



EUROPEAN COMMISSION

Brussels, 8.10.2010
SEC(2010) 1216 final

COMMISSION STAFF WORKING DOCUMENT

on improving the collection of data on drug markets, drug-related crime and drug-supply reduction measures in the European Union

COMMISSION STAFF WORKING DOCUMENT

on improving the collection of data on drug markets, drug-related crime and drug-supply reduction measures in the European Union

CONTENTS

1.	Introduction	3
1.1.	Background.....	3
1.2.	Objectives	3
1.3.	Measuring crime and criminal justice	4
2.	The need to improve data collection in the field of drug supply.....	5
2.1.	Monitoring and evaluation in the field of drug supply.....	5
2.2.	The need for indicators in the field of drug supply	7
3.	Defining drug-related crime	8
4.	State of play on data collection in the field of drug supply.....	11
5.	Improving data collection in the field of drug supply	13
6.	Conclusions	16

1. INTRODUCTION

1.1. Background

The EU Drugs Strategy (2005-2012)¹, which was endorsed by the European Council in December 2004, set the objective of achieving by the end of 2012 a measurable improvement in the effectiveness, efficiency and knowledge base of law enforcement actions by the EU and its Member States targeting the illicit drugs trade. The two EU Drugs Action Plans that were subsequently adopted to implement the Strategy, covering the period 2005-2008 and 2009-2012, put further emphasis on this objective. The final evaluation of the EU Drugs Action Plan (2005-2008)² pointed out that the absence of key indicators in the area of drug-supply reduction made it difficult to meet this objective.

In order to address this, the Commission proposed in the EU Drugs Action Plan (2009-2012), which was endorsed by the Council in December 2008, *‘to develop key indicators for the collection of policy-relevant data on drug-related crime, illegal cultivation, drug markets and supply reduction interventions and to develop a strategy to collect them’*³. The Action Plan tasked the Commission with presenting by 2010 a staff working paper on drug-related data, which should include an implementation strategy.

An indicator is a tool by which the progress or achievement of an action or objective can be measured. A key indicator is a composite instrument to provide valid, reliable and comparable information on a specific aspect of the drugs problem, e.g. the drug market. It consists of a number of indicators and brings together other standardised information which, when combined, provide relevant inputs on changes in that particular aspect of the drugs problem.

1.2. Objectives

This Commission staff working paper has two main objectives:

- (1) To steer further debate on an EU definition of the term ‘drug-related crimes’.
- (2) To contribute to the development at EU level of key indicators in the field of drugs markets, drug-related crime and drug supply reduction.

In preparing this paper and notwithstanding the wealth of information and expertise available in this field from the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), Europol and other structures, the Commission solicited technical advice by contracting a study⁴ in 2008 and organising two expert meetings in 2009. These brought

¹ 15074/04; CORDROGUE 77, 22.11.2004.

² SEC(2008) 2456, 18.9.2008.

³ OJ C 326, 20.12.2008, pp. 7-25, Action 67.

⁴ Tender JLS/2008/C2/001 — Study on policy-relevant information and data in the field of drug-supply reduction and drug-related crime in the EU and third countries. The aims of the study were: (a) to provide an overview of data collection at EU and Member State level (and in a number of third countries) for the assessment of the illicit drugs market, drug-supply reduction efforts and drug-related crime; (b) to assist the Commission in determining policy needs for statistics and information at EU level and ascertain to what extent these are covered by existing data collection systems; and (c) to assist the Commission in defining drug-related crime and make the definition operational through indicators and data collection.

together a panel of law enforcement officers, drug-policy analysts, policy makers and scientists. Their findings and the relevant work done by the EMCDDA in this field have helped formulate measures presented in this paper.

1.3. Measuring crime and criminal justice

The lack of reliable, comparable and high-quality data is a broader challenge, affecting the field of justice and home affairs at EU level. In 2006 the Commission started to tackle this with a Communication on ‘*Developing a comprehensive and coherent EU strategy to measure crime and criminal justice: An EU Action Plan 2006-2010*⁵’. Illicit drugs were not covered as a specific theme in this Strategy and Action Plan. Nevertheless, the difficulties identified by this Communication in measuring crime and criminal justice outcomes are also relevant for the drugs field.

