Basic information

2013/0005(NLE) NLE - Non-legislative enactments	Procedure completed
EU/Russia agreement: drug precursors **Subject** 4.20.04 Pharmaceutical products and industry 6.20.02 Export/import control, trade defence, trade barriers 6.20.03 Bilateral economic and trade agreements and relations 7.30.30.04 Action to combat drugs and drug-trafficking **Geographical area** Russian Federation	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
INTA International Trade	PROUST Franck (PPE)	20/02/2013
	Shadow rapporteur KELLER Ska (Verts/ALE)	

Committee for opinion	Rapporteur for opinion	Appointed
ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
JURI Legal Affairs	ZIOBRO Zbigniew (EFD)	20/02/2013
LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Agriculture and Fisheries	3293	2014-02-17

European Commission

Commission DG	Commissioner
Taxation and Customs Union	ŠEMETA Algirdas

Key events

Date	Event	Reference	Summary
21/01/2013	Preparatory document	COM(2013)0004	Summary
05/09/2013	Legislative proposal published	12221/2013	Summary
08/10/2013	Committee referral announced in Parliament		
14/10/2013	Vote in committee		
22/10/2013	Committee report tabled for plenary, 1st reading/single reading	A7-0342/2013	Summary
20/11/2013	Decision by Parliament	T7-0479/2013	Summary
20/11/2013	Results of vote in Parliament		
17/02/2014	Act adopted by Council after consultation of Parliament		
17/02/2014	End of procedure in Parliament		
04/06/2014	Final act published in Official Journal		

Technical information

Procedure reference	2013/0005(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legal basis	Treaty on the Functioning of the European Union TFEU 207-p4 Treaty on the Functioning of the European Union TFEU 218-p6a
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	INTA/7/11716

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	JURI	PE508.205	30/04/2013	
Committee draft report		PE514.575	25/09/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0342/2013	22/10/2013	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0479/2013	20/11/2013	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	08178/2013	27/05/2013	
Legislative proposal	12221/2013	05/09/2013	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2013)0004	21/01/2013	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2013)0004	28/05/2013	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EDPS	Document attached to the procedure	N7-0069/2014 OJ C 032 04.02.2014, p. 0013	23/04/2013	Summary

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Decision 2014/0318
OJ L 165 04.06.2014, p. 0006 Summary

EU/Russia agreement: drug precursors

2013/0005(NLE) - 21/01/2013

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

PROPOSED ACT: Council Decision.

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

BACKGROUND: on 23 March 2009, the Council authorised the Commission to open negotiations with the Russian Federation for an Agreement on drug precursors. Following the launch of negotiations in September 2009, four negotiating rounds took place.

In September 2012, the text of the Agreement was finally agreed between the Parties.

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: this Decision seeks to conclude an agreement between the European Union and Russia on drug precursors.

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").

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.

It should be noted that unless otherwise provided by this Agreement, its provisions shall not affect the obligations of the Parties under any other international agreement.

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

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.

EU/Russia agreement: drug precursors

2013/0005(NLE) - 21/01/2013 - Preparatory document

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

PROPOSED ACT: Council Decision.

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

BACKGROUND: on 23 March 2009, the Council authorised the Commission to open negotiations with the Russian Federation for an Agreement on drug precursors. Following the launch of negotiations in September 2009, four negotiating rounds took place.

In September 2012, the text of the Agreement was finally agreed between the Parties.

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: this Decision seeks to conclude an agreement between the European Union and Russia on drug precursors.

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").

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.

It should be noted that unless otherwise provided by this Agreement, its provisions shall not affect the obligations of the Parties under any other international agreement.

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

EU/Russia agreement: drug precursors

2013/0005(NLE) - 22/10/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on International Trade adopted the report by Franck PROUST (EPP, FR) on the draft Council Decision on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Russian Federation on drug precursors.

It recommended that the European Parliament give its consent to the conclusion. It also indicated that it would be necessary to monitor its implementation and that it hoped for the conclusion to be followed up by other similar agreements with other third countries in the years to come.

