Fight against drugs : suppression by customs administrations of illicit trafficking on the high seas. Initiative Spain

2003/0816(CNS) - 23/01/2002 - Document attached to the procedure

This document consists of the accompanying memorandum relating to the initiative by the Kingdom of Spain on the conclusion of a Convention on the suppression by customs administrations of illicit drugs trafficking on the high seas. Firstly, it should be stated that the fight against illicit drugs trafficking is a matter of the greatest concern to the Member States of the European Union. In recent years there has been an increase in drugs seizures by customs at sea since smuggling organisations are using that route to bring drugs, principally cocaine and hashish, to the European Union market. To deal with that threat rapid, coordinated action on the part of customs is essential. This initiative involves the conclusion of a Convention on the basis of Article 34 of the Treaty on European Union on the suppression by customs administrations of illicit drugs trafficking on the high seas. That Convention would supplement and reinforce application of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances concluded in Vienna on 20 December 1988 and also the cooperation at sea established on the basis of the Convention on Mutual Assistance between Customs Administration of 18 December 1997, known as the Naples II Convention. The objective of the initiative is to provide the Member States with a Convention that strengthens cooperation between the European Union's customs administrations in the fight against illicit trafficking in narcotic drugs and psychotropic substances by extending the possibilities for immediate action on the high seas in emergencies, without prior authorisation, against one Member State's vessels, on the part of naval units of the competent authority of another Member State, for which prior authorisation is required at present. The Convention proposed would allow action to be taken on the high seas against a vessel flying another Member State's flag when there are suspicions that it is carrying out illicit trafficking in narcotic drugs, without its being necessary to obtain the prior authorisation of the flag State. It must be borne in mind that special cooperation between European Union Member States is regulated, on land and within their respective territorial seas, so that officials of one Member State can in certain cases take action within the territory of another Member State without prior authorisation. In view of the objective of the act proposed, which will in a sense entail the renunciation of jurisdiction over a vessel (and its crew) in favour of another Member State when there are well-founded suspicions that it is involved in illicit trafficking in drugs, the form considered most appropriate is a convention, which would have to be ratified by the Member States, whereby it would acquire sufficient binding force. As regards the proposed legal basis, the text states that since the fight against illicit trafficking in narcotic drugs is a matter within the jurisdiction of the Member States, the initiative is based on Title VI of the Treaty on European Union (Provisions on police and judicial cooperation in criminal matters).