



NEWS RELEASE from the EU drugs agency in Lisbon

FOR PUBLICATION 26 JUNE: INTERNATIONAL DAY AGAINST DRUG ABUSE AND ILLICIT DRUG TRAFFICKING

OUT TODAY: EMCDDA STUDY ON DRUGS AND ROAD SAFETY

EU consensus on the criminality of drug driving – but wide differences nationally on appropriate responses

(26.6.2003) A study out today reveals a strong **EU**-wide consensus that drug driving should be a criminal offence. But it also indicates that national criteria for reaching this conclusion and the penalties set down in law are remarkably diverse.

Today's study – *Drugs and driving* – comes from the **EU** drugs agency, **the Lisbon-based EMCDDA**, and echoes growing public concerns on this topic. It gives an overview of the legal measures used to tackle the problem in the **EU** Member States and **Norway**.

The study focuses on specific concerns about driving under the influence of psychoactive substances. The agency says that, although driving under the influence of *alcohol* is already established as an offence in all **EU** countries, until now 'drug abuse has not always been addressed'. But, throughout the '90s, national and international bodies carried out increasing research on this topic 'to assess prevalence, effects, and various legal methods of control'.

The study adds: 'The public are equally concerned – the Eurobarometer survey of young people across Europe in spring 2002 found that 79.4% of respondents agreed that police should test for drugs at the same time as alcohol.'

Under the **EU** action plan on drugs (2000–2004), the European Commission and Member States are investigating the effects of various psychotropic substances and/or narcotics on performance behind the wheel. This supports a 1991 Council Directive ⁽¹⁾ which refers to psychotropic substances affecting fitness to drive. It states: 'Driving licences shall not be issued or renewed for applicants or drivers who are dependent on psychotropic substances or who are not dependent on such substances but regularly abuse them'.

The issue of drugs and driving is a complicated one, due to the wide range of psychoactive substances that may affect motorists' performance, including both illicit drugs and pharmaceutical medicines. There is no clear consensus at present as to which of these should be included in the legislative framework.

Responses across EU Member States

Legislation on drugs and road safety needs to be both enforceable and credible. Factors to be considered when establishing laws include: the availability of practical and reliable drug testing; the impact of drugs and driving on public safety; and countries' attitudes towards consuming illegal drugs. Laws differ widely from Member State to Member State.

Some countries have developed methods to detect whether a person is 'under the influence' of drugs at the time of driving, but the study says this is 'not easy to prove scientifically'.

In other countries, an alternative approach is used which penalises *any* amount of drug detected (i.e. zero tolerance). But here, although drugs may be detected in a motorist, he or she may not be 'under the influence' at the time, and their driving may not have been affected at all. This is because certain metabolites can be detected for days or even weeks after taking the drug.

Some laws stipulate that a driver has to be 'adversely affected' (e.g. poor driving) in order to be considered guilty of an offence, while others simply mention being affected by a drug. In the latter case, a person could be punished for having taken a controlled substance (e.g. painkillers) in order to be well enough to drive a vehicle.

Country by country

Thirteen countries (B, DK, D, E, EL, F, IRL, L, NL, FIN, S, UK and Norway) treat the combination of drugs and driving as a criminal offence. Five countries (B, F, L, FIN, S) operate 'zero tolerance', whereas eight (DK, IRL, I, NL, A, P, UK and Norway) use impaired driving skills as the deciding factor for the offence.

Germany and **Spain** appear to link the status of the offence to the existence of a substance in, and its effects on, the individual. In these two countries, detection of *any* traces of a drug (zero tolerance) gives rise to an administrative offence, but impaired driving skills are required for a criminal charge to be applied. In this way, they operate both systems of tolerance.

Ten countries (DK, D, E, EL, IRL, I, L, NL, UK and Norway) do not specify what substance might be the cause of an offence. However, the study says that, in countries that *have* chosen to specify the substance, it is not always clear how they can legally react to a person found to be driving under the influence of a *newly created* synthetic drug.

Eight countries (B, DK, D, ES, L, P, FIN and Norway) allow stopping for testing in any situation, such as random traffic checks, whereas six (F, IRL, NL, A, S, UK) require some form of suspicion before a vehicle can be stopped. Custodial sentences available to the authorities range from none in **Austria** to up to five years in **Germany**. In **Spain**, motorists may be punished by a series of weekend restrictions over a period of several months.

Driving licences can be suspended for a few weeks or months – as in **Austria** and **Germany** – to a maximum of five years – as in the **Netherlands** and **Finland** – or a minimum of two years – as in **Ireland**. The range of fines for such an offence also varies widely – from a few hundred euros to a maximum of €7 000 in the **UK** and €10 000 in **Belgium**.

A need to work together

This **EMCDDA** comparative analysis of road safety laws across the **EU** reveals a strong consensus among Member States that endangering the safety of other road users by driving under the influence of drugs is serious enough to be a criminal offence. However, the criteria by which countries come to this conclusion, and the level of the penalty available to the authorities, remain remarkably diverse across the EU.

Commenting on today's study, **EMCDDA Executive Director Georges Estievenart**, said: 'Drugs and driving has become a hot topic in recent years and there is increasing information available on Europeans who take to the road under the influence of drugs, whether illicit or medicinal. Countries already concur that combining drugs and driving is a crime. They now need to work together to determine the most efficient tests and laws to keep European roads safe.'

The **EMCDDA** is issuing this study on the UN International day against drug abuse and illicit drug trafficking.

(¹) Council Directive 1991/439/EEC of 29 July 1991, Annex 3.

Note to editors

The full study, *Drugs and driving*, can be seen via the **EMCDDA**'s European Legal Database on Drugs <http://eldd.emcdda.eu.int>

An earlier literature review commissioned by the EMCDDA on the relation between drug use, impaired driving and traffic accidents can be found at http://www.emcdda.eu.int/situation/themes/problem_drug_use.shtml

The **EU** is also working with the Council of Europe's Pompidou Group, whose latest report 'Problems raised by the use/abuse of psychoactive drugs by drivers' can be found at: http://www.coe.int/T/E/Social_Cohesion/pompidou_group/5.Publications

Other research and projects funded by the **EU** include:

- Roadside Testing Assessments (<http://www.rosita.org>)
- Conception and Evaluation of Roadside Testing Instruments to Formalise Impairment Evidence in Drivers (CERTIFIED), a project coordinated by the University of Leeds, UK
- Impaired Motorists, Methods of Roadside Testing and Assessment for Licensing (IMMORTAL) project at <http://www.immortal.or.at>

For more on UN International day against drug abuse and illicit drug trafficking, see <http://www.unodc.org>

This news release can be downloaded in English, French and Portuguese from: http://www.emcdda.eu.int/infopoint/news_media/newsrelease.cfm