



European Monitoring Centre
for Drugs and Drug Addiction

EUROPEAN
COMMISSION



The European Union and the drug phenomenon:

FREQUENTLY ASKED QUESTIONS

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Cataloguing data can be found at the end of this publication.
Luxembourg: Publications Office of the European Union, 2010
ISBN 978-92-9168-449-6
doi:10.2810/38603

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Printed in Belgium

PRINTED ON WHITE CHLORINE-FREE PAPER



European Monitoring Centre
for Drugs and Drug Addiction

Cais do Sodré, 1249-289 Lisbon, Portugal
Tel.: +351 211210200 • Fax +351 218131711
info@emcdda.europa.eu • www.emcdda.europa.eu

Contents

1. What are the competences of the EU in the field of drugs under the Lisbon Treaty?
2. Who are the main actors of EU drugs policy?
3. What are the main features of the 'European approach on drugs'?
4. What is meant by drug demand reduction?
5. What is meant by drug supply reduction?
6. Why are the EU drugs action plans important?
7. Are the EU drugs action plans evaluated? How?
8. How does the EU deal with precursors?
9. How does the EU act at international level on drugs issues?
10. What assistance does the EU provide for candidate and potential candidate countries?
11. What assistance does the EU provide for European Neighbourhood Policy (ENP) partners?
12. What does the EU do regarding new psychoactive substances?
13. What is the Early warning system?
14. Where can I find information on national and EU drugs legislation?
15. What about civil society?
16. What is Reitox and what is a national drugs observatory?



Respect for fundamental rights, protection of public health, well-being, social cohesion and security are the objectives that guide the actions taken by the European Union in the field of illicit drugs. The EU drugs strategy 2005–12 provides the framework for enhanced coordination between action taken at national, EU and international level and commits the members of the EU to tackle illicit drugs by striking a balance between reducing supply and demand.



This publication brings together some of the key frequently asked questions on the EU's drugs policy and how it functions. Further details can be found via the websites and other links provided at the end of each answer.

1. What are the competences of the EU in the field of drugs under the Lisbon Treaty?



The Treaty of Lisbon, which entered into force on 1 December 2009, provides the Union with simplified working methods and voting rules, streamlined and modernised institutions, fit for an EU of 27 Member States. Two articles explicitly mention drugs: Article 83 TFEU and Article 168 TFEU. Pursuant to Article 83, the EU can approximate the definition of drug trafficking offences and the related sanctions thereof. According to Article 168, the EU shall complement the Member States' action in reducing drugs-related health harms, including action on information and prevention, and encourage cooperation between them. The Commission, in close contact with the Member States, may take initiatives aimed at establishing guidelines and indicators, organise exchange of best practice and prepare periodic monitoring and evaluation.



The Treaty of Lisbon also covers illicit drugs indirectly in other policy fields, for example trade or internal market.

The text of the Treaty of Lisbon is available at: <http://eur-lex.europa.eu/en/index.htm>

2. Who are the main actors of EU drugs policy?



Key players at EU level are the Council of the European Union (Member States), the European Commission and the European Parliament. EU agencies such as the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) and Europol play a crucial role, as do the European Centre for Disease Prevention and Control (ECDC), the European Medicines Agency (EMA) and Eurojust.

For more information, see:

European Commission:

http://ec.europa.eu/justice/policies/drugs/policies_drugs_intro_en.htm

EMCDDA: <http://www.emcdda.europa.eu>

Europol: <http://www.europol.europa.eu>

ECDC: <http://www.ecdc.europa.eu>

EMA: <http://www.ema.europa.eu>

Eurojust: <http://www.eurojust.europa.eu>



3. What are the main features of the 'European approach on drugs'?

The EU has, since the 1990s, developed a 'European approach on drugs' which is reflected in the EU drugs strategies and drug action plans. This approach is comprehensive and multidisciplinary, focusing simultaneously on two pillars: drug-demand reduction and drug-supply reduction, as well as on three cross-cutting themes: international cooperation, coordination and information, and evaluation and research.

For more information, see:

<http://register.consilium.europa.eu/pdf/en/04/st15/st15074.en04.pdf>

4. What is meant by drug-demand reduction?

Drug-demand reduction covers a broad range of measures to address substance use. It includes prevention measures for the general public or for specific target groups. It also implies drug treatment for those who have developed drug dependence. Harm reduction includes specific measures to prevent and reduce the spread of blood-borne infectious diseases and avoid drug-related deaths, but also aims to increase the number of drug users that receive health and social care. Rehabilitation and reintegration are aimed at bringing (dependent) drug users back into society, in particular those who have been socially marginalised and excluded.

