).

### 5.6.3. *Role of DLOs*

#### 5.6.3.1. *Police*

The role of DLOs is primarily operational. In broad terms their task is to uncover drug traffickers' criminal operations, especially if directed towards France or Europe, with the assistance of the law enforcement authorities of the host country.

They gather information and act as a primary intermediate for any interchange between the two countries' central authorities.

DLOs contribute to any developments in investigations coming to their attention and are thus in a position to give the necessary lead for the carrying out of a controlled delivery.

They may also take part in infiltration operations in their host country, with the agreement and under the protection of foreign units, although such work remains exceedingly rare.

In addition, they may also help to execute international letters rogatory, by assisting French officers sent out on mission.

In their answers to the questionnaire, the French authorities stated that the national police had never made use of liaison officers posted to Europol for the application of special investigation techniques such as controlled deliveries.

## RESTRICTION UE

### 5.6.3.2. Customs

The tasks of customs attachés involve three main aspects: anti-fraud action, customs diplomacy and an economic role. Combating drug trafficking thus remains only one facet of their tasks.

Customs attachés are extensively involved in the reporting of large drug seizures and follow-up activity as well as in relaying operational information.

They are always involved in international controlled deliveries carried out at French customs' initiative, in which they generally liaise between *DNRED* and local customs and authorities, although direct contact may occasionally be established for such operations.

Customs attachés are responsible for all information on any other type of offence, whether a trade offence or smuggling of any products coming within the customs sphere.

In view of the presence of French customs attachés and deputy customs attachés in countries coming within Europol's geographical coverage, liaison concerning use of special investigation methods, in particular international controlled deliveries, takes place by way of them. Moreover, most bilateral customs agreements make provision for the use of controlled deliveries. Given that possibility and the urgency of carrying out such operations as quickly as possible, there is a compelling need to limit the number of people involved.

# RESTRICTION UE

## PART III

### 6. EVALUATION OF THE EFFECTIVENESS OF SYSTEMS IN FRANCE RELATING TO THE FIGHT AGAINST DRUG TRAFFICKING

#### 6.1. Findings

##### 6.1.1. General

The evaluation team was able to gain a global view of the arrangements and the services involved in countering drug trafficking in France at both central and local level. Furthermore the experts were offered an insight into the three main law enforcement services and a few specialised law enforcement services that bear the everyday brunt of counteracting drugs crime.

From the impressions gathered, the evaluation team was convinced that the French law enforcement agencies visited are pursuing their tasks in a very professional, dedicated and organised manner. The experts concluded, however, that although the services were performing very well within their own remit they were at times lacking in systematic coordination.

##### 6.1.2. Adoption of international instruments

All questions asked by the experts during the evaluation were related in one way or another to various international instruments relating to cooperation between law enforcement authorities on a national and international level with regard to drug trafficking. Save where there are specific comments to the contrary in the report, the experts were assured that all actions concerning the following related instruments have been or are in the process of being adopted.

- The Action Plan to combat Organised Crime of 28 April 1997
- The Joint Action of 14 October 1996
- The Joint Action of 29 November 1996
- The Council Resolution of 29 November 1996
- The Joint Action of 17 December 1996
- The Joint Action of 9 June 1997

## RESTRICTION UE

- The Joint Action of 16 June 1997
- The Joint Action of 3 December 1998
- The United Nations Conventions of 1961, 1971 and 1988

### 6.1.3. *The coordinating role of MILD'T*

Among EU Member States' arrangements for integrating the interests of all those involved in fighting the drug problem, *MILD'T* constitutes a unique attempt to unite the whole range of services and agencies under one umbrella in order to coordinate policies and efforts. Its direct attachment to the Prime Minister's office underlines the importance and seriousness that the French government attaches to tackling the drugs problem, but it also means that only at the very first level of ministers eventual gaps between the different actors can be overcome.

### 6.1.4. *MILD'T and its position vis-à-vis law enforcement*

The aim of the anti-drugs plan piloted by *MILD'T* is to introduce consistency in the measures by various ministries based on several priorities: improvement of knowledge, information for the wider public, training, prevention, enforcement, care and local action. In the same way, the policy implemented by *MILD'T* has endeavoured to render sectoral policies that at times may appear to be contradictory, consistent and comprehensible.

Although the team gained the impression that *MILD'T* would generally stress the prevention side of fighting drugs, which has been the major change in publicised drug policy, law enforcement strategies have not been substantially affected by this and have remained unaltered.

It was explained to experts by members of *MILD'T* that the tri-annual plan covered both aspects of fighting the drug problem, repression and prevention, and that its character was essentially to give guidance as to the objectives of the plan.

Although it was not denied that prevention dominated *MILD'T* policy, the experts found it difficult to determine the extent to which this actually influenced law enforcement officers' efforts to fight drug trafficking, even bearing in mind that *conventions d'objectif départemental* existed on the level of the departments that are aimed at clearly defining the rules of engagement.

## RESTRICTION UE

From the information received it seemed, however, that some problems had arisen in implementing strategies developed by *MILD T*. The desired impact on local drug trafficking had not been attained to the extent envisaged by the central services owing to the different approaches of the various law enforcement services.

