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A4-0157/98

REPORT

on the Communication from the Commission to the Council and the European Parliament on the control of new synthetic drugs (designer drugs) (COM(97)0249

- C4-0244/97)

Committee on Civil Liberties and Internal Affairs

Rapporteur: **Mr Hubert Pirker**

CONTENTS

1. A. MOTION FOR A RESOLUTION
2. B. EXPLANATORY STATEMENT
3. Opinion of the Committee on the Environment, Public Health and Consumer Protection
4. Opinion of the Committee on Budgets
5. Opinion of the Committee on Culture, Youth, Education and the Media

By letter of 23 May 1997 the Commission forwarded to the Council and the Parliament a Communication on the control of new synthetic drugs (designer drugs).

At the sitting of 13 June 1997 the President of Parliament announced that he had referred this Communication to the Committee on Civil Liberties and Internal Affairs as the committee responsible and the Committee on the Environment, Public Health and Consumer Protection, the Committee on Budgets and the Committee on Culture, Youth, Education and the Media for their opinions.

At its meeting of 19 June 1997 the Committee on Civil Liberties and Internal Affairs had appointed Mr Hubert Pirker rapporteur.

The Committee on Civil Liberties and Internal Affairs considered the Commission communication and the draft report at its meetings of 4 February, 19 March and 22 April 1998.

At the last meeting it adopted the motion for a resolution by 18 votes to 6, with 3 abstentions.

The following took part in the vote: d'Ancona, chairman; Wiebenga, vice-chairman, Pirker, rapporteur; Andersson (for Bontempi), Angelilli, Berthu (for Jean-Pierre), Buffetaut, Cederschiöld, Colombo Svevo, Crawley, Crowley (for Schaffner pursuant to Rule 138(2)), De Esteban Martin, Deprez, Dührkop Dührkop (for Terrón i Cusí pursuant to Rule 138(2)), Elliott, Hernandez Mollar (for Reding), Lindeperg, Lucas

Doc 109

Pires, Mombaur (for Stewart-Clark pursuant to Rule 138(2)), Nassauer, Posselt, Pradier, Schmid, Schulz, Wilson (for Ford), Wolf (for Roth pursuant to Rule 138(2)) and Zimmermann.

The opinions of the Committee on the Environment, Public Health and Consumer Protection, the Committee on Budgets and the Committee on Culture, Youth, Education and the Media are attached.

The report was tabled on 27 April 1998.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant partsession.

A

MOTION FOR A RESOLUTION

Resolution on the Communication from the Commission to the Council and the European Parliament on the control of new synthetic drugs (designer drugs) (COM(97)0249 - C40244/97)

The European Parliament,

- having regard to the Communication from the Commission to the Council and the European Parliament on the control of new synthetic drugs (designer drugs)(COM(97)0249 - C4-0244/97),
- having regard to the Treaty on European Union, in particular its Article K1(4) and (9), and the EC Treaty, in particular Article 129,
- having regard to the draft Treaty of Amsterdam, in particular Articles K1, K2 and K3 thereof, and the amended Article 129 of the EC Treaty,
- having regard to the World Drugs Report of the United Nations International Drug Control Programme (UNDCP)¹,
- having regard to the 1997 annual report of the European Monitoring Centre for Drugs on the state of the drugs problem in the European Union,
- having regard to Council Directive 92/109/EEC of 14 December 1992 on the manufacture and the placing on the market of certain substances used in the illicit manufacture of narcotic drugs and psychotropic substances², amended by Commission Directive 93/46/EEC³ and supplemented by Commission Regulation 1485/96⁴ and Council Regulation (EEC) 3677/90 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances⁵, amended by Regulation (EEC) 900/92⁶,
- having regard to the Joint action of 16 June 1997 adopted by the Council concerning the information exchange, risk assessment and the control of new synthetic drugs⁷,
- having regard to the Joint action of 29 November 1996 adopted by the Council concerning the exchange of information on the chemical profiling of drugs to facilitate improved cooperation between Member States in combatting illicit drug trafficking⁸,

- having regard to its resolution of 15 June 1995 on the Commission Communication to the Council and the European Parliament on a European Union action plan to combat drugs,

- having regard to the report of the Committee on Civil Liberties and Internal Affairs and the opinions of the Committee on the Environment, Public Health and Consumer Protection, the Committee on Culture, Youth, Education and the Media and the Committee on Budgets (A4-0157/98),

A. whereas the consumption of synthetic drugs in the Member States of the European Union has increased massively since the end of the 1980's and whereas present estimates show that in the region of 5 million young people across the EU are using synthetic drugs,

B. whereas the users of synthetic drugs differ markedly in terms of social situation and consumption habits from those taking opiates as they often take the drugs only at weekends and are not conspicuous in society,

C. whereas synthetic drugs, in particular Ecstasy, are often perceived to be part of a modern culture, connected to exciting night life, fast cars and a "with it" image. Whilst under the influence of synthetic drugs, individuals may expose themselves to a heightened risk of unprotected sexual activity and increase the risk of becoming the perpetrators or victim of violent or other crimes.

