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(Acts adopted pursuant to Title V of the Treaty on European Union)

COMMON POSITION

of 17 December 1996

defined by the Council on the basis of Article J.2 of the Treaty on European Union
concerning the imposition of an embargo on arms, munitions and military equipment on
Afghanistan

(96/746/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article J.2 thereof,

Whereas the United Nations Security Council Resolution 1076 (1996) of 22 October 1996 called upon all States to end immediately the supply of arms and ammunition to all parties to the conflict in Afghanistan,

HAS DEFINED THE FOLLOWING COMMON POSITION:

Article 1

An embargo on the export of arms, munitions and military equipment shall be imposed on Afghanistan⁽¹⁾.

Article 2

The Member States of the European Union will deploy efforts to encourage other countries to adopt a similar policy of restraint.

Article 3

This common position shall be reviewed within six months in the context of a comprehensive reflection on the European Union's relations with Afghanistan.

Article 4

This common position shall take effect on the date of its adoption.

Article 5

This common position shall be published in the Official Journal.

Done at Brussels, 17 December 1996.

For the Council
The President
I. YATES

⁽¹⁾ The embargo covers weapons designed to kill and their ammunition, weapons platforms, non-weapons platforms and ancillary equipment as indicated in the EC embargo list of 8 and 9 July 1991. The embargo also covers spare parts, repairs, maintenance and transfer of military technology and contracts entered into prior to the onset of the embargo.

(Acts adopted pursuant to Title VI of the Treaty on European Union)

JOINT ACTION

of 29 November 1996

adopted by the Council on the basis of Article K.3 of the Treaty on European Union, concerning the creation and maintenance of a directory of specialized competences, skills and expertise in the fight against international organized crime, in order to facilitate law enforcement cooperation between the Member States of the European Union

(96/747/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article K.3 (2) (b) thereof,

Having regard to the initiative of the Presidency and of Belgium,

Having regard to the Joint Action of 10 March 1995 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning the Europol Drugs Unit⁽¹⁾ and the Joint Action of 16 December 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union extending the mandate given to the Europol Drugs Unit⁽²⁾,

Recalling that pursuant to Articles K.1 (8) and K.1 (9) of the Treaty, customs and police cooperation for the purposes of preventing and combating international crime are regarded as matters of common interest to the Member States;

Whereas the Council considers that the seriousness and development of certain forms of international crime require a strengthening of the cooperation between Member States' law enforcement agencies, particularly in scientific and technical areas;

Whereas in order to respond to the various threats with which Member States are confronted, national law enforcement authorities fighting organized crime have developed areas of specialized competences, skills and expertise, which should in principle be made available to appropriate authorities in all other Member States, on request, according to their needs and at the appropriate time;

Whereas the creation and maintenance of a directory of these areas of specialized competences, skills and expertise would make the latter more widely and easily available to authorities in Member States, thus enhancing the means at the disposal of Member States in the fight against crime;

Whereas the directory envisaged by this Joint Action is not intended to replace or affect any existing bilateral or multilateral arrangements in the area of scientific and technical law enforcement cooperation, nor to serve as a vehicle for the exchange of operational intelligence, nor to require the setting up of any new structures within the Council;

Considering that the Europol Drugs Unit shall as a first step establish the directory covering the areas of illicit drug trafficking and trafficking in human beings,

HAS ADOPTED THIS JOINT ACTION:

Article 1

The Europol Drugs Unit shall have the task of establishing, maintaining and disseminating a directory of specialized competences, skills and expertise for the fight against crime, which are within the competence of the Europol Drugs Unit (EDU), pursuant to the Joint Actions of 10 March 1995 and of 16 December 1996.

Article 2

1. Member States shall submit their contributions to be entered in the directory to the EDU.
2. The EDU shall compile the directory on the basis of the contributions from the Member States.

⁽¹⁾ OJ No L 62, 20. 3. 1995, p. 1.

⁽²⁾ See page 4 of this Official Journal.

3. When making their contributions to the directory, Member States shall take full account of the security classification and protection established by each Member States.