Furthermore it seems there is persistent systemic resistance towards the *MILD T* approach among law enforcement officers, largely to be attributed to their view that consumption should not be banalised.

### *6.1.5. Concerted approach licit and illicit drugs within the EU*

During their visit to the *MILD T*, the evaluators were told that the fulfilment of its task would benefit from a more unified position within the EU Member States on drugs that were mistakenly considered licit, as they found existing contradictions within the EU difficult to defend, particularly to the younger part of the population.

### *6.1.6. Implementation of the government's objectives in the field*

Implementation of the objectives of the government's plan is the responsibility of administrations under the ministries participating in the inter-ministerial committee on the fight against drugs and drug addiction. They then define their own strategy for achieving these objectives and for that purpose can receive assistance from and use the work of *MILD T*. With regard to airports, *MILD T* plays a particular role of inter-ministerial coordination and encouragement within the Pompidou group on airports.

When visiting customs at the biggest airport in France, Charles de Gaulle airport in Roissy-en-France, the experts had the general impression that on the working level the *MILD T* objectives in relation to drug trafficking had not been achieved in practice particularly with regard to Ecstasy. While all incoming passenger traffic was profiled for cocaine, controls for Ecstasy were only performed at random.

## RESTRICTION UE

A similar impression became apparent during the presentations given at the prefecture at Lille: from what was said by those responsible for implementing the *MILDT*'s objectives in the Nord/Pas-de-Calais region they appeared to be of a more second-ranking nature as regards the actual practices.

### 6.1.7. *Prevention officers*

The team noted that the anti-drug liaison officers (*FRAD*) and the anti-drug police officers (*PFAD*) constituted a valuable instrument in fighting drugs at an emerging level and therefore getting at the roots of drug trafficking. The resources invested in this scheme by *gendarmerie* and police as well as the number of persons that are reached per year (500 000 estimated) are considerable. Despite the fact that the *gendarmerie* would generally pursue a repressive approach on drugs, they found it reasonable to give such broad support to this programme.

### 6.1.8. *Cooperation between the law enforcement services*

The opinions that were relayed to the experts regarding daily cooperation between *gendarmerie*, police and customs from the practitioners showed that they considered the existing level of cooperation as sufficient to fulfil daily tasks.

The experts observed, however, that horizontal working structures were lacking and that data-protection legislation was highlighted as ill-tuned and hindering operational investigations and secondary analysis.<sup>1</sup>

Existing centralised databases of the services that are not connected due to existing data-protection legislation appeared to hamper exchanges while the use of crime intelligence and forensic sciences appeared only to be employed to a lesser degree within the services. The team was surprised when it was told that in certain cases data exchange seemed to have been prohibited by the *CNIL*, resulting in a loss of intelligence and an ineffective employment of resources.

<sup>1</sup> With regard to the information on newly established *GIRs*, received after the visit, this situation has improved.

## RESTRICTION UE

### 6.1.9. *Intelligence: Use of operational crime analysis*

In terms of employing crime analysis methods the *gendarmerie* seemed to have reached a high standard as compared with other law enforcement services. Crime analysis in this service appeared to be well organised, albeit the intelligence was said to be mostly used within their own remit. The experts were not able clearly to establish the extent to which intelligence was actually shared with other law enforcement services on a regular basis.

Representatives from the *DNRED* stated, however, that information exchanges with the police services were leaving room for improvement.

### 6.1.10. *Exploitation of analytical resources in the Gendarmerie Nationale*

The experts noted that the high quality of crime analysis resources in the *Gendarmerie Nationale*, both in terms of trained staff and equipment were apparently used only for individual cases while the intelligence gained from this work was not used in a wider framework.

Furthermore the experts noted with astonishment that data of individual analytical work had to be destroyed after the finalisation of the file without being used for secondary analysis. It was explained that this was common practice owing to existing data protection rules.

### 6.1.11. *Intelligence: Crime analysis training*

The experts were surprised by the fact that the *gendarmerie* was the only law enforcement service that provided training in crime analysis and, according to the information provided, the police had not received any training in this at all.

It was stated that some customs officials at the *DNRED* had received courses in strategic analysis to use this technique with a view to profiling. This had proven useful for profiling targets at entry points, such as Roissy airport.

## RESTRICTION UE

### 6.1.12. Intelligence: Customs profiling

The high level of success reported by the customs services at Roissy's terminal 1 was largely attributed to the application of profiling techniques, thus reflecting the general trend of customs contributing to about 60% of the total quantity of drugs that are seized in France.

### 6.1.13. Financial intelligence: TRACFIN's feedback procedures

TRACFIN has been one of the first European FIUs and, according to its head, is investing a considerable amount of resources in feedback from the financial bodies that are obliged to transmit suspicious transaction reports (STRs). This has apparently paid off as TRACFIN's head reported that parties outside the banking sector were willing to comply with their legal obligation. It was also interesting to hear that owing to recently introduced legislation courts have to return the results of STRs to TRACFIN. The experiences clearly show that efforts have been made to improve existing mechanisms and seem to be worth considering for MS where the reporting mechanisms seem to produce less promising results.

The experts noted that only 7% of the reports to the court related to drugs exclusively although other cases did relate to a multitude of offences.

