

Council adopts its position on the reform of the new psychoactive substances legislation

On 8 December, the Council adopted its position on a package reforming the legislation on new psychoactive substances (NPS) as well as improving the information exchange, early warning system and risk assessment procedure at EU level. The Council is now ready to start negotiations with the Parliament to agree on the reform.

The package will allow for a more effective and efficient EU response to the new psychoactive substances, which appear on the EU market at unprecedented pace, posing a risk to public health and safety. In particular, it will streamline the procedure followed at EU level to assess the potential negative effects of a new psychoactive substance and decide on a possible ban. Moreover, the package foresees a reduction from 12 to 6 months of the time given to member states to implement the decision on banning of new psychoactive substances.

Lucia Žitňanská, minister for Justice of Slovakia said : "With this new package, if agreed with the Parliament, we would be able to cut by almost half the time needed to assess and possibly decide on the European ban of new psychoactive substances should they represent a severe danger for public health".

The package is composed of an amendment to the founding regulation of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) regarding information exchange, early warning system and risk assessment procedure on psychoactive substances and a directive amending the Council framework decision from 2004 on the minimum provision on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking.

Next steps

With the adoption of this general approach on the package, the Council is now ready to start negotiations with the European Parliament with a view of finding a final agreement.

Background

The need for an amendment to the legislation on psychoactive substance was brought by the quick and massive growth in new psychoactive substances, at global level and in Europe. In 2015, 98 new psychoactive substances were reported for the first time to the EU Early Warning System (EWS), bringing the total number of new substances monitored to more than 560 - with more than 400 (70%) of these detected in the last five years alone.

The current procedure at EU level, defined in the Council Decision 2005/387/JHA, foresees that EMCDDA and Europol draft reports on NPS which cause major concern. If these reports prove the dangerousness of the substances, the European Commission can propose a ban at the EU level. The ban is decided by the Council after consultation of the Parliament.