Under this Action Plan, in 2007 the Commission initiated a study⁶ on the development of an EU-level offence classification system. The study identified a number of significant obstacles to the development of statistics relating to criminal offences, which included:

Differences in offence classification systems

- There is a broad variety of classification systems for criminal offences, reflecting differences in criminal codes, even within Member States. Throughout the European Union, at least 128 national authorities are involved in the collection and production of crime statistics. At least 52 distinct offence classification systems have been identified in the 27 Member States.
- Different offence classification systems or offence categories exist at international and EU level, often because international organisations request specific crime data and offence categories, depending on their terms of reference.

Problematic data collection, information flow and reporting

- The internal data flow within Member States is often disorderly. Coordination at the national level is difficult and the integration of data covering all stages of the criminal justice system is marred by delays.
- Although in more than half of the Member States a single point of contact is responsible for the coordination and production of crime statistics at national level, it does not always have access to data covering all stages of the criminal justice system.

Proliferation of data collection by EU structures or international organisations

- International organisations use a wide range of data sources inside Member States without being aware whether they have access to accurate and reliable data. This causes inconsistencies in the data provided.

⁵ COM(2006) 437 final, 7.8.2006.

⁶ Tender JLS/D2/2007/03 — Study on the development of an EU-level offence classification system and an assessment of its feasibility to supporting the implementation of the Action Plan to develop an EU strategy to measure crime and criminal justice.

- The number of questionnaires sent by international structures has passed the saturation point for national reporting authorities. The exchange of statistical data between the EU and international organisations is not common practice.
- Some international organisations pointed to their limited knowledge of what data exists at national level as an obstacle to adapting their questionnaires.

Limited utility and comparability of data

- Member States find it hard to handle correctly foreign data, which is difficult to compare with their own because of its close link to national criminal codes, but also due to the limited availability of statistical inclusion and exclusion criteria.

To tackle the need for significant improvements in measuring crime and criminal justice, a communication on a new action plan covering the period 2011-2015 is planned for adoption in early 2011, further to harmonise data collection systems and strengthen data collection capacities.

The instruments that are being developed to boost the development of statistics relating to criminal offences are also relevant for the field of data on drug-related crime, which this paper addresses.

2. THE NEED TO IMPROVE DATA COLLECTION IN THE FIELD OF DRUG SUPPLY

2.1. Monitoring and evaluation in the field of drug supply

Accurate, comparable data and information are a pre-condition for an evidence-based assessment of the state of play in and the impact of drug-supply policies on the illicit drugs market, on European society and on the security of its citizens. The EMCDDA, the European Commission, Europol, the Council of Europe, the UNODC and other international organisations have collected data in the field of drug supply since 1995 or even earlier. However, collecting data on drug supply has never been considered a priority at EU level, because of the political sensitivity of the sector and of the traditional way of operation of law enforcement agencies, which do not naturally favour dissemination of information.

Therefore, monitoring, evaluation and research in the field of drug supply, drug-related crime and drug-supply reduction has received less attention than it has in drug-demand reduction. Monitoring in the field of drug demand and demand reduction has developed significantly over the past 15 years, due to the implementation of the EMCDDA's five key indicators⁷ and the collection of additional, standardised information in this field. Furthermore, in the past two decades, drug-demand reduction, in particular the effectiveness of prevention, treatment and harm reduction, has received high-level political attention.

In the field of drug-supply reduction and drug-related crime, monitoring and evaluation are underdeveloped, hampering the assessment of trends in the drug markets and the effectiveness, efficiency and sustainability of supply-reduction measures. At EU level,

⁷ These five key indicators are: GPS: General Population Survey; PDU: Problem Drug Use; TDI: Treatment Demand Indicator; DRD: Drug-related Deaths and mortality among drug users; DRID: Drug-related Infectious Diseases.

information made available through Member States' reporting structures is often of poor quality and lacks standardisation, resulting in information that is partly unreliable, difficult to compare and incomplete.

The consequences of this were highlighted in the Report of the final evaluation of the EU Drugs Action Plan (2005-2008): *'The ongoing and apparently stable supply of illicit drugs into Europe does not seem to be affected by existing interventions, including those implemented through the Action Plan. Whilst it may be suggested that the changing trafficking routes are a consequence of law enforcement operations, such actions do not appear to have had any effect on supply, price or purity. However, the lack of reliable statistical information and data prevents any credible conclusion from being drawn.'*⁸

The report concluded: *'The evidence base for supply reduction measures should be strengthened. Often the complexity of the law enforcement system, its operational character and the need for confidentiality in operations are mentioned as significant obstacles in achieving greater transparency and insight on the impact of law enforcement activities. Such a lack of transparency is unsatisfactory and cannot continue. By placing greater emphasis on monitoring, the effectiveness and efficiency of evaluation and research can be enhanced, which is essential when allocating finite resources.'*

A major problem is that there is no agreement at EU level on which performance measures in the field of drug supply and supply reduction should be used and for what purpose (output, outcome or impact evaluation). Reports on drug seizures, arrests for drug-related offences and dismantled drug production facilities are visible outputs of law enforcement efforts and are available in most Member States, but they do not necessarily contribute to an accurate assessment of whether supply-oriented policies and measures actually disrupt trafficking networks, reduce drug-related crime and limit drug supply in the EU market.

