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EUROCOP SUBMISSION TO THE EU COMMISSION CONSULTATION PROCESS ON CRIMINAL ACTS AND PENALTIES FOR DRUG TRAFFICKING

‘The EU Drugs Strategy 2021-2025 and its Action Plan set the right priorities by pursuing the fight against drug trafficking with a comprehensive approach. Framework Decision 2004/757/JHA establishes minimum provisions on drug trafficking offenses. It is meant in particular to ensure: unhindered cross-border cooperation between judicial, law enforcement, customs and other competent authorities in the Member States; that Member States impose effective, proportionate and dissuasive penalties, including custodial sentences, depending on the quantity and type of drugs trafficked and the involvement of criminal organisations. However, one has to acknowledge that it did not prove successful: Drug-related crimes and in particular violence against police officers is on the rise. The time devoted by the police to deal with drug offences is also increasing. In France, police efforts focus mainly on consumer repression, accounting for 80 % of law enforcement operations on drugs. Besides, the Framework Decision is becoming increasingly misaligned with modern developments such as the legalization and decriminalization of cannabis in certain Member States. Indeed, the criminal laws of EU Member States differ from one another when it comes to cultivation, manufacture and trafficking of drugs. It is therefore key to identify outdated elements and to focus on new challenges such as digitalisation and the growing role of online drug trafficking. It is necessary to further harmonise definitions, penalties and measures against drug-related offences in the Member States. This will make cross-border investigations easier and more effective.

EuroCOP welcomes the Commission initiative to consult and review the Framework Decision on illicit drug trafficking.’