

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

JOINT ACTION

of 29 November 1996

adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on cooperation between customs authorities and business organizations in combating drug trafficking

(96/698/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Article K.3 (2) (b) thereof,

Having regard to the initiative of Ireland,

Having regard to the report of the Expert Group on Drugs, as approved by the European Council in Madrid in 1995,

Recognizing that facilities and services of legitimate business organizations can be surreptitiously used by illegal drug traffickers,

Whereas the highest degree of cooperation is essential between customs authorities and business organizations in combating drug trafficking;

Whereas support for the strengthening of cooperation between customs authorities and business organizations in the fight against drug trafficking was expressed by the Group of Seven (G7) at its summit meetings in London (1991) and Munich (1992);

Whereas UN Economic and Social Council Resolutions 1993/41 of 27 July 1993 and 1995/18 of 24 July 1995 endorsed the use of Memoranda of Understanding as a practical means of obtaining tangible results in drug enforcement, whilst maintaining the momentum of trade facilitation;

Whereas an action plan to develop systematically Memoranda of Understanding in the customs field was adopted by the Council of the World Customs Organization (WCO),

Noting that the Memoranda of Understanding programme initiated by the WCO has been successful worldwide in consolidating cooperation between customs authorities and business organizations;

Further noting that some Member States of the European Union have already embarked on national Memoranda of Understanding programmes with business organizations in relation to both drug trafficking and other customs offences;

Aware that the expansion of these programmes to all Member States and to a greater number of business organizations can bring further enforcement advantages,

HAS ADOPTED THE FOLLOWING JOINT ACTION:

Article 1

In order to consolidate the already cooperative relationship between the customs authorities of the Member States and business organizations operating in the European Union in combating drug trafficking, Member States shall establish or further develop Memoranda of Understanding programmes at national level under the guidelines laid down in this joint action and shall invite participation in such programmes.

Article 2

Memoranda of Understanding between customs authorities and business organizations may contain, but need not be confined to, provisions in respect of the following:

— the exchange of contact names in customs and in the signatory organization,

- the provision to customs, by the signatory, of advance cargo or passenger data as appropriate,
- access by customs to the signatory's information systems,
- assessment by customs of the signatory's security procedures,
- development and implementation of plans to improve such security,
- checking of newly recruited staff by the signatory,
- provision by customs of training for the signatory's staff.

Article 3

Customs authorities shall periodically review the operation of national Memoranda of Understanding programmes and shall also review the implementation of individual Memoranda of Understanding and, in agreement with signatories, adapt them as necessary to ensure maximum effectiveness.

Article 4

Member States shall notify the Council Secretariat of the measures they have taken to implement the provisions of

this joint action one year after its entry into force and thereafter as requested by the Presidency.

Article 5

Member States may at their discretion extend the scope of Memoranda of Understanding established under the programmes referred to in Article 1 to cover other offences for which the customs authorities are competent in addition to drug trafficking.

Article 6

This joint action shall be published in the Official Journal.

It shall enter into force on the day of its publication.

Done at Brussels, 29 November 1996.

For the Council

The President

N. OWEN