



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 29.11.1995
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95/ 0313(ACC)

95/ 0314(ACC)

95/ 0315(ACC)

Proposal for a
COUNCIL DECISION
concerning the signature and conclusion of an Agreement on the
Control of Drugs Precursors and Chemical Substances
between the European Community and Bolivia, Colombia, Ecuador,
Peru and Venezuela

(presented by the Commission)

Council Decision 95/0297 (ACE)
**authorizing conclusion, on behalf of the Community, of an agreement on drugs
precursors and chemical substances
between the European Community and Bolivia**

1. EXPLANATORY MEMORANDUM

By Decision of 25 September 1995 (Doc. 9782/95), the Council authorized the Commission to negotiate on behalf of the Community agreements on the control of drugs precursors and chemical substances with the Member States of the OAS, and as a priority with the member countries of the Cartagena agreement.

This decision was taken to prevent the diversion of chemical substances frequently used for the illicit manufacture of narcotic drugs and psychotropic substances, which most commonly occurs in international trade between the chemical exporting countries and those countries concerned with illicit drugs manufacture on their own or a neighbouring territory.

The decision was preceded by close contacts with the relevant authorities of the member countries of the Cartagena agreement during which the wish to conclude such agreements had been repeatedly expressed by these countries.

In compliance with the above-mentioned decision, the Commission has negotiated an agreement with Bolivia which was initialled on 13th November 1995. It is therefore necessary to proceed to the signature and the conclusion of the Agreement.

The Agreement provides for the possibility of modifying the lists of substances subject to the trade surveillance mechanisms referred to in Article 2 of the Agreement and which are contained in the Annexes to the Agreement. Such modification may include changes in the number of substances as well as the transfer of substances from one Annex to the other.

Where such modifications only concern substances already covered by the relevant Community legislation on drugs precursors and chemical substances, the Commission is authorized to approve such modifications on behalf of the Community. The Council will designate a Special Committee to assist the Commission in this task.

2. PROPOSAL

The Council is therefore requested to

- approve the Agreement between the European Community and Bolivia on Drugs Precursors and Chemical Substances on behalf of the Community;
- designate a person empowered to sign the Agreement;
- authorize the Commission, in consultation with a special committee appointed by the Council, to approve modifications on behalf of the Community where the Agreement provides for them to be adopted by the Joint Follow-Up Group; however, such authorization will be limited to the modification of the Annexes of the Agreement insofar as it concerns substances already covered by the Community legislation on drugs precursors and chemical substances.

Council Decision
authorizing conclusion, on behalf of the Community, of an agreement on drugs
precursors and chemical substances
between the European Community and Bolivia

THE COUNCIL OF THE EUROPEAN UNION;

Having regard to the treaty establishing the European Community, and in particular Article 113 thereof, in connection with Article 228 Paragraph 4,

Having regard to the proposal from the Commission,

Whereas, on 25 September 1995, the Council authorized the Commission to negotiate, on behalf of the Community, agreements on the control of drugs precursors and chemical substances with the Member States of the OAS, and as a priority with the member countries of the Cartagena agreement;

Whereas the Commission, on the basis of this authorization, completed negotiations with Bolivia on 13th November 1995

Whereas it is appropriate that the Council authorizes the Commission, in consultation with a special committee appointed by the Council, to approve modifications on behalf of the Community where the Agreement provides for them to be adopted by the Joint Follow-Up Group; however, such authorization will be limited to the modification of the Annexes of the Agreement insofar as it concerns substances already covered by the Community legislation on drugs precursors and chemical substances.

HAS ADOPTED THIS DECISION:

Article 1

1. The agreement between the European Community and Bolivia on the control of drugs precursors and chemical substances is approved on behalf of the Community.
2. The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the agreement negotiated with Bolivia on the control of drugs precursors and chemical substances.

Article 3

1. The Community shall be represented in the Joint Follow-Up Group provided for in Article 9 of the Agreement by the Commission, assisted by the representatives of the Member States.
2. The Commission is authorized to approve, on behalf of the Community, modifications of the Annexes to this Agreement adopted by the Joint Follow-Up Group by the procedure laid down in Article 10 of the Agreement.

The Commission is assisted in this task by a special committee designated by the Council.

3. The authorization referred to in Paragraph 2 shall be limited to those substances which are already covered by the relevant Community legislation on drugs precursors and chemical substances.

Done at Brussels

For the Council

**DRAFT
AGREEMENT
between Bolivia
and
the European Community**

**on precursors and chemical substances frequently used in the illicit manufacture of
narcotic drugs or psychotropic substances**

THE EUROPEAN COMMUNITY, hereinafter referred to as the Community, on the one
part, and

BOLIVIA, on the other part,

DETERMINED to prevent and combat the illicit manufacture of narcotic drugs and
psychotropic substances by controlling the supply of precursors and chemical
substances frequently used for such purposes;

ACKNOWLEDGING Article 12 of the United Nations Convention of 1988 against Illicit
Traffic in Narcotic Drugs and Psychotropic Substances;

AGREEING with the final Report of the Chemical Action Task Force (CATF), approved
by the London G-7 Economic Summit on 15 July 1991, which recommended the
strengthening of international cooperation by the conclusion of bilateral agreements, in
particular between regions and countries involved in export, import and transit of these
chemical substances;

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CONVINCED that international trade constitutes a specific risk factor and that only cooperation arrangements between the regions concerned can prevent this danger, in particular by linking export and import controls;

AFFIRMING their common commitment to setting up assistance and co-operation mechanisms between Bolivia and the Community in order to combat the diversion of scheduled substances to illicit purposes, in harmony with the orientations and actions decided at international level;

RECOGNIZING that these chemical substances are also mainly and widely used for legitimate purposes and that international trade must not be hindered by excessive monitoring procedures;

HAVE DECIDED to conclude an Agreement for the control of these precursors and chemical substances frequently used for the illicit manufacture of narcotic drugs and psychotropic substances, and, to this end, have designated as their plenipotentiaries:

THE EUROPEAN COMMUNITY

M ... [to be designated]
Minister for ...
President-in-Office of the Council of the European Union;

M ... [to be designated]
Member of the European Commission;

BOLIVIA, :

M ... [to be designated]
Minister for

WHO, having exchanged credentials of their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

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Article 1

Scope of the agreement

1. This agreement sets out measures to strengthen administrative co-operation between the Contracting Parties to prevent the diversion of substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances, without prejudice to the due recognition of the legitimate interests of trade and industry.
2. For this purpose, the Contracting Parties shall assist each other, as set out in this Agreement, notably in:
 - supervising the trade between them in scheduled substances, with the aim of preventing their diversion to illicit purposes,
 - providing mutual administrative assistance ensuring that the provisions of the relevant substance trade control legislation are correctly applied.
3. Without prejudice to possible amendments which might be adopted within the competence of the Joint Follow-up Group, this agreement applies to the chemical substances listed in the Annex to the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances as amended, hereinafter referred to as "controlled substances".

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Article 2

Trade surveillance

1. The Contracting Parties consult and inform each other on their own initiative of any suspicion that controlled substances may be diverted to the illicit manufacture of narcotic drugs or psychotropic substances, in particular when a shipment occurs in unusual quantities or under unusual circumstances.
2. With regard to the controlled substances listed in Annex A of this Agreement, the competent authority of the exporting Contracting Party shall, at the same time as the export authorization is issued and prior to the departure of the consignment, forward a copy of the export authorization to the competent authority of the importing Contracting Party. Specific information shall be provided where the operator benefits, in the exporting country, from an open individual authorization covering multiple export operations.
3. With regard to the controlled substances listed in Annex B of this Agreement, the export shall be authorized only when the importing Contracting Party has given its consent.
4. The Contracting Parties engage to provide, reciprocally and in good time, due feedback on any information provided or measure requested under this Article.
5. When implementing the before-mentioned trade control measures, the legitimate interests of trade shall be duly respected. In particular, in cases covered by Para 3 of this Article, the reply by the importing Contracting Party shall be provided within 15 working days after the reception of the message from the exporting Contracting Party. The absence of a reply within this delay shall be deemed as granting an import authorization. The refusal to grant an import authorization shall be notified in writing to the exporting Contracting Party within this delay and must be motivated.

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Article 3

Suspension of shipment

1. Without prejudice to any possible implementation of technical enforcement measures, shipments shall be suspended if, in the opinion of either Contracting Party, there are reasonable grounds to believe that controlled substances may be diverted to the illicit manufacture of narcotic drugs or psychotropic substances, or where, in the case described in Article 2(3), the importing Contracting Party requests the suspension.
2. The Contracting Parties shall co-operate to supply each other any information relating to presumed diversion operations.

Article 4


Mutual administrative assistance

1. The Contracting Parties shall supply to each other, either on their own initiative or on request, any information to prevent the diversion of controlled substances to the illicit manufacture of narcotic drugs or psychotropic substances and investigate cases of suspected diversion. They shall adopt appropriate precautionary measures where necessary to prevent diversion.
 2. Any request for information or precautionary measures shall be complied with as promptly as possible.
 3. Requests for administrative assistance shall be executed in accordance with the laws, regulations and other legal instruments of the requested Contracting Party. AM
 4. Officials of a Contracting Party may, with the agreement of the other Contracting Party, be present at the inquiries carried out in the territory of the latter. D
 5. The Contracting Parties shall assist each other to facilitate the provision of evidentiary instruments.
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6. Administrative assistance provided under this Article shall not prejudice the rules governing mutual legal assistance in criminal matters, nor shall it apply to information obtained under powers exercised at the request of a judicial authority, unless the authority so agrees.
7. Information may be requested in respect of chemical substances which are frequently used in the illicit manufacture of drugs or psychotropic substances but which are not included in the scope of this Agreement.

Article 5

Information exchange and confidentiality

1. Any information communicated in whatsoever form pursuant to this agreement shall be of a confidential or restricted nature, depending on the rules applicable in each of the Contracting Parties. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended to similar information under the relevant laws of the Contracting Party which received it and the corresponding provisions applying to the Community authorities.
2. Data relating to persons¹ may be exchanged only where the receiving Contracting Party undertakes to protect such data in at least an equivalent way to the one applicable to that particular case in the supplying Contracting Party.
3. Information obtained shall be used solely for the purposes of this Agreement. Where one of the Contracting Parties requests the use of such information for other purposes, it shall ask for the prior written consent of the authority which furnished the information. Moreover, it shall be subject to any restrictions laid down by that authority. AM
4. Paragraph 3 of this Article shall not impede the use of information in any judicial or administrative proceedings subsequently instituted for failure to comply with substance control legislation. The competent authority which supplied that information shall be notified of such use forthwith. 

¹ Joint interpretative statement : "The Contracting Parties agree that the expression "data relating to persons" is to be understood as relating to natural persons."