D. whereas the negative side effects and long-term effects of synthetic drugs are only starting to be investigated so that it is not yet possible to determine the risks of consumption conclusively,

E. whereas particular risks occur when synthetic drugs are taken in conjunction with other drugs or alcohol or under additional environmental pressures (great physical exertion, lower liquid intake, overheated rooms),

F. whereas the manufacture of synthetic drugs is relatively easy and whereas the precursors and equipment needed have up to now, often not been subject to any controls,

G. whereas synthetic drugs are usually produced in the vicinity of the consumers and whereas the European Union is one of the largest production regions in the world as far as the manufacture of amphetamines and Ecstasy-type stimulants is concerned and whereas trafficking in synthetic drugs is still substantially an Inter-regional activity compared to the trade in narcotics and precursors which is global in nature,

H. whereas the market for synthetic drugs is highly profitable and the manufacture of and traffic in synthetic drugs is increasingly controlled by organized criminal groups,

I. whereas the producers of synthetic drugs obtain the precursors from various countries in central and eastern Europe and whereas there is regular traffic in these drugs between these countries and the Member States of the European Union,

J. whereas 'designer drugs' which are specially developed to circumvent existing bans on drugs and where the effects and side-effects are unknown present a particular danger,

K. whereas it is possible to manufacture a number of different drugs by exchanging

individual molecules such that the legal coverage of synthetic drugs raises many practical problems,

L. whereas the current synthetic drugs (Ecstasy, LSD and amphetamines) are covered by the 1971 United Nations Convention on Psychotropic Substances and the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances which are designed to prohibit the use of these substances and to control manufacture and distribution,

M. whereas the recognition of new drugs coming onto the market and the declaration of them being illegal under the 1971 United Nations Convention on Psychotropic Substances and the 1988 UN Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances, often takes 1-2 years,

N. whereas the legal situation in the Member States of the European Union regarding the classification of individual synthetic drugs and the penalties incurred for possession and consumption of or traffic in different substances is not uniform,

O. whereas with its Joint Action of 16 June 1997 the Council has created a mechanism for assessment of the risks of new synthetic drugs and for decisions on any measures or controls to be adopted, the practical efficacy of which must first be examined,

P. whereas the Europol Drugs Unit systematically collects information on the ballistic and chemical profiles of synthetic drugs and forwards this information to the Member States,

Q. whereas synthetic drugs can be manufactured from various precursors, the exact number of which is not known and only a limited number of which are covered by European Union instruments for the control of drug precursors,

R. whereas the Commission communication contains only vague ideas about a mechanism to control the precursors for synthetic drugs and whereas the European Parliament will deliver a separate opinion on the proposal for a European Parliament and Council Directive, forwarded on 20 February 1998, amending Council Directive 92/109/EEC relating to the manufacturing and placing on the market of certain substances used in the illicit manufacture of narcotic drugs and psychotropic substances¹⁰,

S. whereas the draft Treaty of Amsterdam makes provision in the amended Article 129 for the Community to complement the Member States' action in reducing drugs-related health damage, including information and prevention measures and for the Member States to coordinate among themselves their policies and programmes in these areas in liaison with the Commission,

T. whereas in several Member States damage limitation measures have already been implemented, such as agreements with the organizers of 'raves' on the observance of certain rules, the distribution of information materials and the possibility of having the actual content of pills tested,

U. whereas consumers of synthetic drugs mostly do not consider that they have a drugs problem and are hardly aware of the existing drugs advisory services, which are mostly geared to the needs of those dependent on opiates,

V. whereas deaths from taking amphetamines, Ecstasy or LSD are relatively rare,

fatalities are often caused by dehydration and heat stroke connected with drug induced and prolonged energetic dancing

1. Considers the growing consumption of synthetic drugs, in particular by young people, to be a matter for concern, in particular in view of the possible and as yet unresearched longterm damage caused by synthetic drugs;
2. Considers that there is an urgent need to gather further information about synthetic drugs, in particular their effects and side-effects and possible long-term damage; calls on the Member States and the Commission to encourage and support relevant research;
3. Stresses that the international instruments already available for the control of synthetic drugs such as the UN drugs conventions must be brought into force in all Member States and expects that future agreements will quickly be ratified and brought into force by all Member States;
4. Stresses the urgent need for the Community to achieve a coherent, coordinated approach on the production and supply of synthetic drugs, particularly in view of the forthcoming UN General Assembly Special Session on drugs to be held in New York in June 1998, and in which the European Parliament should also participate;

Repressive measures

5. Draws attention to the differences which still exist between the Member States with regard to penalties for traffic in and possession and consumption of synthetic drugs and considers that a harmonization of the relevant criminal law provisions in the Member States to be desirable;
6. Considers it necessary that the diversion of precursors for synthetic drugs, production of such drugs and traffic in them should be a criminal offence and should be prosecuted in all Member States;
7. Calls on the Member States to ensure that their legislation banning the production of synthetic drugs is sufficiently comprehensive to prevent producers from circumventing the law by altering the chemical composition of the drugs;
8. Insists that to retain a licensee, Club operators must ensure that drugs are not available at events and staff are adequately trained to recognise signs of drug use. They must also ensure ventilation, free supply of cold drinking water and cooling off areas are always available on the premises;
9. Considers it necessary, on the grounds of prevention not only to enshrine repressive measures against dealers in legislation but also actually to apply these measures;
10. Considers penalties for trafficking, pushing and consumption of synthetic drugs must be in accordance with the seriousness of the offence and must be capable of enforcement;
11. Calls on the Member States to ensure the closest possible cooperation of the national authorities concerned and to examine whether the organized criminal groups behind the traffic in precursors and synthetic drugs could not be countered effectively through special supra--institutional units;
12. Considers that the effective threat of penalties for the consumption of synthetic drugs can have a deterrent, and thus preventive, effect on potential consumers;