5. What is meant by drug-supply reduction?

The EU action on drug-supply reduction aims at preventing and reducing drug-related crimes, including production and trafficking of drugs. EU Member States' law enforcement agencies cooperate in the fight against drug production and trafficking by carrying out joint investigations or customs operations. At EU level, policies on anti-money laundering and confiscation of assets also help combat drug-related crime. In recent years, Member States and the Commission have increasingly worked together to disrupt drug trafficking along major supply routes to Europe, in particular from Latin America via West Africa and from Afghanistan via Central Asia, Russia and the Western Balkans.

6. Why are the EU drugs action plans important?

The EU drugs action plans are the instruments through which the EU drugs strategy is implemented. They contain specific objectives, actions and indicators covering all relevant policy areas. The action plan serves as a coordinating tool providing the framework for cooperation or joint action on illicit drugs in the EU. Despite the differences in approaches to illicit drugs, cultural traditions and policy responses, drug policies in the EU Member States are increasingly converging, while still respecting the principle of 'Unity in diversity'.

For more information, see:

http://ec.europa.eu/justice/policies/drugs/policies_drugs_intro_en.htm





7. Are the EU action plans evaluated? How?

The EU action plans on drugs are evaluated. In 2008, the Commission evaluated the EU drugs action plan 2005–08 — the first action plan implementing the EU drugs strategy for 2005–12. By 2012, the EU drugs strategy and the EU drugs action plan 2009–12 will also be subject to an independent evaluation.

The Commission also publishes an annual assessment of the implementation of the action plan. This involves gathering information on progress to date from the EU Member States, the EMCDDA and Europol. To assess the impact of the EU's policy on drugs in the Member States, the evaluations also include surveys that take into account developments at national level.

For more information, see:

http://ec.europa.eu/justice/policies/drugs/policies_drugs_intro_en.htm

8. How does the EU deal with precursors?

Drug producers need chemicals called 'precursors' to manufacture illicit drugs such as heroin, cocaine, ecstasy or amphetamines. There is no production of many illicit drugs without drug precursors. Many of these drug precursors have wide legitimate uses (e.g. in the synthesis of plastics, pharmaceuticals, cosmetics, perfumes, detergents or aromas), but can be diverted from the licit distribution channels.

The EU and all EU Member States are Contracting Parties to Article 12 of the UN 1988 Convention. Legislation on the prevention of diversion of drug precursors from the trade between the EU and third countries as well as intra-EU trade is adopted at EU level and is directly applicable in the EU Member States. By enforcing the EU drug precursor legislation (¹), the EU strives to prevent the diversion of drug precursors through the control and monitoring of their legitimate trade. This involves not only close cooperation between the competent national authorities (notably health, police and customs agencies) but also close cooperation with the private sector and third countries.

Some important drug precursors are produced in third countries. Therefore, the EU is increasingly entering into agreements with the countries concerned to help prevent the diversion of drug precursors. Finally, the EU cooperates actively with UN bodies dealing with drug precursors, including the United Nations Office on Drugs and Crime (UNODC) and the International Narcotics Control Board (INCB).

For more information, see:

http://ec.europa.eu/taxation_customs/customs/customs_controls/drugs_precursors/index_en.htm

⁽¹⁾ Council Regulation (EC) No 111/2005; Regulation (EC) No 273/2004; Commission Regulation (EC) No 1277/2005.

9. How does the EU act at international level on drugs issues?

The EU cooperates with and supports the international organisations working in the field of drugs. Moreover, cooperation in the field of drugs, based on the principle of shared responsibility, proportionality and with full respect for human dignity and human rights, is an integral part of agreements with countries and regions throughout the world. The EU provides support to and coordinates with third countries on demand reduction, supply reduction, alternative development for drug producers, information and capacity building against drug trafficking. This assistance covers EU candidate and potential candidate countries, as well as countries that are part of the stabilisation and association process (such as Croatia, Turkey and the countries of the Western Balkans region). It also helps the countries that are part of the European Neighbourhood Policy ⁽²⁾ and Russia to cooperate more closely on drugs through technical assistance programmes such as TAIEX. In addition, the EU has developed and financed a range of drugs-related projects in Latin America, the Caribbean and West Africa, to improve cooperation along the cocaine trafficking route, and in Afghanistan and Central Asia along the heroin route.