Legislation governing the transmission of intelligence to TRACFIN has undergone some recent changes and civil servants of all services can now transmit intelligence directly to TRACFIN.

### 6.1.14. TRACFIN: Workload

According to the information provided by the head of TRACFIN the number of STRs has doubled every two years while the premises of TRACFIN have apparently not kept pace with this development. The evaluation team would therefore find it appropriate to review the present situation as the working environment might have implications for the results that can be achieved. Together with three other FIUs TRACFIN is taking part in a European pilot project for an internet-based exchange network aimed at streamlining anti-money laundering operations.

## RESTRICTION UE

### 6.1.15. Intelligence: Locally or end-user-confined use of databases

Regarding the databases operational in French law enforcement services the team noted some very interesting developments, such as *FNAILS*, which is employed by customs. They were, however, surprised to learn that many of these databases were only functioning at an end-user or local level, which was partly attributed to a very strict *CNIL* data protection regime.

If it were actually so, such an over-emphasis on results at local rather than national level would imply several hazards. It would clearly prevent integration at national level and consequently, statistics might not be consistent owing to a lack of common criteria.

### 6.1.16. Intelligence: Lack of centralised databases

Centralised databases accessible to all law enforcement officers would prevent gaps and a duplication of efforts. During their visit to the French Eurotunnel terminal the team was shown the databases that French customs officers were using in order to perform their inspection duties. Although this database appeared to fulfil its function for that particular purpose, the team was surprised that no on-line access to the stolen vehicle database was available. The staff at the checkpoint said that the procedure followed existing rules. It cannot be denied, however, that this situation may result in a safety deficit.

### 6.1.17. Intelligence: Reporting system on precursors

At the Interministerial mission for the control of chemical drug precursors (*MNCPC*) the experts were told that the feedback from other government services and industry into reporting was not considered to be sufficient. Taking into account that the imports of precursors from outside the EU and the quantity of synthetic drugs reaching the market were rising, while at the same time the number of reports were diminishing, the experts had the impression that the administrative reporting system was lacking in effectiveness.

## RESTRICTION UE

Furthermore, the team was advised by the *MNCPC* that there was no feedback on suspicion reports either from control authorities inside the EU or from law enforcement services; this had repeatedly led to cases of multiple enquiries involving the same operator and was reported to be hampering the system as it was eroding industry's willingness to submit reports.

### *6.1.18. Container scanner at the Eurotunnel Terminal*

Visiting the Eurotunnel Terminal at Sangatte, near Calais, the experts also had the opportunity to take a look at the container scanning installations at one of the most frequented passenger control points in mainland Europe with thousands of vehicles passing every day. As only a few of those big scanning installations exist within the EU, staff at Sangatte consider that their work would benefit from informal information exchanges among the existing stations, on both training and practical issues.

### *6.1.19. Scanning of car license plates at the Eurotunnel terminal*

Bearing in mind that the French Eurotunnel terminal currently handles 1,9m passenger vehicles and 800 000 lorries p.a., the team also wondered why the scanning of car license plates which is used commercially for billing purposes could not be used for law enforcement purposes as it could facilitate the profiling work of officials on duty.

### *6.1.20. Intelligence: Profiling of rail freight traffic at the Eurotunnel terminal*

When asked, customs staff at the Eurotunnel terminal told the evaluation team that it was difficult to profile freight rail traffic for misuse for purposes of drug trafficking. Although no estimate of a potential risk could be given, it was regarded as vulnerable owing to the bulk of rail cargo and the absence of control methods.

## RESTREINT UE

### 6.1.21. Cooperation: Involvement of Europol

In response to questions about Europol involvement in French drug investigations, representatives of the Interior Ministry were very reserved, stating that they would consider Europol participation positively only in the event that it could contribute operational added value, since this practical input was what field professionals now looked for. The French authorities did, however, identify areas of application where they could see a possible role for Europol, namely a) in cases that could not be tackled by a single Member State or b) in an uncertain future scenario.

### 6.1.22. Coordination and cooperation: Charles-de-Gaulle Airport

From their visit to Roissy airport the experts learned that the instruments given to practitioners appeared to be working reasonably well. Again, however, they had the impression that a contradiction remained with regard to cooperation on files between the central view of the *DGD* and that of the forces on the ground at Roissy. From their discussions with customs staff at Roissy the experts concluded that, taking into account the demand for swift action in matters relating to air transport, customs work would benefit from more direct contacts with colleagues at other European airports. The experts were astonished to note that customs at Roissy were able to exchange information directly with customs at Moscow's Sheremetyevo airport, but not with airports within the EU, except for those few with which a cooperation agreement has been signed.<sup>1</sup>

### 6.1.23. Cooperation between customs and gendarmerie at Roissy airport

As to cooperation between customs and *gendarmerie*, the team was informed that meetings were held only on a case-by-case or ad-hoc basis, but that no institutionalised forms of exchange had been established.

<sup>1</sup> Agreements have been signed between Roissy-Charles de Gaulle Airport and Madrid-Barajas, Rome-Fiumicino, Vienna and Copenhagen Airports. Outside the EU, a similar agreement has been signed with Zurich Airport.

