



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 27 October 2011

15911/11

CORDROGUE 68

OUTCOME OF PROCEEDINGS

of: Meeting of the Horizontal Working Party on Drugs
on: 4 October 2011
Subject: Summary of discussions

1. Adoption of the agenda

The agenda set out in document CM 4539/1/11 REV 1 was approved with the addition of the following points under AOB:

- Western Balkans matrix project;
- COPOLAD conference;
- EU-Eastern Europe conference.

2. Information concerning the proceedings of other EU bodies

The Presidency explained that the COSI meeting of 8 September 2011 accepted the main provisions of the European pact against synthetic drugs. The Presidency also informed the delegates about the meeting of the COSI support group on 12-13 September 2011 on the strategic goals related to the EU's priorities for the fight against organised crime between 2011 and 2013 noting that among seven suggested strategic goals on the priority "Synthetic drugs", two concerned new psychoactive substances.

3. European Pact Against Synthetic Drugs – information by the Presidency

The Presidency gave an overview of the European pact against synthetic drugs, contained in doc. 13286/4/11 REV 4 JAI 544 COSI 58 CORDROGUE 58 ENFOPOL 263 CRIMORG 120 JAIEX 76 UD 213 explaining that the Pact was not discussed in the HDG as it did not have a horizontal aspect and that the Pact should be adopted at the Council on 27 October 2011. Several delegations called for coherence between discussions on synthetic drugs in COSI and in other groups.

4. New psychoactive substances

The Presidency stated that the current EU activities to tackle new psychoactive substances were not sufficient and declared a wish to look for a possible European approach to this phenomenon.

a. New psychoactive substances (legal highs) phenomenon in the EU - current state of play. Legal and epidemiological approach

A representative of the EMCDDA said that designing new drugs was not a new phenomenon, but their variety was quickly increasing with 41 new substances being notified last year. The speaker informed the meeting that this year 35 new substances were found so far (mostly by Finland and the United Kingdom), that the number of synthetic cannabinoids was increasing and that internet contributed much to the spread of new substances. According to him, this phenomenon would not disappear in the future and the majority of new substances are foreseen to be stimulants. The speaker claimed that little was known about the epidemiology of new substances, however, studies began to appear which showed that prevalence levels were not dramatic (but could be higher in some countries or some sub-populations). By 2010, there were over 600 of substances controlled in the EU, although the situation in individual Member States and legal instruments used varied a lot. According to the expert, countries were attempting to strengthen responses to this challenge. However, evidence shows that after a ban the levels of use of new substances drop but do not disappear. With regard to the early warning system, there is a need to become proactive rather than reactive and the assessment process could start from the moment of notification.

b. Composition of new psychoactive substances – National Medicines Institute, Poland

The PL delegation presented the Polish approach towards detection and evaluation of the new psychoactive substances. The speaker noted that in 2008 two shops were selling designer drugs in Poland while in 2010 this number rose to 1378, therefore in October of 2010 3576 controls were conducted and 12030 samples were taken by sanitary inspectors. The analysis of the samples demonstrated an astounding variety of so-called legal highs and the majority of samples contained two or more psychoactive substances (90 compounds were identified in the samples, 55 of them psychoactive), the interaction of which was never explored before. As the speaker explained, the products carrying the same name did not necessarily contain the same substances and there were also differences found between capsules/tablets in the same package with some samples also containing substances already controlled in Poland. She informed the meeting that as the result of the analysis Polish drug legislation was amended, which reduced significantly the number of hospitalisations related with consumption of new psychoactive substances. However, new derivatives kept on appearing.

c. Measures undertaken by EU Member States

The AT delegation gave an overview of the draft law on so-called legal highs which would use the generic definitions and would also foresee sentences of imprisonment for manufacturers and sellers of these substances. The new law should come into force on 1 January 2012 and the market of new psychoactive substances will be closely monitored as far as there are no measures to ban the phenomenon completely.