At international level, the EU works closely together with and is a major donor for international partners such as UNODC, INCB, UNAIDS, the World Health Organization (WHO), the Council of Europe and the World Customs Organization (WCO). Finally, the EU participates actively in the work of the United Nations Commission on Narcotic Drugs in Vienna, where the EU Member States work together to act as a coherent group of nations.

10. What assistance does the EU provide for candidate and potential candidate countries?

The EU provides technical assistance to help candidate and potential candidate countries ⁽³⁾ to develop the structures, strategies, human resources and management skills needed to strengthen their economic, social, regulatory and administrative capacity.

The Instrument for Pre-accession Assistance (IPA) provides funding for all pre-accession activities covering: transition assistance and institution building; cross-border cooperation; regional development; human resources development; and rural development. In the field of drugs, IPA supports the technical cooperation between the EMCDDA and Turkey, Croatia and the Western Balkans.

The Technical Assistance and Information Exchange Instrument (TAIEX) provides short-term technical assistance in the form of seminars, expert and study visits, training etc.

For more information, see: http://ec.europa.eu/enlargement/how-does-it-work/technical-assistance/index_en.htm and http://ec.europa.eu/enlargement/taieux/index_en.htm

⁽²⁾ European Neighbourhood Policy countries are: Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Occupied Palestine Territories, Syria, Tunisia and Ukraine.

⁽³⁾ Candidate countries are: Croatia, Former Yugoslav Republic of Macedonia, Iceland and Turkey; potential candidate countries are: Albania, Bosnia-Herzegovina, Kosovo under UN Security Council Resolution 1244, Montenegro and Serbia.





11. What assistance does the EU provide for the European Neighbourhood Policy (ENP) partners?

The ENP action plans place drugs cooperation within the framework of the fight against organised crime and regional cooperation as well as national efforts to develop adequate prevention, treatment and rehabilitation programmes. The TAIEX instrument is at the disposal of ENP countries and Russia to help build capacity to formulate strategies.

The European Neighbourhood Policy and Partnership Instrument (ENPI) provides funding to support reforms in the ENP countries and funds are allocated according to the priorities and needs agreed together with the beneficiary countries in the individual country programmes.

The Commission encourages the ENP partners to use the ENPI to implement the drugs priorities under the ENP action plans. Cooperation between the ENP countries and the EU agencies, such as the EMCDDA, is encouraged.

For more information, see: http://ec.europa.eu/world/enp/faq_en.htm

12. What does the EU do regarding new drugs?

In the EU, new psychoactive substances — mostly synthetic — emerge on a regular basis in the drugs market, in particular in the recreational and clubbing circuit. These new, unknown and untested substances may pose health risks for consumers. Council Decision 2005/387/JHA of 10 May 2005 on the information exchange, risk assessment and control of new psychoactive substances enables the EU institutions and Member States to evaluate the risk of new and potentially threatening narcotic and psychotropic drugs (natural and synthetic alike) that appear on the European drug scene. It also enhances their capacity to detect and monitor new trends in drug use. A new psychoactive substance is defined as a new narcotic or psychotropic drug, in pure form or in preparation, that is not controlled by the 1961 United Nations Single Convention on Narcotic Drugs or the 1971 United Nations Convention on Psychotropic Substances, but which may pose a public health threat. The decision relates to end-products and not to chemical precursors used in the illicit manufacture of narcotic drugs and psychoactive substances.

Between 1997 and 2009, ten psychoactive substances underwent risk-assessment procedures. Of these, six phenethylamines (4-MTA, PMMA, 2C-I, 2C-T-2, 2C-T-7 and TMA-2) and one piperazine (BZP) were subsequently controlled at EU level.

For more information, see:

<http://www.emcdda.europa.eu/drug-situation/new-drugs>

13. What is the Early warning system?

When a new psychoactive substance is first detected, detailed information on the manufacture, traffic and use, including information on possible medical use is sent by the EU Member States to Europol in the Hague and to the EMCDDA in Lisbon via the

Europol National Units and the Reitox national focal points on drugs. Europol and the EMCDDA collect the information and communicate it immediately to the Europol National Units and the Member States' representatives in the Reitox network, the European Commission and the London-based European Medicines Agency (EMA).