EU/Russia agreement: drug precursors

2013/0005(NLE) - 20/11/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution on the on the draft Council Decision on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Russian Federation on drug precursors.

Parliament gave its consent to the conclusion of the Agreement.

EU/Russia agreement: drug precursors

2013/0005(NLE) - 23/04/2013 - Document attached to the procedure

Opinion of the European Data Protection Supervisor on the proposal for a Council decision on the conclusion of the Agreement between the European Union and the

Russian Federation on drug precursors.

On 21 January 2013, the Commission adopted a proposal for a Council decision on the conclusion of the Agreement between the European Union and the Russian Federation on drug precursors. The proposal was sent to the EDPS for consultation on the same day. The EDPS had been previously consulted by the Commission. The present Opinion builds on the advice provided at that occasion and on the EDPS Opinion on the amendments to the Regulations on EU internal and external trade in drug precursors (the objective of which is to prevent the diversion from legitimate trade of the substances used to illicitly manufacture narcotic drugs and psychotropic substances).

Data protection: the EDPS welcomes the provisions on the protection of personal data in the text of the agreement and the inclusion in the Annex of data protection principles to be respected by the Parties. The EDPS suggests including an explicit reference to the applicability of EU national laws implementing Directive 95/46/EC to the transfers of personal data by the EU to Russian authorities and to the processing of personal data by EU authorities.

The EDPS also recommends specifying all the categories of personal data that might be exchanged. Furthermore, additional safeguards, such as shorter retention periods and stricter security measures should be included in the agreement or in Annex II for data relating to suspect transactions.

Additional provisions: the EDPS also recommends the inclusion of the following provisions:

- adding the provisions on ‘data security’ and the specific requirements for processing ‘sensitive data’;

- specifying the procedures for making effective the principles of ‘transparency’ and ‘rights of access, rectification, erasure and blocking of data’ in the text of the agreement or in the Annex;
- as regards ‘**onward transfers'**, it should be added that the competent authorities of the Parties should not transfer personal data to other national recipients unless the recipient provides adequate protection and for the purposes for which the data have been transmitted;
- as regards the principle of ‘redress’, it should be specified that the term ‘competent authorities’, used in the rest of the agreement in a different context, refers here to authorities competent for the protection of personal data and the supervision of their processing;
- the relevant authorities and the practical information on existing remedies should be mentioned in the agreement or at least in letters exchanged between the parties or in documents accompanying the agreement;
- as regards the principle on ‘exceptions to the rights of transparency and direct access’: it should be specified that, in cases where the right of access cannot be granted to data subjects, indirect access through EU national data protection authorities should be provided.

It should also be specified that the data protection supervisory authorities of the Parties should jointly review the implementation of the agreement, either in the framework of the joint follow-up expert group, or as a separate process. In addition, if the independence of the **relevant Russian supervisory authority** is not sufficiently established, it should be specified that EU national data protection authorities should be involved in the supervision of the implementation of the agreement by Russian authorities. **The results of the review should be reported to the European Parliament** and to the Council, where needed with full respect of confidentiality. The EDPS also recommends completing Article 12 of the agreement with a clause allowing any Party to suspend or terminate the agreement in the event of a breach of the other Party's obligations under the agreement, including as regards compliance with the data protection principles.

EU/Russia agreement: drug precursors

2013/0005(NLE) - 17/02/2014 - Final act

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

NON-LEGISLATIVE ACT: Council Decision 2014/318/EU on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Russian Federation on drug precursors.

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 Council Decision 2013/263/EU, 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.

CONTENT: by means of this decision, the Council approves on behalf of the European Union, with the consent of the European Parliament, an agreement between the European Union and the Russian Federation on drug precursors.

Objective of the agreement: the 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").

Implementing measures: it is envisaged that 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.

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: the agreement is concluded for a period of 5 years at the end of which it will be automatically/tacitly renewed for successive new periods of 5 years, until one of the Parties notifies the other in writing of its intention to terminate the agreement. It may be amended by common agreement.

ENTRY INTO FORCE: the decision enters into force on 17.02.2014. The agreement enters into force on 1 April 2014.