Article 6

Exceptions to the obligation to provide assistance

1. The Contracting Parties may refuse to give assistance as provided for in this agreement, where to do so would:
 - (a) be likely to prejudice sovereignty,
 - (b) be likely to prejudice public policy, security or other essential interests, in particular the cases referred to in Article 5(2), or
 - (c) violate an industrial, commercial or professional secret.
2. If one Contracting Party requests assistance which it could not supply itself entirely or partially at a similar request, it shall state this situation in its request. The other Contracting Party shall then decide in what form it can comply with the request.
3. If assistance is refused, the decision and its explanatory reasons shall be notified without delay to the other Contracting Party.

Article 7

Technical and scientific assistance

The Contracting Parties shall co-operate in the identification of new diversion methods as well as appropriate countermeasures, including technical co-operation to strengthen administrative and enforcement structures in this field and promote co-operation with trade and industry. Such technical co-operation may concern, in particular, training and exchange programmes for the officials concerned as well as the equipment necessary for the implementation of the agreement.

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Article 8

Implementation measures

1. The Contracting Parties shall endeavour to implement this agreement in taking into account the necessity of a consistent approach of substance control legislation for the entire inter-American region.
2. Each Contracting Party shall appoint a competent authority or competent authorities to co-ordinate the application of this Agreement. These authorities shall communicate directly with one another for the purposes of this Agreement.
3. The Contracting Parties shall keep each other informed of the provisions which they adopt for the implementation of this Agreement.

Article 9

Joint Follow-up Group

1. A Joint Follow-up Group on the control of precursors and chemical substances is hereby established, hereinafter referred to as "the Joint Follow-up Group", in which each Contracting Party to this Agreement shall be represented.
2. The Joint Follow-up Group shall act by mutual agreement. It shall normally meet once a year, date, place and programme being fixed by mutual agreement. To the extent possible, these meetings shall be organized simultaneously with those of other joint committees or joint groups established between the Community and other member states of the Organization of American States. AM

Extraordinary meetings of the Joint Follow-up Group may be convened by agreement of the Contracting Parties. R

3. The Joint Follow-up Group shall adopt its own rules of procedure.

Article 10

Role of the Joint Follow-up group

1. The Joint Follow-up Group shall administer this Agreement and ensure its proper implementation. For this purpose:
 - it shall study and develop the necessary means to ensure the correct functioning of the present Agreement;
 - it shall be regularly informed by the Contracting Parties of their experience in applying this Agreement,
 - in the cases provided for in paragraph 2 of this Article, it shall take decisions,
 - in the cases provided for in paragraph 3 of this Article, it shall make recommendations,
 - it shall study and develop the technical assistance measures referred to in Article 7
 - it shall study and develop other possible forms of co-operation in matters relating to precursors and chemical substances.
2. The Joint Follow-up Group shall adopt by mutual consent decisions to amend Annexes A and B.

Such decisions shall be implemented by the Contracting Parties in accordance with their own legislation.

If, in the Joint Follow-up Group, a representative of a Contracting Party has accepted a decision subject to the completion of constitutional requirements, the decision shall enter into force, if no date is contained therein, on the first day of the second month after such a completion is notified.

3. The Joint Follow-up Group shall recommend to the Contracting Parties:
 - (a) amendments to this Agreement;
 - (b) any other measure required for the application of this Agreement.

Article 11

Other agreements

1. Without prejudice to the relevant provisions of the Treaty establishing the European Community, the provisions of this Agreement shall substitute the provisions of bilateral agreements which have been concluded between individual or several Member States of the Community and Bolivia if they are incompatible with the former. These bilateral agreements shall not prejudice Community provisions governing the communication between the competent administrative authorities within the Community of any information obtained in matters covered by this agreement which could be of Community interest.
2. The Contracting Parties will also notify each other of any measures in substance control matters taken with other countries.

Article 12

Entry into force

1. This Agreement shall enter into force on the first day of the second month following the date of the deposit of the last instrument of ratification or conclusion or adoption, according to the rules applicable for each Contracting Party.
2. The instruments referred to in Paragraph 1 of this Article shall be deposited with the Secretariat of the Council of the European Union, which shall act as depositary.
3. The Depositary shall notify to the Contracting Parties the date of the deposit of the instruments referred to in Paragraph 1 of this Article for each Contracting Party and the date of the entry into force of this Agreement.

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Article 13

Duration and denouncement

1. This Agreement shall be concluded for five years and, unless otherwise disposed, it will be tacitly renewable for successive periods of the same duration.
2. This Agreement may be amended by mutual consent of the Contracting Parties.
3. Either Contracting Party may withdraw from this Agreement provided it gives 12 months' prior notice in writing to the other Contracting Party.

Article 14

Authentic texts

This Agreement, which is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, all texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Union, which shall deliver a certified copy thereof to each Contracting Party.

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ANNEX A:

Substances subject to the measures of Article 2(2)

Methylethyl ketone

Toluene

Potassium permanganate

Sulphuric acid

Acetone

Ethyl ether

Hydrochloric acid

Acetic anhydride

Anthranilic acid

Phenylacetic acid

Piperidine

ANNEX B:

Substances subject to the measures of Article 2(3)

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Council Decision 95/0312 (AEE)
**authorizing conclusion, on behalf of the Community, of an agreement on drugs
precursors and chemical substances
between the European Community and Colombia**

1. EXPLANATORY MEMORANDUM

By Decision of 25 September 1995 (Doc. 9782/95), the Council authorized the Commission to negotiate on behalf of the Community agreements on the control of drugs precursors and chemical substances with the Member States of the OAS, and as a priority with the member countries of the Cartagena agreement.

This decision was taken to prevent the diversion of chemical substances frequently used for the illicit manufacture of narcotic drugs and psychotropic substances, which most commonly occurs in international trade between the chemical exporting countries and those countries concerned with illicit drugs manufacture on their own or a neighbouring territory.

The decision was preceded by close contacts with the relevant authorities of the member countries of the Cartagena agreement during which the wish to conclude such agreements had been repeatedly expressed by these countries.

In compliance with the above-mentioned decision, the Commission has negotiated an agreement with Colombia which was initialled on 13th November 1995. It is therefore necessary to proceed to the signature and the conclusion of the Agreement.

The Agreement provides for the possibility of modifying the lists of substances subject to the trade surveillance mechanisms referred to in Article 2 of the Agreement and which are contained in the Annexes to the Agreement. Such modification may include changes in the number of substances as well as the transfer of substances from one Annex to the other.

Where such modifications only concern substances already covered by the relevant Community legislation on drugs precursors and chemical substances, the Commission is authorized to approve such modifications on behalf of the Community. The Council will designate a Special Committee to assist the Commission in this task.

2. PROPOSAL

The Council is therefore requested to

- approve the Agreement between the European Community and Colombia on Drugs Precursors and Chemical Substances on behalf of the Community;
- designate a person empowered to sign the Agreement;
- authorize the Commission, in consultation with a special committee appointed by the Council, to approve modifications on behalf of the Community where the Agreement provides for them to be adopted by the Joint Follow-Up Group; however, such authorization will be limited to the modification of the Annexes of the Agreement insofar as it concerns substances already covered by the Community legislation on drugs precursors and chemical substances.

Council Decision
authorizing conclusion, on behalf of the Community, of an agreement on drugs
precursors and chemical substances
between the European Community and Colombia

THE COUNCIL OF THE EUROPEAN UNION;

Having regard to the treaty establishing the European Community, and in particular Article 113 thereof, in connection with Article 228 Paragraph 4,

Having regard to the proposal from the Commission,

Whereas, on 25 September 1995, the Council authorized the Commission to negotiate, on behalf of the Community, agreements on the control of drugs precursors and chemical substances with the Member States of the OAS, and as a priority with the member countries of the Cartagena agreement;

Whereas the Commission, on the basis of this authorization, completed negotiations with Colombia on 13th November 1995

Whereas it is appropriate that the Council authorizes the Commission, in consultation with a special committee appointed by the Council, to approve modifications on behalf of the Community where the Agreement provides for them to be adopted by the Joint Follow-Up Group; however, such authorization will be limited to the modification of the Annexes of the Agreement insofar as it concerns substances already covered by the Community legislation on drugs precursors and chemical substances.

HAS ADOPTED THIS DECISION:

Article 1

1. The agreement between the European Community and Colombia on the control of drugs precursors and chemical substances is approved on behalf of the Community.
2. The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the agreement negotiated with Colombia on the control of drugs precursors and chemical substances.

Article 3

1. The Community shall be represented in the Joint Follow-Up Group provided for in Article 9 of the Agreement by the Commission, assisted by the representatives of the Member States.

2. The Commission is authorized to approve, on behalf of the Community, modifications of the Annexes to this Agreement adopted by the Joint Follow-Up Group by the procedure laid down in Article 10 of the Agreement.

The Commission is assisted in this task by a special committee designated by the Council.

3. The authorization referred to in Paragraph 2 shall be limited to those substances which are already covered by the relevant Community legislation on drugs precursors and chemical substances.

Done at Brussels

For the Council

**DRAFT
AGREEMENT
between Columbia
and
the European Community**

**on precursors and chemical substances frequently used in the illicit manufacture of
narcotic drugs or psychotropic substances**

THE EUROPEAN COMMUNITY, hereinafter referred to as the Community, on the one part, and

COLUMBIA, on the other part,

DETERMINED to prevent and combat the illicit manufacture of narcotic drugs and psychotropic substances by controlling the supply of precursors and chemical substances frequently used for such purposes;

ACKNOWLEDGING Article 12 of the United Nations Convention of 1988 against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;

AGREEING with the final Report of the Chemical Action Task Force (CATF), approved by the London G-7 Economic Summit on 15 July 1991, which recommended the strengthening of international cooperation by the conclusion of bilateral agreements, in particular between regions and countries involved in export, import and transit of these chemical substances;

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CONVINCED that international trade constitutes a specific risk factor and that only cooperation arrangements between the regions concerned can prevent this danger, in particular by linking export and import controls;

AFFIRMING their common commitment to setting up assistance and co-operation mechanisms between Columbia and the Community in order to combat the diversion of scheduled substances to illicit purposes, in harmony with the orientations and actions decided at international level;

RECOGNIZING that these chemical substances are also mainly and widely used for legitimate purposes and that international trade must not be hindered by excessive monitoring procedures;

HAVE DECIDED to conclude an Agreement for the control of these precursors and chemical substances frequently used for the illicit manufacture of narcotic drugs and psychotropic substances, and, to this end, have designated as their plenipotentiaries:

THE EUROPEAN COMMUNITY

M ... [to be designated]
Minister for ...
President-in-Office of the Council of the European Union;

M ... [to be designated]
Member of the European Commission;

COLUMBIA, :

M ... [to be designated]
Minister for

WHO, having exchanged credentials of their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:



Article 1

Scope of the agreement

1. This agreement sets out measures to strengthen administrative co-operation between the Contracting Parties to prevent the diversion of substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances, without prejudice to the due recognition of the legitimate interests of trade and industry.
2. For this purpose, the Contracting Parties shall assist each other, as set out in this Agreement, notably in:
 - supervising the trade between them in scheduled substances, with the aim of preventing their diversion to illicit purposes,
 - providing mutual administrative assistance ensuring that the provisions of the relevant substance trade control legislation are correctly applied.
3. Without prejudice to possible amendments which might be adopted within the competence of the Joint Follow-up Group, this agreement applies to the chemical substances listed in the Annex to the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances as amended, hereinafter referred to as "controlled substances".