13. Calls on the Council and the Commission to support the exchange of experience between the prosecution authorities of the Member States and the central and eastern European states on police aims and tactics in combatting the production of and traffic in synthetic drugs; considers that the possibilities offered by programmes such as OISIN and FALCONE should be used to this end;

14. Recommends that the Member States create special social and police programmes in youth environments and set up a European network of such officers in the context of common programmes for the exchange of experience;

15. Calls on the Member States following ratification of the Amsterdam Treaty, Article K2(1)(a) of which provides for operational cooperation between the competent authorities, including the police, in relation to the prevention, detection and investigation of criminal offences, to develop forthwith structures for the prosecution of organized criminal groups in the synthetic drugs sector;

Information and control systems

16. Calls on the Commission to investigate at international level whether existing systems for the listing and control of new drugs operate efficiently, thereby preventing new synthetic drugs appearing on the markets;

17. Welcomes the Council's Joint Action of 16 June 1997¹¹ which aims to establish an Early Warning System which identifies and exchanges information on new synthetic drugs, provides a mechanism for assessing the risk of these drugs and furnishes a decisionmaking process through which these products can be placed under control in other Member States;

18. Recommends that a common system for detecting new synthetic drugs should be established and a single method agreed for placing them into generic categories;

19. Considers the transmission of the information collected at European level to the competent bodies in the Member States to be crucial and calls on the Council in particular to supplement its Joint Action on information exchange with a mechanism to ensure that the information collected on new synthetic drugs and their risks is also passed back to the bodies in the Member States which are responsible for preventive measures against drugs and health measures;

Control of precursors

20. Calls on the Commission to submit a report on the implementation to date and the success in controlling drug precursors through the relevant EEC directives and regulations;

21. Hopes that the Commission will also submit a report on the results of cooperation in this field with non-member countries, in particular where relevant clauses are contained in cooperation or association agreements;

23. Stresses that a control system for precursors must also have a list of the substances to be controlled which can actually be checked; stresses that in this field it is not sensible for the European Union to act in isolation and the involvement of at least the CEEC is a fundamental precondition for successful operation of such a system; also stresses, however, the importance of the system being compatible with the one which already exists in the USA;

23. Intends to examine the proposals announced by the Commission for a control system for precursors for synthetic drugs in relation to whether these criteria have been taken into account, while also ensuring practicality, flexibility and a sensible cost-benefit ratio and expects the Council to wait for and take proper account of the European Parliament's opinion on the Commission proposals on control measures for the precursors for synthetic drugs;

24. Calls on the police authorities of the Member States and the applicant countries of central and eastern Europe to establish close contacts between themselves and with the chemical industry so that information is obtained as early as possible on suspicious transactions;

Prevention and damage limitation

25. Calls on the European Monitoring Centre for Drugs to assess in a systematic and scientific manner the effect of damage limitation on measures and prevention and information measures with regard to synthetic drugs in the Member States;

26. Calls on the Commission to pay particular attention to the problem of synthetic drugs and to examine whether existing programmes, including those in the health sector, can also be applied to synthetic drugs and in particular to provide financial support for the exchange of information between the Member States on preventive measures;

27. Suggests the introduction of "anti-drugs discotheques" as a special form of information campaign; in this form of treatment for drug addiction, which has already proved its worth in, for instance, Germany, the police present information at disco events on the risks of drug use, in cooperation with drugs advisory centres, parents and schools;

28. Suggests that, since the Internet is increasingly utilized by the dance/drug subculture to advertise the availability of NSDs, and other drugs, and venues of consumption, the network be used to communicate the prevention message in a language familiar to the targeted group; drugs;

29. Calls on the Commission and the Member States to ascertain to what extent there is the need to develop a special advisory service for the users of synthetic drugs and what form it should take;

General

30. Considers close cooperation with the central and eastern European states on synthetic drugs to be absolutely essential and calls, therefore, on the Council and the Commission to involve the countries of central and eastern Europe as far as possible in existing information systems and in those to be developed (Europol, early warning system, contacts with the chemical industry, control of precursors) and to give priority in the framework of the accession partnerships to the development of efficient structures to combat the criminal organizations which manufacture synthetic drugs and traffic in them;

31. Calls on the Member States to coordinate their police measures and their health measures and to ensure that they do not hinder each other;

32. Calls on the Commission to examine the extent to which the consumption of

synthetic drugs affects the ability of drivers to drive and expects appropriate action to be taken;

33. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the applicant countries.

B

EXPLANATORY STATEMENT

1.1. What are synthetic drugs?

Synthetic drugs differ from other drugs in that they are manufactured in laboratories from chemicals and not from natural products. The term 'synthetic drugs' normally refers to three groups of drugs: Ecstasy, amphetamines and LSD.

