



FACT SHEET from the EU drugs agency in Lisbon

EMCDDA PROMOTION: NEW COMPARATIVE STUDY

Overview of legal approaches to drug use and possession in the EU

(11.2.2005, LISBON) 'The use of illicit drugs in the EU – Legislative approaches', is the title of a new study out today from the EU drugs agency (EMCDDA). The paper offers an overview of the current legal provisions on the use and possession of drugs for personal use in the EU Member States.

International framework

The first part of the study focuses on the international legal framework governing drug use and possession, namely the United Nations Conventions (1961, 1971 and 1988). The study explains that while the three Conventions govern international drug control, it is the responsibility of the signatory countries to translate them into domestic law. All 25 EU countries have ratified and implemented the UN Conventions.

The Conventions invite signatory countries to prohibit the use of drugs for any other purpose than medical or scientific (e.g. possession, acquisition, distribution...). Yet the study shows how they afford countries discretion in determining penalties to be applied to possession for personal use only.

Monitoring how countries apply the UN Conventions is the job of the International Narcotics Control Board. Among others, the study describes the position of the Board on recent changes in drug law in Western Europe.

The EU also distinguishes between possession for trafficking and for personal use. In November 2003, following a Commission proposal, the Council of Ministers reached a political agreement on a framework decision on drug trafficking. This sets out a common definition of drug trafficking and lays down recommended minimum penalties for this offence in the EU. It excludes possession of drugs for personal use.

National legislation

The second part of the study offers a summary of the various legal approaches to the personal use of drugs at national level. These range from tolerance of the use of certain drugs to penal sanctions for any use of any substance. Also explored are the concepts of decriminalisation and depenalisation of drug use as well as the relationship between penal and health interventions.

The study concludes that, in many countries, personal use of illicit drugs is considered a relatively minor offence, incompatible with custodial sanctions. However, it says that it would be a mistake to interpret this as a 'relaxation' or a 'softening' of drug laws in the EU. Indeed, countries that have modified their laws stress that their intention is not to regulate use, let alone to legalise it, but to modify and adapt the State's response to conduct that remains illegal. And many of the 10 new EU Member States still consider use or possession for personal use as a criminal offence punishable by sanctions of 'deprivation of liberty' (e.g. imprisonment).

The paper, which contains extracts of national drug laws in 25 countries and comparative tables, was compiled by the EMCDDA in cooperation with leading experts in the field.

For further information see <http://www.emcdda.eu.int> • Contact: Danilo.Ballotta@emcdda.eu.int