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Article 2

Trade surveillance

1. The Contracting Parties consult and inform each other on their own initiative of any suspicion that controlled substances may be diverted to the illicit manufacture of narcotic drugs or psychotropic substances, in particular when a shipment occurs in unusual quantities or under unusual circumstances.
2. With regard to the controlled substances listed in Annex A of this Agreement, the competent authority of the exporting Contracting Party shall, at the same time as the export authorization is issued and prior to the departure of the consignment, forward a copy of the export authorization to the competent authority of the importing Contracting Party. Specific information shall be provided where the operator benefits, in the exporting country, from an open individual authorization covering multiple export operations.
3. With regard to the controlled substances listed in Annex B of this Agreement, the export shall be authorized only when the importing Contracting Party has given its consent.
4. The Contracting Parties engage to provide, reciprocally and in good time, due feedback on any information provided or measure requested under this Article.
5. When implementing the before-mentioned trade control measures, the legitimate interests of trade shall be duly respected. In particular, in cases covered by Para 3 of this Article, the reply by the importing Contracting Party shall be provided within 15 working days after the reception of the message from the exporting Contracting Party. The absence of a reply within this delay shall be deemed as granting an import authorization. The refusal to grant an import authorization shall be notified in writing to the exporting Contracting Party within this delay and must be motivated.

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Article 3

Suspension of shipment

1. Without prejudice to any possible implementation of technical enforcement measures, shipments shall be suspended if, in the opinion of either Contracting Party, there are reasonable grounds to believe that controlled substances may be diverted to the illicit manufacture of narcotic drugs or psychotropic substances, or where, in the case described in Article 2(3), the importing Contracting Party requests the suspension.
2. The Contracting Parties shall co-operate to supply each other any information relating to presumed diversion operations.

Article 4

Mutual administrative assistance

1. The Contracting Parties shall supply to each other, either on their own initiative or on request, any information to prevent the diversion of controlled substances to the illicit manufacture of narcotic drugs or psychotropic substances and investigate cases of suspected diversion. They shall adopt appropriate precautionary measures where necessary to prevent diversion.
2. Any request for information or precautionary measures shall be complied with as promptly as possible. *CAM*
3. Requests for administrative assistance shall be executed in accordance with the laws, regulations and other legal instruments of the requested Contracting Party. *D*
4. Officials of a Contracting Party may, with the agreement of the other Contracting Party, be present at the inquiries carried out in the territory of the latter.
5. The Contracting Parties shall assist each other to facilitate the provision of evidentiary instruments.

6. Administrative assistance provided under this Article shall not prejudice the rules governing mutual legal assistance in criminal matters, nor shall it apply to information obtained under powers exercised at the request of a judicial authority, unless the authority so agrees.
7. Information may be requested in respect of chemical substances which are frequently used in the illicit manufacture of drugs or psychotropic substances but which are not included in the scope of this Agreement.

Article 5

Information exchange and confidentiality

1. Any information communicated in whatsoever form pursuant to this agreement shall be of a confidential or restricted nature, depending on the rules applicable in each of the Contracting Parties. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended to similar information under the relevant laws of the Contracting Party which received it and the corresponding provisions applying to the Community authorities.
2. Data relating to persons¹ may be exchanged only where the receiving Contracting Party undertakes to protect such data in at least an equivalent way to the one applicable to that particular case in the supplying Contracting Party.
3. Information obtained shall be used solely for the purposes of this Agreement. Where one of the Contracting Parties requests the use of such information for other purposes, it shall ask for the prior written consent of the authority which furnished the information. Moreover, it shall be subject to any restrictions laid down by that authority. *CAW*
4. Paragraph 3 of this Article shall not impede the use of information in any judicial or administrative proceedings subsequently instituted for failure to comply with substance control legislation. The competent authority which supplied that information shall be notified of such use forthwith. *B*

¹ Joint interpretative statement : "The Contracting Parties agree that the expression "data relating to persons" is to be understood as relating to natural persons."

Article 6

Exceptions to the obligation to provide assistance

1. The Contracting Parties may refuse to give assistance as provided for in this agreement, where to do so would:
 - (a) be likely to prejudice sovereignty,
 - (b) be likely to prejudice public policy, security or other essential interests, in particular the cases referred to in Article 5(2), or
 - (c) violate an industrial, commercial or professional secret.
2. If one Contracting Party requests assistance which it could not supply itself entirely or partially at a similar request, it shall state this situation in its request. The other Contracting Party shall then decide in what form it can comply with the request.
3. If assistance is refused, the decision and its explanatory reasons shall be notified without delay to the other Contracting Party.

Article 7

Technical and scientific assistance

The Contracting Parties shall co-operate in the identification of new diversion methods as well as appropriate countermeasures, including technical co-operation to strengthen administrative and enforcement structures in this field and promote co-operation with trade and industry. Such technical co-operation may concern, in particular, training and exchange programmes for the officials concerned as well as the equipment necessary for the implementation of the agreement.

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Article 8

Implementation measures

1. The Contracting Parties shall endeavour to implement this agreement in taking into account the necessity of a consistent approach of substance control legislation for the entire inter-American region.
2. Each Contracting Party shall appoint a competent authority or competent authorities to co-ordinate the application of this Agreement. These authorities shall communicate directly with one another for the purposes of this Agreement.
3. The Contracting Parties shall keep each other informed of the provisions which they adopt for the implementation of this Agreement.

Article 9

Joint Follow-up Group

1. A Joint Follow-up Group on the control of precursors and chemical substances is hereby established, hereinafter referred to as "the Joint Follow-up Group", in which each Contracting Party to this Agreement shall be represented.
2. The Joint Follow-up Group shall act by mutual agreement. It shall normally meet once a year, date, place and programme being fixed by mutual agreement. To the extent possible, these meetings shall be organized simultaneously with those of other joint committees or joint groups established between the Community and other member states of the Organization of American States.

Extraordinary meetings of the Joint Follow-up Group may be convened by agreement of the Contracting Parties.

3. The Joint Follow-up Group shall adopt its own rules of procedure.

Article 10

Role of the Joint Follow-up group

1. The Joint Follow-up Group shall administer this Agreement and ensure its proper implementation. For this purpose:
 - it shall study and develop the necessary means to ensure the correct functioning of the present Agreement;
 - it shall be regularly informed by the Contracting Parties of their experience in applying this Agreement,
 - in the cases provided for in paragraph 2 of this Article, it shall take decisions,
 - in the cases provided for in paragraph 3 of this Article, it shall make recommendations,
 - it shall study and develop the technical assistance measures referred to in Article 7
 - it shall study and develop other possible forms of co-operation in matters relating to precursors and chemical substances.
2. The Joint Follow-up Group shall adopt by mutual consent decisions to amend Annexes A and B.

Such decisions shall be implemented by the Contracting Parties in accordance with their own legislation.

If, in the Joint Follow-up Group, a representative of a Contracting Party has accepted a decision subject to the completion of constitutional requirements, the decision shall enter into force, if no date is contained therein, on the first day of the second month after such a completion is notified.

3. The Joint Follow-up Group shall recommend to the Contracting Parties:
 - (a) amendments to this Agreement;
 - (b) any other measure required for the application of this Agreement.

Article 11

Other agreements

1. Without prejudice to the relevant provisions of the Treaty establishing the European Community, the provisions of this Agreement shall substitute the provisions of bilateral agreements which have been concluded between individual or several Member States of the Community and Columbia if they are incompatible with the former. These bilateral agreements shall not prejudice Community provisions governing the communication between the competent administrative authorities within the Community of any information obtained in matters covered by this agreement which could be of Community interest.
2. The Contracting Parties will also notify each other of any measures in substance control matters taken with other countries.

Article 12

Entry into force

1. This Agreement shall enter into force on the first day of the second month following the date of the deposit of the last instrument of ratification or conclusion or adoption, according to the rules applicable for each Contracting Party.
2. The instruments referred to in Paragraph 1 of this Article shall be deposited with the Secretariat of the Council of the European Union, which shall act as depositary.
3. The Depositary shall notify to the Contracting Parties the date of the deposit of the instruments referred to in Paragraph 1 of this Article for each Contracting Party and the date of the entry into force of this Agreement.

CHAMA

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Article 13

Duration and denouncement

1. This Agreement shall be concluded for five years and, unless otherwise disposed, it will be tacitly renewable for successive periods of the same duration.
2. This Agreement may be amended by mutual consent of the Contracting Parties.
3. Either Contracting Party may withdraw from this Agreement provided it gives 12 months' prior notice in writing to the other Contracting Party.

Article 14

Authentic texts

This Agreement, which is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, all texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Union, which shall deliver a certified copy thereof to each Contracting Party.

CAWMS

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ANNEX A:

Substances subject to the measures of Article 2(2)

Methylethyl ketone

Toluene

Potassium permanganate

Sulphuric acid

Acetone

Ethyl ether

Hydrochloric acid

Acetic anhydride

Anthranilic acid

Phenylacetic acid

Piperidine

ANNEX B:

Substances subject to the measures of Article 2(3)



Statement concerning Article 1 (3)

Colombia emphasizes that this agreement represents a development resulting from the 1988 UN Convention against the illicit traffic of narcotic drugs and psychotropic substances and that the initial provision of Article 1(3) should be taken to mean that amendments to Annexes A and B shall apply exclusively within the limits of the products referred to in this Convention as amended.

The Community takes note of this statement.

Both Parties state that, in all cases, amendments to the afore-mentioned Annexes A and B shall be adopted solely by mutual consent of both Parties in compliance with Article 12(1).

Statement concerning Article 12 (1)

Colombia states that the Agreement will enter into force on the first day of the second month following the date of its signature.

CAJMA

[Signature]

Council Decision 35/0313 (AEE)
**authorizing conclusion, on behalf of the Community, of an agreement on drugs
precursors and chemical substances
between the European Community and Ecuador**

1. EXPLANATORY MEMORANDUM

By Decision of 25 September 1995 (Doc. 9782/95), the Council authorized the Commission to negotiate on behalf of the Community agreements on the control of drugs precursors and chemical substances with the Member States of the OAS, and as a priority with the member countries of the Cartagena agreement.

This decision was taken to prevent the diversion of chemical substances frequently used for the illicit manufacture of narcotic drugs and psychotropic substances, which most commonly occurs in international trade between the chemical exporting countries and those countries concerned with illicit drugs manufacture on their own or a neighbouring territory.