Furthermore, the law enforcement community, which is a key provider of drug-supply data, is not always convinced of the need to improve and expand the registration of core information for aggregation at a higher level than necessary for investigation and prosecution. In this context, the Commission invites the EMCDDA, CEPOL and Europol to consider future training requirements for law enforcement staff.

Data in the field of drug supply is generally collected for operational purposes and for policy analysis, which can be split up into three sublevels:

Operational purposes

- This concerns the registration of data and information on offences and offenders in support of police investigations. It reflects the minimum requirements necessary as evidence in prosecution, under national penal codes.

Policy analysis

- *Situation analysis*: this covers the collection of data and information on supply-related aspects of the drugs problem (e.g. seizures, number of arrests), which are necessary for assessing the drug situation and trend analysis. This output information is often not

⁸ SEC(2008) 2456, 18.9.2008, p. 68.

considered essential for operational purposes, but instrumental in presenting law enforcement activity in order to obtain resources.

- *Programme analysis*: this concerns the collection of data and information to assess the effectiveness of law enforcement measures in the field of drug supply. It aims to examine the outcome of measures, e.g. the extent to which arrests lead to convictions of high-level drug criminals.
- *Policy evaluation*: this refers to the collection of data and information for policy evaluation, including aggregated data on drug markets, drug-related harms (including crimes) and policy measures, which, when combined, can help examine the impact of specific supply-oriented policy approaches or options.

Information for operational purposes is available in all EU Member States. Information on situation analysis is collected at EU level, with some important limitations. Programme analysis and policy evaluation in the field of drug supply are still in their infancy in many Member States.

The Commission proposes to establish a coordination group on drug supply data between the Commission, the EMCDDA and Europol as well as the setting up of an expert coordination group composed of the Council, Member States experts, relevant agencies and international organisations. The group should meet once a year to exchange development plans, take stock on the state of play, identify overlaps and assess proposals from technical working groups.

In order to strengthen coordination and capacity to collect data on drug supply, national administrations could consider a single point of contact mandated to collect and report on such data and to act as an interface between different competent bodies and the EU.

2.2. The need for indicators in the field of drug supply

As the previous section demonstrates, there is a clear need to enhance, harmonise and extend existing data collection systems in the field of drug supply and to explore additional data needs to inform policy.

Although some progress has been made in recent years in the development of supply indicators, quality data on drug supply are still scarce. This makes the assessment of drug market developments, of the burden of drug-related crime and of the efficacy of law enforcement inadequate. There are insufficient data available regarding the characteristics and functioning of and trends within the illicit drugs market. For example, information on drug seizures and where they are made (for instance, where exactly on a trafficking route or supply chain), as well as purity-adjusted price data at retail, wholesale and manufacturer level, could provide indications whether drug seizures make an impact on the drugs market.

In order to assess the burden of drug-related crimes on society, it is necessary to have information about the prevalence and consequences of the different types of drug-related crimes, so that law enforcement can target those crimes that cause most harm (for instance trafficking as opposed to possession). To measure this, a certain degree of standardisation of registration of and reporting on crimes is needed. Current data collection and reporting mechanisms that cover drug-related offences as just one category of crime (e.g. drug-trafficking) are insufficient for analysis.

Moreover, in order to assess to what extent law enforcement measures have an impact on the drug supply chain, it is important to combine information on the drug markets (including data on drug use) and harms (crime and health-related) with data obtained from evaluations of policy measures. This would make it possible to conduct cost-benefit analyses but also ex-ante and ex-post evaluations to assess, for example, unintended consequences of drug policies, but also the extent to which high-level criminals have been arrested and sentenced in comparison to low-level sellers.

In order to enable the collection of accurate, reliable, comparable and high-quality data that would help assess the drug situation, the burden of drug-related crime and the effectiveness of supply-oriented policies there is a need for indicators at EU level.

