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Eighth Meeting of Heads of National Drug Law Enforcement Agencies, Europe

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Item 4 of the provisional agenda

Implementation of the recommendations adopted by the Seventh Meeting of Heads of National Drug Law Enforcement Agencies, Europe**Implementation of the recommendations adopted by the Seventh Meeting of Heads of National Drug Law Enforcement Agencies, Europe***

1. The Seventh Meeting of Heads of National Drug Law Enforcement Agencies (HONLEA), Europe, held at Vienna from 19 to 22 June 2007, adopted a set of recommendations following the consideration by working groups of the issues indicated below.
2. In accordance with established practice, the report of the Seventh Meeting was forwarded to the Governments represented at the session. A questionnaire on the implementation of the recommendations adopted at that Meeting was dispatched to Governments on 23 April 2009 together with information relating to the Eighth Meeting of HONLEA, Europe.
3. The present report was prepared on the basis of information provided to the United Nations Office on Drugs and Crime (UNODC) by Governments in reply to that questionnaire. As of 29 May 2009, replies had been received from the Governments of Belarus, Croatia, Cyprus, Germany, Ireland, Israel, Latvia, Lithuania, Malta, Portugal, Slovakia, Slovenia, Spain and Switzerland.

Issue 1. Cocaine trafficking in Europe*Recommendation (a)*

4. It was recommended that Member States and UNODC should provide advice and support to ensure that systems are in place for the storage, security, analysis and disposal of seized drugs, particularly cocaine.

* This document has not been edited.



5. Belarus reported that, in May 2007, it had adopted a decision approving an instruction on the confiscation, registration, custody and transmittal of evidence, cash, valuables, documents and other property, in the course of criminal investigations. This normative act also contained detailed regulations on the custody and disposal of seized narcotic drugs and psychotropic substances.
6. Cyprus reported that they agreed with this recommendation, provided that the two systems did not clash, and that it was a member of COSPOL Project – Cocaine and of AWF Cola. All drugs seized in Croatia, had been delivered to the Forensic Centre “Ivan Vucetic”, the competent authority in this field, and retained there by the police until the completion of court proceedings. After this, they were destroyed in the presence of a committee of officials from the Government Office for the Suppression of Abuse of Narcotic Drugs, the Forensic Centre and other ministries and State authorities. The law on this issue was being amended, to allow for the destruction of confiscated drugs, which posed risks or difficulties, after the completion of the necessary evidentiary procedures.
7. Such systems were in place in Germany and some were part of equipment and training assistance. In Ireland, all illegal drugs seized by law enforcement had been recorded to include a description, including weight, and were subsequently transmitted to the national Forensic Science Laboratory for analysis. They were destroyed in a verifiable manner at the conclusion of proceedings.
8. Israel reported that, after proving that the seized substances were drugs, a small amount was retained as legal evidence. In Latvia, the Department of Forensics of the State Police was responsible for the analysis, destruction and safe storage of seized drugs. Lithuania reported that it took no action in this regard.
9. The Government of Malta indicated that each drug seizure, irrespective of the quantity and the type of drug, was photographed and tagged, as well as kept in a secure location, either by a court appointed expert or the police, until their use in court as evidence. After that time, they were destroyed. Slovakia reported that it had an appropriate system in place. Slovenia reported that its police had established special storage facilities for seized drugs, including cocaine, and that its forensic laboratory was equipped with modern equipment. In addition, Slovenia collected information about smuggling routes and new modus operandi, as well as analyzed data and conducted financial investigations.
10. Portugal sought to cooperate at the national and international levels in order to gain more knowledge regarding the clandestine nature of the drug trafficking phenomenon and, thus, to optimize the operational effectiveness of criminal investigations and improve the best practices.
11. In Spain, the custody, analysis and disposal of seized drugs lies with the Service for Narcotic Drugs and Psychotropic Substances of the General Subdirectorate for Inspection and Control of Medicines, within the Ministry of Health and Social Policy. The analysis of controlled substances was carried out in line with the recommendations of the United Nations contained in the manuals for use by national drug testing laboratories. The custody and storage of the seized drugs, in local police headquarters or in other appropriate locations, depended on the decision of the judicial authority. The destruction of drugs by incineration was the responsibility of the local health officials in the presence of police officials charged with their secure transportation and witnessing their destruction.

Switzerland reported that it had several facilities in place for the analysis, storage or destruction of confiscated illegal drugs.

Recommendation (b)

12. The Seventh Meeting of HONLEA, Europe, also recommended that with a view to tackling corruption in law enforcement agencies in a number of African States, Member States and UNODC should consider providing technical assistance for the development of integrity and anti-corruption programmes. Malta indicated that, due to its limited human resources, it could not provide such assistance.

13. Belarus reported that it took no action in this regard. Cyprus indicated that more resources, such as equipment, support, training and funding, were required in this regard and that it could be difficult to achieve clear results. Germany reported that, although it supported the development of anti-corruption programmes, corruption was a social problem that existed elsewhere. The programmes should thus be designed in a way that would be used in other countries as well.

14. Ireland reported that Irish Aid had recently provided €30,000 of support to the African Union Commission, through UNODC, for the implementation of the Programme of Action for Africa. In addition, Irish Customs had provided assistance and training to African countries as part of a WCO programme. Latvia could not develop projects in this area due to restricted technical possibilities and human resources. Israel and Lithuania reported that they had taken no measures in this regard.