The decision was preceded by close contacts with the relevant authorities of the member countries of the Cartagena agreement during which the wish to conclude such agreements had been repeatedly expressed by these countries.

In compliance with the above-mentioned decision, the Commission has negotiated an agreement with Ecuador which was initialled on 13th November 1995. It is therefore necessary to proceed to the signature and the conclusion of the Agreement.

The Agreement provides for the possibility of modifying the lists of substances subject to the trade surveillance mechanisms referred to in Article 2 of the Agreement and which are contained in the Annexes to the Agreement. Such modification may include changes in the number of substances as well as the transfer of substances from one Annex to the other.

Where such modifications only concern substances already covered by the relevant Community legislation on drugs precursors and chemical substances, the Commission is authorized to approve such modifications on behalf of the Community. The Council will designate a Special Committee to assist the Commission in this task.

2. PROPOSAL

The Council is therefore requested to

- approve the Agreement between the European Community and Ecuador on Drugs Precursors and Chemical Substances on behalf of the Community;
- designate a person empowered to sign the Agreement;
- authorize the Commission, in consultation with a special committee appointed by the Council, to approve modifications on behalf of the Community where the Agreement provides for them to be adopted by the Joint Follow-Up Group; however, such authorization will be limited to the modification of the Annexes of the Agreement insofar as it concerns substances already covered by the Community legislation on drugs precursors and chemical substances.

Council Decision
authorizing conclusion, on behalf of the Community, of an agreement on drugs
precursors and chemical substances
between the European Community and Ecuador

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the treaty establishing the European Community, and in particular Article 113 thereof, in connection with Article 228 Paragraph 4,

Having regard to the proposal from the Commission,

Whereas, on 25 September 1995, the Council authorized the Commission to negotiate, on behalf of the Community, agreements on the control of drugs precursors and chemical substances with the Member States of the OAS, and as a priority with the member countries of the Cartagena agreement;

Whereas the Commission, on the basis of this authorization, completed negotiations with Ecuador on 13th November 1995

Whereas it is appropriate that the Council authorizes the Commission, in consultation with a special committee appointed by the Council, to approve modifications on behalf of the Community where the Agreement provides for them to be adopted by the Joint Follow-Up Group; however, such authorization will be limited to the modification of the Annexes of the Agreement insofar as it concerns substances already covered by the Community legislation on drugs precursors and chemical substances.

HAS ADOPTED THIS DECISION:

Article 1

1. The agreement between the European Community and Ecuador on the control of drugs precursors and chemical substances is approved on behalf of the Community.
2. The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the agreement negotiated with Ecuador on the control of drugs precursors and chemical substances.

Article 3

1. The Community shall be represented in the Joint Follow-Up Group provided for in Article 9 of the Agreement by the Commission, assisted by the representatives of the Member States.

2. The Commission is authorized to approve, on behalf of the Community, modifications of the Annexes to this Agreement adopted by the Joint Follow-Up Group by the procedure laid down in Article 10 of the Agreement.

The Commission is assisted in this task by a special committee designated by the Council.

3. The authorization referred to in Paragraph 2 shall be limited to those substances which are already covered by the relevant Community legislation on drugs precursors and chemical substances.

Done at Brussels

For the Council

**DRAFT
AGREEMENT
between Ecuador
and
the European Community**

**on precursors and chemical substances frequently used in the illicit manufacture of
narcotic drugs or psychotropic substances**

THE EUROPEAN COMMUNITY, hereinafter referred to as the Community, on the one part, and

ECUADOR, on the other part,

DETERMINED to prevent and combat the illicit manufacture of narcotic drugs and psychotropic substances by controlling the supply of precursors and chemical substances frequently used for such purposes;

ACKNOWLEDGING Article 12 of the United Nations Convention of 1988 against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;

AGREEING with the final Report of the Chemical Action Task Force (CATF), approved by the London G-7 Economic Summit on 15 July 1991, which recommended the strengthening of international cooperation by the conclusion of bilateral agreements, in particular between regions and countries involved in export, import and transit of these chemical substances;



CONVINCED that international trade constitutes a specific risk factor and that only cooperation arrangements between the regions concerned can prevent this danger, in particular by linking export and import controls;

AFFIRMING their common commitment to setting up assistance and co-operation mechanisms between Ecuador and the Community in order to combat the diversion of scheduled substances to illicit purposes, in harmony with the orientations and actions decided at international level;

RECOGNIZING that these chemical substances are also mainly and widely used for legitimate purposes and that international trade must not be hindered by excessive monitoring procedures;

HAVE DECIDED to conclude an Agreement for the control of these precursors and chemical substances frequently used for the illicit manufacture of narcotic drugs and psychotropic substances, and, to this end, have designated as their plenipotentiaries:

THE EUROPEAN COMMUNITY

M ... [to be designated]
Minister for ...
President-in-Office of the Council of the European Union;

M ... [to be designated]
Member of the European Commission;

ECUADOR, :

M ... [to be designated]
Minister for

WHO, having exchanged credentials of their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:



Article 1

Scope of the agreement

1. This agreement sets out measures to strengthen administrative co-operation between the Contracting Parties to prevent the diversion of substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances, without prejudice to the due recognition of the legitimate interests of trade and industry.
2. For this purpose, the Contracting Parties shall assist each other, as set out in this Agreement, notably in:
 - supervising the trade between them in scheduled substances, with the aim of preventing their diversion to illicit purposes,
 - providing mutual administrative assistance ensuring that the provisions of the relevant substance trade control legislation are correctly applied.
3. Without prejudice to possible amendments which might be adopted within the competence of the Joint Follow-up Group, this agreement applies to the chemical substances listed in the Annex to the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances as amended, hereinafter referred to as "controlled substances".

Article 2

Trade surveillance

1. The Contracting Parties consult and inform each other on their own initiative of any suspicion that controlled substances may be diverted to the illicit manufacture of narcotic drugs or psychotropic substances, in particular when a shipment occurs in unusual quantities or under unusual circumstances.
2. With regard to the controlled substances listed in Annex A of this Agreement, the competent authority of the exporting Contracting Party shall, at the same time as the export authorization is issued and prior to the departure of the consignment, forward a copy of the export authorization to the competent authority of the importing Contracting Party. Specific information shall be provided where the operator benefits, in the exporting country, from an open individual authorization covering multiple export operations.
3. With regard to the controlled substances listed in Annex B of this Agreement, the export shall be authorized only when the importing Contracting Party has given its consent.
4. The Contracting Parties engage to provide, reciprocally and in good time, due feedback on any information provided or measure requested under this Article.
5. When implementing the before-mentioned trade control measures, the legitimate interests of trade shall be duly respected. In particular, in cases covered by Para 3 of this Article, the reply by the importing Contracting Party shall be provided within 15 working days after the reception of the message from the exporting Contracting Party. The absence of a reply within this delay shall be deemed as granting an import authorization. The refusal to grant an import authorization shall be notified in writing to the exporting Contracting Party within this delay and must be motivated.




Article 3

Suspension of shipment

1. Without prejudice to any possible implementation of technical enforcement measures, shipments shall be suspended if, in the opinion of either Contracting Party, there are reasonable grounds to believe that controlled substances may be diverted to the illicit manufacture of narcotic drugs or psychotropic substances, or where, in the case described in Article 2(3), the importing Contracting Party requests the suspension.
2. The Contracting Parties shall co-operate to supply each other any information relating to presumed diversion operations.

Article 4

Mutual administrative assistance

1. The Contracting Parties shall supply to each other, either on their own initiative or on request, any information to prevent the diversion of controlled substances to the illicit manufacture of narcotic drugs or psychotropic substances and investigate cases of suspected diversion. They shall adopt appropriate precautionary measures where necessary to prevent diversion.
2. Any request for information or precautionary measures shall be complied with as promptly as possible.
3. Requests for administrative assistance shall be executed in accordance with the laws, regulations and other legal instruments of the requested Contracting Party.
4. Officials of a Contracting Party may, with the agreement of the other Contracting Party, be present at the inquiries carried out in the territory of the latter. 
5. The Contracting Parties shall assist each other to facilitate the provision of evidentiary instruments.

6. Administrative assistance provided under this Article shall not prejudice the rules governing mutual legal assistance in criminal matters, nor shall it apply to information obtained under powers exercised at the request of a judicial authority, unless the authority so agrees.
7. Information may be requested in respect of chemical substances which are frequently used in the illicit manufacture of drugs or psychotropic substances but which are not included in the scope of this Agreement.

Article 5

Information exchange and confidentiality

1. Any information communicated in whatsoever form pursuant to this agreement shall be of a confidential or restricted nature, depending on the rules applicable in each of the Contracting Parties. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended to similar information under the relevant laws of the Contracting Party which received it and the corresponding provisions applying to the Community authorities.
2. Data relating to persons¹ may be exchanged only where the receiving Contracting Party undertakes to protect such data in at least an equivalent way to the one applicable to that particular case in the supplying Contracting Party.
3. Information obtained shall be used solely for the purposes of this Agreement. Where one of the Contracting Parties requests the use of such information for other purposes, it shall ask for the prior written consent of the authority which furnished the information. Moreover, it shall be subject to any restrictions laid down by that authority.
4. Paragraph 3 of this Article shall not impede the use of information in any judicial or administrative proceedings subsequently instituted for failure to comply with substance control legislation. The competent authority which supplied that information shall be notified of such use forthwith.

¹ Joint interpretative statement : "The Contracting Parties agree that the expression "data relating to persons" is to be understood as relating to natural persons."

Article 6

Exceptions to the obligation to provide assistance

1. The Contracting Parties may refuse to give assistance as provided for in this agreement, where to do so would:
 - (a) be likely to prejudice sovereignty,
 - (b) be likely to prejudice public policy, security or other essential interests, in particular the cases referred to in Article 5(2), or
 - (c) violate an industrial, commercial or professional secret.
2. If one Contracting Party requests assistance which it could not supply itself entirely or partially at a similar request, it shall state this situation in its request. The other Contracting Party shall then decide in what form it can comply with the request.
3. If assistance is refused, the decision and its explanatory reasons shall be notified without delay to the other Contracting Party.

Article 7

Technical and scientific assistance

The Contracting Parties shall co-operate in the identification of new diversion methods as well as appropriate countermeasures, including technical co-operation to strengthen administrative and enforcement structures in this field and promote co-operation with trade and industry. Such technical co-operation may concern, in particular, training and exchange programmes for the officials concerned as well as the equipment necessary for the implementation of the agreement.

Article 8

Implementation measures

1. The Contracting Parties shall endeavour to implement this agreement in taking into account the necessity of a consistent approach of substance control legislation for the entire inter-American region.
2. Each Contracting Party shall appoint a competent authority or competent authorities to co-ordinate the application of this Agreement. These authorities shall communicate directly with one another for the purposes of this Agreement.
3. The Contracting Parties shall keep each other informed of the provisions which they adopt for the implementation of this Agreement.

