Procedure file

Basic information

NLE - Non-legislative enactments	2016/0262(NLE)	Procedure completed
Subjecting the new psychoactive substance methyl 2-[[1-(cyclohexylmethyl)-1Hindole-3-carbonyl]amino]-3,3-dimethylbutanoate (MDMB-CHMICA) to control measures Subject 4.20.03 Drug addiction, alcoholism, smoking 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	ENF FONTANA Lorenzo	12/01/2017
	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	
	Migration and Home Affairs	AVRAMOPOULOS Dimitris	

Key events

31/08/2016	Initial legislative proposal published	COM(2016)0548	Summary
27/09/2016	Legislative proposal published	12356/2016	Summary
06/10/2016	Committee referral announced in Parliament		
31/01/2017	Vote in committee		
03/02/2017	Committee report tabled for plenary, 1st reading/single reading	A8-0024/2017	Summary
14/02/2017	Results of vote in Parliament		
14/02/2017	Decision by Parliament	T8-0024/2017	Summary
27/02/2017	Act adopted by Council after consultation of Parliament		
27/02/2017	End of procedure in Parliament		
03/03/2017	Final act published in Official Journal		

Technical information

Procedure reference	2016/0262(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament
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/8/08074

Documentation gateway

Initial legislative proposal		COM(2016)0548	31/08/2016	EC	Summary
Legislative proposal		12356/2016	27/09/2016	CSL	Summary
Committee draft report		PE597.450	24/01/2017	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0024/2017	03/02/2017	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0024/2017	14/02/2017	EP	Summary

Final act

Decision 2017/369
OJ L 056 03.03.2017, p. 0210 Summary

Subjecting the new psychoactive substance methyl 2-[[1-(cyclohexylmethyl)-1Hindole-3-carbonyl]amino]-3,3-dimethylbutanoate (MDMB-CHMICA) to control measures

PURPOSE: to subject the new psychoactive substance methyl 2-[[1-(cyclohexylmethyl)-1Hindole-3-carbonyl]amino]-3,3-dimethylbutanoate (MDMB-CHMICA) to control measures.

PROPOSED ACT: 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: on 26 May 2016, following the request made by the Commission and 13 Member States and pursuant to Council Decision 2005/387/JHA, the Council requested an assessment of the risks caused by the use, manufacture and trafficking of the new psychoactive substance MDMB-CHMICA, the involvement of organised crime and the possible consequences of control measures introduced on this substance.

The risks of MDMB-CHMICA were assessed by the Scientific Committee of the EMCDDA, acting in compliance with the provisions of Council Decision 2005/387/JHA. The risk assessment report was submitted to the Commission and to the Council on 28 July 2016.

The main results of the risk assessment are the following:

MDMB-CHMICA is classed as a synthetic cannabinoid receptor agonist, a chemically diverse group of substances also referred to as synthetic cannabinoids. The substance has been available on the drug market in the European Union since at least August 2014 and has been detected in 23 Member States;

the high potency of MDMB-CHMICA and the highly variable amounts of the compound in "legal high" products constitute a high risk of acute toxicity. Eight Member States have reported a total of 28 deaths and 25 acute intoxications associated with MDMB-CHMICA.

CONTENT: this proposal for a Council Decision aims to call upon the Member States to subject MDMB-CHMICA to control measures and criminal penalties as provided under their legislation by virtue of their obligations under the 1971 United Nations Convention on Psychotropic Substances.

Currently ten Member States control MDMB-CHMICA under national legislation complying with the obligations of the 1971 United Nations Convention on Psychotropic Substances and five Member States use other legislative measures to control it.

Subjecting this substance to control measures across the Union would help avoid the emergence of obstacles in cross-border law enforcement and judicial cooperation, and would help protect from the risks that its availability and use can pose.

Subjecting the new psychoactive substance methyl 2-[[1-(cyclohexylmethyl)-1Hindole-3-carbonyl]amino]-3,3-dimethylbutanoate (MDMB-CHMICA) to control measures

PURPOSE: to subject methyl 2-[[1- (cyclohexylmethyl)-1H-indole-3-carbonyl]amino]-3,3-dimethylbutanoate (MDMB-CHMICA) to control measures.

PROPOSED ACT: Council Implementing Decision.

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

BACKGROUND: a risk-assessment report on the new psychoactive substance MDMB-CHMICA 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, and was subsequently submitted to the Commission and to the Council on 28 July 2016.