15. Portugal, through its Judicial Police, deployed officers to several Portuguese-speaking African countries, such as Guinea-Bissau, Cape Verde and São Tomé and Príncipe, with the purpose of providing technical support and advice to the official authorities of those countries.

16. Slovakia reported that it had not been able to provide technical assistance for the development of integrity and anti-corruption programmes due to lack of resources. Slovenia noted that, due to its geographical position, it was a transit state and that its police actions were oriented rather towards the Balkan region. Its police force was equipped with modern information and communication technology to respond and take effective action in order to disrupt drug trafficking through this region, as well provided assistance in the form of anti-corruption programmes. The Ministry of Interior of Spain had been implementing capacity-building programmes in the area of organized crime for security officers of various African countries. The Agency of Development and Cooperation (SDC) of Switzerland had carried out several programmes both at the State level and that of the general public.

Recommendation (c)

17. It was further recommended that Member States should recognize the importance of the role to be played by the newly established Maritime Analysis Operational Centre – Narcotics¹ (MAOC-N) in Lisbon and use it as a focal point for the exchange of intelligence and operational coordination.

¹ MAOC-N is an informal intergovernmental task force set up to tackle maritime smuggling of drugs into Europe. It comprises seven European Union member States: France, Ireland, Italy, the Netherlands, Portugal, Spain and the United Kingdom of Great Britain and Northern Ireland.

18. Belarus reported that it took no measures in this area. Cyprus noted that interceptions carried out by MAOC-N in the Atlantic had disrupted the activities of drug traffickers and had forced them to seek other routes. MAOC-N should share intelligence on future routes with the affected countries. During the reporting period, officials from Croatia had made personal contacts and exchanged operative information regarding certain cases of international drug smuggling with MAOC-N, despite the lack of a signed agreement. Croatia intends to participate in CECLAD, an organization similar to MAOC-N, but for the territory of Mediterranean basin.

19. Ireland noted that it had been a founding member of MAOC-N and it had posted liaison officers at MAOC-N in Lisbon. Germany indicated that it was one of the founding members of MAOC-N, whose importance it had recognized. Israel indicated that it had taken no measures in this regard. Ireland had conducted regular exchange of intelligence with MAOC-N, which resulted in one significant seizure in November 2008 off the south-west coast of Ireland.

20. Latvia recognized the importance of MAOC-N and its drug enforcement officers took part in its operational activities. Lithuania reported that it took no action in this regard. Although law enforcement authorities in Malta had been aware of this agency, they had not had the opportunity to exchange intelligence or use its services.

21. Portugal was one of the founding members of MAOC-N and the Judicial Police appointed a full-time liaison officer to this centre, in order to generate and participate in the development international cooperation and criminal information coordination processes. Slovakia noted that it had recognized the importance and role played by MAOC-N, as an initiative of seven Member States of the European Union. Slovenia recognized the importance of MAOC-N, although it was not a member of this centre. To date, Slovenia had been exchanging information through Europol, INTERPOL, the SECI centre and other mechanisms and, with the view to ensuring a secure international maritime trade, its competent institutions had signed several agreements on cooperation.

22. Spain reported that it was one of the founding members of MAOC-N. It had been actively participating in its activities and was currently serving as the presidency of this organization. Despite being a landlocked country, Switzerland had been concerned about the smuggling of drugs in ships, especially when containers were transported onwards from large entry ports. In addition, Switzerland had been cooperating with countries where such ports were located on a bilateral basis, in order to detect suspicious containers.

Recommendation (d)

23. It was also recommended that Member States should accurately report all significant seizures to UNODC and avoid double counting, especially of seizures made under joint international operations.

24. Belarus reported that it took no action in this regard. Cyprus noted that, given the high number of intergovernmental organizations involved in this area, double counting was difficult to avoid. Croatia reported that it had delivered data on significant individual drug seizures to UNODC twice a year. In addition, during the reporting period, officers from the Criminal Police Directorate under the Ministry of

Interior had participated in several common investigative teams, which had precluded double counting.

25. Germany noted the importance of this recommendation, since, in particular in the case of major seizures, double counting could be used to forge the correct situation data. Germany reported its data on seizures to the General Secretariat of INTERPOL in Lyon. Ireland, through the Department of Health and Children, had been reporting all significant seizures to UNODC. When occasional overlaps between data on drug seizures, supplied by Irish Police (*An Garda Siochana*) and Customs, had occurred, both agencies had provided figures to explain the disparities.

26. The Tax Authority of Israel reported all the significant drug and money seizures carried out within its border to the WCO Regional Intelligence Liaison Offices (RILO's). In Latvia, the Drug Enforcement Bureau completed UNODC questionnaires, although the number of seizures was low. Lithuania reported that it took action in this regard. Malta noted that its data on seizures was collected and stored by a single office within the Police Anti-Drug Unit, which eliminated the duplication of seizure statistics.

27. Portugal reported that its Judicial Police was using primarily INTERPOL, Europol, the MAOC-N, the CECLAD-M, and liaison officers for the purposes of international cooperation. All the statistical information in relation to drug trafficking was collected by the National Unit for Fighting Drug Trafficking of the Judicial Police, which then transmitted this information to the entity responsible for the national coordination of the drug phenomenon – the Institute for Drugs and Drug Addiction, charged with relaying this data to UNODC.

28. Slovakia had established mechanisms to avoid the double counting of drug seizures, while reporting significant seizures accurately. Slovenia reported that its relevant law enforcement agencies provided accurate information on all significant drug seizures to UNODC. Switzerland was unable to report to the UNODC on seizures, beyond the annual and biennial questionnaires, due to statistical problems, the strictly federalist government and lack of resources.