4. Subsequently, the EDU shall be responsible for the accurate incorporation of any amendments and additions to the directory on the basis of further contributions from Member States, and for drawing these amendments and additions to the attention of Member States.

Article 3

1. Each Member State shall contribute to the directory an indication of any specialized competences, skills or expertise it has developed in the fight against organized crime and which it considers useful to make available to all Member States.

2. The contributions from the Member States, which might conveniently be made on proformas to be agreed within the Council, shall as a minimum give a sufficient description of each particular competence, skill or expertise to enable the appropriate authorities in Member States to make a reasoned judgment as to its likely relevance in the performance of their duties. The contributions shall also indicate precisely how contact should be made, directly and speedily, either with the authorities offering this competence, skill or expertise or with a central contact point within the Member State concerned.

3. Member States shall be responsible for updating these contact details as necessary.

4. Member States may at any time contribute additional entries to, or ask for entries to be withdrawn from, the directory.

5. No personal data, other than the names and contact details required for the operation of the scheme, shall be held in the directory.

Article 4

1. Each Member State shall hold a copy of the directory. Any relevant authorities in a Member State which wishes to avail itself of a particular competence mentioned in the directory shall approach the relevant contact point in the Member State which entered that information. The question of any reimbursement of expenses shall also be settled bilaterally.

2. A Member State which has contributed a competence, skill or expertise to the directory may decline to make it available in a particular case if circumstances so require.

3. Member States agree that, if they make a contact through the directory, they will notify basic details relevant thereto, to be determined by the Council acting unanimously, to the EDU, to allow effective monitoring of the usefulness of the directory.

4. Article 5 (2) and Article 7 of the Joint Action of 10 March 1995 shall apply.

Article 5

This Joint Action shall be published in the Official Journal.

It shall enter into force on the date of its publication.

Done at Brussels, 29 November 1996.

For the Council
The President
N. OWEN

JOINT ACTION

of 16 December 1996

adopted by the Council on the basis of Article K.3 of the Treaty on European Union
extending the mandate given to the Europol Drugs Unit

(96/748/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS JOINT ACTION:

Having regard to the Treaty on European Union and in particular Article K.3 (2) (b) thereof,

Article 1

Recalling the Joint Action of 10 March 1995 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, concerning the Europol Drugs Unit⁽¹⁾, which mandated the Europol Drugs Unit to conduct certain activities to assist Member States in combating certain forms of transnational crime;

Recalling the Council's Act of 26 July 1995⁽²⁾ drawing up the text of the Europol Convention signed by the representatives of the governments of all Member States of the European Union;

Recalling that the Convention, on entry into force following adoption by all Member States, will provide Europol with a mandate extending beyond the present mandate of the Europol Drugs Unit, covering other forms of transnational crime, including trafficking in human beings;

Bearing in mind the wish expressed by the European Parliament in its resolutions of 19 September 1996 stressing the importance of combating trafficking in human beings and calling for a role to be given to the Europol Drugs Unit in this field;

Aware of the conclusions adopted by the Vienna Conference on trafficking in women convened by the European Commission and the Austrian Government in June 1996;

Aware of the conclusions adopted by the Stockholm World Conference on the Commercial Sexual Exploitation of Children held from 26 to 31 August 1996;

Having agreed to extend the mandate of the Europol Drugs Unit to include trafficking in human beings,

Article 2 (2) of the Joint Action of 10 March 1995 shall be replaced by the following:

'2. The Unit shall act as a non-operational team for the exchange and analysis of information and intelligence, as soon as they affect two or more Member States, in relation to:

- (a) illicit drug trafficking,
- (b) illicit trafficking in radioactive and nuclear substances,
- (c) crimes involving clandestine immigration networks,
- (d) traffic in human beings,
- (e) illicit vehicle trafficking,

together with the criminal organizations involved and associated money-laundering activities.

For the purposes of this Joint Action, traffic in human beings shall be defined in the Europol Convention.'

Article 2

This Joint Action shall enter into force on the day of its publication in the Official Journal.