# RESTRICTION UE

## 6.1.24. *Interception of Telecommunications*

As in other EU Member States the liberalisation of the telecommunications market has done nothing to help law enforcement authorities in their task of gaining access to suspects' communications. The variety of telecommunications applications that can be misused for purposes of drug trafficking has reportedly led to difficulties in investigations. The French authorities noted that a particular problem arose when trying to identify purchasers or users of pre-paid telephone cards for cellular phones, a common practice among dealers being to use a decoy to distract attention when using telecommunications.

## 6.1.25. *Cross-border cooperation*

When visiting the prefecture in Lille the experts encountered heightened awareness of the fact that cross border cooperation within Schengen territory was rightly regarded as a completely different form of cooperation from that between two individual countries.

Despite this attitude, practical experience described the border as being porous for criminals but not for law enforcement authorities, although the Schengen agreement does provide for cross-border pursuit. Central government was said to treat cross-border cooperation as though it were the same as between physically separated countries.

In this respect it was also noted that the *Bureau de liaisons permanent* had serious shortcomings and did not work properly. Shortcomings were also said to exist in cross-border police cooperation, mainly with regard to financial and legal instruments.

## 6.1.26. *Joint investigation teams, following the circular of May 2001*

Following recent changes in the law<sup>1</sup>, customs officers may now, contrary to previous legislation, also be empowered to conduct judicial investigations (customs services can also conduct administrative investigations). An examining magistrate or prosecutor can choose officers of a certain grade who have been appointed to joint teams by the Ministry of Justice and can also decide who will actually head an investigation.

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<sup>1</sup> Loi du juin 1999 and circulaire CRIM.01.06.

## RESTREINT UE

The experts found that this regulation enables French law enforcement officers to counterbalance existing deficits in cooperation, particularly with regard to exchanges through databases; furthermore this implements the Common Action of 1997 which called for reinforced cooperation between police and customs.

### 6.1.27. *Ecoutes administratifs*

One instrument that appeared to be quite unique to the French system and that stands in stark contrast to the rigorous data protection regime applied by the *CNIL* in other areas of law enforcement are the *écoutes administratifs*. This regime enables specially empowered customs officers, police and gendarmerie to order the interception of telephone communications for operational purposes.

Although the legal basis may have to be studied carefully, experts considered this a very interesting instrument for acquiring information and additional evidence at operational level, particularly in those fields of crime that are characterised by a high degree of conspiracy, even if it could not provide evidence that could be used in court. Besides, it has to be noted that the *écoutes administratifs* reduce the number of "court-proof" telephone interceptions with all the effort those involve.

## 6.2. Possible improvements

### 6.2.1. *Different perception of the central and the provincial level*

The experts noted a certain discrepancy between central policies and strategies and actual requirements in the field. From their visit to the *Nord* region the experts concluded that it might be worthwhile to review arrangements decided on centrally after consultations as to requirements at provincial level.

The implementation of the *conventions départementales d'objectifs* at local level (local objectives file, implementation of targeted law-enforcement actions, etc.) should be evaluated; this could be entrusted to *MILD*T while at the same time evaluating the *MILD*T.

## RESTRICTION

### 6.2.2. *Different levels of tolerance towards drug consumption within the EU*

Although no legal differences concerning the legal classification of drugs exist within the EU the *MILD T* has addressed the issue of differing perceptions as to which drugs are legal or illicit throughout the EU. It has therefore concluded that differences in approach make it difficult to promote a campaign against banalisation of consumption, especially when addressing the younger part of the population. Experts regarded this as a fact; unavoidable in a highly mobile society this issue, with all its implications, would have to be addressed at European level.

### 6.2.3. *Use of analytical data for secondary analysis*

It made no sense that no secondary analysis should be carried out on data gathered and evaluated from primary analysis. It is suggested that if legal problems arise owing to *CNIL* rulings, that at least anonymous data should be used.

From what the team has learned when talking to different actors in the field, the policy laid down by *CNIL* concerning the use of data and analytical derivatives thereof seems to leave room for improvement. Experts could not understand what prevented data from primary analysis from being used for secondary analytical purposes. If such a general antagonism between the *CNIL*'s approach and the clearly identified need for a wider analytical approach really does exist, it should be resolved by means of a dialogue between *CNIL* and law enforcement services as a whole.

One approach could be to use anonymous data in order to obtain a statistically based approach when looking into crime phenomena.

### 6.2.4. *Feedback on precursor reporting*

The reporting system which, according to the information provided by the *MNCPC* seems to be have lost some of its momentum, would benefit from an obligation, insofar as this does not impede the progress of the investigation and is legally possible, to feed back information to the reporting party in order to secure the effectiveness of the system.

## RESTRICTION UE

### 6.2.5. *Eurotunnel: information exchange with other scanning facilities*

Information exchanges between the existing scanning facilities should be put onto a more informal basis in order to allow for a more efficient exploitation of the facilities and swifter communication of information between practitioners in the field.

### 6.2.6. *Bureau de liaison permanent - BLP*

As the Bureaux de liaison permanent have apparently had an impact on crime investigation and prosecution in the areas where they have been established, it would be worthwhile to consider such installation in other regions where problems call for a more concerted approach than that required in rural areas.