Amphetamines are usually taken orally, but are also injected by some groups of users. There are numerous derivatives which belong to the amphetamines group. The effects of amphetamines are increased energy and alertness, increased powers of concentration and a clearly reduced need for sleep and food.

Ecstasy belongs to the amphetamines group. The effect of the ecstasy type drugs also increases energy and there are psychotropic characteristics, such as enhancement of sensation and feeling and a euphoric mood with openness and sympathy. Ecstasy is taken in tablet form.

Both amphetamines and Ecstasy have unwanted side-effects, in particular rapid breathing and heart beat, higher blood pressure, sweating, dry mouth and diarrhoea. Panic attacks can occur while the drug is effective and tiredness and depression as the effects wear off.

LSD is also taken orally, but has predominantly psychedelic effects. The perception of the LSD user changes and intensifies and pseudo-hallucinations occur.

1.2. Consumption pattern for synthetic drugs

Since the end of the 1980s the consumption of synthetic drugs, in particular Ecstasy has become fashionable, mainly as part of techno-happenings. A specific youth culture has developed which involves dance events (raves) at weekends which may last several days. The taking of various drugs often forms part of the cultural pattern. Now the consumption and sale of synthetic drugs is no longer limited just to the techno-scene but has also spread to other parts of the music scene.

The use of Ecstasy in particular, but also of other synthetic drugs, as part of the dance culture occurs throughout the European Union, although to varying degrees. Surveys in various countries of the European Union have shown that in some countries in the 18-20 age group 3-4% have used amphetamines and in others the figure is as high as 9-10%. The figures for Ecstasy and LSD are similar, with the highest rates being found in Belgium, the Netherlands, Spain and the United Kingdom (source: annual report of the Monitoring Centre for Drugs). It is estimated, for example, that in the United Kingdom 500 000 people take Ecstasy each week. The relatively high numbers for school pupils aged 15-16 are particularly striking. Where such surveys were made as a rule 24% had already taken amphetamines once (EMCDDA).

Ecstasy users are thus relatively young, mostly under the age of 21, usually living in orderly circumstances and not conspicuous in society. Most of the users take Ecstasy and other drugs only at weekends and the consumption of synthetic drugs forms part of recreational enjoyment.

With regard to the consumption of amphetamines, two further groups of users were identified who differ markedly from the leisure consumers of the techno-culture. In particular in northern countries, and especially Sweden, there is a population of dependent users who inject amphetamines. They differ markedly from the leisure users, are often on the margins of society and in terms of their overall situation are much more like the opiate-injecting drug users. Amphetamines are also used on occasions for a specific purpose, for example by students, drivers or night shift workers to enhance concentration and reduce tiredness or by women to induce weight loss.

1.3. Production and sale of synthetic drugs

The market for synthetic drugs in the European Union is served at present mainly through the illegal manufacture of these drugs, either within the European Union or in the central and eastern European states and the Baltic states. The European Union is one of the largest production regions of the world for the manufacture of amphetamines and Ecstasy-type stimulants. There are illegal laboratories in most Member States.

The market for synthetic drugs is highly profitable, with a production price of about ECU 0.3 per Ecstasy tablet contrasting with a resale price of ECU 7-18 (EDU). The manufacture of synthetic drugs is frequently in the hands of organized criminal groups who invest their laundered profits in the legal economy.

The manufacture of synthetic drugs requires the chemical precursors and the appropriate equipment. The equipment can be obtained everywhere at low cost and there is no register of purchasers. Drug manufacture is relatively simple and, in terms of size, such a laboratory can also be set up in a kitchen. Information on the manufacture of different drugs can easily be obtained through the Internet or specialist books. Many chemical precursors can be used for the manufacture of synthetic drugs. These chemicals are usually obtained from the chemical industries of the Member States or are imported from central and eastern Europe or Asia.

Synthetic drugs can be altered by exchanging individual molecules, such that the substance is no longer covered by controls. Thus it is theoretically possible to manufacture many drugs (designer drugs) which have a similar composition but differing, and often unknown, short and long-term effects and side-effects. Thus in 1996 and 1997, the designer drugs MBDB and 2-CB came on the market which did not appear on the list of prohibited substances in most Member States.

The illegal producers can respond to more stringent controls on precursors in the following ways:

- . the precursors is illegally produced or traded,
- the way of making the synthetic drug is altered (different precursor),
- manufacture of other drugs where the precursors are not yet subject to controls.

As the production of synthetic drugs can basically take place everywhere, it mostly occurs in the vicinity of the consumers and there is no extensive long-distance trade.

However, there is a regular traffic in these drugs across national frontiers within the European Union and with neighbouring countries.

While the manufacture and large-scale dealing is mostly in the hands of organized criminal groups, the small-scale dealing is often carried out by people who are themselves users and members of the relevant youth scene. It is thus often difficult in practice to distinguish between dealers and users.

1.4. Risks of synthetic drugs

High doses of amphetamines can produce side-effects such as nausea, vomiting, blurred vision and reduced pain response. Very high doses can lead to cardiac rhythm disturbances, cramps, overheating, strokes, coma and death.