If Europol and the EMCDDA consider that the information provided by the Member States on a new psychoactive substance merits further data collection and analysis, they submit a Joint Report to the Council, the EMA and the Commission. Based on the Joint Report, the Council may request a risk assessment of the health and social risks caused by the use and the manufacture of — and traffic in — a new psychoactive substance, the involvement of organised crime and possible consequences of control measures. On the basis of the risk assessment report, the Commission decides whether to propose to the Council to make a new psychoactive substance subject to drug-control measures.

For more information, see: <http://www.emcdda.europa.eu/drug-situation/new-drugs>

14. Where can I find information on national and EU drug legislation?

The European Legal Database on Drugs (ELDD) is the EMCDDA's online database of information on drugs-related legislation for the Member States and Norway and for the European Union. Information for non-EU countries is being added as it becomes available. The database contains legal texts in original formats to allow researchers and analysts to consult data sources directly — an indispensable tool for monitoring and analysing legislative developments in the Member States. It also contains country profiles, presenting the situation in the EU Member States, which have been compiled from reports submitted by the Reitox national focal points and from the texts of national laws and regulations. Legal reports, including detailed reports and publications on various aspects relevant to the legal situation in the EU Member States, are also available. Under 'topic overviews', summary tables give a quick outline of the legal position of EU countries with regard to illicit drugs.

For more information, see:

<http://eldd.emcdda.europa.eu/html.cfm/index5029EN.html>

See also:

http://ec.europa.eu/dgs/justice/acquis/acquis_intro_en.htm

15. What about civil society?

Civil society plays an important role in addressing drug issues at local, national and international level. In order to develop balanced and effective drug policies, the EU needs to tap into the wealth and diversity of experience, knowledge and views of groups and associations supporting or representing drug users or their families, NGOs directly engaged in reaching out to drug users and other players who have valuable insight.

The Civil Society Forum on Drugs meets at least once a year and serves as a platform for informal exchanges of views and information between the Commission and civil





society organisations. The overall objective of the forum is to feed specific grass-roots experience into future Commission initiatives on drugs.

For more information, see:

http://ec.europa.eu/justice/policies/drugs/forum/policies_drugs_forum_en.htm

In order to provide a platform and networking opportunities for civil society bodies in the EU Member States, the European Commission launched the European Action on Drugs (EAD) on 26 June 2009 (UN World Drugs Day).

At the heart of the EAD campaign are the voluntary commitments made by professionals, individuals, associations and institutions to raise drugs awareness at local level.

The EAD fulfils one of the objectives of the EU action plan on drugs (2009–12), which aims to make EU drug policies relevant to professionals and civil society, while enabling them to influence policy.

For more information, see: www.action-drugs.eu

16. What is Reitox and what is a national drugs observatory?

The EMCDDA relies on a network of national focal points or national drugs observatories — the Reitox network — which is responsible for collecting data at national level. Today, the Reitox network delivers a consistent, harmonised and standardised national reporting package covering 30 countries each year.

A national drugs observatory (NDO) is an organisation that provides its country with factual, objective, reliable and comparable information concerning drugs and drug addiction and their consequences.

The objectives of the NDO are:

- to provide its national audience with the information seen as essential for policymaking and for the organisation of drug-related services, and on drug-related issues of general interest;
- to collect and to produce the information needed to fulfil its country's reporting obligations to supranational and international monitoring and drug-control programmes.

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The European Union and the drug phenomenon: frequently asked questions

Luxembourg: Publications Office of the European Union

2010 — 12 pp. — 14.8 x 21 cm

ISBN 978-92-9168-449-6

doi:10.2810/38603

This information brochure is a joint publication between the EMCDDA and the European Commission. It provides answers to the most commonly asked questions on EU drug policy collated by the Commission and the agency over several years. It aims to provide a quick guide to countries outside the EU on key actors, legislation, mechanisms and international cooperation in this area. The brochure exists in English and French language versions.

About the EMCDDA

The European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) is the hub of drug-related information in Europe. Its mission is to provide the EU and its Member States with 'factual, objective, reliable and comparable information' on drugs, drug addiction and their consequences. Established in 1993, it opened its doors in Lisbon in 1995 and is one of the EU's decentralised agencies. With a 100-strong multidisciplinary team, the agency offers policymakers the evidence base they need for drawing up drug laws and strategies. It also helps professionals and researchers pinpoint best practice and new areas for analysis. As well as gathering information on the demand and reduction of the demand for drugs, the agency in recent years has extended its monitoring and reporting on drug supply, supply reduction and illicit drug markets.

www.emcdda.europa.eu



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