An important question is which data need to be collected at national and EU level. The added value of existing and potential new data collection systems must be scrutinised judiciously in order to allocate resources efficiently and reduce the reporting burden for Member States. Furthermore, it is important to explore to what extent cooperation at EU level can contribute to greater efficiency and exchange of data between national reporting mechanisms and promote the dissemination of best practices.

3. DEFINING DRUG-RELATED CRIME

As the analysis in the field of crime and criminal justice statistics showed, the lack of common definitions and classification of criminal offences within Member States and at EU level hampers the collection of data and the possibility to make comparisons between criminal justice systems.

The EU Action Plan on Drugs 2000-2004⁹ asked ‘*the Council and the Commission to develop a common comparable definition of the term drug related crimes on the basis of work by Europol and EMCDDA in order to enable a serious comparison of a number of drug related crimes*’.

In 2003, the EMCDDA and Europol presented a non-paper¹⁰ on an EU-wide definition of drug-related crimes. The paper did not provide a single definition of drug-related crimes, but indicated that such a definition should take into account four categories of crimes:

- (a) *Psychopharmacological crimes*: committed under the influence of a psychoactive substance;
- (b) *Economic compulsive crimes*: committed in order to obtain money (or drugs) to support a drug use;
- (c) *Systemic crimes*: committed within the functioning of illicit drug markets, as part of the business of illicit drug distribution and supply;
- (d) *Drug-law offences*: committed against drug (and other related) legislations.

⁹ 9283/00; CORDROGUE 32, 7.6.2000.

¹⁰ 14173/1/03 Rev 1; CORDROGUE 92, 3.11.2003.

The non-paper indicated that the categories listed were not mutually exclusive as some criminal activities (e.g. drug dealing) might be classified under several categories. It also pointed out that a crucial factor in the classification and monitoring of drug-related crime is the identification of a sufficient causal relationship between drugs used and crimes committed — a relationship which is still the subject of scientific debate. The non-paper suggested that emphasis should be placed on drug-use related psychopharmacological and economic compulsive crimes, which were expected to be the subject of indicators used to assess the drug situation and monitor trends, at EU and Member State level. It reiterated that data on drug-law offences were already routinely collected.

The Member States welcomed the non-paper but also raised a number of concerns. One such concern was that drug-related crimes that are not necessarily drug-law offences, such as corruption, would be excluded from this classification. Member States also indicated that the four categories showed overlaps and required further breakdown into offences and crime types. They also pointed out that the legal definition of drug-related crimes as well as drug-law offences may differ considerably between Member States, which would complicate the collection of useful and comparable information and data at EU level. They asked the Commission, Europol and the EMCDDA to work further on this issue. The EU Drugs Action Plan (2005-2008)¹¹ reiterated the need to develop a common definition of drug-related crimes. In 2007, the EMCDDA published an updated version of the non-paper, further elaborating the classification as a conceptual framework¹².

In parallel, attempts have been made to address the issue of defining drug-related crimes through legislation.

In the field of drugs specifically, *Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking* identified offences related to trafficking in drugs and precursors, similar to the offences defined in the 1988 Convention against Illicit Traffic of Narcotic Drugs and Psychotropic Substances. The term drug-trafficking offence includes a variety of drug-related crimes, from manufacture to selling and/or possession (not for personal consumption).

The Commission's evaluation of the implementation of the Framework Decision¹³, five years after its adoption, showed that definitions of trafficking offences at national level, which are based on criminal codes, still differ considerably between Member States.

*Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime*¹⁴ aims to enable the approximation of substantive criminal law to facilitate mutual recognition of judgments and judicial decisions, and police and judicial cooperation in criminal matters, in areas of particularly serious crime with a cross-border dimension. The Framework Decision provides a definition of groups engaged in organised crime, identifies specific offences related to participation in a criminal organisation and sets minimum ceilings for penalties related to these offences.

¹¹ OJ C 168, 8.7.2005, pp. 1-18, Objective 25.

¹² EMCDDA, Drugs in Focus No 16; <http://emcdda.europa.eu/html.cfm/index36331EN.html>.

¹³ COM(2009) 669 final, 10.12.2009.

¹⁴ OJ L 300, 11.11.2008, pp. 42-45.

Both legislative instruments aimed to harmonise to some degree specific types of crimes and ceilings for penalties, in order to spur a European approach on tackling drug-trafficking and organised crime. However, their contribution to improving the measurability of crime is modest.