The experts would therefore suggest the establishment of similar integrated multi-agency bodies on a regional or local level to exchange data in regions where risk assessment calls for a more formal exchange of information and coordination.<sup>1</sup>

### 6.2.7. *Direct information exchange between law enforcement at EU-airports*

Until being told so by customs officials at Roissy airport, the experts were unaware that obstacles existed to swift information exchanges between law enforcement authorities at EU airports, all the more so since such exchanges were possible with airports in countries outside the EU. The team has therefore concluded that there is a need to address this issue at EU level in order to adjust procedures to the realities of air traffic.

<sup>1</sup> The experts were informed after the meeting that the setting up of the *GIRs* in the second half of 2002 mitigates the shortcomings noted by the experts as regards local and regional coordination.

## RESTRICTION UE

### 6.2.8. *Eurotunnel: technical standard of container scanner*

From comparisons with other stations, the experts concluded that the scanner at Sangatte was no longer up to date. Considering that this station is crucial, both in terms of fighting drugs trafficking but also in general law enforcement terms, and bearing in mind the enormous number of vehicles that have to be processed, the team found it reasonable to suggest an updating of the present technical facilities.

### 6.2.9. *Underrated ecstasy problem*

When talking to practitioners, the team was surprised that the issue of ecstasy was rarely highlighted. They were, for instance informed that synthetic drugs were not targeted in border traffic towards Belgium.<sup>1</sup> Regarding the situation with ecstasy in other neighbouring countries, a study should be considered as to whether this priority is in line with the actual situation in regard to synthetic drugs.<sup>2</sup>

### 6.2.10. *Ecoutes administratifs*

The *écoutes administratifs* appear to be a valuable instrument for gathering operational intelligence. Therefore, the experts were surprised to learn that there was a ceiling on the number of applications permitted.<sup>3</sup> Since the crime rate is not limited and the response to crime does not follow any planning it is suggested that this measure could be applied whenever the need arises.

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<sup>1</sup> In contrary to the information received on site the experts were informed after the visit that combating ecstasy trafficking was a subject expressly covered in the national inspection plan of the French customs service.

<sup>2</sup> After the visit, the experts received the supplementary information that data existed on synthetic drugs, including ecstasy. In the framework of the triennial plan, a system has been set up for the identification of substances seized or obtained by health or welfare professionals (the *SINTES* programme). Trends in consumption of these drugs are also followed, through the *TREND* programme.

<sup>3</sup> The experts received the additional information that the *écoutes administratives* framework constituted a derogation from ordinary law and was justified only as an additional tool for the purpose of combating serious crime. For this reason, strict quotas have been established.

## RESTRICTION UE

### 7. RECOMMENDATIONS TO FRANCE, AND, WHERE APPLICABLE TO OTHER MEMBER STATES OF THE EUROPEAN UNION

The evaluation team thought fit to make a number of suggestions for the attention of French authorities. This should not detract from the fact that France has a justly deserved reputation for adopting an integrated policy with regard to drug trafficking that allows a flexible response, by employing deterrence, prevention and help. It appeared to the evaluation team that cooperation between the different players in general terms works well and that all practitioners are highly motivated and dedicated to their duties.

The experts would like to summarise their suggestions in the form of the following recommendations:

#### To France:

- Should consider the implementation of *MILD'T*'s objectives at working level (cf. 6.1.7 and 6.2.1)
- Should look into any potential discrepancies between central policies and their implementation in the field in order to optimise law enforcement efforts (cf. 6.1.6, 6.1.24, 6.1.25 and 6.2.1)
- Should look into any factors that would hinder horizontal working structures, namely in the field of operational investigations and secondary analysis (cf. 6.1.9 and 6.2.3)
- Should consider a re-structuring of existing databases in order to prevent the loss of intelligence and ineffective employment of resources (cf. 6.1.8, 6.1.15 and 6.1.16)
- Should look into a systematic exchange between law enforcement services on a regular basis, particularly into a streamlining of exchanges of intelligence between the police and customs (cf. 6.1.9 and 6.1.23)
- Should review *TRACFIN*'s resources with a view to the continuous rise in numbers of STRs that have to be processed (cf. 6.1.14)

## RESTRICTION UE

- Should review access to relevant databases for front-line staff at the Eurotunnel terminal (cf. 6.1.16)
- Should look into a *modus vivendi* with its data protection regime so as to facilitate a more efficient use of the different services' analytical resources (cf. 6.1.8, 6.1.15 and 6.2.3)
- Should design measures to promote reporting of precursor substances to the appropriate authority (*MNCPC*) (cf. 6.1.17 and 6.2.4)
- Should identify those fields of cooperation to which Europol might contribute added value (cf. 6.1.21)
- Should contemplate the possibility of more direct operational contacts by customs staff at French international airports with other major airports in the EU (cf. 6.1.20 and 6.2.7)
- Should monitor the effectiveness of the *conventions départementales d'objectifs* in order to remedy its operational shortcomings (cf. 6.1.25 and 6.2.1)
- Should consider the establishment of *Bureau de liaison permanent* type bodies in areas where risk assessment calls for a more formalised exchange of information and coordination (cf. 6.1.8 and 6.2.6)
- Should consider bringing the Eurotunnel container scanner up to date (cf. 6.2.18 and 6.2.8)
- Should evaluate the feasibility of an automated scanning of car license plates in order to facilitate the routine screening of vehicles at the Eurotunnel terminal (cf. 6.1.19)
- Should look into the vulnerability of Eurotunnel rail traffic as a means of transportation for drug trafficking (cf. 6.1.20)
- Should re-consider the restrictions on the number of *écoutes administratifs* (cf. 6.2.10)

