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'I' ITEM NOTE

From: Presidency
To: Permanent Representatives Committee (Part 2)
Subject: Launch of EU-China Dialogues on Drugs

1. The EU-China Summit of 16-17 July 2018 in Beijing resulted in an agreement to launch an annual EU-China Dialogue on Drugs. This note presents the objectives, scope and modalities to be confirmed by Coreper for the launch of this new EU-China Dialogue on Drugs.

I. Background

2. The European Union Drugs Strategy 2013-2020¹ aims to contribute to a reduction in drug demand and drug supply within the EU, as well as a reduction as regards the health and social risks and harms caused by drugs through a strategic approach that supports and complements national policies, that provides a framework for coordinated and joint actions and that forms the basis and political framework for EU external cooperation in this field. The Strategy has been drafted on the basis of the principles set out in the Lisbon Treaty and on the respective competences of the Union and individual Member States. Due regard was given to subsidiarity and proportionality, as the EU Strategy intends to add value to national strategies. The Strategy is to be implemented in accordance with these principles and competencies.

¹ OJ C 402, 29.12.2012, p.1.

3. The area covered by the EU Drugs Strategy is of both Union and Member States competence. Depending on the matters, the Union competence is either exclusive, shared or supporting, notably on drug precursor control and international scheduling, on harmonisation of the definition of drug-related offences, and on human health protection in reducing drugs-related health damage, including information and prevention.
4. One of the objectives of the European Union Drugs Strategy 2013-2020 is to further strengthen dialogue and cooperation between the EU and third countries and international organisations on drug issues.
5. The European Action Plan on Drugs 2017-2020² notably provides that the EU Drugs Strategy is to be integrated within the EU's overall foreign policy framework as part of a comprehensive approach that makes full use of the variety of policies and diplomatic, political and financial instruments at the EU's disposal in a coherent and coordinated manner.
6. One of the specific actions listed by the Action Plan (point 38.a) to reach this objective is to reinforce cooperation and/or conduct dialogue with partners, including China.
7. The EU-China Summit of 16-17 July 2018 in Beijing resulted in an agreement to launch an annual EU-China Dialogue on Drugs. The frequency and scope of the Dialogue were also agreed on that occasion, as point 25 of the Joint Statement states that "The two sides agreed on the importance of closer EU-China cooperation on addressing the world drug problem. Both sides agreed to launch an annual EU-China Dialogue on Drugs, incorporating existing consultations on drug precursors. They welcomed the ongoing Europol-China strategic cooperation as an important step towards enhanced EU-China cooperation on law enforcement and transnational crimes."

² 9960/17.

II. Examination in the Horizontal Working Party on Drugs

8. The Commission has announced that it intends to start a new EU-China Dialogue on Drugs. Deciding to launch new EU dialogues on drugs with specific third countries is a prerogative of the Council pursuant to Article 16 TEU. The Council may also take a position on other aspects such as the scope of the dialogue. The Horizontal Working Party on Drugs (hereinafter referred to as "the HDG") discussed the issue on 7 November and 29 November 2018, and then on 23 May, 8 July, 11 September and 9-10 October 2019.
9. The Council Legal Service issued an opinion in relation to deciding to launch new dialogues on drugs with third countries, prerogatives of the Council under Article 16(1) TEU and questions on representation and participation (doc 9228/19).
10. On 2 September 2019, the Commission services submitted to the HDG a non-paper on a new Dialogue on Drugs with China, its proposed objectives, modalities and agenda for a first meeting of the Dialogue (WK 9104/2019). The paper aimed at serving as a basis for the meeting's discussions.

III. Objectives and scope

11. In line with the 2013-2020 EU Drugs Strategy, the dialogue would offer an opportunity to initiate bilateral discussions on issues covered by the EU Drugs Strategy, to contribute to the following aims: 1. a reduction of the demand for drugs, of drug dependence and of drug-related health and social risks and harms; 2. a disruption of the illicit drugs markets and a reduction of the availability of illicit drugs; 3. the promotion of the availability of and access to controlled substances exclusively for medical and scientific purposes, while preventing their diversion; 4. the promotion of the EU priorities in the context of drug policies, including for an optimal use of financial and other appropriate tools; and 5. a better dissemination of monitoring, research and evaluation of results and a better understanding of all aspects of the drugs phenomenon.