The level of unwanted side-effects noted in the few tests carried out on MDMA (Ecstasy) is considerable. 10-15% of those tested had side-effects such as anxiety, delusions and confusion. Such a percentage would not be acceptable, for example, for licensing as a medicinal drug. Experiments on animals also showed that MDMA produces nerve damage. In addition there are indications that longer term repeated use of Ecstasy can cause severe liver damage.

Overall, however, there is little known about the side-effects and in particular possible long-term effects as the drugs are taken illegally and there have been hardly any controlled experiments with synthetic drugs.

The illegal manufacture and sale also mean that the user never knows exactly what substance is being taken and at precisely what dose, which of course constitutes an additional risk. The use of Ecstasy in conjunction with other drugs and alcohol is also a major problem.

The designer drugs constitute a further health risk. These substances, which are developed in order to circumvent existing prohibitions, are a completely unknown quantity in terms of their effect and their immediate and long-term risks. Users of these drugs thus turn themselves into pharmaceutical guinea-pigs.

There are additional risks when machinery is used or cars are driven under the influence of synthetic drugs. This factor is a particular problem as those attending raves often travel long distances to and from the dance events, thus potentially while they are under the influence of synthetic drugs.

2. National responses to the use of synthetic drugs

2.1. Legal bases

At international level psychotropic substances are covered by the 1971 UN Convention on psychotropic substances, which provides for a whole series of control measures. The psychotropic substances are divided into four categories in this Convention. MDMA (Ecstasy) and LSD are placed in category 1 (substances with a high risk of dependency, particularly serious risk for public health, little or no therapeutic use). The use of these substances is to be prohibited, except for scientific and, to a very limited extent, medicinal purposes. Manufacture, distribution and possession require prior authorization. Other amphetamine type stimulants belong to category 2 (risk of dependency with serious risks for public health, of little or modest therapeutic use), for which less strict controls are to be applied. The provisions of this convention are

supplemented by the 1988 UN Convention against illicit traffic in narcotic drugs and psychotropic substances. Both conventions are in force in the majority of the Member States of the European Union, but not yet in all.

The classification of substances and the control of precursors in the individual Member States of the European Union is basically geared towards the obligations deriving from the UN conventions. There are, however, still differences in the detail as regards the number and composition of the categories of psychotropic substances and the penalties attached to the possession and consumption of or trafficking in the various substances.

2.2. Repression

Originally many Member States responded to the use of synthetic drugs predominantly by applying repressive measures, e.g. banning raves or closing clubs. This approach still remains part of police tactics under certain conditions in the Member States. Thus, in the Netherlands clubs can be closed for six months if dealing takes place in them. In France the organizers are made legally responsible for any drug use at their events.

In practice the responsible authorities in the Member States often waver between repression and tolerance. On the one hand they feel under an obligation to take repressive measures because synthetic drugs are illegal, but on the other hand there is the fear that the closure of clubs and other repressive measures could force the dance scene underground, thus making targeted prevention and damage limitation measures impossible and ultimately causing more harm than good.

It is therefore increasingly considered important to make targeted action against the criminal groups behind the production of and traffic in synthetic drugs the main aim of police activity. Up to now measures in the Member States have still been concentrated chiefly on the seizure of drugs, which has little long-term effect if it does not lead to the discovery of the underlying criminal organizations. Cooperation between the various national bodies and supra-national cooperation is particularly important for the success of this work. In some countries joint customs and police teams have already been formed to increase the effectiveness of the work. In the Netherlands, a special synthetic drugs unit was set up in November 1996, comprising staff from various bodies, such as the police, customs and tax investigation service.

2.3. Treatment and damage limitation measures

The users of synthetic drugs are hardly aware of the current advisory and treatment services for drug addicts. Where the use of synthetic drugs plays any part in the treatment of client, it is basically as a drug used in addition to other drugs which are causing the main problem. Users of synthetic drugs, however, usually do not take the view that they have a drug problem as ecstasy, for example, does not cause any physical dependency, the drugs are often only taken at weekends and the rest of their lives are not conducted in a socially conspicuous manner.

The limited take-up of the advisory services by users of synthetic drugs could also be because in the past it has been geared more towards those dependent on opiates and not to the specific needs of synthetic drugs users. These users have already shown that there is at least great interest in information on the effects and risks of synthetic drugs. Contact is also made with advice centres when users face proceedings for possession of drugs or dealing and they need legal advice.

Various Member States are therefore trying to reduce the risks of the use of synthetic drugs. The organizers of raves are, therefore, to be persuaded to keep certain rules, e.g. free availability of drinking water, first aid staff, good ventilation and 'chill-out' rooms. These measures are designed to reduce the risk of serious damage to health through over-exertion, overheating and too little liquid intake in conjunction with the use of drugs. Information packs for the drugs users which warn of special risk factors such as the use of drug cocktails and the consumption of alcohol at the same time are also drawn up and distributed.

In the Netherlands there is also the possibility of having the actual content of pills tested. This testing can generally be carried out in the laboratory so that warnings of potentially dangerous pills can be passed on through an information campaign. However there is also sometimes the possibility at music events for the individual user to have the contents of his or her particular pill tested.