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### To other European Union Member States:

- Should look into the possibility of reaching agreement on the types and quantities of "tolerated" drugs within the EU (cf. 6.1.5 and 6.2.2)
- Should study the French system of the anti-drug liaison officers (*FRAD*) and police anti-drug officers (*PFAD*) as an example of a flexible instrument to exercise control and gather intelligence at street level (cf. 6.1.78)
- Should look into the possibility of creating a network among the few container scanning facilities within the EU (cf. 6.1.8 and 6.2.5)
- Should promote among their appropriate law enforcement services a more extensive use of Europol (6.1.21)
- Should consider a common solution to enable law enforcement to identify users of pre-paid telephone cards (6.2.24)

**V i s i t i n g P r o g r a m m e a n d l i s t o f p e o p l e s e e n**

**Lundi 26 novembre 2001**

**8H30 Prise en charge à l'hôtel par véhicules DGPN**

**9H00-10H00 Accueil et présentation du programme de visite**

M. Jean-Michel THILLIER, Chef du secteur lutte contre la drogue au SGCI  
Mme. Nicole MAESTRACCI, Présidente de la MILDT  
Mme. Karine LABORDE, Min de la Justice  
M. Frederic BAUB, Min de la Justice, SAEI  
Mme. Florence MOURTEAU, Min de l'Intérieur, DLPA5  
Mme. Françoise VANCE, MIN EFI, MNCPC  
M. Jean-Louis BOUVIER, MIN EFI, DGDDI  
Mr. Xavier DULEPT, Min de la defense/Gendarmerie  
Mme. Charlotte TRABUT, MILDT  
M. Th. OURGAUD, MILDT  
M. E. JIMENEZ, MILDT  
Lieu : MILDT 7, rue St Georges  
75009 Paris

**10H00-12H00 Entretiens à la mission interministérielle de lutte contre la drogue et la toxicomanie (MILDT)**

Mme Nicole MAESTRACCI, Présidente de la MILDT  
Lieu : MILDT 7, rue St Georges  
75009 Paris  
Contact : M. Thierry OURGAUD  
☎ 0144632083  
☎ Portable 0672117866

12H00-13H30 Déjeuner offert

**13H30 Prise en charge par véhicules DGPN**

**14H00-18H00 Entretiens au ministère de l'Intérieur**

M. Michel BOUCHET, Chef de la MILAD  
M. Bernard PETIT, Chef de l'OCRTIS  
M. Yves GODIVEAU, Chef de l'OCRGDF  
M. WEILER, O.C.R.T.I.S  
M. Jean-Pierre KILQUE, MILAD  
Mme. MOREAU, DLPAJ  
Lieu : Direction générale de la police nationale 11, rue des saussaies 75008 Paris (salle 361)  
Contact : Jean-Pierre KILQUE  
☎ 0149274072  
☎ Portable 0683586957

**Retour vers l'hôtel par véhicules DGPN**

# RESTREINT UE

Mardi 27 novembre 2001

**8H30 Prise en charge à l'hôtel par véhicules DGDDI**

**9H00-13H00 Entretiens à la direction générale des douanes et des droits indirects (DGDDI) et à la DNRED**

M. Jean PUIG, Chef du bureau de la lutte contre la fraude

M. Guy GOUIN, Directeur DED

M. Patrick DEUNET, Directeur DRD

Mme. Isabelle MOREAU-FLACHAT D/3 - Collaboratrice du M. Puig

M. Jean BIÈCHE Responsible for ciblage fret

M. Pierre GARES, Responsible for ciblage passengers (Brigade de l'Investigation et de Ciblage)

M. Jean-Paul GARCIA Responsible for aérogare 1

Lieu : DGDDI, 23 bis rue de l'Université 75007 Paris Salle du Conseil

Contact : Mme Isabelle MOREAU-FLACHAT

☎ 0144744693

13H00-14H15 Déjeuner offert par la DGDDI

**14H15 Transfert vers Roissy par véhicules DNRED**

**15H00-18H00 Visite de l'aéroport de Roissy CDG**

(visite des cellules de ciblage, aérogare 2 : équipes cynophiles, filtre arrivée, tri bagages)

M. Jean-Yves MAHE, Directeur régional des douanes

M. Alain BAR, Directeur régional des douanes

Contact : M. Alain BAR

☎ 0148623535

**Retour vers l'hôtel par véhicules DGDDI**

Mercredi 28 novembre 2001

**8H30 Prise en charge à l'hôtel par véhicules DGGN**

**9H00-13H00 Entretiens à la direction générale de la gendarmerie nationale (DGGN)**

M. MISSIAN Colonel,

M. SAGE, Lt. Colonel

M. Thierry THOMAS, Lieutenant-Colonel, Chef du bureau coopération policière européenne et affaires juridiques ;

M. Philippe DUCQ, Lieutenant,

Contact : M. Philippe DUCQ

☎ 0140292731

13H00-14H30 Déjeuner offert par la DGGN

# RESTREINT UE

## 15H00-16H00 Entretiens à TRACFIN

M. André DEGIRON, directeur des enquêtes

M. Bruno BUTTIER, chargé de mission

Lieu : TRACFIN, 23 bis rue de l'Université 75007 Paris (M° Bac)