Issue 2: Transnational law enforcement investigation techniques

Recommendation (a)

29. It was recommended that, recognizing that law enforcement efforts to dismantle criminal networks involved in drug trafficking needed to be more effective and that comprehensive measures were required, Member States should consider the usefulness, in appropriate cases, of mounting international controlled delivery operations.

30. In Belarus, controlled deliveries were carried out in line with its national legislation and in 2008, seven such operations were conducted in cooperation with law enforcement authorities in Germany, the Russian Federation and the Kyrgyz Republic. Cyprus reported that it had signed bilateral agreements with 25 countries, as well as signed and ratified the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (1988 Convention).

31. Croatia had ratified the 1988 Convention and indicated that, during the reporting period, it had organized and participated in several international controlled

deliveries in a number of European or South American countries. It has also used legally prescribed measures, such as the use of technical recordings, in order to facilitate international legal assistance and court proceedings. Germany indicated that controlled deliveries had been a standard measure in that country, provided that legal requirements were met.

32. In Ireland, the Police and the Customs had signed a memorandum of understanding and a working protocol covering the joint operations. International controlled deliveries had been regularly conducted into, out of and through Ireland. Israel reported that it had been cooperating at the intelligence and operational levels, in the area of controlled delivery operations, with the German Customs, as well as with authorities in Holland and the United Kingdom. Latvia reported that it had amended its Law on Operational Action in 2005 to include controlled deliveries. Controlled deliveries were used when drugs were being smuggled across several countries. Lithuania reported that it took action in this regard. In Malta, this important investigative technique had been adopted when appropriate, in order to identify and prosecute all the individuals involved in drug trafficking.

33. Portugal reported that it had adopted specific legislation regulating the establishment of international cooperation, including controlled deliveries. International contacts were made through the Judicial Police, via the INTERPOL National Bureau. In recent years, Portugal cooperated with other countries on several controlled deliveries.

34. Slovakia reported that it recognized the importance of international controlled delivery operations, which were regulated by its Code of Criminal Procedures and that its law enforcement officials had participated in a number of successful international controlled delivery operations. Slovenia recognized the usefulness of international controlled delivery operations and its competent authorities took part in such operations when there was a legal basis for controlled deliveries in that country.

35. Spain reported that it had conducted controlled deliveries regularly, in order to obtain evidence against organized crime groups, in line with its national legislation. Switzerland reported that it had been conducting controlled deliveries for several years.

Recommendation (b)

36. The Seventh Meeting of HONLEA Europe recommended that Governments should re-examine their policies and procedures regarding controlled delivery to ensure that measures are in place in accordance with the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.²

37. The legislation of Belarus was in line with the provisions of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988. Cyprus reported that its policies and procedures were in line with the 1988 Convention. Ireland indicated that it had put in place agreed procedures and measures. The enactment of the Criminal Justice Mutual Assistance Act, 2008, had been providing a legislative protocol for controlled deliveries and the Customs Drugs Law Enforcement had been nominated as Article 17 contact point.

² United Nations, *Treaty Series*, vol. 1582, No. 27627.

Germany indicated that it had conducted controlled deliveries, provided that legal requirements were met.

38. Israel noted that, as a signatory to the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, it had signed operational protocols with several countries. Latvia included controlled deliveries into its legislation in line with the 1988 Convention. Lithuania reported that it took no action in this regard. The Government of Malta reported that controlled deliveries were possible under that country's legislation on drug control and that such deliveries could be authorized by either a Magistrate or the Attorney General.

39. Portugal reported that it had signed several treaties, agreements and protocols on cooperation to prevent and fight organized crime, with several European, African, South-American and Asian countries, including South Africa, Angola, Argentina, Bolivia, Brazil, Cape Verde, Cuba, Spain, Guinea-Bissau, Macau, Morocco, Mozambique, Poland, Paraguay, the Russian Federation, Ukraine, Uruguay and Venezuela.

40. Croatia, Slovakia and Slovenia reported that they had taken relevant measures in line with the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988. In Slovenia, controlled deliveries could be conducted for the investigation of criminal offences related to smuggling of illicit drugs, precursors, weapons, explosives, stolen cars, counterfeit money and other products of a crime. Spain had brought its Law on Criminal Procedure of 13 January 1999 in line with Article 11 of the 1988 Convention. Switzerland noted that, in the view of its Federal Criminal Police, the Swiss regulations were in compliance with the United Nations regulations in this area.

Recommendation (c)

41. It was also recommended that Member States that did not have legislation to facilitate controlled delivery operations were encouraged to introduce appropriate legislation and provide the necessary equipment, resources and trained staff to ensure that those operations could be carried out effectively.

42. Belarus reported that it had adopted national legislation in this area in 1999. Legal structures (laws and bilateral agreements) were in place in Cyprus for controlled delivery and any gaps were overcome with the assistance of the cooperating country. In Croatia, controlled deliveries had been carried out, based on orders by competent judicial authorities, by officers of the Ministry of Interior, in cooperation with other competent ministries. International controlled deliveries had been conducted by officers from the Drugs Department of the National Police Office for the Suppression of Corruption and Organized Crime of the General Police Directorate in the Ministry of Interior, in cooperation with other relevant departments. Germany reported that relevant provisions had been in place in Germany.

