



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 09.09.1999  
COM(1999)430 final

99/0187 (CNS)

Proposal for a

**COUNCIL REGULATION (EC)**

**completing Regulation (EEC) N° 302/93 establishing a European Monitoring  
Centre for Drugs and Drug Addiction (EMCDDA)**

(presented by the Commission)

## EXPLANATORY MEMORANDUM

### I. INTRODUCTION

The European Union Plan of Action to Combat Drugs (2000-2004)<sup>1</sup> provides for the general framework for EU action to fight illicit drugs, both internally and externally. It gives the necessary continuity to the EU action to tackle the drugs phenomenon by building, thus, on the current EU Action Plan (1995-1999).

As mentioned in the EU Action Plan to Combat Drugs (2000-2004), the pre-accession strategy endorsed by the European Council in Luxembourg (December 1997) included the possibility for the applicant countries to become members of certain Agencies such as the EMCDDA. In September 1998, the Commission agreed that maximum participation of the applicant countries in these Agencies would be desirable, with decisions to be made on a case-by-case basis. The Commission intends to present a draft negotiating mandate for all applicant countries with a view to their participation in the EMCDDA through bilateral negotiation with each of them which formally requests it.

The European Parliament in adopting its resolution on the EMCDDA 1997 Annual Report on the State of the drugs problem in the European Union<sup>2</sup> stipulated that it *regards it as essential that the EMCDDA should make a start on incorporating the applicant countries from central and eastern Europe and Cyprus into the REITOX network and on taking account of data from those countries in its reports and analyses.*

The Commission intends to support the objective of preparing, with the financial support of Community programmes, the integration of applicant countries into the activities of the EMCDDA and the establishment of structural links with the REITOX network, with special attention to the central and eastern European countries within the framework of the PHARE Multi-Beneficiary Drugs Programme, including Albania, Bosnia-Herzegovina and the Former Yugoslav Republic of Macedonia.

A proposal for a Council Regulation (EC) amending Regulation (EEC) N° 302/93 establishing the EMCDDA is attached. This proposal is presented because the founding Regulation does not foresee the possibility for the Centre itself to implement structural technical assistance projects.

### II. THE PHARE MULTI-BENEFICIARY DRUGS PROGRAMME

In the framework of the PHARE Multi-Beneficiary Programme for the Fight Against Drugs, the PHARE project on Drug Information Systems (DIS), which began in 1993 aimed at providing assistance to the central and eastern European countries (CEECs) for the development and strengthening of information systems and networks for collecting, processing and distributing data concerning drugs and drug addiction in the

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<sup>1</sup> Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on a European Union Plan of Action to Combat Drugs (2000-2004) – COM(1999)239 final of 26.05.1999.

<sup>2</sup> Schaffner report (PE: A4-0294/98), Resolution n°12.

CEECs. This is done mainly by providing information, know how, training and technical equipment to the partner countries.

In line with the pre-accession strategy of the European Union, the DIS project was undertaken as a parallel, complementary and co-ordinated exercise with the activities carried out by the EMCDDA. The PHARE/DIS project's most significant activities include the writing of a National report on the drug situation in each of the partner countries, following the guidelines of the EMCDDA. Twinning with EU focal points was established to guide and facilitate the writing process for the CEECs experts.

National Focal Points in the applicant countries of central and eastern Europe are being established in Bulgaria, the Czech Republic, Estonia, Latvia, Lithuania, Romania, Slovakia, Slovenia. A National Focal Point has also been established in the Former Yugoslav Republic of Macedonia (FYROM). In Poland, a Local Contact Person currently fills the role of the Focal Point for the PHARE Project on Drugs Information Systems. In Hungary, this role is currently filled by the National Drugs Co-ordinator with the support of the Local Contact Person for the PHARE Project on Drugs Information Systems. In Albania and Bosnia-Herzegovina, there is at present no Focal Point.

### III. THE EMCDDA

The EMCDDA, set up by Council Regulation (EEC) N° 302/93<sup>3</sup>, is a Community Agency responsible for providing the Community and its Member States with objective, reliable and comparable information on the drugs and drug addiction phenomenon. On this basis, the Member States and the Community institutions can take sound and objective decisions to fight illicit drugs.

The EMCDDA is responsible for establishing and co-ordinating, in co-operation with the Member States, a European Network on Drugs and Drug Addiction (REITOX). This network is a technical and human network linking the Centre to the national drug information networks (national focal points) and the information systems of the international or European organisations or bodies co-operating with the Centre.

In view of the need to progressively organise the participation of the applicant countries from central and eastern Europe and of Albania, Bosnia-Herzegovina and FYROM in the EMCDDA activities and the REITOX core tasks, as foreseen in the EMCDDA Work Programme for 1998-2000, the Commission intends to directly entrust the EMCDDA with the implementation of PHARE funded projects in the field of drugs information systems.

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<sup>3</sup> OJ L 36, 12.2.1993.