The BE delegation informed the meeting that in Belgium there were no provisions yet on any synthetic cannabinoids and only a few on synthetic cathinones (e.g. mephedrone), however, steps were taken towards a fast entry of some individual compounds on the list of psychotropic substances. He noted that the biggest problem for law enforcement officers was the absence of any specific legislation on the so-called legal highs, but in the future such legislation would be drafted. The relatively low consumption of these substances in Belgium might explain the absence of specific legislation. The expert also said that Belgium was an important country for production and distribution of so-called legal highs, most of them supposedly being imported to Belgium from China, then packed and distributed to other countries.

The IE delegation explained that in 2008-2009 the number of headshops highly increased with 102 outlets being established across the country and that in the course of 2010 the new psychoactive substances became a serious problem. The shops were open late in the evening and both internet and radio was used for their advertisement. People who would never buy drugs from dealers were buying the new psychoactive substances because they presumed these products to be safe and having passed a certain control before being placed on the market. As the speaker explained, society protested against these new substances by organising protests against outlets and a major public conference as well as submitting petitions to ministers. He informed the meeting that this problem was tackled through awareness raising campaign and legislation: over 200 products were put under control (generic groups of products) and criminal offences were imposed for the import, export, production, supply or possession of these products. The results were positive: 14 headshops out of 102 are still operating, but are monitored by police and do not sell psychoactive substances.

The RO delegation informed the meeting that in Romania a number of awareness raising campaigns were organised especially targeting teenagers and legislative measures were taken to put 34 new psychoactive substances and 9 plants with psychoactive effects under national control. The speaker presented the results of the population survey conducted in 2010 to determine the prevalence of new psychoactive substances in the country: lifetime prevalence was equal to 1.9%, last 12 months prevalence - 1.1% and last month prevalence - 0.6%. He gave an overview of the recent plan for countering the sale and consumption of new substances, which was structured on three main levels of intervention: legislative and organisational, operative and prevention measures, the implementation of which resulted in the decrease of so-called “dream shops” from 158 to 49 during the period of April-August 2010.

The ES delegation informed the meeting that in Spain there was no specific legislation on the so-called legal highs but some control existed. She presented the results of the 2010 state survey on drug use among secondary school students in Spain in which a new model on new drugs (ketamine, spice, mephedrone, so-called legal highs and others) was introduced to determine if they posed a risk to the society and their relation to the use of other drugs. The results indicated that 3.5% of respondents had tried one or more new drugs in their life, while 2.5% of respondents tried them last year and 1.3% over the last 30 days and that 40%-50% of youngsters were not aware of the risk associated with consumption.

The survey also demonstrated that in general the use of new drug was low as they were not very fashionable in Spain and because the use of alcohol, cannabis and cocaine posed the main problems for the young generation.

The UK delegation said that the British experience with new drugs started with mephedrone which spread very quickly across the country and caused six deaths in 2010. The survey completed after the national ban of mephedrone indicated the prevalence of mephedrone in the UK similar to that of ecstasy and power cocaine. The speaker informed the meeting that in 2010 18 new substances were identified in the UK and that in response new legislation was drafted as a part of the police reform. It proposes a special procedure allowing to put an immediate temporary ban for 12 months, which would give enough time for the Advisory council to examine the new substance in detail. This draft legislation should be deliberated in the Parliament the next month. Some awareness raising campaigns were organised and wider powers were given to teachers to search and confiscate the new substances in schools.

The BG delegation said that a decision was taken to draft legislation regulating the new psychoactive substances in Bulgaria and that 25 of these new substances were criminalised and 20 other substances would soon be added to this list.

The HU delegation explained their difficulties in dealing with the new psychoactive substances in Hungary, some of which were the lack of scientific data and relevant legal provisions. A special unit was established in Hungary to deal with this phenomenon.

The DK delegation stated that in Denmark there was a system of individual classification of the substances which worked very well until now, but draft legislation on the generic classification system had been prepared. It was not clear if the new government would accept the introduction of such a system.