43. Germany reported that it had put in place relevant provisions. In Ireland, the Criminal Justice Mutual Assistance Act, 2008, had provided a legislative protocol for controlled deliveries and a memorandum of understanding and a working protocol had been signed between Police and Customs. Israel indicated that it had no legislation in place and that such operations had been based on bilateral agreements.

44. Latvia adopted legislation on controlled deliveries and used the necessary techniques in police activities. Lithuania reported that it took no action in this regard. Malta reported that it had adopted legislation in this area and equipment and human resources had been used on an as-needed basis. Portugal adopted legislation on controlled deliveries and established specialized services to deal with this issue.

45. Slovakia reported that it had taken appropriate measures. The Criminal Procedures Act and Act on International Cooperation in Criminal Matters between the Member States of the EU provided the legal basis for controlled deliveries in Slovenia. Secondary legislation, such as cooperation agreements, regulated the exchange of information between the police and the customs authority. In Spain, appropriate legislation on controlled delivery operations was in place. The rules and procedures governing such operations were an integral part of training courses for law enforcement officers dealing with drug trafficking and other serious crimes. Switzerland noted that no additional action was required in this area in that country.

Recommendation (d)

46. It was further recommended that Member States should recognize the importance of confidential informants and undercover agents to the success of operations, especially operations involving controlled deliveries.

47. The legislation of Belarus allowed for the use of such persons during controlled deliveries on national territory. A draft law on safeguarding the deployment of undercover officers was being considered by the House of Parliament in Cyprus and, in the interim, the police had been following guidelines issued by the General Prosecutor's Office. Croatia reported that it had concluded 28 bilateral agreements on police cooperation with other countries, which also contained provisions on undercover investigators and confidential sources. Croatia's legislation allowed the use of police officers from other countries as undercover agents in operations on the territory of Croatia and vice versa.

48. In Germany the use of undercover agents and confidential informants in the fight against drug trafficking had been part of the criminal police measures. In Ireland, the Covert Human Intelligence System (CHIS) was introduced by the police in 2007 and it was being rolled out in Customs in line with Europol best practice guidelines.

49. Israel's Tax Authority had been prohibited from operating undercover agents by law. Latvia indicated that confidential informants and undercover agents were used in police operations in that country. Lithuania reported that it took no action in this regard. In Malta, the use of undercover police officers and participating/confidential informants were possible, with the authorization of a Magistrate or the Attorney General.

50. Portugal set up a unit specialized in special criminal investigation techniques – the Prevention and Technological Support Unit – within the Judicial Police. All the undercover operations and controlled deliveries in Portugal were in the purview of the Judicial Police. Slovakia indicated that it had taken appropriate measures and recognized the importance of undercover agents.

51. In Slovenia, the Public Prosecutor's Office was the competent authority for authorizing controlled deliveries and criminal police was responsible for conducting

them. Confidential information and/or undercover agents could be deployed, based on advance authorizations by the public prosecutor or investigative judge. A competent court may later decide whether an undercover agent could act as a witness in court and his or her identity was kept confidential under the Criminal Procedures Act.

52. In Spain confidential informants were specially protected by the Spanish Organic Law 19/1994 on the protection of witnesses and expert witnesses in criminal cases. The Criminal Procedure Act allows for the use of undercover agents for investigating drug trafficking and other organized criminal activities. The Penal Code provides for the possibility of a reduced sentence for effective cooperation with authorities in drug trafficking cases. Switzerland reported that it had been carrying out police actions with undercover agents and informants for several years.

Issue 3: Criminal groups operating illicit drug trafficking networks within Europe

Recommendation (a)

53. It was recommended that, to enable more effective international cooperation and coordination of operations, Member States were encouraged to establish a main law enforcement body for the fight against drug trafficking.

54. In 1996, the Ministry of Interior of Belarus set up a specialized anti-drug unit. Other agencies involved in the fight against drug trafficking in Belarus included the State Customs Committee and the coordination of this issue at the national level was carried out by the Cabinet of Ministers. The Drug Law Enforcement Unit (International Cooperation and EU Office) of the Cyprus Police had been established to cooperate at the international level in the fight against drug trafficking.

55. In Croatia, the Drugs Department of the National Police Office for the Suppression of Corruption and Organized Crime of the Criminal Police Directorate in the Ministry of the Interior was in charge of issues related to international police cooperation in the field of drug-related crimes, in the cooperation with the Department for International Police Cooperation.

56. Germany noted that emphasis should be placed on expanding the cooperation between Europol and Eurojust. The Irish Police were the primary law enforcement body in Ireland, working closely with Customs, Revenue, Drug Enforcement Team and Irish Naval Service.

57. There was no main law enforcement body in Israel, as various law enforcement agencies worked together. Furthermore, attachés from the National Police and Tax Authority of Israel were active in several European countries. In Latvia, the Drug Enforcement Bureau of the Department for Combating Organized Crime of the Main Criminal Police Board of the State Police and its four regional units was the main body for the fight against drug trafficking. Lithuania reported that it took no action in this regard. In Malta, the main law enforcement authority in the fight against drug trafficking was the Police Drugs Squad.

58. In Portugal, the main law enforcement body for the fight against drug trafficking was the Judicial Police, comprising several police and customs bodies,

which was also the central data collection entity. Portugal was also a member of INTERPOL, Europol, SIRENE and MAOC-N and CECLAD-M.