Done at Brussels, 16 December 1996.

For the Council

The President

M. D. HIGGINS

⁽¹⁾ OJ No L 62, 20. 3. 1995, p. 1.

⁽²⁾ OJ No C 316, 27. 11. 1995, p. 1.

COUNCIL DECISION

of 16 December 1996

on monitoring the implementation of instruments adopted by the Council concerning illegal immigration, readmission, the unlawful employment of third country nationals and cooperation in the implementation of expulsion orders

(96/749/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and in particular Article K.3 (2) (a) thereof,

Having regard to the priority work programme adopted by the Council on 30 November 1993 in Brussels, calling in particular for the preparation of an annual report on achievements in the field of justice and home affairs and to the Council resolution on 14 October 1996, laying down the priorities for cooperation in the field of justice and home affairs for the period from 1 July 1996 to 30 June 1998⁽¹⁾.

Whereas Article K.1 (3) (c) of the Treaty states that Member States shall regard the combating of unauthorized immigration, residence and work by nationals of third countries on the territory of Member States as a matter of common interest;

Whereas monitoring the implementation by Member States of the instruments adopted by the Council in this area will reveal the practical effect of the Council's work in this matter and provide useful lessons for its future work,

HAS DECIDED AS FOLLOWS:

*Article 1***Preparation of a questionnaire**

Each year, the Presidency shall forward to the Member States a questionnaire designed to show how they have implemented the instruments adopted by the Council concerning illegal immigration, readmission, the unlawful employment of third country nationals and cooperation in the implementation of expulsion orders.

*Article 2***Content of the questionnaire**

The questionnaire shall refer to the following matters:

- provisions adopted during the preceding year by the Member States in any of the areas covered by the instruments referred to in Article 1,
- any difficulties encountered in adopting such provisions,
- the likelihood of provisions in the areas referred to in the first indent being adopted in the near future,
- practical application of the aforementioned instruments and provisions.

*Article 3***Evaluation of the replies**

A report shall be drawn up by the General Secretariat of the Council on the basis of the replies received from the Member States and shall be submitted to the Council.

*Article 4***Implementation for the first time**

The first questionnaire shall be sent to the Member States no later than 30 June 1997 and shall cover the period since the entry into force of the Treaty on European Union.

Done at Brussels, 16 December 1996.

For the Council
The President
M. D. HIGGINS

⁽¹⁾ OJ No C 319, 26. 10. 1996, p. 1.

JOINT ACTION

of 17 December 1996

adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning the approximation of the laws and practices of the Member States of the European Union to combat drug addiction and to prevent and combat illegal drug trafficking

(96/750/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles K.1 (4) and K.3 (2) (b) thereof,

Having regard to the French initiative,

Recalling that the Cannes European Council, of 26 and 27 June 1995, approved the work relating to the European action plan to combat drugs (1996 to 1999) and recognized the need for an integrated approach in this area;

Recalling that the Madrid European Council, of 15 and 16 December 1995, approved the report from the group of experts on 'Drugs' and that some of its 66 proposals have already been converted into precise, coordinated operational activities within the European Union, in accordance with the European Council's instructions;

Recalling that the European Council also invited the Italian and Irish Presidencies to prepare, after consultation of the Member States, the Commission, the Europol Drugs Unit and the European Monitoring Centre for Drugs and Drug Addiction, a programme of activities which took account of that report, progress with which would be examined at the Dublin European Council on 13 and 14 December 1996;

Considering that the Florence European Council on 21 and 22 June 1996 stressed the vital importance of reinforced cooperation between Member States to fight against drugs;

Considering that the same European Council restated the importance of speedily completing the study on harmonization of Member States' laws and its impact on reducing consumption of and illicit trafficking in drugs;

Taking note of the report on harmonization of national legislation on drugs as requested by the Madrid and Florence European Councils;

Recalling the priority attached by the Irish Presidency to the fight against drugs, and the initiatives taken further to the instructions of the Madrid and Florence European Councils to give it a specific content, and in particular the Council resolution on sentencing for serious drug trafficking;

