EU/Russia agreement: drug precursors

2013/0005(NLE) - 05/09/2013 - Legislative proposal

PURPOSE: the conclusion of an agreement between the European Union and Russia on drug precursors.

PROPOSED ACT: Council Decision.

PARLIAMENT'S ROLE: Parliament's consent is required for the Council to conclude the agreement.

BACKGROUND: the European Union and the Russian Federation should strengthen their cooperation to prevent diversion of drug precursors from the legal trade, in order to counter the illicit manufacture of narcotic drugs and psychotropic substances.

In accordance with a Council Decision, the Agreement between the European Union and the Russian Federation on drug precursors was signed on 4 June 2013, subject to its conclusion at a later date.

The Agreement should ensure full respect of fundamental rights, in particular a high level of protection for the processing and transfer of personal data between the Parties to the Agreement.

It is now appropriate to conclude this Agreement on behalf of the European Union.

IMPACT ASSESSMENT: no impact assessment was undertaken. The Member States were, however, kept regularly informed on the negotiations at the most appropriate level of the Council on the Draft Agreement.

LEGAL BASIS: Article 207 (4) first indent in conjunction with Article 218 (6) (a) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: by this proposal, the Council is invited to adopt a decision on the conclusion of an agreement between the European Union and Russia on drug precursors.

The text of the Agreement is attached to the proposed Decision. Its main characteristics may be summarised as follows:

Purpose of the Agreement: the draft Agreement aims to strengthen the cooperation between the European Union and Russia to **prevent diversion of drug precursors from the legal trade to counter illicit manufacture of narcotic drugs and psychotropic substances**.

Scope: from a technical point of view, it is stipulated that the Parties shall assist each other in the form and under the conditions provided for in the Agreement, in particular by:

- monitoring the trade between the Parties in the precursors with the aim of preventing their use for illicit purposes,
- providing mutual assistance for the purpose of prevention of diversion of such precursors.

The measures shall apply to the precursors listed in Annex I of the Agreement (referred to as "scheduled precursors").

Implementation measures: the Parties shall inform each other in writing about their respective competent authorities. These authorities shall communicate directly with one another for the purposes of

this Agreement. The competent authorities of the Parties shall **inform each other on their own initiative** whenever they have reasonable grounds to believe that scheduled precursors in legitimate trade between the Parties may be diverted to the illicit manufacture of narcotic drugs or psychotropic substances.

The Parties shall within the scope of this agreement provide each other **mutual assistance through exchange of information** referred to in the draft Agreement to prevent the diversion of scheduled precursors to the illicit manufacture of narcotic drugs or psychotropic substances. They shall, in accordance with the legislation of the Parties, take appropriate steps to **prevent diversion**.

Exceptions to the obligation to provide mutual assistance: provisions are made in the Agreement for derogations from the principle of mutual assistance in cases where a Party is of the opinion that assistance under this Agreement would be likely to prejudice the sovereignty the security, the public policy or other essential interests.

Exchange of personal data: as this Agreement may occasionally imply an exchange of personal data, it includes specific provisions on data protection in order to provide sufficient protection for citizens in the use of their data. An annex clarifies certain definitions or principles relating to data protection.

Scientific and technical cooperation: provisions are made to facilitate cooperation between the Parties with a view to the identification of new diversion methods, as well as appropriate counter-measures.

Institutional framework: a Joint Follow-Up Expert Group is established which consists of the representatives of competent authorities of the Parties. It shall be responsible for the management of the Agreement and its proper implementation.

Duration of the Agreement: this Agreement shall be concluded for five years at the end of which it is automatically/tacitly renewed for further successive five year periods until one of the Parties notifies the other Party in writing of its intention to terminate this present agreement.

BUDGETARY IMPLICATION: the proposal has no budgetary implications for the Union budget. Nevertheless, it is stipulated in the Agreement that each Party shall bear the costs it incurs arising from the measures to implement the Agreement.