Article 9

Joint Follow-up Group

1. A Joint Follow-up Group on the control of precursors and chemical substances is hereby established, hereinafter referred to as "the Joint Follow-up Group", in which each Contracting Party to this Agreement shall be represented.
2. The Joint Follow-up Group shall act by mutual agreement. It shall normally meet once a year, date, place and programme being fixed by mutual agreement. To the extent possible, these meetings shall be organized simultaneously with those of other joint committees or joint groups established between the Community and other member states of the Organization of American States.

Extraordinary meetings of the Joint Follow-up Group may be convened by agreement of the Contracting Parties.

3. The Joint Follow-up Group shall adopt its own rules of procedure.

Article 10

Role of the Joint Follow-up group

1. The Joint Follow-up Group shall administer this Agreement and ensure its proper implementation. For this purpose:
 - it shall study and develop the necessary means to ensure the correct functioning of the present Agreement;
 - it shall be regularly informed by the Contracting Parties of their experience in applying this Agreement,
 - in the cases provided for in paragraph 2 of this Article, it shall take decisions,
 - in the cases provided for in paragraph 3 of this Article, it shall make recommendations,
 - it shall study and develop the technical assistance measures referred to in Article 7
 - it shall study and develop other possible forms of co-operation in matters relating to precursors and chemical substances.
2. The Joint Follow-up Group shall adopt by mutual consent decisions to amend Annexes A and B.

Such decisions shall be implemented by the Contracting Parties in accordance with their own legislation.

If, in the Joint Follow-up Group, a representative of a Contracting Party has accepted a decision subject to the completion of constitutional requirements, the decision shall enter into force, if no date is contained therein, on the first day of the second month after such a completion is notified.

3. The Joint Follow-up Group shall recommend to the Contracting Parties:
 - (a) amendments to this Agreement;
 - (b) any other measure required for the application of this Agreement.

Article 11

Other agreements

1. Without prejudice to the relevant provisions of the Treaty establishing the European Community, the provisions of this Agreement shall substitute the provisions of bilateral agreements which have been concluded between individual or several Member States of the Community and Columbia if they are incompatible with the former. These bilateral agreements shall not prejudice Community provisions governing the communication between the competent administrative authorities within the Community of any information obtained in matters covered by this agreement which could be of Community interest.
2. The Contracting Parties will also notify each other of any measures in substance control matters taken with other countries.

Article 12

Entry into force

1. This Agreement shall enter into force on the first day of the second month following the date of the deposit of the last instrument of ratification or conclusion or adoption, according to the rules applicable for each Contracting Party.
2. The instruments referred to in Paragraph 1 of this Article shall be deposited with the Secretariat of the Council of the European Union, which shall act as depositary.
3. The Depositary shall notify to the Contracting Parties the date of the deposit of the instruments referred to in Paragraph 1 of this Article for each Contracting Party and the date of the entry into force of this Agreement.



Article 13

Duration and denouncement

1. This Agreement shall be concluded for five years and, unless otherwise disposed, it will be tacitly renewable for successive periods of the same duration.
2. This Agreement may be amended by mutual consent of the Contracting Parties.
3. Either Contracting Party may withdraw from this Agreement provided it gives 12 months' prior notice in writing to the other Contracting Party.

Article 14

Authentic texts

This Agreement, which is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, all texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Union, which shall deliver a certified copy thereof to each Contracting Party.



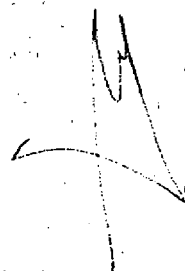
ANNEX A:

Substances subject to the measures of Article 2(2)

Methylethyl ketone
Toluene
Potassium permanganate
Sulphuric acid
Acetone
Ethyl ether
Hydrochloric acid
Acetic anhydride
Anthranilic acid
Phenylacetic acid
Piperidine

ANNEX B:

Substances subject to the measures of Article 2(3)



Council Decision 95/0314 (AEE)
**authorizing conclusion, on behalf of the Community, of an agreement on drugs
precursors and chemical substances
between the European Community and Peru**

1. EXPLANATORY MEMORANDUM

By Decision of 25 September 1995 (Doc. 9782/95), the Council authorized the Commission to negotiate on behalf of the Community agreements on the control of drugs precursors and chemical substances with the Member States of the OAS, and as a priority with the member countries of the Cartagena agreement.

This decision was taken to prevent the diversion of chemical substances frequently used for the illicit manufacture of narcotic drugs and psychotropic substances, which most commonly occurs in international trade between the chemical exporting countries and those countries concerned with illicit drugs manufacture on their own or a neighbouring territory.

The decision was preceded by close contacts with the relevant authorities of the member countries of the Cartagena agreement during which the wish to conclude such agreements had been repeatedly expressed by these countries.

In compliance with the above-mentioned decision, the Commission has negotiated an agreement with Peru which was initialled on 13th November 1995. It is therefore necessary to proceed to the signature and the conclusion of the Agreement.

The Agreement provides for the possibility of modifying the lists of substances subject to the trade surveillance mechanisms referred to in Article 2 of the Agreement and which are contained in the Annexes to the Agreement. Such modification may include changes in the number of substances as well as the transfer of substances from one Annex to the other.

Where such modifications only concern substances already covered by the relevant Community legislation on drugs precursors and chemical substances, the Commission is authorized to approve such modifications on behalf of the Community. The Council will designate a Special Committee to assist the Commission in this task.

2. PROPOSAL

The Council is therefore requested to

- approve the Agreement between the European Community and Peru on Drugs Precursors and Chemical Substances on behalf of the Community;
- designate a person empowered to sign the Agreement;
- authorize the Commission, in consultation with a special committee appointed by the Council, to approve modifications on behalf of the Community where the Agreement provides for them to be adopted by the Joint Follow-Up Group; however, such authorization will be limited to the modification of the Annexes of the Agreement insofar as it concerns substances already covered by the Community legislation on drugs precursors and chemical substances.

Council Decision
authorizing conclusion, on behalf of the Community, of an agreement on drugs
precursors and chemical substances
between the European Community and Peru

THE COUNCIL OF THE EUROPEAN UNION;

Having regard to the treaty establishing the European Community, and in particular Article 113 thereof, in connection with Article 228 Paragraph 4,

Having regard to the proposal from the Commission,

Whereas, on 25 September 1995, the Council authorized the Commission to negotiate, on behalf of the Community, agreements on the control of drugs precursors and chemical substances with the Member States of the OAS, and as a priority with the member countries of the Cartagena agreement;

Whereas the Commission, on the basis of this authorization, completed negotiations with Peru on 13th November 1995

Whereas it is appropriate that the Council authorizes the Commission, in consultation with a special committee appointed by the Council, to approve modifications on behalf of the Community where the Agreement provides for them to be adopted by the Joint Follow-Up Group; however, such authorization will be limited to the modification of the Annexes of the Agreement insofar as it concerns substances already covered by the Community legislation on drugs precursors and chemical substances.

HAS ADOPTED THIS DECISION:

Article 1

1. The agreement between the European Community and Peru on the control of drugs precursors and chemical substances is approved on behalf of the Community.
2. The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the agreement negotiated with Peru on the control of drugs precursors and chemical substances.

Article 3

1. The Community shall be represented in the Joint Follow-Up Group provided for in Article 9 of the Agreement by the Commission, assisted by the representatives of the Member States.
2. The Commission is authorized to approve, on behalf of the Community, modifications of the Annexes to this Agreement adopted by the Joint Follow-Up Group by the procedure laid down in Article 10 of the Agreement.

The Commission is assisted in this task by a special committee designated by the Council.

3. The authorization referred to in Paragraph 2 shall be limited to those substances which are already covered by the relevant Community legislation on drugs precursors and chemical substances.

Done at Brussels

For the Council

**DRAFT
AGREEMENT
between Peru
and
the European Community**

**on precursors and chemical substances frequently used in the illicit manufacture of
narcotic drugs or psychotropic substances**

THE EUROPEAN COMMUNITY, hereinafter referred to as the Community, on the one
part, and

PERU, on the other part,

DETERMINED to prevent and combat the illicit manufacture of narcotic drugs and
psychotropic substances by controlling the supply of precursors and chemical
substances frequently used for such purposes;

ACKNOWLEDGING Article 12 of the United Nations Convention of 1988 against Illicit
Traffic in Narcotic Drugs and Psychotropic Substances;

AGREEING with the final Report of the Chemical Action Task Force (CATF), approved
by the London G-7 Economic Summit on 15 July 1991, which recommended the
strengthening of international cooperation by the conclusion of bilateral agreements, in
particular between regions and countries involved in export, import and transit of these
chemical substances;

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CONVINCED that international trade constitutes a specific risk factor and that only cooperation arrangements between the regions concerned can prevent this danger, in particular by linking export and import controls;

AFFIRMING their common commitment to setting up assistance and co-operation mechanisms between Peru and the Community in order to combat the diversion of scheduled substances to illicit purposes, in harmony with the orientations and actions decided at international level;

RECOGNIZING that these chemical substances are also mainly and widely used for legitimate purposes and that international trade must not be hindered by excessive monitoring procedures;

HAVE DECIDED to conclude an Agreement for the control of these precursors and chemical substances frequently used for the illicit manufacture of narcotic drugs and psychotropic substances, and, to this end, have designated as their plenipotentiaries:

THE EUROPEAN COMMUNITY

M ... [to be designated]
Minister for ...
President-in-Office of the Council of the European Union;

M ... [to be designated]
Member of the European Commission;

PERU, :

M ... [to be designated]
Minister for

WHO, having exchanged credentials of their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

Article 1

Scope of the agreement

1. This agreement sets out measures to strengthen administrative co-operation between the Contracting Parties to prevent the diversion of substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances, without prejudice to the due recognition of the legitimate interests of trade and industry.
2. For this purpose, the Contracting Parties shall assist each other, as set out in this Agreement, notably in:
 - supervising the trade between them in scheduled substances, with the aim of preventing their diversion to illicit purposes,
 - providing mutual administrative assistance ensuring that the provisions of the relevant substance trade control legislation are correctly applied.
3. Without prejudice to possible amendments which might be adopted within the competence of the Joint Follow-up Group, this agreement applies to the chemical substances listed in the Annex to the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances as amended, hereinafter referred to as "controlled substances".



