Procedure file

Basic information

NLE - Non-legislative enactments	2017/0346(NLE)	Procedure lapsed or withdrawn
Subjecting the new psychoactive substance methyl 2-{[1-(5-fluoropentyl)-1Hindazole-3-carbonyl]amino}-3,3-dimethylbutanoate (5F-MDMB-PINACA) to control measures Subject 7.30.30.04 Action to combat drugs and drug-trafficking		

Key players

European Parliament		
Council of the European Union		
European Commission	Commission DG	Commissioner
	Migration and Home Affairs	AVRAMOPOULOS Dimitris

Key events

18/12/2017	Initial legislative proposal published	COM(2017)0766	Summary
02/02/2018	Legislative proposal published	05394/2018	Summary
28/02/2018	Committee referral announced in Parliament		

Technical information

Procedure reference	2017/0346(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	LIBE/8/11879

Documentation gateway

Initial legislative proposal		COM(2017)0766	18/12/2017	EC	Summary
Legislative proposal		05394/2018	02/02/2018	CSL	Summary
Committee draft report		PE618.030	06/02/2018	EP	

Subjecting the new psychoactive substance methyl 2-{[1-(5-fluoropentyl)-1Hindazole-3-carbonyl]amino}-3,3-dimethylbutanoate (5F-MDMB-PINACA) to control measures

PURPOSE: to subject the new psychoactive substance methyl 2-{[1-(5-fluoropentyl)-1Hindazole-3-carbonyl]amino}-3,3-dimethylbutanoate (5F-MDMB-PINACA) to control measures.

PROPOSED ACT: Council Implementing Decision.

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

BACKGROUND: on 15 September 2017, following the request made by the Commission and seven Member States and pursuant to Council Decision 2005/387/JHA on the information exchange, risk-assessment and control of new psychoactive substances, the Council requested an assessment of the risks caused by the use, manufacture and trafficking of the new psychoactive substance 5F-MDMB-PINACA, the involvement of organised crime and the possible consequences of control measures introduced on this substance.

A risk assessment report on the new psychoactive substance was drawn up by the Scientific Committee of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), and was subsequently submitted to the Commission on 14 November 2017.

The main results of the risk assessment are the following:

- 5F-MDMB-PINACA is a synthetic cannabinoid. It shows similar effects to THC, which is responsible for the major psychoactive effects of cannabis, but with additional life-threatening toxicity. It is typically sold in small and wholesale amounts as well as on the internet as ?legal? replacements for cannabis. It may also be sold directly on the illicit drug market;
- the substance has been available in the European Union since at least September 2014 and has been detected in 25 Member States. 28 deaths associated with 5F-MDMB-PINACA have been reported by two Member States. In at least 20 deaths 5F-MDMB-PINACA was the cause of death or is likely to have contributed to the death. In addition, 35 acute non-fatal intoxications associated with 5F-MDMB-PINACA were reported by two Member States.

This substance has no recognised human or veterinary medical use in the Union nor, it appears, elsewhere. There is no information on the involvement of organised crime.

The risk assessment report reveals that many of the questions related to 5F-MDMB-PINACA could be answered through further research. However, the available evidence and information on the health and social risks that the substance poses provides sufficient ground for subjecting 5F-MDMB-PINACA to control measures across the Union.

CONTENT: the purpose of this proposal for a Council Implementing Decision is to call upon the Member States to subject the new psychoactive substance 5F-MDMB-PINACA to control measures across the Union and criminal penalties as provided under their legislation by virtue of their obligations under the 1971 United Nations Single Convention on Narcotic Drugs.

Currently, 14 Member States control 5F-MDMB-PINACA under national drug control legislation and four Member States control it under other legislation.

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.

The United Kingdom shall not take part in the adoption of this Decision.

Subjecting the new psychoactive substance methyl 2-{[1-(5-fluoropentyl)-1Hindazole-3-carbonyl]amino}-3,3-dimethylbutanoate (5F-MDMB-PINACA) to control measures

PURPOSE: to subject the new psychoactive substance methyl 2-{[1-(5-fluoropentyl)-1H-indazole-3-carbonyl]amino}-3,3-dimethylbutanoate (5F-MDMB-PINACA) to control measures.

PROPOSED ACT: Council Implementing 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: the risk assessment report on 5F-MDMB-PINACA prepared by the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) and sent to the Commission and the Council on 14 November 2017 concludes that this substance - available in the Union since at least September 2014 and detected in 25 Member States - is a synthetic cannabinoid with similar effects to those of THC, but with additional life-threatening toxicity.

The substance is typically sold in small and wholesale amounts in head shops, branded as a legal high as smoking mixtures or as powder, as well as on the internet, branded as a legal replacement for cannabis. It has no recognised human or veterinary medical use in the Union.

Three Member States have reported 28 deaths associated with 5F-MDMB-PINACA. In addition, one Member State reported 35 acute non-fatal intoxications associated with the substance.

The available evidence and information on the health and social risks that the substance poses provides sufficient grounds for subjecting 5F-MDMB-PINACA to control measures across the Union.

CONTENT: the draft Council decision aims to subject the new psychoactive substance 5F-MDMB-PINACA to the control measures and criminal penalties provided for by Member States legislation, in accordance with their obligations under the United Nations Single Convention on Narcotic Drugs of 1971.

For more details, see the summary of the Commission's initial legislative proposal dated 18.12.2017.