Contact : M. Bruno BUTTIER

0155046300

## Transfert par véhicules TRACFIN jusqu'à la MNCPC

## 17H00-18H00 Entretiens à la mission interministérielle de contrôle des précurseurs chimiques de drogues (MNCPC) (Pièce 223R)

M. Alain PEYSSON, Responsable de la Mission Interministérielle Contrôle Des Précurseurs Chimiques De Drogues

M. Stéphane DUTHEIL DE LA ROCHÈRE

Mme. Françoise VANCE

Lieu : MNCPC

Contact : Mme Françoise VANCE

0153449753

## Jeudi 29 novembre 2001

### TGV N° 7011

Départ Gare du Nord : 7H58

Arrivée Lille Flandres : 9H09

Prise en charge par véhicules Préfecture à l'arrivée

## 9H30- 12H00 : Illustration de la coordination des différents services répressifs sur le terrain

M. FRANQUET, Préfet délégué à la sécurité

M. LATHOUD, Procureur général

Lieu : Préfecture de région Salle du jardin d'été

Contact : M. GARCON

0320305766

12H00-13H30 Déjeuner offert

## 13H30-14H30 Transfert par véhicules Préfecture jusqu'à Calais

## 15H30-17H30 Visite des services douaniers au tunnel Transmanche (Euroscan, Ionscan, brigade canine, lecteur de plaques, contrôle des wagons)

M. Frédéric TRAHIN, Chef de la division Transmanche

M. FRANQUET, adjoint-préfet

M. CHRETIEN, chef de la centrale interregionale du renseignement des douanes

M. DEUDON, chef de l'echelon direction nationale des enquêtes douanières

Mme. KOSTAMAROFF, min de la justice

M. LATHOUD, procureur general (leaves 1143)

M. PHILIPPE, directeur interregional des douanes

M. GUERBETTE, directeur interregional de la police aux frontières

M. Jean-Pierre KILQUE, MILAD

M. MEISTER, chef de la sureté départementale

M. VOULLEMINOT, commissaire divisionnaire service régional de police judiciaire

M. THIERRY, chef de bureau de la police judiciaire de la région de gendarmerie de Lille

# RESTREINT UE

Contact : M. Frédéric TRAHIN  
☎ 0321004021

## Retour vers Paris par Eurostar N°9038

Départ Calais Fréthun : 17H58  
Arrivée Paris Nord : 19H23

## Vendredi 30 novembre 2001

### 9H00-11H00 Entretiens au ministère de la Justice

M. FINIELZ, Directeur des affaires criminelles et des grâces  
M. Bruno DALLE, Min de la Justice,  
Mme. Anne. KOSTAMAROFF, Min de la Justice, cabinet du ministre  
Mme. Karine LABORDE, Min de la Justice  
Lieu : 13, place Vendôme 75001 Paris  
Salle Bas Cambon  
Contact : Mme Anne KOSTOMAROFF  
☎ 0144776547

### 11H00-12H00 Évaluation de la visite et questions diverses

M. Jean-Michel THILLIER, chef du secteur lutte contre la drogue au SGCI  
Mme Anne. KOSTAMAROFF, Min de la Justice  
Mme. Karine LABORDE, Min de la Justice  
M. PUIG  
M. PHILLIP  
M. Thierry THOMAS, Lieutenant-Colonel, Chef du bureau coopération policière européenne et affaires juridiques ;  
M. Jean-Pierre KILQUE, MILAD  
Lieu : 13, place Vendôme 75001 Paris  
Salle Bas Cambon

### 12H00 Départ vers les gares ou aéroports

# RESTREINT UE

## ANNEX B

### List of Acronyms, Abbreviations and Terms

ACRONYM ABBREVIATION TERM	ORIGINAL FRENCH	ENGLISH TRANSLATION OR EXPLANATION
ACTION - DEFIS	<i>Douane et Entreprises Face au Trafic Illicite de Stupéfiants</i>	Alliance of Customs and Trade for the Interdiction of Narcotics
BFP	<i>Brigade financière</i>	Financial Crime Squad
BLP	<i>Bureau de Liaisons Permanent</i>	Permanent Liaison Office
BRR	<i>Brigades de Recherche Régionales</i>	Regional Customs Investigation Brigades
BSP	<i>Brigade des stupéfiants</i>	Drug Squad
BTI	<i>Bulletin de Transmission d'Information</i>	Transmission bulletin
CDG	<i>Code IATA pour l'Aéroport de Roissy-en-France (Charles de Gaulle)</i>	IATA code for Paris Charles de Gaulle Airport
CIFAD	<i>Centre Interministériel de Formation Anti-Drogue</i>	Interministerial Anti-Drug Training Centre
CNFPJ	<i>Collège Nationale de la Formation de la Police Judiciaire</i>	National Police training centre
CNIL	<i>Commission Nationale de l'Informatique et des Libertés</i>	French National Commission of Informatics and Liberty
COMEXT	<i>Base européenne des statistiques du commerce extérieur</i>	European foreign-trade statistics
CRAIDO	<i>Cellule de recueil et d'analyse Internet douane</i>	Custom Internet Research and Analysis Unit
DCPAF	<i>Direction Centrale de la Police aux Frontières</i>	Central Border Police Directorate