2.4. Prevention

In the Member States of the European Union, preventive measures usually take place at four levels:

- a) Advice and information are made available for the general public.
- b) Information on the effects of using Ecstasy and synthetic drugs is integrated into the school curriculum.
- c) Targeted activities, for example, drug-free dance events are organized for young people who have already experimented with synthetic drugs or who run the risk of doing so.
- d) Mostly as part of a damage limitation policy, clubs and events are visited and information material, advice and support offered.

3. Measures at EU level

3.1. Cooperation to date

In various fields, synthetic drugs are already the subject of special cooperation under the third pillar, or are included in European Union measures in the drugs sector.

a) Control of the precursors

The relevant provisions for precursors are Council Regulation No 3677/90 of 13 December 1990 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances and Council Directive 92/109/EEC of 14 December 1992 on the manufacture and the placing on the market of certain substances used in the illicit manufacture of narcotic drugs and psychotropic substances.

These instruments cover a total of 22 drug precursors, of which eight are also used as precursors for synthetic drugs. Strict controls, precise documentation, authorizations for operators and cooperation between the authorities and operators are laid down.

In addition there are special agreements with various third countries and appropriate paragraphs in most of the association agreements which should prevent the diversion of drug precursors.

The Netherlands has drawn up a reference document which systematically lists and describes 70 different chemical substances which can be used in the production of synthetic drugs.

b) Cataloguing of synthetic drugs

Since 1995 the Europol Drugs Unit has been using the LOGO data base to collect comprehensive information on ballistic profiles of the drugs seized in the Member States. In the catalogue of Ecstasy tablets, drawn up in September 1997, over 250 different pills were described and depicted.

On the basis of the Joint action of 29 November 1996 on the exchange of information on the chemical profiling of drugs, Member States have started to exchange information on the chemical profiling of drugs, including synthetic drugs. The Europol Drugs Unit collects this information and forwards it to all Member States.

c) Early warning system

With the Joint action of 16 June 1997 on the information exchange, risk assessment and the control of new synthetic drugs the Council has set up a mechanism which should enable the control measures which apply in the Member States to psychotropic drugs to be applied rapidly to new synthetic drugs. The existing Reitox network of the Monitoring Centre for Drugs and the national Europol units are responsible for collecting information. A committee of experts from the Member States and representatives of the Commission, the Europol Drugs Unit and the European Agency for the Evaluation of Medicinal Products take responsibility for the risk assessment. After submission of this assessment the Council can adopt a unanimous decision on what measures or controls should be applied to the new synthetic drugs. The Member States are then obliged to implement an appropriate decision in accordance with their national laws.

3.2. The Commission Communication

In its Communication on the control of synthetic drugs, the Commission states that it intends initially to propose measures in three areas.

a) A system to control the precursors

The Commission considers that close monitoring of the trade in precursors is an effective method of combatting the new synthetic drugs. Such a control mechanism must differ from existing Community provisions, which it would be impossible in practical terms and undesirable to apply to precursors for synthetic drugs. The Commission cannot yet say what form this mechanism is actually to take and what substances are to be covered by it, but announces that appropriate documents are to be presented in October 1997. The submission of the proposals was, however, delayed and they were forwarded to Parliament on 20 February 1998.

b) Early warning system for new synthetic drugs

The Commission proposes that a new Technical Committee should be set up comprising representatives of the Member States and experts from the relevant bodies, under the chairmanship of the Commission, and that it should undertake the risk assessment of new synthetic drugs.

c) Classification as a punishable offence

The Member States are to be obliged to make the production of new synthetic drugs classified as dangerous and the trade in these drugs a punishable offence.

The Commission also considers that it would be useful to examine whether further instruments should be introduced at a later stage. It does not specify what these instruments should be, but refers to national measures such as urgency procedures for the control of new drugs, controls of substance analogues, etc.

Furthermore, in particular in relation to the control of precursors, the Commission encourages close cooperation with the countries of central and eastern Europe and the Baltic states and the creation of networks of experts and law enforcement authorities.

3.3. Assessment of the Commission proposals

Two of the Commission's proposals have now largely been overtaken by events. An early warning system has already been created with the Council's Joint Action, although in a slightly different form from that proposed by the Commission. Article 5 of this Joint Action also provides that, after the risk assessment of the new synthetic drugs has been made, the Council can decide unanimously which synthetic drugs should be subject to control measures. The Member States are then obliged, in accordance with the Council decision and their national laws, to place the new synthetic drugs under new control measures and criminal penalties. Thus the Commission's proposal that Member States should be obliged to make the manufacture of and trade in synthetic drugs classified as dangerous a punishable offence would also be covered by this Council Joint Action, in a different and differentiated form.

What remains is the Commission's general proposal to create a separate mechanism to control the precursors of synthetic drugs. As the Commission does not specify either the number of the precursors to be controlled or the type of control only general comments can be made on the usefulness of a control on the precursors of synthetic drugs and the problems involved. A conclusive assessment is difficult as long as the number of basic substances, the number of precursors of those substances which might also have to be controlled, the legal uses of these substances and the necessary precision of a control are not limited. This question will therefore be considered below by means of a general assessment of possible measures to deal with the problem of synthetic drugs.