Article 2

Trade surveillance

1. The Contracting Parties consult and inform each other on their own initiative of any suspicion that controlled substances may be diverted to the illicit manufacture of narcotic drugs or psychotropic substances, in particular when a shipment occurs in unusual quantities or under unusual circumstances.
2. With regard to the controlled substances listed in Annex A of this Agreement, the competent authority of the exporting Contracting Party shall, at the same time as the export authorization is issued and prior to the departure of the consignment, forward a copy of the export authorization to the competent authority of the importing Contracting Party. Specific information shall be provided where the operator benefits, in the exporting country, from an open individual authorization covering multiple export operations.
3. With regard to the controlled substances listed in Annex B of this Agreement, the export shall be authorized only when the importing Contracting Party has given its consent.
4. The Contracting Parties engage to provide, reciprocally and in good time, due feedback on any information provided or measure requested under this Article.
5. When implementing the before-mentioned trade control measures, the legitimate interests of trade shall be duly respected. In particular, in cases covered by Para 3 of this Article, the reply by the importing Contracting Party shall be provided within 15 working days after the reception of the message from the exporting Contracting Party. The absence of a reply within this delay shall be deemed as granting an import authorization. The refusal to grant an import authorization shall be notified in writing to the exporting Contracting Party within this delay and must be motivated.



Article 3

Suspension of shipment

1. Without prejudice to any possible implementation of technical enforcement measures, shipments shall be suspended if, in the opinion of either Contracting Party, there are reasonable grounds to believe that controlled substances may be diverted to the illicit manufacture of narcotic drugs or psychotropic substances, or where, in the case described in Article 2(3), the importing Contracting Party requests the suspension.
2. The Contracting Parties shall co-operate to supply each other any information relating to presumed diversion operations.

Article 4

Mutual administrative assistance

1. The Contracting Parties shall supply to each other, either on their own initiative or on request, any information to prevent the diversion of controlled substances to the illicit manufacture of narcotic drugs or psychotropic substances and investigate cases of suspected diversion. They shall adopt appropriate precautionary measures where necessary to prevent diversion.
2. Any request for information or precautionary measures shall be complied with as promptly as possible.
3. Requests for administrative assistance shall be executed in accordance with the laws, regulations and other legal instruments of the requested Contracting Party.
4. Officials of a Contracting Party may, with the agreement of the other Contracting Party, be present at the inquiries carried out in the territory of the latter.
5. The Contracting Parties shall assist each other to facilitate the provision of evidentiary instruments.

6. Administrative assistance provided under this Article shall not prejudice the rules governing mutual legal assistance in criminal matters, nor shall it apply to information obtained under powers exercised at the request of a judicial authority, unless the authority so agrees.
7. Information may be requested in respect of chemical substances which are frequently used in the illicit manufacture of drugs or psychotropic substances but which are not included in the scope of this Agreement.

Article 5

Information exchange and confidentiality

1. Any information communicated in whatsoever form pursuant to this agreement shall be of a confidential or restricted nature, depending on the rules applicable in each of the Contracting Parties. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended to similar information under the relevant laws of the Contracting Party which received it and the corresponding provisions applying to the Community authorities.
2. Data relating to persons¹ may be exchanged only where the receiving Contracting Party undertakes to protect such data in at least an equivalent way to the one applicable to that particular case in the supplying Contracting Party.
3. Information obtained shall be used solely for the purposes of this Agreement. Where one of the Contracting Parties requests the use of such information for other purposes, it shall ask for the prior written consent of the authority which furnished the information. Moreover, it shall be subject to any restrictions laid down by that authority.
4. Paragraph 3 of this Article shall not impede the use of information in any judicial or administrative proceedings subsequently instituted for failure to comply with substance control legislation. The competent authority which supplied that information shall be notified of such use forthwith.

¹ Joint interpretative statement : "The Contracting Parties agree that the expression "data relating to persons" is to be understood as relating to natural persons."

Article 6

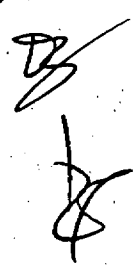
Exceptions to the obligation to provide assistance

1. The Contracting Parties may refuse to give assistance as provided for in this agreement, where to do so would:
 - (a) be likely to prejudice sovereignty,
 - (b) be likely to prejudice public policy, security or other essential interests, in particular the cases referred to in Article 5(2), or
 - (c) violate an industrial, commercial or professional secret.
2. If one Contracting Party requests assistance which it could not supply itself entirely or partially at a similar request, it shall state this situation in its request. The other Contracting Party shall then decide in what form it can comply with the request.
3. If assistance is refused, the decision and its explanatory reasons shall be notified without delay to the other Contracting Party.

Article 7

Technical and scientific assistance

The Contracting Parties shall co-operate in the identification of new diversion methods as well as appropriate countermeasures, including technical co-operation to strengthen administrative and enforcement structures in this field and promote co-operation with trade and industry. Such technical co-operation may concern, in particular, training and exchange programmes for the officials concerned as well as the equipment necessary for the implementation of the agreement.



Article 8

Implementation measures

1. The Contracting Parties shall endeavour to implement this agreement in taking into account the necessity of a consistent approach of substance control legislation for the entire inter-American region.
2. Each Contracting Party shall appoint a competent authority or competent authorities to co-ordinate the application of this Agreement. These authorities shall communicate directly with one another for the purposes of this Agreement.
3. The Contracting Parties shall keep each other informed of the provisions which they adopt for the implementation of this Agreement.

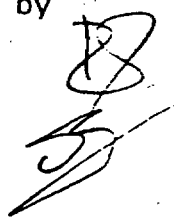
Article 9

Joint Follow-up Group

1. A Joint Follow-up Group on the control of precursors and chemical substances is hereby established, hereinafter referred to as "the Joint Follow-up Group", in which each Contracting Party to this Agreement shall be represented.
2. The Joint Follow-up Group shall act by mutual agreement. It shall normally meet once a year, date, place and programme being fixed by mutual agreement. To the extent possible, these meetings shall be organized simultaneously with those of other joint committees or joint groups established between the Community and other member states of the Organization of American States.

Extraordinary meetings of the Joint Follow-up Group may be convened by agreement of the Contracting Parties.

3. The Joint Follow-up Group shall adopt its own rules of procedure.



Article 10

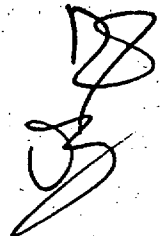
Role of the Joint Follow-up group

1. The Joint Follow-up Group shall administer this Agreement and ensure its proper implementation. For this purpose:
 - it shall study and develop the necessary means to ensure the correct functioning of the present Agreement;
 - it shall be regularly informed by the Contracting Parties of their experience in applying this Agreement,
 - in the cases provided for in paragraph 2 of this Article, it shall take decisions,
 - in the cases provided for in paragraph 3 of this Article, it shall make recommendations,
 - it shall study and develop the technical assistance measures referred to in Article 7
 - it shall study and develop other possible forms of co-operation in matters relating to precursors and chemical substances.
2. The Joint Follow-up Group shall adopt by mutual consent decisions to amend Annexes A and B.

Such decisions shall be implemented by the Contracting Parties in accordance with their own legislation.

If, in the Joint Follow-up Group, a representative of a Contracting Party has accepted a decision subject to the completion of constitutional requirements, the decision shall enter into force, if no date is contained therein, on the first day of the second month after such a completion is notified.

3. The Joint Follow-up Group shall recommend to the Contracting Parties:
 - (a) amendments to this Agreement;
 - (b) any other measure required for the application of this Agreement.



Article 11



Other agreements

1. Without prejudice to the relevant provisions of the Treaty establishing the European Community, the provisions of this Agreement shall substitute the provisions of bilateral agreements which have been concluded between individual or several Member States of the Community and Bolivia if they are incompatible with the former. These bilateral agreements shall not prejudice Community provisions governing the communication between the competent administrative authorities within the Community of any information obtained in matters covered by this agreement which could be of Community interest.
2. The Contracting Parties will also notify each other of any measures in substance control matters taken with other countries.

Article 12

Entry into force

1. This Agreement shall enter into force on the first day of the second month following the date of the deposit of the last instrument of ratification or conclusion or adoption, according to the rules applicable for each Contracting Party.
2. The instruments referred to in Paragraph 1 of this Article shall be deposited with the Secretariat of the Council of the European Union, which shall act as depositary.
3. The Depositary shall notify to the Contracting Parties the date of the deposit of the instruments referred to in Paragraph 1 of this Article for each Contracting Party and the date of the entry into force of this Agreement.

Article 13

Duration and denouncement

1. This Agreement shall be concluded for five years and, unless otherwise disposed, it will be tacitly renewable for successive periods of the same duration.
2. This Agreement may be amended by mutual consent of the Contracting Parties.
3. Either Contracting Party may withdraw from this Agreement provided it gives 12 months' prior notice in writing to the other Contracting Party.

Article 14

Authentic texts

This Agreement, which is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, all texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Union, which shall deliver a certified copy thereof to each Contracting Party.





ANNEX A:

Substances subject to the measures of Article 2(2)

Methylethyl ketone

Toluene

Potassium permanganate

Sulphuric acid

Acetone

Ethyl ether

Hydrochloric acid

Acetic anhydride

Anthranilic acid

Phenylacetic acid

Piperidine

ANNEX B:

Substances subject to the measures of Article 2(3)



Council Decision 95/0315 (Rec)
**authorizing conclusion, on behalf of the Community, of an agreement on drugs
precursors and chemical substances
between the European Community and Venezuela**

1. EXPLANATORY MEMORANDUM

By Decision of 25 September 1995 (Doc. 9782/95), the Council authorized the Commission to negotiate on behalf of the Community agreements on the control of drugs precursors and chemical substances with the Member States of the OAS, and as a priority with the member countries of the Cartagena agreement.

This decision was taken to prevent the diversion of chemical substances frequently used for the illicit manufacture of narcotic drugs and psychotropic substances, which most commonly occurs in international trade between the chemical exporting countries and those countries concerned with illicit drugs manufacture on their own or a neighbouring territory.

The decision was preceded by close contacts with the relevant authorities of the member countries of the Cartagena agreement during which the wish to conclude such agreements had been repeatedly expressed by these countries.

In compliance with the above-mentioned decision, the Commission has negotiated an agreement with Venezuela which was initialled on 13th November 1995. It is therefore necessary to proceed to the signature and the conclusion of the Agreement.

The Agreement provides for the possibility of modifying the lists of substances subject to the trade surveillance mechanisms referred to in Article 2 of the Agreement and which are contained in the Annexes to the Agreement. Such modification may include changes in the number of substances as well as the transfer of substances from one Annex to the other.

Where such modifications only concern substances already covered by the relevant Community legislation on drugs precursors and chemical substances, the Commission is authorized to approve such modifications on behalf of the Community. The Council will designate a Special Committee to assist the Commission in this task.

2. PROPOSAL

The Council is therefore requested to

- approve the Agreement between the European Community and Venezuela on Drugs Precursors and Chemical Substances on behalf of the Community;
- designate a person empowered to sign the Agreement;
- authorize the Commission, in consultation with a special committee appointed by the Council, to approve modifications on behalf of the Community where the Agreement provides for them to be adopted by the Joint Follow-Up Group; however, such authorization will be limited to the modification of the Annexes of the Agreement insofar as it concerns substances already covered by the Community legislation on drugs precursors and chemical substances.