59. In Slovakia, the main law enforcement body in the fight against drug trafficking was the Anti-drug Service of the Bureau for Combating Organized Crime of the Police Force Presidium. Slovenia conducted joint targeting operations with several countries along the Balkan route and took part in regional conferences, organized by the Organization of Security and Co-operation in Europe (OSCE).

60. In Spain, the Intelligence Centre against Organized Crime, established in 2006, was the main law enforcement body tasked with the development of strategic intelligence against organized crime and with the establishment of criteria for operational coordination among the different law enforcement bodies in cases of overlapping investigations.

61. In Switzerland, the investigation of drug cases was mainly within the competence of the counties (cantons). The biggest cantons had specialized units, while the Federal Criminal Police and the Federal Customs had units to coordinate, investigate and analyse drug cases.

Recommendation (b)

62. It was also recommended that, in view of the links that existed between drug trafficking and other forms of organized crime and emphasizing that drug trafficking should not be dealt with in isolation, consideration should be given to expanding the scope of future HONLEA meetings to include broader organized crime issues, maintaining the focus however on trafficking in drugs and precursors.

63. Belarus expressed the view that since the Directorate for Drug Control and Countering Human Trafficking carried out activities in both areas, it would be advisable to include broader organized crime issues in the agenda of future HONLEA meetings. Croatia replied that the issue of drug smuggling was dealt with in an all encompassing manner through the financial investigations and solving other organized crime cases. Furthermore, the focal point on drugs was within the National Police Office for the Suppression of Corruption and Organized Crime. Cyprus noted that the frequency of HONLEA meetings was reduced to every two years, which was insufficient to cover relevant issues.

64. Germany expressed the view that drug crime was part of organized crime and that such an approach was assumed as a fact in that country. Ireland indicated that there had been regular coordination among the sections of the Irish Police, tasked with addressing organized crime, including terrorism, money-laundering, asset accumulation, intellectual property, security and intelligence and indicated that such an approach should be replicated at HONLEA meetings.

65. In Israel, the Anti-Drug and Money Laundering Unit under the Tax Authority had been responsible for drug-related and money-laundering activities and it had been operating a K9 unit to detect shipments containing drugs and money. Latvia noted that more attention should be paid to how various forms of organized crimes were connected to drug trafficking. Lithuania expressed the view that the scope of future meetings should not be expanded.

66. In Malta, priority had been given to targeting organized crime groups, while Portugal noted that its Judicial Police had mechanisms to correlate data from

various investigations and thus access data on other forms of organized crime. Slovakia noted that although the focus on trafficking in drugs precursors should be maintained, it should not be dealt with in isolation and its links with other forms of organized crime should be acknowledged. Slovenia recognized the links between drug trafficking and other forms of organized crime and expressed the view that knowledge and understanding of organized crime forms should be improved before including broader organized crime issues.

67. Spain reported that organized crime was not limited to a closed list of crimes and so priorities had to be set for police action against criminal groups. Spain was working with Europol to prepare the annual report on “Organized Crime Threat Assessment” and to identify emerging threats and determine the main crimes affecting the European Union. Switzerland indicated that it was standing ready to cooperate in the field of countering organized crime, if required.

Recommendation (c)

68. It was further recommended that Member States promote a multi-agency, intelligence-led approach in law enforcement, working with key partners in the private sector to counter organized crime more effectively.

69. In October 2008, Belarus approved a State Programme of Complex Measures to Counter Drug Addiction, Drug Trafficking and Related Crimes for 2009-2013, which provided for the consolidation of the efforts of all the state agencies and most public associations in this field. Cyprus reported on its close cooperation with the pharmaceutical companies, importing precursor chemicals, in the private sector, which were in a better position to monitor any sudden and unjustified increases in the importation. The Cyprus Police had been cooperating with the Customs and Port Marine Authorities.

70. Croatia noted that it had involved other competent state authorities, such as the Anti-Money Laundering Office at the Ministry of Finance, which had been cooperating with financial institutions and banks. Israel had been promoting a multi-agency approach to law enforcement, with effective collaboration between its Tax Authority, the National Police, the Defence Force, the Ministry of Environment, the Ministry of Health and the Ministry of Agriculture, as well as with national municipalities. The Government of Germany had been cooperating with the private sector, including in connection with precursors.

71. Ireland had been operating intelligence-led law enforcement and its police had had close links with Customs, the Irish Pharmaceutical Industry and the Irish Medicines Board. In addition, Irish Customs had developed close links with the logistics sector through its Drugswatch and MOU programmes. Latvia reported that it had been cooperating with the pharmaceutical industry and that the Customs Service controlled the importation of goods. Since Latvia was mostly a transit country, cooperation should be rather improved with the banks, with the view to combating money-laundering.

72. Lithuania reported that it took no action in this regard. Malta reported that its Police Drugs Squad had been operating in close collaboration with the Customs, the Armed Forces and the Intelligence Service. In Portugal, various national authorities cooperated in this regard, while the Judicial Police, due to its competence in the area of crime prevention and suppression, took part in several working groups both

at national and international levels, in particular with the Institute on Drugs and Drug Addiction.

73. Slovakia reported that, in order to counter drug-related organized crime more effectively, a multi-agency, intelligence-led approach was being encouraged. In addition, Slovakia had been involving the private sector in prevention activities, as well as in the fight against trafficking in precursors. Slovenia noted that a multi-agency approach and cooperation with key partners were essential and that several agreements on cooperation had been signed among competent national authorities. Slovenia also attempted to identify and cooperate with key partners in the private sector, including chemical companies and the financial sector.