3.4. What measures could be useful at EU level?

When assessing the measures to be taken at EU level it should be borne in mind that the problems concerning synthetic drugs differ markedly from those of other drugs, in particular opiates. The user groups are different, the harm caused by use is not as far-reaching (no increased risk of AIDS, no crime associated with drug acquisition, no social marginalisation of users) and the production and dealing methods are different. The overlap comes, however, from the fact that production and trade in synthetic drugs is also controlled by organized criminal groups. What is needed, therefore, is to incorporate special and appropriate responses to the problem of synthetic drugs into the existing EU programmes or, where this is suitable, to develop special cooperation. The subsidiarity principle should also be taken into account.

a) Exchange of information and prohibition of synthetic drugs

It is clearly useful if efforts are made in various ways to collect more information on

synthetic drugs and new trends, as for example through the LOGO project, DRCHIS and the Council Joint Action and the Monitoring Centre for Drugs.

It is generally felt that a mechanism is needed which alerts the responsible authorities to the development of new drugs trends and their possible risks. Such a system will probably run up against numerous difficulties in practice, ranging from the identification of an unknown trend to the question of how such information should be handled (could a report on a new trend make potential users aware of it in the first place?). An initial mechanism was created a few months ago with the Council's Joint Action and it remains to be seen how this early warning system will function in practice and what results it will produce.

This early warning system is mainly geared towards identifying new trends in order to be able to prohibit and control new drugs. It would however be sensible if there were to be links back to other bodies, for example in the prevention or health sectors. This Council Joint Action should therefore be supplemented by such a mechanism.

It has not yet been made completely clear what can be achieved through control measures and the rapid inclusion of drugs in a list of banned substances and whether this could create new problems. On the one hand, a relevant basis in penal law is needed when measures have to be taken against criminal organizations dealing in these drugs. On the other hand it must be borne in mind that there are many different substances (apparently over 1000 hallucinogenic amphetamines) which, sooner or later, will have to be prohibited. It should also be noted that where clearly efficient methods have been found to cover new substances rapidly by bans (e.g. in the USA with a combination of an urgency procedure and controls of analogue substance), while fewer new drugs come onto the market there are certainly no fewer illegal substances being traded.

Before considering further-reaching measures at EU level, there would seem to be an urgent need to analyse precisely the effectiveness of different systems.

b) Control of basic substances

There are no clear figures in the literature about the actual number of precursors for synthetic drugs. In its communication the Commission refers to up to 64 substances which can be used for the manufacture of synthetic drugs and which should therefore be subject to control measures. On the other hand can precursors also be manufactured from other substances? Should these also be subject to controls? What form would this take and how practical would this be?

What is the purpose of the controls on basic substances? Clearly such control measures can be useful for police activities, as they provide information which could lead to the exposure of criminal organizations, production sites and dealer rings. The question also arises as to whether such an objective could also be achieved through the establishment of close cooperation between the police and customs authorities on the one hand and the chemical industry on the other (chemical liaison officers).

Such controls should of course mean that a diversion of these substances is made more difficult if not impossible. Can this goal be reached and is there a reasonable balance between the effort involved and the results achieved?

It remains to be seen whether the proposals announced by the Commission for the control of precursors answer these questions convincingly.

c) Police measures

The concentration of police activities on the crushing of organized criminal groups which control the production of and trade in synthetic drugs and priority for this activity over the detection of small-scale dealers and the seizure of drugs is increasingly considered to be fundamental. An exchange of experiences between the competent authorities of the Member States on police goals and tactics could thus also be a task for the European Union. The Europol Drugs Unit can play an important role in this process and existing programmes such as OISIN (programme for the exchange and training of and cooperation between law enforcement authorities) could be used to this end.

Article K2(1)(a) of the Amsterdam Treaty makes provision for operational cooperation of authorities, including the police, in the prevention, detection and investigation of criminal offences. After ratification, appropriate structures for the prosecution of organized criminal groups in the synthetic drugs sector should be developed.

A further important factor is better coordination of preventive and health measures with policing activities and a coordinated assessment of what specific aims should be given priority.

d) Prevention and damage limitation

The European Union has an additional task in the assessment and exchange of experiences on the results of preventive and damage limitation measures and in supporting relevant activities. With the Amsterdam Treaty the reduction of drug-related health damage and information and prevention measures (modified Article 129 of the EC Treaty) become a specific task for the Community.

The special problems of synthetic drugs should be taken into account in the framework of the Community's action programme for the prevention of drug dependency and in other programmes which have a bearing on health. Member States' experiences concerning damage to health from synthetic drugs should be assessed jointly. It should also be ascertained whether measures which are already applied in some Member States to limit damage have been effective and what prevention and information measures effectively reach the users of synthetic drugs. The European Monitoring Centre for Drugs should include such investigations in its programme of work as soon as possible.

16 April 1998

OPINION

(Rule 147)

for the Committee on Civil Liberties and Internal Affairs

on the Communication from the Commission to the Council and the European Parliament on the Control of New Synthetic Drugs (Designer Drugs) (COM(97)0249 - C4-0244/97) (report by Mr Hubert Pirker)

Committee on the Environment, Public Health and Consumer Protection

Draftsman: Mr Giovanni Burtone

PROCEDURE

At its meeting of 22 July 1997 the Committee on the Environment, Public Health and Consumer Protection appointed Mr Giovanni Burtone draftsman.