Considering that Member States fulfil their obligations under the United Nations Conventions of 1961, 1971 and 1988 and that they will examine ways of making strict compliance with those Conventions more effective, in particular by helping third countries to fulfil their obligations;

Considering that Member States reaffirm their common determination to put an end to illegal drug trafficking in order to protect society from its devastating effects and from the other deep-seated causes of the problem of drug abuse, in particular the illegal demand for drugs and the enormous profits from the illegal trade, and that an approximation of laws and practices designed to render cooperation more effective would be a positive contribution to that objective;

Noting the memorandum 'On a European social model' submitted by France at the Turin European Council on 29 March 1996, advocating harmonization of national legislation on combating drugs;

Considering the dangers inherent in the development of synthetic drugs;

Considering that the report on harmonization drawn up by the Council and the Commission in response to the aforementioned instructions recognizes that synthetic drugs might constitute a priority area for putting the report into practice;

Considering that, in the absence of harmonized legislation, mutually compatible practices would reinforce European cooperation in fighting drug addiction and in preventing and combating illegal drug trafficking;

Considering that a high level of European and international cooperation between police, customs services and judicial authorities would help to increase the efficiency of the fight against drug trafficking;

Considering that the fight against drug trafficking must be combined with an active policy of prevention, care and rehabilitation of drug addicts;

Noting the Community action programme on the prevention of drug dependence and in particular the fifteen priority actions which it contains;

Considering that the provisions of this joint action are without prejudice to the general principle that a Member State may maintain or step up its national policy in the fight against drugs in its territory;

Without prejudice to the powers of the Community,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Member States shall undertake to cooperate fully in the fight against drug addiction and shall endeavour to approximate their laws to make them mutually compatible to the extent necessary to prevent and combat illegal drug trafficking in the Union.

Article 2

Member States shall endeavour to make the practices of their police, customs services and judicial authorities more compatible with each other, thus making for closer European cooperation to prevent and combat illegal drug trafficking in the Union.

Article 3

Member States shall undertake to combat illicit movements of narcotic drugs and psychotropic substances within the Community, including 'drug tourism'.

Article 4

Member States shall ensure that under their legal systems the penalties imposed for serious drug trafficking are among the most severe penalties available for crimes of comparable gravity.

Article 5

Member States shall endeavour to draft convergent legislation to the extent necessary to make up legal ground or fill legal vacuums as regards synthetic drugs. In particular they shall promote the establishment of a rapid information system to enable such drugs to be identified as substances liable to be prohibited as soon as they appear anywhere in a Member State.

Article 6

Without prejudice to the powers of the Community, Member States shall undertake to adopt the necessary measures to effect a tangible increase in operational cooperation between police, customs services and judicial authorities in combating drug addiction and preventing and combating illegal drug trafficking.

Article 7

Member States shall ensure that their obligations under the United Nations Conventions on narcotic drugs and psychotropic substances of 1961, 1971, and 1988 are applied strictly and effectively.

Article 8

Member States undertake to take the most appropriate steps to combat the illicit cultivation of plants containing active ingredients with narcotic properties.

Article 9

Member States undertake, subject to their constitutional principles and the basic concepts of their legal systems, to make it an offence publicly and intentionally to incite or induce others, by any means, to commit offences of illicit use or production of narcotic drugs. They shall be especially vigilant as regards the use made of on-line data services and in particular the Internet.

Article 10

Nothing in this joint action shall prevent a Member State, with due regard for its international commitments, from maintaining or introducing in its territory any additional measure it deems appropriate to fight drug addiction and to prevent and combat illicit drug trafficking.

Article 11

The Governments of the Member States shall undertake to take all appropriate steps to implement this joint action as soon as it is adopted.

The Presidency shall report to the Council each year on the implementation of this joint action.

Article 12

This joint action shall come into force on the day of its adoption.

Article 13

This joint action shall be published in the Official Journal.

Done at Brussels, 17 December 1996.

For the Council

The President

I. YATES