Council Decision
authorizing conclusion, on behalf of the Community, of an agreement on drugs
precursors and chemical substances
between the European Community and Venezuela

THE COUNCIL OF THE EUROPEAN UNION;

Having regard to the treaty establishing the European Community, and in particular Article 113 thereof, in connection with Article 228 Paragraph 4,

Having regard to the proposal from the Commission,

Whereas, on 25 September 1995, the Council authorized the Commission to negotiate, on behalf of the Community, agreements on the control of drugs precursors and chemical substances with the Member States of the OAS, and as a priority with the member countries of the Cartagena agreement;

Whereas the Commission, on the basis of this authorization, completed negotiations with Venezuela on 13th November 1995

Whereas it is appropriate that the Council authorizes the Commission, in consultation with a special committee appointed by the Council, to approve modifications on behalf of the Community where the Agreement provides for them to be adopted by the Joint Follow-Up Group; however, such authorization will be limited to the modification of the Annexes of the Agreement insofar as it concerns substances already covered by the Community legislation on drugs precursors and chemical substances.

HAS ADOPTED THIS DECISION:

Article 1

1. The agreement between the European Community and Venezuela on the control of drugs precursors and chemical substances is approved on behalf of the Community.
2. The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the agreement negotiated with Venezuela on the control of drugs precursors and chemical substances.

Article 3

1. The Community shall be represented in the Joint Follow-Up Group provided for in Article 9 of the Agreement by the Commission, assisted by the representatives of the Member States.

2. The Commission is authorized to approve, on behalf of the Community, modifications of the Annexes to this Agreement adopted by the Joint Follow-Up Group by the procedure laid down in Article 10 of the Agreement.

The Commission is assisted in this task by a special committee designated by the Council.

3. The authorization referred to in Paragraph 2 shall be limited to those substances which are already covered by the relevant Community legislation on drugs precursors and chemical substances.

Done at Brussels

For the Council

**DRAFT
AGREEMENT
between Venezuela
and
the European Community**

**on precursors and chemical substances frequently used in the illicit manufacture of
narcotic drugs or psychotropic substances**

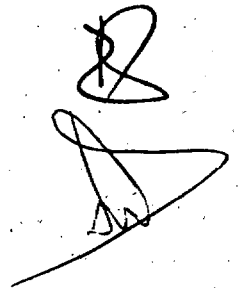
**THE EUROPEAN COMMUNITY, hereinafter referred to as the Community, on the one
part, and**

VENEZUELA, on the other part,

**DETERMINED to prevent and combat the illicit manufacture of narcotic drugs and
psychotropic substances by controlling the supply of precursors and chemical
substances frequently used for such purposes;**

**ACKNOWLEDGING Article 12 of the United Nations Convention of 1988 against Illicit
Traffic in Narcotic Drugs and Psychotropic Substances;**

**AGREEING with the final Report of the Chemical Action Task Force (CATF), approved
by the London G-7 Economic Summit on 15 July 1991, which recommended the
strengthening of international cooperation by the conclusion of bilateral agreements, in
particular between regions and countries involved in export, import and transit of these
chemical substances;**

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CONVINCED that international trade constitutes a specific risk factor and that only cooperation arrangements between the regions concerned can prevent this danger, in particular by linking export and import controls;

AFFIRMING their common commitment to setting up assistance and co-operation mechanisms between Venezuela and the Community in order to combat the diversion of scheduled substances to illicit purposes, in harmony with the orientations and actions decided at international level;

RECOGNIZING that these chemical substances are also mainly and widely used for legitimate purposes and that international trade must not be hindered by excessive monitoring procedures;

HAVE DECIDED to conclude an Agreement for the control of these precursors and chemical substances frequently used for the illicit manufacture of narcotic drugs and psychotropic substances, and, to this end, have designated as their plenipotentiaries:

THE EUROPEAN COMMUNITY

M ... [to be designated]
Minister for ...
President-in-Office of the Council of the European Union;

M ... [to be designated]
Member of the European Commission;

VENEZUELA, :

M ... [to be designated]
Minister for

WHO, having exchanged credentials of their full powers, found in good and due form,

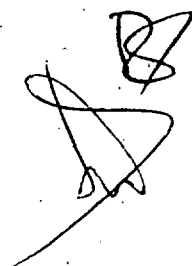
HAVE AGREED AS FOLLOWS:



Article 1

Scope of the agreement

1. This agreement sets out measures to strengthen administrative co-operation between the Contracting Parties to prevent the diversion of substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances, without prejudice to the due recognition of the legitimate interests of trade and industry.
2. For this purpose, the Contracting Parties shall assist each other, as set out in this Agreement, notably in:
 - supervising the trade between them in scheduled substances, with the aim of preventing their diversion to illicit purposes,
 - providing mutual administrative assistance ensuring that the provisions of the relevant substance trade control legislation are correctly applied.
3. Without prejudice to possible amendments which might be adopted within the competence of the Joint Follow-up Group, this agreement applies to the chemical substances listed in the Annex to the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances as amended, hereinafter referred to as "controlled substances".



Article 2

Trade surveillance

1. The Contracting Parties consult and inform each other on their own initiative of any suspicion that controlled substances may be diverted to the illicit manufacture of narcotic drugs or psychotropic substances, in particular when a shipment occurs in unusual quantities or under unusual circumstances.
2. With regard to the controlled substances listed in Annex A of this Agreement, the competent authority of the exporting Contracting Party shall, at the same time as the export authorization is issued and prior to the departure of the consignment, forward a copy of the export authorization to the competent authority of the importing Contracting Party. Specific information shall be provided where the operator benefits, in the exporting country, from an open individual authorization covering multiple export operations.
3. With regard to the controlled substances listed in Annex B of this Agreement, the export shall be authorized only when the importing Contracting Party has given its consent.
4. The Contracting Parties engage to provide, reciprocally and in good time, due feedback on any information provided or measure requested under this Article.
5. When implementing the before-mentioned trade control measures, the legitimate interests of trade shall be duly respected. In particular, in cases covered by Para 3 of this Article, the reply by the importing Contracting Party shall be provided within 15 working days after the reception of the message from the exporting Contracting Party. The absence of a reply within this delay shall be deemed as granting an import authorization. The refusal to grant an import authorization shall be notified in writing to the exporting Contracting Party within this delay and must be motivated.



Article 3

Suspension of shipment

1. Without prejudice to any possible implementation of technical enforcement measures, shipments shall be suspended if, in the opinion of either Contracting Party, there are reasonable grounds to believe that controlled substances may be diverted to the illicit manufacture of narcotic drugs or psychotropic substances, or where, in the case described in Article 2(3), the importing Contracting Party requests the suspension.
2. The Contracting Parties shall co-operate to supply each other any information relating to presumed diversion operations.

Article 4

Mutual administrative assistance

1. The Contracting Parties shall supply to each other, either on their own initiative or on request, any information to prevent the diversion of controlled substances to the illicit manufacture of narcotic drugs or psychotropic substances and investigate cases of suspected diversion. They shall adopt appropriate precautionary measures where necessary to prevent diversion.
2. Any request for information or precautionary measures shall be complied with as promptly as possible.
3. Requests for administrative assistance shall be executed in accordance with the laws, regulations and other legal instruments of the requested Contracting Party.
4. Officials of a Contracting Party may, with the agreement of the other Contracting Party, be present at the inquiries carried out in the territory of the latter.
5. The Contracting Parties shall assist each other to facilitate the provision of evidentiary instruments.

6. Administrative assistance provided under this Article shall not prejudice the rules governing mutual legal assistance in criminal matters, nor shall it apply to information obtained under powers exercised at the request of a judicial authority, unless the authority so agrees.
7. Information may be requested in respect of chemical substances which are frequently used in the illicit manufacture of drugs or psychotropic substances but which are not included in the scope of this Agreement.

Article 5

Information exchange and confidentiality

1. Any information communicated in whatsoever form pursuant to this agreement shall be of a confidential or restricted nature, depending on the rules applicable in each of the Contracting Parties. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended to similar information under the relevant laws of the Contracting Party which received it and the corresponding provisions applying to the Community authorities.
2. Data relating to persons¹ may be exchanged only where the receiving Contracting Party undertakes to protect such data in at least an equivalent way to the one applicable to that particular case in the supplying Contracting Party.
3. Information obtained shall be used solely for the purposes of this Agreement. Where one of the Contracting Parties requests the use of such information for other purposes, it shall ask for the prior written consent of the authority which furnished the information. Moreover, it shall be subject to any restrictions laid down by that authority.
4. Paragraph 3 of this Article shall not impede the use of information in any judicial or administrative proceedings subsequently instituted for failure to comply with substance control legislation. The competent authority which supplied that information shall be notified of such use forthwith.

¹ Joint interpretative statement : "The Contracting Parties agree that the expression "data relating to persons" is to be understood as relating to natural persons."



Article 6

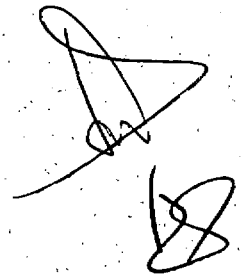
Exceptions to the obligation to provide assistance

1. The Contracting Parties may refuse to give assistance as provided for in this agreement, where to do so would:
 - (a) be likely to prejudice sovereignty,
 - (b) be likely to prejudice public policy, security or other essential interests, in particular the cases referred to in Article 5(2), or
 - (c) violate an industrial, commercial or professional secret.
2. If one Contracting Party requests assistance which it could not supply itself entirely or partially at a similar request, it shall state this situation in its request. The other Contracting Party shall then decide in what form it can comply with the request.
3. If assistance is refused, the decision and its explanatory reasons shall be notified without delay to the other Contracting Party.

Article 7

Technical and scientific assistance

The Contracting Parties shall co-operate in the identification of new diversion methods as well as appropriate countermeasures, including technical co-operation to strengthen administrative and enforcement structures in this field and promote co-operation with trade and industry. Such technical co-operation may concern, in particular, training and exchange programmes for the officials concerned as well as the equipment necessary for the implementation of the agreement.

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Article 8

Implementation measures

1. The Contracting Parties shall endeavour to implement this agreement in taking into account the necessity of a consistent approach of substance control legislation for the entire inter-American region.
2. Each Contracting Party shall appoint a competent authority or competent authorities to co-ordinate the application of this Agreement. These authorities shall communicate directly with one another for the purposes of this Agreement.
3. The Contracting Parties shall keep each other informed of the provisions which they adopt for the implementation of this Agreement.

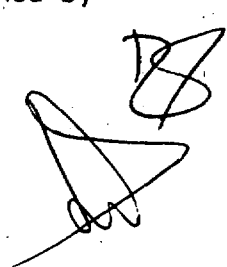
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Joint Follow-up Group

1. A Joint Follow-up Group on the control of precursors and chemical substances is hereby established, hereinafter referred to as "the Joint Follow-up Group", in which each Contracting Party to this Agreement shall be represented.
2. The Joint Follow-up Group shall act by mutual agreement. It shall normally meet once a year, date, place and programme being fixed by mutual agreement. To the extent possible, these meetings shall be organized simultaneously with those of other joint committees or joint groups established between the Community and other member states of the Organization of American States.

