European Monitoring Centre for Drugs and Drug Addiction

FACT SHEET from the EU drugs agency in Lisbon

NEW LEGAL INSTRUMENT ON PSYCHOACTIVE SUBSTANCES

Council adopts decision broadening scope of EU action on new drugs

(10.5.2005) The Council of the European Union has approved a legal instrument today that broadens the scope of EU action on new substances appearing on the drug scene in the Member States.

The 'Council decision on information exchange, risk assessment and control of new psychoactive substances' ([1]), developed under the Italian, Irish and Dutch presidencies in 2003 and 2004, replaces the 1997 Joint action ([2]), which was devoted exclusively to new synthetic drugs. As its name suggests, the new instrument maintains the three-step procedure of the Joint action.

Today's decision allows the EU to now act on all new psychoactive substances (narcotic, psychotropic) which appear in the Member States and which may pose similar health or social risks to those listed in the Schedules to the 1961 UN Single Convention on Narcotic Drugs and the 1971 UN Convention on Psychotropic Substances.

The instrument not only covers a wider range of substances than before but also promises fast and more transparent results. According to the text: 'The introduction of deadlines into every phase of the procedure established by this Decision should guarantee that the instrument can react swiftly and enhances its ability to provide a quick-response mechanism'. On transparency, the EMCDDA and Europol are required to report annually to the Council, Parliament and the Commission on 'the efficacy and achievements of the system'.

Another innovation of the new instrument is that, unlike the Joint action, it also provides for the collection and exchange (but not control) of information on medicinal products diverted from their legitimate use. Here the London-based European Medicines Agency (EMEA) is set to play a more active role by assessing with the European Commission, and in close cooperation with the EMCDDA, the need for further action on these products.

This Council decision has its roots in the last EU action plan on drugs (2000–2004), which called on the European Commission to launch an external evaluation of the 1997 Joint action. The results of this evaluation (2002) showed that the instrument had largely fulfilled the expectations of the Member States and the EU institutions – particularly as regards the early-warning system – but required reinforcement and re-orientation. Specifically the evaluation called for greater transparency and clarification of the Joint action's procedures and definitions and for an assessment of its scope.

As was the case under the Joint action, the EMCDDA and Europol will continue to be key players in implementing this new instrument, particularly in exchanging information through an early-warning system.

([1]) Doc. 7003/05 CORDROGUE 16 OC 134.

([2]) Joint action of 16 June 1997 concerning the information exchange, risk assessment and the control of new synthetic drugs [*Official Journal* L 167, 25.06.1997]. For more see http://www.emcdda.eu.int/?nnodeid=1346

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