New psychoactive substances

2013/0305(COD) - 13/03/2014 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Jacek PROTASIEWICZ (EPP, PL) on the proposal for a regulation of the European Parliament and of the Council on new psychoactive substances.

The committee recommended that Parliament's position in first reading following the ordinary legislative procedure should amend the Commission position as follows:

Information exchange: to enable a more effective response to the rapid emergence and spread of new psychoactive substances across the Union, Members considered that the information exchange mechanism (the 'Early Warning System') **should be maintained and further developed,** in particular as regards to the collection and management of data on the detection and identification of new psychoactive substances.

The European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) should **issue health alerts to all Member States, through the system for rapid exchange of information** on new psychoactive substances if, on the basis of information received on a new psychoactive substances, this seemed to cause public health concerns. Those health alerts should also contain information regarding prevention, treatment and harm reduction measures that could be taken to address the risk of the substance.

Immediate risks to public health, and market restrictions: the proposal provided that the Commission should, by means of a Decision, prohibit the making available on the market to consumers of the new psychoactive substance if, based on existing information, it poses immediate risks to public health. The market restriction should not exceed a period of twelve months.

Members proposed that if the level of health, social and safety risks posed by the new psychoactive substance justified the introduction of permanent restriction measures, the **duration of the temporary market restriction may be extended by a further 12 months**, in the absence of permanent market restriction.

Low risks at Union level: the Commission should not adopt restriction measures on a new psychoactive substance if, **based on the existing evidence and on prescribed criteria**, it posed, overall, low health, social and safety risks at Union level.

However, where the decision to not adopt restriction measures on a new psychoactive substance that was considered to pose overall low health, social and safety risk at Union level was based on a partial or total lack of evidence, it should include an appropriate reference in the justification.

The report also stressed that **Members States should not be prohibited from introducing or maintaining the more stringent measures** regarding the specific risks the new psychoactive substance posed within their territory, independently of the classification of the substance by the Commission as posing low or moderate risks on the EU level. The relevant laws, regulations or administrative provisions should be communicated to the Commission and the other Member States should be informed.

Authorised use: decisions prohibiting the marketing of new psychoactive substance presenting a serious risk should not impede the free movement in the Union and the production, manufacture, making available on the market of new psychoactive substances for **scientific research and development purposes**, by duly authorised persons in establishments which were directly under the control of Member States' authorities or specifically approved by them.

For all of authorised uses, new psychoactive substances and products containing new psychoactive substances should include **directions for use**, including cautions, warnings and contraindications with other substances, to be either indicated on the label or included in the accompanying leaflet for the safety of the user.

Furthermore, Member States should take any appropriate measures to prevent the diversion to the **illicit market** of new psychoactive substances used for research and development purposes or for any other authorised uses.

Research, analysis, prevention and funding: the amended text provided that financial support and the necessary resources should be provided at Union and national level for the development, sharing and dissemination of information and knowledge on new psychoactive substances.

Moreover, the Commission and the Member States should promote the research into new psychoactive substances and ensure cooperation and coordination between networks at national and Union level in order to strengthen understanding of the phenomenon.

Prevention schemes as well as measures to raise awareness of the risks posed by psychoactive substances, **such as educational information campaigns** should be promoted.

Evaluation: five years after the entry into force of the Regulation and every five years thereafter, the Commission should:

- assess the implementation, application and effectiveness of this Regulation and publish a report. In this respect, the Commission, the EMCDDA and Europol should conduct post-risk assessments of new psychoactive substances;
- evaluate and if appropriate present a proposal for possible classification of groups of the new psychoactive substances in order to counteract the practise of bypassing the legislation in force by slight modifications of the chemical structure of the psychoactive substances.