Procedure file

Basic information

NLE - Non-legislative enactments Decision	2014/0183(NLE)	Procedure completed
Subjecting 4-iodo-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine (25I-NBOMe), 3,4-dichloro-N-[[1-(dimethylamino)cyclohexyl]methyl]benzamide (AH-7921), 3,4-methylenedioxypyrovalerone (MDPV) and 2-(3-methoxyphenyl)-2-(ethylamino)cyclohexanone (methoxetamine) to control measures See also Decision 2005/387/JHA 2003/0215(CNS) Subject 7.30.30.04 Action to combat drugs and drug-trafficking		

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs	epp JIMÉNEZ-BECERRIL BARRIO Teresa	03/09/2015
	Committee for opinion	Rapporteur for opinion	Appointed
	ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
Council of the European Union			
European Commission	Commission DG	Commissioner	
	Justice and Consumers	JOUROVÁ Věra	

Key events

16/06/2014	Initial legislative proposal published	COM(2014)0362	
30/06/2015	Legislative proposal published	10011/2015	Summary
09/07/2015	Committee referral announced in Parliament, 1st reading/single reading		
22/09/2015	Vote in committee, 1st reading/single reading		
28/09/2015	Committee report tabled for plenary, 1st reading/single reading	A8-0264/2015	Summary
06/10/2015	Results of vote in Parliament		
06/10/2015	Decision by Parliament, 1st reading/single reading	T8-0328/2015	Summary
08/10/2015	Act adopted by Council after consultation of Parliament		
08/10/2015	End of procedure in Parliament		
20/10/2015	Final act published in Official Journal		

Technical information

Procedure reference	2014/0183(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament
Legislative instrument	Decision
	See also Decision 2005/387/JHA 2003/0215(CNS)
Legal basis	Treaty on the European Union (after Amsterdam) M 039-p1
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/03857

Documentation gateway

Initial legislative proposal		COM(2014)0362	16/06/2014	EC	
Legislative proposal		10011/2015	30/06/2015	CSL	Summary
Committee draft report		PE564.981	01/09/2015	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0264/2015	28/09/2015	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0328/2015	06/10/2015	EP	Summary

Final act

Decision 2015/1875
OJ L 275 20.10.2015, p. 0038 Summary

2014/0183(NLE) - 30/06/2015 Legislative proposal

PURPOSE: to subject 4-iodo-2,5dimethoxy-N-(2-methoxybenzyl)phenethylamine (25I-NBOMe), 3,4dichloro-N-[[1-(dimethylamino)cyclohexyl]methyl]benzamide (AH-7921), 3,4-methylenedioxypyrovalerone (MDPV) and 2-(3-methoxyphenyl)-2(ethylamino)cyclohexanone (methoxetamine) to control measures.

PROPOSED ACT: Implementing Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

BACKGROUND: in compliance with Council Decision 2005/387/JHA on the information exchange, risk-assessment and control of new psychoactive substances, the Scientific Committee of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) assessed the risks on the new psychoactive substances 25I-NBOMe, AH-7921, MDPV and methoxetamine. The risk assessment reports were submitted to the Commission and to the Council on 23 April 2014.

(1) 25I-NBOMe is a potent synthetic derivative of 2,5-dimethoxy-4-iodophenethylamine (2C-I), a classical serotonergic hallucinogen, which was subject to risk assessment and to control measures and criminal sanctions at Union level from 2003 by virtue of Council Decision 2003/847/JHA. Twenty-two Member States and Norway have reported to the EMCDDA and to the European Police Office (Europol) that they reported detection of 25I-NBOMe. There have been four deaths associated with 25I-NBOMe registered in three Member States. Severe toxicity associated with its use has been reported in four Member States, which notified 32 non-fatal intoxications. 25I-NBOMe is openly marketed and sold on the internet as a 'research chemical' and information obtained from seizures, collected samples, user websites and internet retailers suggests that it is being sold as a drug in its own right and also marketed as a 'legal' replacement for LSD. Six Member States control 25I-NBOMe under national legislation and seven Member States use other legislative measures to control it.