74. Spain noted that the elaboration of a strategic, intelligence-led approach to organized crime was based on data collection and analysis, taking into account the added value of cooperation with key partners in the public and private sectors. In Switzerland, police had been cooperating with both civil authorities (health, customs and social work) and the private sector (pharmaceutical industry, logistics and financial services).

Recommendation (d)

75. It was also recommended that, for the gathering of information, Member States might wish to consider programmes similar to the Crime Stoppers initiative.

76. Measures similar to the Crime Stoppers initiative were contained in the State Programme of Complex Measures to Counter Drug Addiction, Drug Trafficking and Related Crimes for 2009-2013, adopted by Belarus. Cyprus indicated that the information should be gathered from persons or organizations, wishing to give it freely. Any other initiatives needed careful scrutiny concerning the way the information was gathered.

77. Croatia had been actively implementing various prevention activities, including youth outreach, providing additional security and limiting the availability of narcotic drugs in cooperation with educational institutions. Furthermore, in the framework of the Community Policing Strategy, the Ministry had been implementing crime and community prevention activities, in cooperation with local communities.

78. Germany expressed the view that existing programmes, for example with Europol, should be enhanced, before introducing new ones. Israel reported that it had taken no measures in this area. Ireland reported that it had launched an initiative called 'Dial to Stop Drug Dealing' in October 2008, designed to encourage local intelligence transmission to law enforcement on drug related crime. In addition, Drugswatch and more programmes were operated by Customs.

79. In Latvia, several television programmes broadcast information on current criminal trends and on wanted criminals. In addition, the homepage of the State police contained information on crimes, wanted persons and contact information. The development of an initiative such as Crime Stoppers in Latvia would require a harmonization with the human rights legislation and the presumption of innocence. Lithuania reported that it took no action in this regard.

80. The Government of Malta noted that it had been using media for several years in order to bring together the police and the community. Television programmes

about unsolved crimes had been broadcast and used to gather information on other crimes. In Portugal, the National Police and Public Prosecution authorities established special 24-hour services to provide advice and information, as well as to allow the submission of complaints.

81. Slovakia indicated that it had not yet conducted such programmes. In Slovenia, phone lines for anonymous callers were established, including by police and customs, in order to gather information anonymously. In Spain, the gathering of information relating to the investigation of crimes and arrests of offenders was under the responsibility of security forces and agencies, including the Judicial Police. There have been no plans to establish such a programme in Switzerland, which would fall under the responsibility of county police forces.

Issue 4: Money-laundering

Recommendation (a)

82. At the Seventh Meeting of HONLEA, Europe, it was recommended that law enforcement agencies should implement a policy of intercepting cash couriers and seizing their assets on the basis of risk profiles and other available information.

83. Belarus reported that it intercepted no cash couriers on its territory in 2008. The legislation of Croatia contained provisions, allowing the police to seize assets and cash derived from crime and its Customs Administration had control over the physical transfer of cash and other securities. The Administration was responsible for reporting to the Anti-Money Laundering Office all the cash transfers in the amount of 10,000 Euros and above, as well as for analysing suspicious transactions and consequently informing the police and the State Attorney's Office. In Germany, customs authorities had had the responsibility in the field of "cash couriers".

84. In Ireland, the Criminal Justice Act, 1994, and the Proceeds of Crime (Amendment) Act, 2005, had been providing for such enforcement activity and the police had recognized the importance of cash couriers to organized crime gangs and had reacted by targeting such couriers through profiling and intelligence-led operations. A strategic partnership in this regard had been established with Revenue's Customs Service, which had seized €3.5 million in 2008, in order to ensure that all entry and exit points within the jurisdiction are subjected to the investigative process.

85. Israel's Tax Authority had been operating at all the borders of that country and had cooperated with the Forfeiture Officers of the National Police to identify assets belonging to known criminals. Latvia reported that it was developing legislation on combating money-laundering and that there had been only three cases involving cash couriers since October 2007. Lithuania reported that it took measures in this area. Malta reported that it had given equal importance to the seizure of assets, including cash, in the course of drug trafficking investigations.

86. In the framework of customs control and monitoring migration flows, Portugal established specialized customs and aliens control services at the main external border crossing points, in cooperation with the Judicial Police, in order to analyse information and intervene in cases of risk, especially in what concerns drug couriers and cash couriers.

87. In Slovakia, this policy had been implemented by the Customs Service, as well as the Financial Intelligence Department of the Organized Crime Bureau of the Slovak Police Force Presidium. In Slovenia, the system of reporting cross-border transfers of cash above the threshold was re-established and the seizure of such transfers was possible, based on national legislation.

88. In Spain, a new regulation on the declaration of assets entered into force in February 2007, establishing the obligation to declare sums above 10,000 Euros when entering or leaving Spanish territory, or above 100,000 Euros when moving cash on Spanish territory. In Switzerland, customs and police officials had been cooperating and exchanging information in order to obtain intelligence on cash couriers, which led to several arrests. The main problem, however, was the money-transmitting agencies and informal systems.

Recommendation (b)

89. The Seventh Meeting of HONLEA, Europe, also recommended that Member States sign and ratify the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism³ as part of an integrated approach to combating organized crime.

90. Belarus reported that it had not yet signed this Convention. Croatia signed the Convention on 29 April 2008 and passed the decision on Proclamation of the Act on Confirmation of the Convention of the Council of Europe on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and Financing of Terrorism on 15 July 2008.

