

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

2001/0114(CNS) - 18/04/2002

The committee adopted the second report by Arie OOSTLANDER (EPP-ED, NL) amending the proposed framework decision under the consultation procedure. (The first report was rejected by the plenary in February 2002 - please see previous summaries). The committee added a new article clarifying the scope of the proposal, which stated that the aim of the framework decision was to combat serious and/or international drug trafficking. Moreover, instead of stipulating that Member States were free to apply stricter penalties for serious cases, as stated in its first report, the committee proposed a new clause on penalties which said that the degree of seriousness of an offence would be determined according to various factors, such as the scale and frequency of trafficking, the degree of risk to human health from the type of drug concerned or the amount of money derived from the trafficking. The committee also reiterated many of the points made in its first report, on such issues as marketing drugs via the Internet, fines and alternative penalties, the use of proceeds from fines or confiscations, extending the jurisdiction of a Member State to include permanent or temporary residents, the need for courts to be given the necessary leeway for deciding on those to be held guilty of aggravating circumstances and the need to include the financing of terrorist organisations in the list of aggravating circumstances. As regards mitigating circumstances, the second report differed from the first in that this time the committee deleted the relevant article in the proposal, arguing that no other provisions should be added to what was already laid down in Member States' legislation. In a new recital the committee also referred to the need to ensure minimum safeguards with regard to procedural law.