Following these various attempts to define drug-related crimes, the Commission has reached the pragmatic conclusion that the most important purpose of this definition is to enable monitoring and comparative analysis of crimes that are relevant at EU level. While a single definition of drug-related crime can still be provided, the real added value will be the formulation and standardisation of crime types that should be monitored across Member States.

In 2008, the Commission asked for expert advice on this issue as part of a *study on policy relevant information and data in the field of drug supply reduction and drug-related crime in the EU and third countries*¹⁵. The contractors formulated a general working definition of drug-related crimes: ‘Any illicit activity that is (at least partially) caused by the production, delivery, acquisition or consumption of (illicit) drugs’. They pointed out that it covered a full range of crimes associated with drug use and drug markets, which need to be addressed in detail to be of any use. To better understand the crime burden associated with prohibited drugs, the contractors developed a model that considers each stage of the drug-supply chain, the types of crime associated with these stages as well as the actors involved (see Annex 1).

The conceptualisation and categorisation of crimes presented in the model is based broadly on a growing understanding of drug markets and how they operate in particular parts of the world. ‘*Supply-side*’ drug-related crime involves illegal activities in support of the cultivation, processing, manufacture, distribution, transport or delivery of a drug to a market or consumer. This would also include the forgery and falsification of documents; bribery; money laundering; use of coercive force or threats to support the cultivation, production, manufacture, shipment or delivery of a drug; hiding of a product or intermediate products; manufacturing of precursor chemicals or other intermediate products used in the production or manufacture of drugs; and the shipment/transport of drugs within a country, region or across international borders. It would also cover the violence associated sometimes with acquiring drugs or money, enforcing contracts or collusion and deterring new suppliers from entering the market.

‘*Demand-side*’ drug-related crime comprises activities that either support the acquisition of an illicit substance, or the consumption of illicit substances, or are caused by the consumption of that drug (both perpetrated crimes and victimisation). This includes crimes against property (such as robbery, theft), physical assault, prostitution (where it is illegal) and participation in the sex trade. It also covers activities carried out under the influence of a drug, such as sexual or physical assault, driving under the influence of drugs, domestic violence.

The model identifies three main types of criminal agents involved in the various stages of the supply distribution chain: *providers*, *facilitators* and *users*. These categories are not mutually exclusive. *Providers* are those agents involved in the cultivation, processing or production of drugs on any scale. *Facilitators* are those individuals or institutions that assist providers in the movement and delivery of the product to its final retail market. The crimes committed by facilitators are largely ignored, even though law enforcement agencies devote significant

¹⁵ Tender JLS/2008/C2/001.

effort and resources to trying to identify financial institutions assisting with the laundering of drug money or cargo carriers helping to transport drugs.

The final group of criminal actors are the *end-users*, who commit drug-law offences in those cases where consumption of drugs is illegal, economic compulsive crimes or psychopharmacological crimes or who are victimised due to their drug use. The crimes associated with this group are frequently analysed by researchers because more data exist on these crimes, they are visible and are more likely to directly affect the public. However, this is not necessarily the group that causes the most serious harm to society.

The study concluded that it is unrealistic to ask for a singular measure of drug-related crime to be consistently constructed and monitored for all Member States because not all define the same behaviours as crimes¹⁶. It suggests that the focus should instead be on helping Member States better understand the burden imposed on them by drug-related crime, based on the drug-related crime ‘portfolio’ relevant for each country, whilst taking into account those crimes causing the highest social harms. This crime portfolio will be influenced by specific characteristics of the drug problems in these countries, which may be determined by their geographical location, the type of drug use and the state of development of the national illicit drugs market.

For analysis at EU level, Member States should consider focusing on tracking high-level drug-related crime, such as trafficking that has a cross-border dimension, for specific drugs. But developing indicators to measure these will take time as many countries do not collect information on drug-specific offences. Existing data collection systems must be adapted, as there are still large discrepancies in the drug-trafficking offence data collected by the EMCDDA and EUROSTAT.

In addition, emphasis may also be put on tracking offences whose monitoring at EU level may have added value for other policies, such as transport (e.g. driving under the influence of drugs, which would be relevant for a broader European road safety policy).

4. STATE OF PLAY ON DATA COLLECTION IN THE FIELD OF DRUG SUPPLY

A number of structures are collecting data in the field of drug supply in the EU and at international level, the main one being the EMCDDA.

The production of EU statistics is governed by rules set out in the Council Regulation on Community Statistics¹⁷, and is carried out according to the Community Statistical Programme and its Annual Programmes. The Commission will explore the scope and need for a legal basis for the monitoring and collection of data in the field of drug supply.