The SK delegation informed the meeting about the recent legislative measures taken to fight against the new psychoactive substances, including powers given to the Ministry of Health to issue a list of potentially harmful substances which would be placed under quarantine. These new legislative measures should be discussed in the national parliament by 2012.

d. Discussion on new psychoactive substances and the evaluation process of the Council Decision 2005/387/JHA on the information exchange, risk assessment and control of new psychoactive substances

The Presidency invited the delegations to debate how to make the fight against the new psychoactive substances more efficient (doc. DS 1570/11) and informed the meeting that Council conclusions on this issue would be submitted to the next HDG meeting.

The Presidency proposed coming up with an EU approach on the new psychoactive substances rather than focusing on national efforts and a number of delegations supported this proposal. The Presidency suggested amending the Council Decision 2005/387/JHA instead of creating new legal instruments to solve this problem. The speaker explained that based on the PL experience a temporary ban on a new substance could be introduced in all Member States by national legislation which would give time for analysing the substance and taking a final evidence-based decision. The representative of the COM said that amending the Council Decision 2005/387/JHA instead of drafting new legislation could be an option, but also noted that with the entry into force of the Treaty of Lisbon the legal framework had changed.

Some delegations insisted on the importance of the definition of new psychoactive substances in the context of the discussion on the coordinated EU response to this phenomenon and inquired if there were plans to come up with such definition. A number of delegations expressed their support for such an action and a question was also raised if in such a case the generic or analog approach should be adopted. The representative of the COM said that the Commission would explore this issue, also noting that definitions depend on what one wants to achieve - to ban all the substances having psychoactive effect or only those damaging health, therefore the goals should be cleared before making a decision. The representative of the EMCDDA said that definitions of generic and analog legislation were provided in the EMCDDA publications and that there was no definition of psychoactive substances in the UN conventions.

A delegation noted that it did not consider this phenomenon as being of major importance and emphasised that this was about legal markets.

5. Report from the dialogue on drugs with Armenia and Moldova

6. Report from the dialogue on drugs with Georgia and Azerbaijan

The Presidency reported on the meeting with Armenia and Moldova held on 7 May 2011 (see doc. 14510/11 CORDROGUE 63 COEST 313) and on the meeting with Georgia and Azerbaijan held on the same date (see doc. 14511/11 CORDROGUE 64 COEST 314) emphasising the importance of such meetings with these countries which were immediate EU neighbours. The Chair highlighted that Azerbaijan requested help in implementing their anti-drug strategy.

7. Preparation for the dialogue on drugs with Ukraine

The Presidency presented the agenda of the forthcoming EU-Ukraine dialogue on drugs, to be held on 5 October 2011, contained in doc. CM 4538/11.

8. AOB

a. Responses to the Bolivian withdrawal from the 1961 UN Single Convention on Narcotic Drugs

The UK delegation indicated that they had not yet adopted their final position concerning the above mentioned issue and that they were concerned about the consequences of such an action for the production of cocaine in Bolivia and for international law as this could set a dangerous precedent. Some delegations supported this position saying that such a precedent could weaken international conventions and one delegation noted that it would also be a problem if Bolivia would not re-join the convention. Many delegations explained they were still examining how to react. The Presidency informed the meeting that this issue would be discussed in more detail during the November HDG meeting.

A representative of the EEAS explained that the Bolivian coca leaf study financed through the Instrument for Stability and consisting of two larger and six smaller studies was already completed, but not yet published and a delay of around three months was expected.

b. Western Balkans matrix project

The DE delegation informed the meeting about an initiative to draft a Western Balkans matrix (contained in doc. DS 1579/11), based on the example of the West Africa matrix and accessible also to important partners and the EU institutions and agencies. The speaker invited other delegations to comment on this proposal.

c. COPOLAD conference

The ES delegation informed the meeting about the forthcoming COPOLAD conference on synthetic drugs in Latin America to be held in Cartagena de India, Colombia, on 1-4 November 2011.

d. EU-Eastern Europe conference

The Presidency reminded the meeting about the EU-Eastern Europe conference "Combating drug crime" to be held on 26-27 October 2011 in Warsaw and invited those who had not yet registered to do so.