Extraordinary meetings of the Joint Follow-up Group may be convened by agreement of the Contracting Parties.

3. The Joint Follow-up Group shall adopt its own rules of procedure.



Article 10

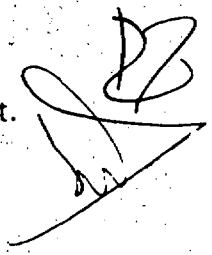
Role of the Joint Follow-up group

1. The Joint Follow-up Group shall administer this Agreement and ensure its proper implementation. For this purpose:
 - it shall study and develop the necessary means to ensure the correct functioning of the present Agreement;
 - it shall be regularly informed by the Contracting Parties of their experience in applying this Agreement,
 - in the cases provided for in paragraph 2 of this Article, it shall take decisions,
 - in the cases provided for in paragraph 3 of this Article, it shall make recommendations,
 - it shall study and develop the technical assistance measures referred to in Article 7
 - it shall study and develop other possible forms of co-operation in matters relating to precursors and chemical substances.
2. The Joint Follow-up Group shall adopt by mutual consent decisions to amend Annexes A and B.

Such decisions shall be implemented by the Contracting Parties in accordance with their own legislation.

If, in the Joint Follow-up Group, a representative of a Contracting Party has accepted a decision subject to the completion of constitutional requirements, the decision shall enter into force, if no date is contained therein, on the first day of the second month after such a completion is notified.

3. The Joint Follow-up Group shall recommend to the Contracting Parties:
 - (a) amendments to this Agreement;
 - (b) any other measure required for the application of this Agreement.



Article 11

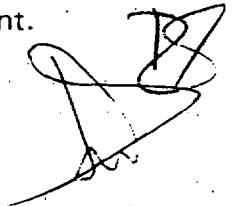
Other agreements

1. Without prejudice to the relevant provisions of the Treaty establishing the European Community, the provisions of this Agreement shall substitute the provisions of bilateral agreements which have been concluded between individual or several Member States of the Community and Venezuela if they are incompatible with the former. These bilateral agreements shall not prejudice Community provisions governing the communication between the competent administrative authorities within the Community of any information obtained in matters covered by this agreement which could be of Community interest.
2. The Contracting Parties will also notify each other of any measures in substance control matters taken with other countries.

Article 12

Entry into force

1. This Agreement shall enter into force on the first day of the second month following the date of the deposit of the last instrument of ratification or conclusion or adoption, according to the rules applicable for each Contracting Party.
2. The instruments referred to in Paragraph 1 of this Article shall be deposited with the Secretariat of the Council of the European Union, which shall act as depositary.
3. The Depositary shall notify to the Contracting Parties the date of the deposit of the instruments referred to in Paragraph 1 of this Article for each Contracting Party and the date of the entry into force of this Agreement.



Article 13

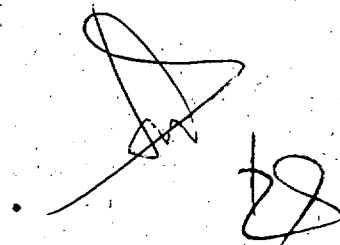
Duration and denouncement

1. This Agreement shall be concluded for five years and, unless otherwise disposed, it will be tacitly renewable for successive periods of the same duration.
2. This Agreement may be amended by mutual consent of the Contracting Parties.
3. Either Contracting Party may withdraw from this Agreement provided it gives 12 months' prior notice in writing to the other Contracting Party.

Article 14

Authentic texts

This Agreement, which is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, all texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Union, which shall deliver a certified copy thereof to each Contracting Party.

Handwritten signature and initials in black ink, located in the lower right quadrant of the page.

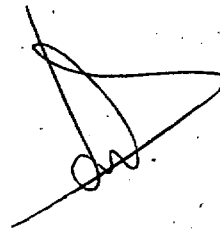
ANNEX A:

Substances subject to the measures of Article 2(2)

Methylethyl ketone
Toluene
Potassium permanganate
Sulphuric acid
Acetone
Ethyl ether
Hydrochloric acid
Acetic anhydride
Anthranilic acid
Phenylacetic acid
Piperidine

ANNEX B:

Substances subject to the measures of Article 2(3)



FINANCIAL STATEMENT

1. TITLE OF OPERATION

Conclusion of precursors control agreements with Bolivia, Colombia, Ecuador, Peru, and Venezuela.

2. BUDGET HEADING INVOLVED

- A-1300 : Mission expenses, travel expenses and incidental expenditure incurred by Commission staff
- A-2500 : Meetings in general
- B3-440 : Fight against drug abuse (Action in the area of precursors and customs co-operation)
- B7-5080 : North-South co-operation schemes in the context of the campaign against drug abuse

3. LEGAL BASIS

- Article 113 of the EC Treaty
- Council Regulation (EEC) No 3677/90 of 13 December 1990 (OJ No L 357 of 20.12.90, p.1), as last amended by Council Regulation (EEC) No 900/92 of 31 March 1992 (OJ No L 96 of 10.4.92, p.1), and implemented by Commission Regulation (EEC) No 3769/92 of 21 December 1992 (OJ No L 383 of 29.12.92, p.17), as last amended by Commission Regulation (EEC) No 2959/93 (OJ No L 267 of 28.10.93, p.8)

4. DESCRIPTION OF OPERATION

4.1 General objective

To establish co-ordinated trade controls on drugs precursors for the benefit of both parties and thereby strengthen North-South as well as trans-Atlantic partnership in anti-drugs matters

4.2 Period covered and arrangements for renewal

5 years, with tacit annual renewal thereafter. 01.11.1995 - 31.10.2000

5. CLASSIFICATION OF EXPENDITURE OR REVENUE

B3-440:

- 5.1 NCE
- 5.2 D.A.
- 5.3 No revenues foreseen

B7-5080:

- 5.1 NCE**
- 5.2 D.A.**
- 5.3 No revenues foreseen**

6. TYPE OF EXPENDITURE OR REVENUE

100% subsidy (meeting reimbursement to Member States, purchase of technical equipment in favour of authorities managing the agreement)

7. FINANCIAL IMPACT

- 7.1 Method of calculating total cost of operation (relation between individual and total costs)**

Technical assistance: 3 PC terminals including printer (3x 4,500 ECUs) plus 1 laboratory equipment (6,500 ECUs) being given to each of 30 partner countries, the action being spread over a period of approximately 4 years in conformity with the resources available.

Total costs: 600,000 ECUs

7.2 Itemised breakdown of cost

Commitment appropriations
ECU
(at current prices)

Breakdown	1995	1996	1997	1998	1999	2000 and subs. yrs	Total
B3-4400	pm	pm	pm	pm	pm	pm	pm
B7-5080	pm	150,000	pm	pm	pm	pm	150,000
Total	pm	150,000	pm	pm	pm	pm	150,000

It should be noted that budget line B3-440 qualifies for expenditures related to internal policy and budget line B7-5080 for expenditures related to external action.

7.3 Schedule of commitment and payment appropriations

ECU million

B7-5080	1995	1996	1997	1998	1999	2000 and subs. yrs	Total
Commitment appropriations	pm	0.150	pm	pm	pm	pm	
Payment appropriations							
1995	p.m.						pm
1996		0.150					0.150
1997			pm				pm
1998				pm			pm
1999					pm		pm
2000 and subs. yrs						pm	pm
Total	pm	0.150	pm	pm	pm	pm	0.150

8. FRAUD PREVENTION MEASURES

In addition to the regular reports on international cooperation in precursors to be made to the Committee on Drugs Precursors established under Regulation (EEC) No 3677/90 as amended, the agreement will provide for the setting-up of a Joint Precursor Control Committee to evaluate implementation and supervise dissemination of any funds made available to assist in achieving the objectives of the agreement.

Following ratification of the agreements, one mission should be organized each year to selected OAS countries to ensure on-the-spot supervision of spending for technical assistance.

In carrying out the measures planned in the proposal, the authorities of the countries concerned and the Commission departments involved will take the usual precautions against fraud.

9. ELEMENTS OF COST-EFFECTIVENESS ANALYSIS

9.1 Specific and quantified objectives; target population

Control of international trade in drugs precursors has a direct impact on the availability of chemicals to illicit drugs manufacture. Improved international co-operation thus renders the supply of illicit drugs more difficult, and helps to achieve public health objectives by reducing the quantity of illicit drugs on the market.

9.2 Grounds for the operation

The action corresponds to engagements taken by the Community at the international level (1988 UN Convention, Recommendations by the G-7 Chemical Action Task Force approved by the 1991 London Economic Summit).

9.3 Monitoring and evaluation of the operation

Effectiveness of the operation will be supervised by the Joint Precursor Committee as well as by other bodies competent at the Community, regional or international level (in particular, 3677/90 Committee, CICAD and UNDCP, INCB). In addition, missions on the spot will ensure compliance with the objectives of the instrument.

10. ADMINISTRATIVE EXPENDITURE (SECTION III, PART A OF THE BUDGET)

Actual mobilization of the necessary administrative resources will depend on the Commission's annual decision on the allocation of resources, taking into account the number of staff and additional amounts authorized by the budgetary authority.

10.1 Effect on the number of posts

No additional staff will be required.

Type of post		Staff to be assigned to managing the operation		Source		Duration
		<u>Permanent posts</u>	<u>Temporary posts</u>	Existing resources in the DG or department concerned	Additional resources	
Officials or temporary staff	A	1	1	Existing resources	None	
	B					
	C					
Other resources						
Total		1	1			

10.2. Overall financial impact of additional human resources

No additional resources required.

10.3. Increase in other administrative expenditure as a result of the operation

Budget heading	Amounts	ECU	
		Method of calculation	
A-1300	18,500	see below (1)	
A-2500	33,625	see below (2)	
Total	52,125		

The amounts given correspond to expenditure for 12 months as the action is indefinite.

(1) Mission: 2 missions/year for 2 officials each, thereof one to North America, one to South America. Duration: 7 days

- North America

(travel: 2x 2,800 ECUs, subsistence 2x875 ECUs) 7,350 ECUs

- South America

(travel: 2x 4,500, subsistence 2x875 ECUs) 10,750 ECUs

(2) Meetings: taking place once a year alternatively in Brussels, North America, Brussels and South America

- Brussels: travel costs (15 MSt delegates x 825 ECUs) 12,500 ECUs

- North America:

travel costs (15 MSt delegates x 2,800 ECUs) 42,000 ECUs

- South America:

travel costs (15 MSt delegates x 4,500 ECUs) 67,500 ECUs

Annual average costs: $(12,500 + 42,000 + 12,500 + 67,500) / 4 = 33,625$ ECUs

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11

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