¹⁶ Two relevant examples in the case of illicit drugs are drug possession offences (which are not criminal offences in Portugal, Spain and Italy) and prostitution. Member States do not consistently define these behaviours as crimes — and monitoring them in a consistent fashion across countries would be difficult.

¹⁷ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities, OJ L 87, 31.3.2009, pp. 164–173.

The founding regulation¹⁸ of the EMCDDA states that the Centre's objective is to '*provide ... the Community and its Member States with factual, objective, reliable and comparable information at European level concerning drugs and drug addiction and their consequences*'.

The EMCDDA and its network of REITOX national focal points collect data on drug markets (seizures, price, purity, tablets) and drug-law offences in the EU, in most cases since 1995. All Member States deliver data on a total number of reports for drug-law offences per year. Breakdowns by general type of offence (drug use, drug production and drug-trafficking related) and by drugs (cannabis, cocaine, heroin, amphetamine, methamphetamine, crack, ecstasy, LSD) are available in most countries but not all. Although data are collected in all Member States, there is substantial room to improve their availability, comparability and reliability.

Europol does not collect drug-related data for statistical purposes. However, it does collect data on seizures, dismantled drug production facilities and cocaine logos for operational purposes. In the past years, seizure data collected from Member States through Europol and the EMCDDA were not always identical, possibly due to different reporting mechanisms within the Member States. The EMCDDA and Europol have recently decided to standardise and harmonise data collection methods.

Data on the number and quantity of seizures and stopped shipments of drug precursors in the EU (both scheduled and non-scheduled precursors) are collected by the European Commission on an annual basis, under drug precursor regulations¹⁹. This information is reported by the Commission to the International Narcotics Control Board (INCB).

EUROSTAT currently has a limited role in collecting drug-related data and statistics, which in the field of drug supply is limited to data on trafficking offences and, more recently, victimisation. Through the European Statistical System, it collects absolute numbers on drug-trafficking offences. However, this category combines all potential trafficking-related offences, from drug manufacturing or possession to selling, and does not specify the type of drug involved in such offences.

The European Sourcebook Group (ESG), which is linked to the Council of Europe, collects data on drug trafficking offences and convictions, as long as they are not in connection with personal use. As in the case of EUROSTAT, this collection does not differentiate between offence categories or drug types.

The United Nations Office for Drugs and Crime (UNODC) collects through its Annual Reports Questionnaire various data on the drug situation from the UN member countries, including the EU Member States. This comprises information on drug seizures and dismantled drug production facilities.

In response to inconsistencies in the data provided, EUROSTAT is working in close collaboration with the UNODC towards a common data collection. At the same time, the UNODC and the United Nations Economic Commission for Europe (UNECE) have

¹⁸ Regulation (EC) No 1920/2006 of the European Parliament and of the Council of 12 December 2006 on the European Monitoring Centre for Drugs and Drug Addiction (recast), OJ L 376, 27.12.2006, pp. 1-13.

¹⁹ Regulation (EC) No 273/2004, Regulation (EC) No 111/2005 and Commission Regulation (EC) No 1277/2005.

established, with the Commission's participation, a Task Force on the classification of offences.

The 7th Framework Programme for Research and Technological Development has funded research projects in the field of drugs and crime, aiming at analysing, for instance, the cost of drug related crime, drug supply markets and addictions²⁰, which contribute to improving the methodology for data collection in this field. Finally, funding is also foreseen for projects aiming at stimulating transnational research on drug demand and drug supply reduction through the European Research Area – Network (ERA-NET)²¹.

Information on drug-related crimes other than drug-law offences is not collected on a routine basis, either at EU or at national level. One of the reasons is that the question whether a reported crime (e.g. theft, burglary) can be reasonably considered drug-related is usually not assessed or recorded, making official statistics on crime of limited value in estimating the burden of drug-related crime in itself.

In 2001, the Council adopted a *Recommendation on the alignment of statistics on seizures of drugs and diverted precursors*²², which aimed at improving comparability of seizure statistics and trend analysis. It identified a number of key elements that all Member States should report and additional elements, which would allow evaluation of certain law enforcement activities. However, most Member States did not implement it. For drug precursors, binding rules for the monitoring and reporting of seizures and stopped shipments were introduced with the entry into force in 2005 of the above-mentioned EU Regulations in the field of drug precursor control²³.

