(Acts adopted pursuant to Title VI of the Treaty on European Union)

COUNCIL RESOLUTION

of 29 November 1996

on the drawing up of police/customs agreements in the fight against drugs

(96/C 375/01)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and in particular Article K.1 thereof,

Whereas the action plan in the field of justice and home affairs laid down by the Council in November 1993, called, *inter alia*, for the development of all forms of police and customs cooperation in order to attain the common objective of greater security for the European Union's citizens;

Whereas the 1994 priority work programme drawn up by the Justice and Home Affairs Council in November 1993 emphasized, *inter alia*, the necessity for enhanced complementarity of action between police and customs services;

Whereas the report of the group of experts on drugs approved by the Madrid European Council on 15 and 16 December 1995, contained provisions on police, customs and other law enforcement cooperation;

Convinced that a high degree of cooperation between police and customs and, where appropriate, other law enforcement agencies at national level would contribute to increased effectiveness and efficiency in the fight against drug trafficking at European Union level;

Without prejudice to the different legal and administrative provisions or arrangements which exist in Member States relating to the respective roles of police and customs in the fight against drugs;

Recognizing the value of defining and clarifying the respective roles and functions of the law enforcement agencies involved in drug law enforcement;

Conscious of the need to avoid duplication of effort between law enforcement agencies and to make optimum use of their complementary resources;

Desiring to promote and ensure a high level of liaison and cooperation between agencies in order to facilitate effective and efficient drug law enforcement;

Desiring to ensure that the most effective organizational response is in place for dealing with the drug problem;

Noting that some Member States of the Union already have joint agreements or memoranda of understanding in place between police and customs;

Aware of the benefits which these types of agreements or memoranda can bring to law enforcement in the fight against drugs,

HEREBY ADOPTS THIS RESOLUTION:

1. In order to emphasize the need for a close working relationship between police forces and customs services, to define their respective roles in the context of drug law enforcement activities and to enable them to work together more efficiently and effectively, the Council urges Member States to establish, without prejudice to national legislative and administrative provisions, formal agreements or other arrangements at national level which take account of the broad guidelines laid down in this Resolution.

2. Agreements or other arrangements between police and customs services may contain, but need not be limited to, provisions in respect of the following matters:

— precise delineation of, and respect for, the competences of each of the said two services, including responsibility for drug seizure and related evidence, questioning and detention of suspects, investigation and, where applicable, prosecution,

— exchange and sharing of relevant intelligence information,

— exchange of descriptions of drug traffickers' modus operandi,

— exchange of information on the application of risk analysis techniques,

— exchange of liaison officers at headquarters level of the two services with a view to building up mutual trust and confidence,

— putting in place close liaison arrangements at local level,

— joint agreed press statements,

— joint police-customs task forces, where appropriate, for intelligence and/or investigation purposes,

— agreed police-customs procedures for operational matters involving both these agencies

and, where appropriate:

— joint police-customs mobile patrol squads,

— joint police-customs training programmes,

— sharing of equipment by police and customs.

3. The agreements or arrangements referred to in this resolution may also be extended to include law enforcement agencies other than police and customs.

4. Member States are invited to inform the Council through the General Secretariat within a year of the measures they have taken following this resolution.