# RESTREINT UE

ACRONYM ABBREVIATION TERM	ORIGINAL FRENCH	ENGLISH TRANSLATION OR EXPLANATION
DCPJ	<i>Direction Centrale de la Police Judiciaire</i>	Criminal Investigation Central Directorate
DCRG	<i>Direction Centrale des Renseignements Généraux</i>	Central General Intelligence Directorate
DCSP	<i>Direction Centrale de la Sécurité Publique</i>	Central Directorate for Public Security
DGDDI	<i>Direction Générale des Douanes et des Droits Indirect</i>	Directorate-General of Customs and Indirect Taxes
DGI	<i>Direction Générale des Impôts</i>	Directorate-General for Taxation
DGPN	<i>Direction Générale de la Police Nationale</i>	National Police Force
DIS	<i>Drogues alcool tabac Info Service</i>	Drugs alcohol tobacco information service
DNPJ	<i>Direction Nationale de la Police Judiciaire</i>	Criminal Investigation Department
DNRED	<i>Direction nationale du renseignement et des enquêtes douanières</i>	National Directorate for Customs Intelligence and Investigations
DPUP	<i>Direction de la police urbaine de proximité</i>	Directorate for Neighbourhood and Community Policing
DRD	<i>Direction du renseignement et de la Documentation</i>	Directorate for Intelligence and Documentation
FNAILS	<i>Fichier National des Auteurs d'Infraction à la Législation sur les Stupéfiants</i>	National database containing persons who have committed a breach of the drug law, kept by OCRTIS
FNID	<i>Fichier National Informatisé de Documentation</i>	National computerised documentation database
FRAD	<i>Formateurs relais anti-drogue</i>	Anti-Drug Training Officers

# RESTREINT UE

ACRONYM ABBREVIATION TERM	ORIGINAL FRENCH	ENGLISH TRANSLATION OR EXPLANATION
GIR	<i>Groupes d'intervention régionaux</i>	Regional Action Groups
IMAA	<i>Assistance administrative mutuelle internationale</i>	International Mutual Administrative Assistance
IRCGN	<i>Institut de recherche criminelle de la gendarmerie nationale</i>	National Gendarmerie Criminal Investigation Institute
MIEP	<i>Mission internationale des enquêtes publiques</i>	International mission for public investigations
MILAD	<i>Mission de lutte anti-drogue</i>	The Mission for the Fight against Drugs
MILD'T	<i>Mission Interministérielle de Lutte contre la Drogue et la Toxicomanie</i>	Interdepartmental Mission for the Fight against Drugs and Drug Addiction
MNCPC	<i>Mission Nationale de Contrôle des Précurseurs Chimique</i>	Interministerial mission for the control of chemical drug precursors
OCRGDF	<i>Office Central de Répression de la Grande Délinquance Financière</i>	Central Office for Combating Serious Financial Crime
OCRTIS	<i>Office central pour la répression du trafic illicite des stupéfiants</i>	Central Office for the Prevention of Drug Trafficking
OFDT	<i>Observatoire Français des Drogues et des Toxicomanies</i>	French observatory of drugs and drug addiction
PCCC (CCPD)	<i>Centres de coopération policière et douanière</i>	Establishment of police and customs cooperation centres
PFAD	<i>Policiers Formateurs Anti-Drogue</i>	Police Anti-Drug Instructors

# RESTREINT UE

<b>ACRONYM ABBREVIATION TERM</b>	<b>ORIGINAL FRENCH</b>	<b>ENGLISH TRANSLATION OR EXPLANATION</b>
SCCOPOL	<i>Section centrale de coopération de police</i>	Central Operational Police Cooperation Section
SCENT	-	System of Customs Enforcement Network
SCOAT	<i>Section centrale opérationnelle d'assistance technique</i>	Operational technical assistance centre
SCOOP	<i>Système de surveillance du Commerce et des Opérateurs sur les Produits Précurseurs</i>	Precursor trade and trader monitoring system
SCPC	<i>Service central de lutte contre la corruption</i>	Central anti-corruption department
SCTIP	<i>Service de coopération technique internationale de police</i>	Technical International Police Cooperation Department
SDEC	<i>Suggestions et Directives d'Enquêtes et de Contrôles</i>	Suggestions and Directives for Investigations and Controls
SISIP	<i>Système Informatisé de Surveillance Internationale des Précurseurs</i>	Computerised international precursor monitoring system
SRPJ	<i>Services Régionaux de la Police Judiciaire</i>	Regional criminal investigation centres
STRJD	<i>Service technique de recherches judiciaires et de documentation</i>	Technical Criminal Investigation and Documentation Department
TRACFIN	<i>Traitements du renseignement et action contre les circuits financiers clandestins</i>	French Financial Intelligence Unit
UCRAM	<i>Unité de coordination et de recherches anti-mafia</i>	Anti-Mafia Coordination and Research Unit