Procedure file

Basic information

NLE - Non-legislative enactments	2017/0340(NLE)	Procedure completed
Subjecting the new psychoactive substance N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (ADB-CHMINACA) to control measures 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		19/02/2018
		PAGAZAURTUNDÚA Maite	
		Shadow rapporteur	
		HORTEFEUX Brice	
		HEDH Anna	
Council of the European Union	Council configuration	Meeting	Date
	General Affairs	3615	14/05/2018
European Commission	Commission DG	Commissioner	
	Migration and Home Affairs	AVRAMOPOULOS Dimitris	

Key events

18/12/2017	Preparatory document	COM(2017)0757	Summary
02/02/2018	Legislative proposal published	05387/2018	Summary
28/02/2018	Committee referral announced in Parliament		
27/03/2018	Vote in committee		
04/04/2018	Committee report tabled for plenary, 1st reading/single reading	A8-0133/2018	Summary
03/05/2018	Results of vote in Parliament		
03/05/2018	Decision by Parliament	T8-0193/2018	Summary

14/05/2018	Act adopted by Council after consultation of Parliament		
14/05/2018	End of procedure in Parliament		
22/05/2018	Final act published in Official Journal		

Technical information

Procedure reference	2017/0340(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/11876

Documentation gateway

Preparatory document		COM(2017)0757	18/12/2017	EC	Summary
Legislative proposal		05387/2018	02/02/2018	CSL	Summary
Committee draft report		PE618.023	14/02/2018	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0133/2018	04/04/2018	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0193/2018	03/05/2018	EP	Summary

Final act

Decision 2018/747
OJ L 125 22.05.2018, p. 0008 Summary

Subjecting the new psychoactive substance N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (ADB-CHMINACA) to control measures

PURPOSE: to subject the new psychoactive substance N-(1-amino-3,3-dimethyl-1-oxobutan-2yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (ADB-CHMINACA) 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 ADB-CHMINACA, 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:

- ADB-CHMINACA 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 branded as ?legal-high? smoking mixtures and as powder in head shops 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 August 2014 and has been detected in 17 Member States. More than 630 seizures have been made within the European Union. 13 deaths associated with ADB-CHMINACA have been reported

by three Member States. In at least nine deaths ADB-CHMINACA was the cause of death or is likely to have contributed to the death.

This substance has no recognised human or veterinary medical use in the Union nor, it appears, elsewhere. There are no indications that it may be used for any other purpose aside from as an analytical reference standard and in scientific research.

The risk assessment report reveals that many of the questions related to ADB-CHMINACA 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 ADB-CHMINACA 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 ADB-CHMINACA 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, 13 Member States control ADB-CHMINACA under national drug control legislation and four Member States control ADB-CHMINACA 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 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (ADB-CHMINACA) to control measures

PURPOSE: to subject the new psychoactive substance N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (ADB-CHMINACA) 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 ADB-CHMINACA 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 August 2014 and detected in 17 Member States - is a synthetic cannabinoid with similar effects to those of THC, but with additional life-threatening toxicity. More than 630 seizures have been made within the Union.

ADB-CHMINACA 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 13 deaths associated with ADB-CHMINACA. In addition, one Member State reported three 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 ADB-CHMINACA to control measures across the Union.

CONTENT: the draft Council decision aims to subject the new psychoactive substance ADB-CHMINACA 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.

Subjecting the new psychoactive substance N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (ADB-CHMINACA) to control measures

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Maite PAGAZAURTUNDÚA RUIZ (ALDE, ES) on the draft Council implementing decision on subjecting the new psychoactive substance N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)1H-indazole-3-carboxamide (ADB-CHMINACA) to control measures.

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

Subjecting the new psychoactive substance N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (ADB-CHMINACA) to control measures

The European Parliament adopted by 607 votes to 11, with 28 abstentions a legislative resolution on the draft Council implementing decision on subjecting the new psychoactive substance N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)1H-indazole-3-carboxamide (ADB-CHMINACA) to control measures.

The European Parliament approved the Council draft which aims to subject the new psychoactive substance ADB-CHMINACA 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.

Subjecting the new psychoactive substance N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (ADB-CHMINACA) to control measures

PURPOSE: to subject the new psychoactive substance ADB-CHMINACA to control measures.

NON-LEGISLATIVE ACT: Council Implementing Decision (EU) 2018/747 on subjecting the new psychoactive substance N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (ADB-CHMINACA) to control measures.

CONTENT: the aim of the Council's implementing decision is to subject the new psychoactive substance 'ADB-CHMINACA' to control measures throughout the Union.

The risk assessment report drawn up under Decision 2005/387/JHA by the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) and forwarded to the Commission and the Council on 14 November 2017 concludes that this psychoactive substance detected in 11 Member States is a synthetic cannabinoid with similar effects to THC, which is responsible for the main psychoactive effects of cannabis, but whose toxicity is potentially fatal. It is produced by chemical companies in China.

Three Member States reported 13 deaths related to ADB-CHMINACA. In at least nine cases, ADB-CHMINACA caused the death or is likely to have contributed to it. In addition, one Member State reported three acute non-fatal intoxications associated with the substance.

Only 13 Member States control ADB-CHMINACA under their national drug control legislation, while four other Member States use other legislative measures to control it.

The available evidence and information on the health and social risks posed by this substance is sufficient reason to subject ADB-CHMINACA to control measures throughout the Union.

The Decision provides that by 23 May 2019 at the latest, Member States shall subject the new psychoactive substance to the 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: 23.5.2018.