This objective contains an important institution building component which aims at strengthening the role of the National Focal Points from the applicant countries of central and eastern Europe in order to reflect the multi-disciplinary mandate of the EMCDDA and the decision of the Management Board of the EMCDDA (23.10.98) on the role and financing of the National Focal Points<sup>4</sup>.

Financial support from the Commission could also be given to the EMCDDA for other applicant countries in order to pursue the same objective

#### IV. THE PROPOSAL FOR A COUNCIL REGULATION (EC) COMPLETING REGULATION N° 302/93 ESTABLISHING THE EMCDDA

Council Regulation (EEC) N° 302/93 establishing the drugs Observatory does not include the implementation of structural technical assistance projects among its objectives.

Article 1 of the Regulation stipulates that: *The Centre's objective is to provide, in the area referred to in Article 4, the Community and its Member States with objective, reliable and comparable information at European level concerning drugs and drug addiction and their consequences.*

This is the reason why the Commission has drafted a proposal for a Council Regulation (EC) completing Council Regulation (EEC) N° 302/93 establishing the EMCDDA.

The proposed amendment aims at enabling the direct implementation by the drugs Observatory, with the financial support of Community programmes, of structural technical assistance in the field of drugs information systems to the applicant countries willing to participate in the EMCDDA. Special attention will be given to the central and eastern European countries, including those which are not applicant countries but which are part of the PHARE Multi-Beneficiary Drugs Programme: Albania, Bosnia-Herzegovina and FYROM.

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<sup>4</sup> The following core tasks have been decided for the National Focal Points in the Member States: (1) updating the annual National Report, (2) updating the Information Map, (3) devising the Exchange on Drug Demand Reduction Action (EDDRA), (4) implementing the Joint Action on New Synthetic Drugs, (5) implementing 5 key harmonised indicators (indicator of the demand for treatment by drug users, indicators of mortality and causes of death among drug users, indicator of the incidence of infectious diseases in drug addict, improving the comparability of general-population surveys, improving the comparability of prevalence estimates).

Proposal for a

**COUNCIL REGULATION (EC)**

**completing Regulation (EEC) N° 302/93 establishing a European Monitoring  
Centre for Drugs and Drug Addiction (EMCDDA)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and, in particular, Article 308 (ex Article 235) thereof,

Having regard to the proposal from the Commission<sup>5</sup>,

Having regard to the opinion of the European Parliament<sup>6</sup>,

1. Whereas, on 8 February 1993, the Council adopted Regulation (EEC) N° 302/93<sup>7</sup> establishing a European Monitoring Centre for Drugs and Drug Addiction (EMCDDA),
2. Whereas the EMCDDA is responsible for establishing and co-ordinating, in co-operation with the Member States, a European Network on Drugs and Drug Addiction (REITOX),
3. Whereas the European Parliament in its Resolution of September 1998 on the 1997 Annual Report of the European Monitoring Centre for Drugs and Drug Addiction on the state of the Drugs problem in the EU indicated that it regards it as essential that the EMCDDA should make a start on incorporating the applicant countries from central and eastern Europe and Cyprus into the REITOX network and taking account of data from those countries in its reports and analyses,
4. Whereas there is the need to progressively organise the participation of the central and eastern European countries (CEECs) in the EMCDDA activities and the REITOX core tasks, as foreseen in the EMCDDA Work Programme for 1998-2000,
5. Whereas the PHARE Multi-Beneficiary Drugs Programme aims, in particular, at providing assistance to the central and eastern European countries for the development and strengthening of information systems and networks for collecting, processing and distributing data concerning drugs and drug addiction in the CEECs,

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<sup>5</sup> OJ C

<sup>6</sup> OJ C

<sup>7</sup> OJ L 36, 12.2.1993.

6. Whereas it is desirable to directly entrust the EMCDDA with the implementation of structural technical assistance projects in the field of information systems for the applicant countries of central and eastern European countries and other applicant countries with a view to involving them into the activities of the EMCDDA and establishing structural links with the REITOX network,
7. Whereas it is necessary for the EMCDDA to cover in its approach all PHARE countries which are part of the PHARE Multi-Beneficiary Drugs Programme, including therefore Albania, Bosnia-Herzegovina and the Former Yugoslav Republic of Macedonia.
8. Whereas the structural assistance projects to be implemented by the EMCDDA in applicant countries and countries eligible for the PHARE programme include in particular activities related to co-ordination and exchange of information, transfer of know how, creation and reinforcement of structural links with the REITOX network and setting up and consolidation of national focal points.

HAS ADOPTED THIS REGULATION:

*Article 1*

The following modifies Article 1 (4) of Regulation (EEC) n° 302/93:

4. Without prejudice to Article 2 (D) 14., the Centre may not take any measure which in any way goes beyond the sphere of information and the processing thereof.

*Article 2*

The following completes Article 2 (D) of Regulation (EEC) N° 302/93:

14. It may provide, at the request of the European Commission, structural technical assistance in the field of drugs information systems for applicant countries and countries eligible for the PHARE programme with a view to involving them into the activities of the EMCDDA and establishing structural links with the REITOX network.

*Article 3*

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Council*  
*The President*