Other data collection systems may exist in Member States or at EU level that have not yet been explored. It is important to assess these possibilities, which may include going back to the original drug-trafficking data collected by the national statistics offices for EUROSTAT, before they are aggregated at EU level. These can then be split into several categories, instead of just one, which would be more useful for further analysis.

5. IMPROVING DATA COLLECTION IN THE FIELD OF DRUG SUPPLY

As the experience of drug-demand reduction has shown, enhanced comparable data in the field of drug supply can only be developed and implemented if the Member States collect data in a harmonised way. In the short run, harmonisation, extension and improvement of existing data collection systems at EU level may yield important results. But the setting-up of new data collection systems may also need to be explored.

The EU Drugs Action Plan 2009-2012 calls for the development of key indicators on drug markets, cultivation, drug-related crime and supply reduction and stipulates that by 2012 these key indicators must be defined and a strategy developed to implement them.

²⁰ In particular under the "Socio Economic Sciences and Humanities Programme" (SSH).

²¹ SSH Work programme 2011, OJ C196 of 20 July 2010.

²² Council Recommendation of 6 December 2001, 707/12/01; 13618/01 STUP 29 / 12411/01 STUP 26 ADD 1 & ADD 1 COR 1 (NL, EN) & ADD 1 COR 2 (FR, EN, DK) / 12411/1/01 REV 1 STUP 26.

²³ See footnote 20.

In its Conclusions²⁴ of May 2009, the Council indicated that this strategy should follow three distinct and interrelated lines of development:

- (1) *Enhancement and improvements of quality and comparability of indicators already used for routine monitoring at EU level.*

The Council invited the EMCDDA and Europol to work together with the Commission to rationalise and enhance existing data collection, paying attention to improving information on (i) drug seizure statistics, (ii) purity, prices and purity-adjusted prices of illicit drugs, (iii) drug-related arrests, and (iv) drug-related sentences.

- (2) *Use of indicators utilised in some or all countries, but not systematically at EU level.*

The Council invited the Commission, the EMCDDA and Europol to analyse the potential of supply indicators for which data are collected in individual Member States and assess the relevance and feasibility of their use for standardisation and implementation at EU level.

- (3) *Development of comparable key indicators and analytical approaches in the field of drug markets, drug-related crime and supply reduction.*

The Council Conclusions identified three important key indicators to be developed: the market, drug-related crimes and the responses to curtail both. Cultivation, which was mentioned separately in the EU Drugs Action Plan 2009-2012, is considered part of the drugs-markets key indicator.

Table 1 provides examples of potential indicators that could be part of a key indicator. The decision whether any of the indicators on this non-exhaustive list should be developed, and which ones, will be explored in discussions between experts and policy makers. Targeted research, financed by the EU, could help develop some of these indicators, which may involve considerable effort. The Commission will consider future research needs in the field of drug markets, drug-related crime and drug supply reduction as part of the relevant EU funding programmes²⁵.

Table 1 — Example of possible breakdown of key indicators in the field of drug supply

(1) Drug markets	(2) Drug-related crime	(3) Drug-supply reduction
<ul style="list-style-type: none"> • Consumption of drugs, including market share of different consumer groups and quantities consumed • Drug tablets • Price of drugs • Purity of drugs • Purity-adjusted price of drugs (retail, wholesale, 	<ul style="list-style-type: none"> • Arrest reports for use and possession of drugs • Sentencing outcomes for drug-related crimes • Burden of crime (economic and social cost, pressure on criminal justice system) • Prevalence of crimes that facilitate/involve large-scale, 	<ul style="list-style-type: none"> • Arrest reports for use and possession of drugs • Sentences for drug-related crimes • Incarcerations for serious crimes (e.g. high-level dealers) • Confiscation of proceeds of drug-related crime

²⁴ 9634/09; CORDROGUE 26, 8.5.2009.

²⁵ 7th RTD Framework Programme, Prevention of and Fight Against Crime Programme

production), per drug type <ul style="list-style-type: none"> • Availability of drugs • Main trafficking routes • Size of the illicit drug market — volume, revenues at different levels along the supply chain • Profitability of illicit drug markets (manufacturing, wholesale, retail) 	organised criminal activity <ul style="list-style-type: none"> • Money laundering related to drug-related crime • Drug-related corruption and bribery • Victimisation • Public nuisance 	<ul style="list-style-type: none"> • Anti-money laundering • Drugs and precursor seizures • Risk perception of offenders • Harm reduction in law enforcement interventions • Unintended consequences • Arrest referral • Court referral/alternative sentencing
--	---	---

Harmonising national systems for the collection of data which are not yet aggregated at EU level, or introducing additional systems, may be complicated and could require extensive resources.