91. Germany indicated that it had not yet signed the Convention, while Ireland had been examining it from a legal perspective to see what measures needed to be legislated. Israel had been cooperating fully with European countries in this area. Latvia signed and ratified this Convention on 17 December 1998. Lithuania reported that it had ratified this Convention. Malta had signed this Convention on 16 May 2005, ratified it on 30 January 2008 and it entered into force as of 1 May 2008.

92. Portugal signed the Convention on 16 May 2005, but had not yet ratified it. Slovakia reported that it had signed and ratified this convention. Slovenia signed this Convention on 28 March 2007 and expected to ratify it in 2009. In Spain, the Convention had entered into force on 1 December 1998. The ratification of this treaty had not been a priority for Switzerland until now, since the Convention only entered into force in 2008.

Recommendation (c)

93. The Seventh Meeting of HONLEA Europe recommended that Member States put in place systems to ensure timely and effective responses to requests for assistance in financial investigation cases, and in organized crime cases generally, and to make better use of existing international law enforcement organizations to the fullest extent of their potential.

94. Belarus reported that it had signed bilateral agreements on mutual legal assistance with Hungary, Czech Republic, Lithuania, Latvia, Finland and Poland.

³ Council of Europe, *Council of Europe Treaty Series*, No. 198.

Croatia had been exchanging information on financial and other investigations with through INTERPOL, Europol, the SECI Centre, SOCA and others. Croatia also appointed two liaison officers and members of the CAMDEN Asset Recovery Inter-Agency Network, from the police and the State Attorney's Office, whose roles were the receipt and response to requests for information. Croatia's Anti-Money Laundering Office was a member of the Egmont Group.

95. Germany reported that its Financial Intelligence Unit had been connected to both FIU.Net and the Egmont-Secure web, in place to ensure timely and effective responses to requests at the level of the Financial Intelligence Units. The law enforcement of Ireland had taken a robust approach to fulfilling its obligations in so far as its response to requests for assistance is concerned. Well established policies and procedures had been in place to respond to such requests and Irish law enforcement had been using existing international law enforcement organisations to the fullest extent, in line with best practice models in both Europe and the international arena.

96. One of the main roles of the Money Laundering and Terrorist Financing Prohibition Authority (IMPA) of Israel had been to maintain contact with counterpart financial intelligence units abroad. Israel had been cooperating with the Egmont Group, which IMPA had joined in June 2002, or bilaterally, based on signed agreements. IMPA had also been cooperating with international bodies such as the International Monetary Fund (IMF) and the Financial Action Task Force (FATF), responsible for monitoring money-laundering trends and ensuring the establishment of anti-money-laundering regime.

97. Latvia indicated that it was ready to assist with investigations, in compliance with international treaties and national legislation. Lithuania reported that it had not put such systems in place. Malta had been cooperating to the fullest extent with other Member States on requests to assist in financial investigation linked to serious crime and there had been no legal impediments to such cooperation.

98. Portugal reported that contacts regarding situations arising from some criminal investigations were established through the Judicial Police, via INTERPOL and Europol, as well as through Letters of Request. In the area of economic and financial crime, the Judicial Police established a National Anti-Corruption Unit and a Financial Intelligence Unit. There was also a Subdivision for Investigating Money Laundering in the framework of the National Unit for Fighting Drug Trafficking.

99. Slovakia put in place an appropriate system and adopted legislative measures in this area. Spain noted that it had two asset recovery bodies, within the Ministry of Justice and the Ministry of Interior, which ensured timely and effective responses to requests for assistance in financial investigation cases. In Slovenia, cooperation among law enforcement authorities was defined by the national legislation and would be expanded by the new Criminal Procedure Act. Switzerland noted that it did not need to take additional measures in this area.

Recommendation (d)

100. It was further recommended that consideration should be given to taking simultaneous action on all fronts, from the outset of major organized crime investigations, in order to uncover evidence and intelligence relating to drug

trafficking and other serious crimes and to identify acquired assets held by organizations and individual criminals.

101. Belarus noted its legislation required the elucidation of all the circumstances contributing to the commission of crimes, as well as the identification of persons involved and of assets, including monetary ones, acquired by such persons. In Croatia, the State Attorney's Office, the Office for Fighting Corruption and Organized Crime and Ministry of the Interior, in cooperation with various national financial institutions, were the competent authorities in the field of anti-money-laundering efforts. In addition, the legislation of Croatia contained provisions on the confiscation of assets derived from crime.

102. Germany noted that in the field of suppression of money-laundering, cooperation with other FIUs was further intensified at the EU level, especially through the expansion of the FIU.Net and that the FIU of the German police had been increasingly conducting operational analyses and investigations.

103. In Ireland, National Support Service Units, such as the Garda National Drugs Unit, the National Bureau of Criminal Investigation, the Garda Bureau of Fraud Investigation and the Criminal Assets Bureau, had been applying a cohesive approach in the application of investigative techniques in so far as organized crime is concerned, which sees the sharing of all available intelligence from their relative proactive operations in order to progress parallel investigations.

104. Israel's various law enforcement agencies had been closely cooperating in this area. During criminal investigations related to drug trafficking or other forms of organized crime, Latvia aimed to identify acquired assets held by organizations and individuals. Lithuania reported that it had taken measures in this area. Malta's legislation had allowed for parallel/simultaneous investigations of serious crime and money-laundering or asset seizures had been an important part of such investigations.