MDMB-CHMICA is classed as a synthetic cannabinoid receptor agonist. Cannabinoid receptor agonists are controlled under the 1971 United Nations Convention on Psychotropic Substances. MDMB-CHMICA has been available on the drug market in the Union since at least August 2014 and has been detected in 23 Member States.

Eight Member States have reported a total of 28 deaths and 25 acute intoxications where

MDMB-CHMICA was detected.

Multiple reports have indicated a possibility for violence and aggression as a consequence of its use. In addition, the detection of MDMB-CHMICA in cases of suspected driving under influence indicated a potential for wider risk to public safety. MDMB-CHMICA has no established or acknowledged human or veterinary medical use.

The risk-assessment report reveals that there is limited scientific evidence available on MDMB-CHMICA and points out that further research would be needed. However, the available evidence and information on the health and social risks that the substance poses provide sufficient grounds for subjecting MDMB-CHMICA to control measures across the Union.

CONTENT: the draft Council implementing decision aims to subject MDMB-CHMICA to control measures throughout the EU.

Ten Member States control MDMB-CHMICA under national legislation in compliance with their obligations under the 1971 United Nations Convention on Psychotropic Substances, and five Member States use other legislative measures to control it.

Subjecting this substance to control measures across the Union would help avoid the emergence of obstacles in cross-border law enforcement and judicial cooperation, and would help protect from the risks that its availability and use could pose.

For further details, please refer to the Commissions initial legislative proposal of 31.8.2016.

Subjecting the new psychoactive substance methyl 2-[[1-(cyclohexylmethyl)-1Hindole-3-carbonyl]amino]-3,3-dimethylbutanoate (MDMB-CHMICA) to control measures

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Lorenzo FONTANA (ENF, IT) on the draft Council implementing decision on subjecting methyl 2-[[1(cyclohexylmethyl)-1H-indole-3-carbonyl]amino]-3,3-dimethylbutanoate (MDMB-CHMICA) to control measures.

The committee recommended the European Parliament to approve the Council draft.

Subjecting the new psychoactive substance methyl 2-[[1-(cyclohexylmethyl)-1Hindole-3-carbonyl]amino]-3,3-dimethylbutanoate (MDMB-CHMICA) to control measures

The European Parliament adopted by 491 votes to 16, with 74 abstentions, a legislative resolution on the draft Council implementing decision on subjecting methyl 2-[[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]amino]-3,3-dimethylbutanoate (MDMB-CHMICA) to control measures.

As a reminder, the Council draft aims to subject MDMB-CHMICA (classed as a synthetic cannabinoid receptor agonist) to control measures throughout the EU.

In line with its Committee on Civil Liberties, Justice and Home Affairs, Parliament approved the Council draft.

Subjecting the new psychoactive substance methyl 2-[[1-(cyclohexylmethyl)-1Hindole-3-carbonyl]amino]-3,3-dimethylbutanoate (MDMB-CHMICA) to control measures

PURPOSE: to subject the new psychoactive substance MDMB-CHMICA to control measures.

NON-LEGISLATIVE ACT: Council Implementing Decision (EU) 2017/369 on subjecting methyl 2-[[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]amino]-3,3-dimethylbutanoate (MDMB-CHMICA) to control measures.

CONTENT: the purpose of the Council's implementing decision is to subject the new psychoactive substance 'MDMB-CHMICA' to control measures throughout the Union.

The risk-assessment report drawn up in accordance with Decision 2005/387/JHA by the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), and was subsequently submitted to the Commission and the Council on 28 July 2016 concluded that this psychoactive substance was detected in 23 Member States is a synthetic cannabinoid whose high potency constitutes a high risk of acute toxicity. It is mainly produced in China.

Eight Member States reported 28 deaths and 25 acute intoxications associated with this substance.

MDMB-CHMICA is sold typically as commercial branded legal high products in head shops, as well as on the internet as a legal replacement for cannabis. It has no established or acknowledged human or veterinary medical use.

Only ten Member States control MDMB-CHMICA under their national drug control legislation, while five Member States use other legislation to control it.

The available evidence and information on the health and social risks that the substance poses provide sufficient grounds for subjecting MDMB-CHMICA to control measures across the Union.

By 4 March 2018, Member States shall take the necessary measures, in accordance with their national law, to subject the new psychoactive substance to control measures and criminal penalties, as provided for under their legislation, in compliance with their obligations under the 1971 United Nations Convention on Psychotropic Substances.

The United Kingdom is not bound by this Decision.

ENTRY INTO FORCE: 4.3.2017.