The Commission services invite the EMCDDA to set up working groups in the fields of markets, crime and supply reduction to produce a technical analysis of existing data collection mechanisms, and to develop a plan for their improvement.

At this stage, it is not envisaged to establish new structures or parallel mechanisms for data collection at EU level, in order to further develop the collection of data in the field of drug supply. Full use should be made of existing organisations and structures, including Commission departments, the EMCDDA and Europol, while avoiding duplication. However, it is necessary to assess whether the existing data collection structures, in particular at national level, are fully equipped and fit for purpose to collect and report on high-quality drug supply data and information in the future. A gap analysis should be carried out to examine the need for additional data collection to meet the needs of the key indicators. The Commission invites the EMCDDA to carry out this analysis in cooperation with the technical experts. This analysis could be used to support the inclusion of drug supply data as part of the Statistical Programme 2013-2017.

In addition, in order to reduce the burden of data collection and reporting on existing structures, it is worthwhile exploring alternative data sources. One example of such an alternative source was identified in the study²⁶ conducted in preparation for this paper. The contractors distributed a short questionnaire to the members of the European Network of Forensic Science Institutes. The institutes were asked whether they routinely collected samples of drug seizures in their country with the aim of analysing purity. A large majority of the responding institutes indicated that they collected such samples every month, most of them more than 250 samples per month. Some 15 laboratories indicated that they had computerised databases with historical data, in some cases going back to 1980, and were willing to make this information available for analysis. This would be valuable for the development of an indicator on purity-adjusted prices. Similarly, the EMCDDA has engaged in close cooperation with forensic laboratories in the framework of the Early Warning System on new psychoactive substances.

²⁶ Tender JLS/2008/C2/001, section 3.3.1.

The following general principles should guide further work on improving data collection in the field of drug supply:

- Simplicity is crucial to the development of key indicators;
- Prior assessment of resource implications is essential before deciding on a final set of indicators;
- Distinction should be made between core data on indicators that are to be collected in all Member States and additional data that may be valuable for in-depth analysis but are currently only available in some Member States;
- Member States that share particular drug problems or drug-related crimes may consider working more closely together on developing specific information.

In addition, conditions must be created to ensure that developments actually take place in practice in this field. Experience from the past has provided some important insights:

- In order to facilitate cooperation between various law enforcement structures in Member States and at EU level, requests to change existing registration and data collection practices or to introduce new ones must be accompanied by clear explanations of the purpose;
- Any collection of data and information with the purpose of populating the key indicators in the field of drug supply must fully comply with the principles and regulations on data protection and respect the fundamental freedoms of EU citizens;
- Member States should assess their national drug supply data collection and reporting infrastructure to see whether it is up to fulfilling its tasks;
- Member States should appoint a single point of contact, responsible for the coordination of data collection in the field of drug supply at national level and for reporting to the EU level. The REITOX national focal point may prove suitable for this task. Single points of contact should be formally mandated to carry out their tasks.
- Consideration should be given to developing EU legislation on the collection and reporting of core data in the field of drug supply, including through the national statistical programmes, as part of the Community Statistical Programme;

Investment in the exchange of best practices in drug supply monitoring, the comparison and standardisation of methods, and training in monitoring skills is important.

6. CONCLUSIONS

The improvement of data collection in the field of drug supply is essential for the analysis of developments in markets and crime, and for measuring the effectiveness of law enforcement. Good-quality data is essential for drug-related research, policy evaluation and policy making.

The key indicators in the field of drug-demand reduction were developed 15 years ago, but are still not implemented in all Member States. Development of key indicators in the field of drug supply will not be an easier task. It can only be achieved by a joint effort and involvement of the Member States, the Commission, the EMCDDA and Europol based on an

assessment of needs and, where necessary, underpinned by legally binding acts. Building a consensus among the stakeholders across the EU will be essential for a successful implementation strategy.

The first European conference on drug supply indicators, a joint Commission-EMCDDA initiative, will bring together on 20-22 October 2010 experts and policy-makers to launch the technical work to develop sustainable options for monitoring drug markets, crime and supply reduction activities. The Commission invites the Council to take this work forward in line with the EU Drugs Action Plan.

The Commission in cooperation with the EMCDDA and Europol will monitor progress towards the development of the drug supply indicators as part of its assessment of the implementation of the EU Drugs Action Plan.

ANNEX 1– Model of drug-related crimes along the supply chain