105. In Portugal, the prevention and the fight against drug trafficking was carried out by various bodies, whose activities were made at the level of their various differentiated and complementary competences and are coordinated by a centralized information mechanism based at the Judicial Police.

106. In Slovakia, the Bureau for Combating Organized Crime of the Police Force Presidium had given high importance to such operations and appropriate action in this area had been taken by the Financial Intelligence Department of the Bureau for Combating Organized Crime.

107. In Slovenia, the Act on the Prevention of Money Laundering and Terrorism Financing stipulated that the Office could initiate law enforcement investigations of all criminal offences, including predicate offences of money-laundering.

108. In Spain, it was routine practice when investigating drug trafficking and other forms of serious crimes to launch parallel investigations to identify the assets of the individuals and criminal organizations involved, to facilitate later their confiscation or seizures, if necessary. Due to the complexity of such investigations, multidisciplinary teams composed of officers from different agencies had been established to ensure their successful conclusion.

109. In Switzerland, any assets derived from activities punishable under national law were being frozen. County and federal police had apprehended such assets in several instances and some county police forces had units specialized in the freezing of assets.

Recommendation (e)

110. It was also recommended that Member States should explore the possibility of implementing prohibition measures to deter the involvement of professionals from the legal, commercial, financial and other sectors in the facilitation of illicit drug trafficking, the laundering of proceeds of illicit drug trafficking and other forms of organized crime.

111. Belarus reported that it took no action in this regard. Croatia's Law on the prevention of money-laundering and terrorism financing stipulated measures and actions in banking and non-banking financial transactions, as well as defined the tasks and competencies of the Anti Money Laundering Department.

112. On 21 August 2008 a new Money Laundering Act entered into force in Germany – it was amended to incorporate the so-called third EU Money Laundering Directive (Directive 2005/60/EC). Furthermore, all of the professions covered by FATF Recommendation 16 (lawyers, legal advisers, patent lawyers and notaries, auditors, chartered accountants, tax advisers and tax agents, trust and company service providers, real estate agents) constitute obliged parties within the meaning of the Money Laundering Act and are thus subject to the same obligations as financial institutions.

113. In Ireland, the Criminal Justice Act, 1994, had been amended to apply to professionals such as solicitors and accountants who are now obliged to report suspicious transactions with regard to individual clients. Israel's National Police, Tax Authority and the IMPA had been responsible for preventing the illegal involvement of professional in facilitating illicit drug trafficking, money-laundering and other crimes. Latvia, Lithuania and Slovenia reported that they took no action in this regard. In Malta, the Regulations on the Prevention of Money Laundering had been prohibiting professional from participating in money-laundering activities.

114. Portugal improved and developed several legal provisions pertaining to different activity sectors, in order to prevent and punish money-laundering, as well as other forms of economic and financial crime.

115. Slovakia had been implementing prohibition measures through the application of relevant legislation and cooperation among officials involved in anti-money-laundering efforts had been enhanced. In Spain, the obligations of the public and private sectors regarding suspicious activities were contained in Law 19/93 on the Prevention of Money Laundering and in its Regulation (RD 925/95). In Switzerland, standard procedures had been based on the Federal Act on Combating Money Laundering in the Financial Sector of 10 October 1997.

Recommendation (f)

116. It was also recommended that financial intelligence contained in suspicious action reports, suspicious transaction reports and currency transaction reports should be exploited through proper analysis to support and better direct law enforcement operations.

117. The legislation adopted by Belarus provided for a regular exchange of information, including operational information, among law enforcement authorities. The information exchanged could include data on financial transactions and suspicious currency transactions. In Croatia, the Anti Money Laundering Department, an organizational unit of the Ministry of Finance, had been analyzing suspicious transactions and forwarding the information to competent authorities, primarily the State Attorney's Office and police, for further use in the course of criminal investigations.

118. The tasks of Germany's FIU include gathering and analysing suspicious transaction reports, providing federal and Länder law enforcement authorities without delay with relevant information and the facts of the crimes ascertained and regularly providing information on the types and methods of money-laundering and terrorist financing to those persons required to report by the Money Laundering Act.

119. In Ireland, financial disclosures pertaining to Section 57 of the Criminal Justice Act, 1994, as amended, had been disseminated by the Garda Bureau of Fraud Investigation to other Garda sections to allow for the information to be assimilated and evaluated and collated as part of criminal investigations.

120. In Israel, intelligence regarding suspicious actions and transactions had been disseminated to the National Police and IMPA, which functions as the country's financial intelligence unit. The IMPA then disseminates the reports to competent authorities. Latvia was improving its existing databases to include all registered information on crimes and organized groups members and financial assets. Lithuania reported that it took no action in this regard. In Malta, the analysis had been conducted by the Financial Intelligence Analysis Unit and then transmitted to the Police for further investigation.

121. Portugal established a Financial Intelligence Unit to carry out financial information analysis, which also liaised with the officers of the Tax Administration. In Slovakia, the Financial Intelligence Department of the Bureau for Combating Organized Crime of the Police Force Presidium had been conducting proper analysis. In Slovenia, the Office for Money Laundering Prevention received, collected, analyzed and forwarded data and documentation regarding suspicious transactions.

122. In Spain, the Executive Service of the Commission for the Prevention of Money Laundering and Financial Crimes (SEPBLAC) had been established with specific assignments for the prevention and investigation of money-laundering, including the analysis of information and their forwarding to other competent authorities.

123. In Switzerland, standard procedures had been based on the Federal Act on Combating Money Laundering in the Financial Sector of 10 October 1997.