(2) AH-7921 is a structurally atypical synthetic opioid analgesic commonly known by internet suppliers, user websites and media as 'doxylam'. It can be easily confused with 'doxylamine', an antihistaminic medicine with sedative-hypnotic properties, which could lead to unintentional overdoses. Based on user reports, the effects of AH-7921 appear to resemble those of classical opioids. Some of the users report self-medicating with this new drug to relieve pain.

15 fatalities were recorded in three Member States between December 2012 and September 2013 where AH-7921, alone or in combination

with other substances, was detected in post-mortem samples. One Member State reported six non-fatal intoxications associated with AH-7921. One Member State controls AH-7921 under national legislation and five Member States use other legislative measures to control it.

(3) MDPV is a ring-substituted synthetic derivative of cathinone chemically related to pyrovalerone, which are both subject to control under the 1971 United Nations Convention on Psychotropic Substances. The psychopharmacological profile observed for MDPV is similar to that for cocaine and methamphetamine, albeit more potent and longer lasting. Acute toxicity can provoke adverse effects on humans.

MDPV has been present on the Union drug market since November 2008 and 27 Member States, Norway and Turkey have reported multi-kilogram seizures of the substance. MDPV is being sold as a substance in its own right, but it has also been detected in combination with other substances. It is widely available from internet suppliers and retailers, 'head shops' and street-level dealers.

108 fatalities were registered in eight Member States and Norway between September 2009 and August 2013, where MDPV has been detected in post-mortem biological samples or implicated in the cause of death. A total of 525 non-fatal intoxications associated with MDPV have been reported by eight Member States.

21 Member States control MDPV under national legislation and four Member States use other legislative measures to control it.

(4) Methoxetamine is an arylcyclohexylamine substance which is chemically similar to ketamine and the internationally-controlled substance phencyclidine (PCP). Self-reported experiences from user websites suggest adverse effects similar to ketamine intoxication.

Twenty-three Member States, Turkey and Norway have reported that they reported detection of methoxetamine, since November 2010. Information suggests that it is sold and used as a substance in its own right, and that it is also sold as a 'legal' replacement for ketamine by internet retailers.

Twenty deaths associated with methoxetamine have been reported by six Member States that detected the substance in post-mortem samples. Used alone or in combination with other substances, methoxetamine was detected in 20 non-fatal intoxications reported by five Member States. Nine Member States control methoxetamine under national legislation and nine other Member States use other legislative measures to control it.

The Risk Assessment Report reveals that further research would be needed to determine the health and social risks posed by methoxetamine. However, the available evidence and information provides sufficient grounds for subjecting methoxetamine to control measures across the Union. As a result of the health risks that it poses, as documented by its detection in several reported fatalities, of the fact that users may unknowingly consume it, and of the lack of medical value or use, methoxetamine should be subjected to control measures across the Union.

CONTENT: this proposal aims to invite the Member States to subject 25I-NBOMe, AH-7921, MDPV and methoxetamine to control measures across the Union.

Decision 2014/688/EU ceases to produce effects from the date of entry into force of this Decision, without prejudice to the obligations of the Member States relating to the time limit for subjecting4-iodo-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine (25I-NBOMe), 3,4-dichloro-N-[[1-(dimethylamino)cyclohexyl]methyl]benzamide (AH-7921), 3,4-methylenedioxypyrovalerone (MDPV) and 2-(3-methoxyphenyl)-2-(ethylamino)cyclohexanone (methoxetamine) to control measures and criminal penalties in their national laws.

The United Kingdom shall not take part in the adoption of this Decision and is not bound by it or subject to its application.

