

5. In the light of the Commission's analysis and in the context of improving the competitiveness of business-related services, STRESSES in particular the need for action on a European level to:
- develop the internal market and competitive framework conditions for business related services in order to improve competition, strengthen market integration and meet global competitive challenges;
  - promote continuous learning and updating of skills of the labour force and stimulate the integration of ICT into business processes in order to improve productivity;
  - improve the understanding of linkages between business-related services and other sectors of the economy, in particular the manufacturing industries and the public sector;
  - improve statistical information: business-related services are of considerable economic importance to the EU. Better data and economic analysis constitute essential instruments for achieving better knowledge and determining policy choices. Improvements in statistical information should be achieved whilst minimising the overall administrative burden;
  - encourage R&D and non-technological innovation, the establishment of voluntary standards for services products and the further development of business-related services in regional and local markets;
6. LOOKS FORWARD to the development of a well targeted Action Plan for business-related services and accompanying timetable and WELCOMES the intention of the Commission to present this early in 2005 to complement the measures contained in the proposed Framework Directive on Services.

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### COUNCIL RECOMMENDATION

of 30 March 2004

#### regarding guidelines for taking samples of seized drugs

(2004/C 86/04)

THE COUNCIL OF THE EUROPEAN UNION,

Whereas:

Bearing in mind:

The 1961 United Nations Single Convention on narcotic drugs, as amended by the 1972 amending Protocol,

The 1971 United Nations Convention on Psychotropic Substances,

The 1988 United Nations Convention against illicit traffic in narcotic drugs and psychotropic substances,

The European Union Action Plan on Drugs 2000-2004, approved by the Feira European Council of June 2000,

The Council Decision 2001/419/JHA of 28 May 2001 on the transmission of samples of controlled substances <sup>(1)</sup>,

The guidelines on representative drug sampling adopted by the European Network of Forensic Science Institutes in November 2003,

(1) One of the objectives of the European Union is progressively to establish an area of freedom, security and justice.

(2) It is important within that area to comprehensively and effectively combat crime, including crime related to organised trafficking in drugs.

(3) The terms 'drugs' and 'psychotropic substances' are understood as the substances listed in the corresponding United Nations Conventions and any substance that is subject to control measures pursuant to Article 5(1) of Joint Action 97/396/JHA of 16 June 1997 concerning the information exchange, risk assessment and the control of new synthetic drugs <sup>(2)</sup>.

(4) The collection, analysis, and dissemination of objective, reliable and comparable data on the drugs phenomenon should be assured, as laid down in the European Union Action Plan on Drugs.

<sup>(1)</sup> OJ L 150, 6.6.2001, p. 1.

<sup>(2)</sup> OJ L 167, 25.6.1997, p. 1.

(5) The European Union Action Plan on Drugs considers that the Member States, through their forensic science laboratories, should exchange information on the analysis of the samples collected in synthetic-drug seizures.

(6) To this end, guidelines for taking samples should be taken into consideration.

(7) These guidelines should be practicable and not lead to excessive laboratory workload resulting in unacceptable turn around times.

(8) These guidelines should also aim at protecting the chain of custody of transmitted samples, with a view to ensuring, as far as possible, their admissibility as evidence in proceedings on drug-related crimes.

(9) Using such guidelines in these matters would help to improve judicial decisions and judgements, as well as facilitating the work of officials engaged in combating drugs at any level,

HEREBY RECOMMENDS Member States,

in the phase of sampling seized drugs for analytical purposes, to:

1. introduce, where this is not already done, a system of taking samples according to internationally accepted guidelines,

and to apply these guidelines, in particular in those cases where the results of the taking of samples is likely to be relevant for other Member States,

2. consider the European Network of Forensic Science Institutes guidelines of November 2003 on representative drug sampling as a good basis for guaranteeing the procedure for taking samples,

3. consider that the minimum standards for sampling of large international cases are

(a) a detailed report (description of samples, sample numbers, weighings, packages, origin, external characteristics, appearance, pictures, etc) on the seizure by the law enforcement authorities, for the use of the forensic experts and the court;

(b) a sampling technique based on the hypergeometrical or Bayesian methods, 95 % confidence level and 50 % proportion level (at least half of the items) or the method recommended by UN,

4. consider that the minimum standards for sampling used in one Member State may be taken into consideration in other Member States, in accordance with national legislation,

5. adopt appropriate measures to guarantee the chain of custody in transmission of samples.

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