

Combating illicit drug trafficking: criminal acts and penalties, minimum provisions. Framework Decision

2001/0114(CNS) - 18/12/2001

The committee narrowly adopted the report by Arie OOSTLANDER (EPP-ED, NL) amending the proposal under the consultation procedure so as to tighten up some of the provisions. For example, it wanted the definition of "illicit drug trafficking" in the proposal to make it clear that marketing drugs via the Internet was also prohibited. As regards penalties, while the Commission proposal provided that drug trafficking could be punishable by fines in addition to or as an alternative to prison sentences, the committee felt that fines should be imposed only in addition to prison sentences. Any proceeds from fines or confiscations should be used for prevention, addict rehabilitation and family support programmes. The committee also wanted it to be stipulated that Member States could apply stricter penalties than the minimum level of 5 years mentioned in the proposal for serious cases. On the subject of aggravating circumstances, the committee opposed the idea of an exhaustive list of professional groups who would be held guilty of this offence, believing this should be left to the discretion of the courts. Instead of a detailed list, MEPs wanted a more general provision that it should be deemed an aggravating circumstance if the offender had misused his or her position or had engaged in moral, psychological or physical duress. The committee also wanted the motive of financing a terrorist organisation to be added to the list of aggravating circumstances mentioned in the proposal. As regards mitigating circumstances, the committee added situations where the offender had acted under physical, psychological or moral duress, and displayed willingness to cooperate with the authorities, and where the offender was a minor or a person unable to exercise his or her free will. Lastly, the committee felt that the jurisdiction of a Member State should not be confined to that State's own nationals but should be extended to include permanent or temporary residents.