2014/0183(NLE) - 28/09/2015 Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Teresa JIMÉNEZ-BECERRIL BARRIO (EPP, ES) on the draft Council implementing decision on subjecting 4-iodo-2,5dimethoxy-N-(2-methoxybenzyl)phenethylamine (25I-NBOMe), 3,4-dichloroN-[[1-(dimethylamino)cyclohexyl]methyl]benzamide (AH-7921), 3,4methylenedioxypyrovalerone (MDPV) and 2-(3-methoxyphenyl)-2(ethylamino)cyclohexanone (methoxetamine) to control measures.

The committee approved the Council draft which seeks to invite the Member States to subject 25I-NBOMe, AH-7921, MDPV and methoxetamine to control measures.

In compliance with Council Decision 2005/387/JHA on the information exchange, risk-assessment and control of new psychoactive substances, the Scientific Committee of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) assessed the risks on the new psychoactive substances. The risk assessment report was subsequently submitted to the Commission and to the Council on 23 April 2014.

2014/0183(NLE) - 06/10/2015 Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 651 votes to 6, with 33 abstentions, a legislative resolution on the draft Council implementing decision on subjecting 4-iodo-2,5dimethoxy-N-(2-methoxybenzyl)phenethylamine (25I-NBOMe), 3,4-dichloroN-[[1-(dimethylamino)cyclohexyl]methyl]benzamide (AH-7921), 3,4methylenedioxypyrovalerone (MDPV) and 2-(3-methoxyphenyl)-2(ethylamino)cyclohexanone (methoxetamine) to control measures.

In line with the Committee on Civil Liberties, Justice and Home Affairs, the European Parliament approved the Council draft aiming to subject 25I-NBOMe, AH-7921, MDPV and methoxetamine to control measures.

2014/0183(NLE) - 08/10/2015 Final act

PURPOSE: to apply control measures to new psychoactive substances.

NON-LEGISLATIVE ACT: Council Implementing Decision (EU) 2015/1875 on subjecting

4-iodo-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine (25I-NBOMe), 3,4-dichloro-N-[[1-(dimethylamino)cyclohexyl]methyl]benzamide (AH-7921), 3,4-methylenedioxypyrovalerone (MDPV) and 2-(3-methoxyphenyl)-2-(ethylamino)cyclohexanone (methoxetamine) to control measures.

CONTENT: the Council adopted an implementing decision on subjecting the new psychoactive substances to control measures across the European Union:

- 25I-NBOMe, a potent synthetic derivative of 2,5-dimethoxy-4-iodophenethylamine (2C-I), a classical serotonergic hallucinogen;
- AH-7921, a structurally atypical synthetic opioid analgesic commonly known by internet suppliers, user websites and media as doxylam;
- MDPV, a ring-substituted synthetic derivative of cathinone chemically related to pyrovalerone and;
- methoxetamine, an arylcyclohexylamine substance which is chemically similar to ketamine and the internationally-controlled substance phencyclidine (PCP) which has dissociative properties.

The implementing Decision implements Decision 2005/387/JHA that confers upon the Council implementing powers with a view to giving a quick and expertise-based response at Union level to the emergence of new psychoactive substances detected and reported by the Member States, by subjecting those substances to control measures across the Union.

A risk assessment report on the four new psychoactive substances was drawn up in accordance with Decision 2005/387/JHA by a special session of the extended Scientific Committee of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). The report pointed out that further research would be needed to determine the health and social risks that these substances pose.

As a result of the health risks that they pose, as documented by their detection in several reported fatalities, of the fact that users may unknowingly consume them and of the lack of medical value or use of the substance, the four substances should be subjected to control measures across the Union.

Decision 2014/688/EU is replaced, without prejudice to the obligations of the Member States relating to the time limit for subjecting that new psychoactive substance to control measures and criminal penalties in their national laws.

The United Kingdom is not bound by Decision 2005/387/JHA and is therefore not taking part in the adoption of this Decision, which implements Decision 2005/387/JHA, and is not bound by it or subject to its application.

ENTRY INTO FORCE: 21.10.2015.