12. More specifically, the short and long-term objectives of the EU-China Dialogue on Drugs would be to:
- a) Encourage the use of best practices and quality standards on drug demand reduction measures, such as prevention, early detection and intervention, risk and harm reduction, treatment, rehabilitation, social reintegration and recovery, including in prison settings, and on alternatives to coercive sanctions;
 - b) Enhance cooperation on reducing production, smuggling and trafficking of illicit drugs, including through alternative development, as well as on reducing the diversion and trafficking of drug precursors, including pre-precursors and other essential chemicals used in the illicit manufacture of drugs, incorporating existing consultations on drug precursors;
 - c) Underline the possibilities offered by the ongoing strategic cooperation with Europol and explore how to further enhance it regarding drug trafficking;
 - d) Exchange on EU and China's respective positions in relevant international fora, such as the UN Commission on Narcotic Drugs, and explore potential for coordination and joint positions/approaches;
 - e) Promote the principle of evidence-based drugs policy and encourage the participation of civil society and scientific community in the development and implementation of drug policies;
 - f) Discuss and foster the development and implementation of drug policies that respect, protect and promote all human rights, fundamental freedoms and the inherent dignity of all individuals and the rule of law, including by highlighting the principle of proportionality and by calling for the abolishment of capital punishment for all drug-related offences.

IV. Modalities

13. Given the objectives pursued, the Commission will represent the Union and chair the EU-China Dialogue on Drugs. The rotating Presidency may be entrusted by the Member States to represent them in whole or in part on matters of national competence.
14. On the EU's side, Commission services, the EEAS, Member States' representatives, the General Secretariat of the Council, the EMCDDA and EUROPOL will participate in the EU-China Dialogue on Drugs. The participation of other EU agencies where relevant should be discussed in the HDG ahead of the dialogues.
15. The Dialogue will be organised annually, alternatively in Brussels and in Beijing. When in Brussels, they will be organised back to back to meetings of the HDG, to facilitate participation of the HDG delegates. Tentatively, the EU could propose a first meeting of the Dialogue in Brussels in December 2019.
16. The EU should encourage China to engage with the civil society organisations and the scientific community in the context of the EU-China Dialogue on Drugs.
17. The rotating Presidency, in its role of chairing the Council configurations and Council preparatory bodies, in particular the HDG, will ensure the proper preparation of the dialogues. This includes ensuring the preparation of the Union position at the appropriate level (HDG, Coreper and Council as the case may be), including by anticipating and preparing in advance issues of strategic importance for the EU. It also includes ensuring that the draft agendas for the dialogues are discussed, and the Union's and Member States' positions are coordinated, within the HDG. The draft agenda for the dialogues will be prepared by the Commission and will be presented to the HDG. Once agreed, the Commission will propose this draft agenda to China, collecting their comments and putting it back to the HDG seeking agreement of the final draft agenda. On the EU side, the distribution of the interventions will also be discussed, having in mind EU and Member States competences.

18. On 10-11 September 2019, the Commission presented to the HDG a draft annotated agenda for the first meeting of the Dialogue (WK 9104/2019). This draft agenda will be examined in the HDG with a view to agreement in accordance with the process described above.
19. In line with the 2018 EU-China Joint Summit Statement, the EU-China Dialogue on Drugs is to incorporate existing consultations on drug precursors. The Union position regarding the way to incorporate the existing consultations on drug precursors currently done through the EU-China Joint Follow up Group on drug precursors is to be agreed in Coreper following discussions in the HDG, in co-operation with the Working Party on Customs Union (CUG). The preparation of the EU-China Dialogues on Drugs should ensure the consistency of the policies and actions in the areas of drugs and precursors, taking into account the operational work done in the domain of precursors, and in line with the EU comprehensive approach on drugs. Such agreement in Coreper should occur in due time to enable the incorporation to be effective for the second EU-China Dialogue on Drugs in 2020.

V. Conclusion

20. COREPER is invited to confirm the objectives, scope and modalities described above for the launch of the EU-China Dialogue on Drugs.