It considered the draft opinion at its meetings of 18 March and 16 April 1998.

At the last meeting it adopted the following conclusions unopposed, with one abstention.

The following were present for the vote: Collins, chairman; Poggiolini and Lannoye, vicechairmen; Burtone, draftsman; and Aparicio (deputizing for Mr Apolinario), Cabrol, Corbett (deputizing for Mr Whitehead), Blokland, Bowe, Estevan Bolea (deputizing for Mr Campoy Zueco), Florenz, Gonzalez Alvarez, Hulthén, Jackson, Jensen, Lange (deputizing for Mrs Kuhn), Needle, Pollack, Roth-Behrendt, Schleicher, Sjöstedt (deputizing for Mr Papayannakis), Trakatellis, Valverde Lopez, Virgin, White.

BACKGROUND

What are 'designer drugs'?

'Designer drugs' is a slang term coined in the 1980's to describe drugs which are produced in order to circumvent the law : as various drugs became illegal, 'scientists' working in clandestine, often makeshift, laboratories would make slight chemical modifications to the original drug, resulting in a substance which no longer came under legal controls.

The new substances, more properly called new synthetic drugs (NSDs), although the two terms will be used interchangeably hereafter, are made to look, smell, taste and feel like the real thing and, like the originals, may be taken orally, sniffed or snorted, injected or smoked. Since they are made with a variety of different chemicals and by a variety of different production methods, their purity is always in doubt and in many cases they can be many times more potent and dangerous than the drugs they are replacing.

While there are a great many NSDs in circulation, three of the most common drug types are ecstasy (MDMA), amphetamines and LSD (Lysergic acid diethylamide).

These types of drugs are predominantly associated with mass youth culture, in particular with "raves", all-night dance parties. The stimulant effects of the first two types and the emotional, perceptual effects of the latter fit in well with the energetic, all-night dance music culture.

Consumption of NSDs appears to be increasingly common across the European Union although, as with drug use in general, it is not easy to know just how widespread it is. To give an indication of consumption, 2.7 million ecstasy tablets are sold in the UK every weekend¹². What is clear is that users are mostly young, employed or students, and relatively affluent ; we do not see the patterns of marginalisation or deprivation common among users of, for example, heroin or crack. In keeping with the recreational nature of 'dance parties' which tend to take place at weekends and over holiday periods, regular i.e. daily use is uncommon and "usually well below 10% of young people have tried [these drugs]"¹³

The prevailing attitude among users is that they are not in any danger : they have read the horror stories, some have had bad experiences but have lived to tell the tale.

Reasons for taking these substances are mixed-"because they are fun", "because everyone else does", "because we are told we shouldn't", "because we are curious/bored", "drugs help you dance all night", or to help cope with shyness or to compensate for low self-esteem.

Ecstasy and its effects

Ecstasy is not a new drug. Scientifically known as MDMA or 3,4 methylene dioxymethamphetamine, it remained legal in the US until 1985. Ecstasy comes in tablets or capsules, often brightly coloured and with logos on them. Estimates of numbers of young people taking it on a regular week-end basis in the UK, for example, fluctuate between 500,000 and 800,000.

While media attention has focussed on young people dying after taking ecstasy, the most commonly experienced symptoms appear to be racing heartbeat, dry mouth, palpitations, excessive sweating, panic, loss of appetite. In extreme cases, the effect on the body's temperature control can lead to hyperthermia (heatstroke).

The evidence does show that serious physical and psychological reactions to MDMA have occurred but, in many cases, these occurred in people predisposed in some way, or where large doses of other drugs were taken in combination with MDMA. Some of the reactions documented have included people contracting hepatitis and jaundice, cases of swelling of the brain in individuals who cannot excrete water fast enough through their kidneys after taking MDMA, seizing up of the jaws and severe depression. High dose users may develop a dependence problem and there are some suggestions that ecstasy use may be associated with long-term psychotic illness, but the data are sketchy in these areas.

Marcus Rattray, one of the few British bio-chemists to receive funding for ecstasy research, has said that "ecstasy causes big changes in the brains of animals but there is still no firm evidence that the drug is neurotoxic in humans".

However, other recent research indicates that the possible long-term effects are in fact more serious than the immediate dangers.

Amphetamines and their effects

An amphetamine is a stimulant whose use dates back over 100 years.

It is an acronym for *alpha-methyl-phenethylamine*. It has many medical uses and was sold in the US as a nasal decongestant until 1971. Benzedrine, an amphetamine-based drug, was thought to help in curing 36 ailments including migraines, seasickness, obesity and impotence. However, as awareness increased of the adverse effects, amphetamines became controlled substances.

Nowadays, the most common recreational form used is amphetamine sulphate, sold as a white powder to be sniffed or rubbed against the gums ; some people swallow it dissolved in a drink or wrapped in a cigarette paper. It is probably the least expensive illegal street drug.

As with ecstasy, though, users can never be sure what they are buying as it is often mixed with other things such as soda, caffeine, chalk, talcum powder and, very occasionally, dangerous poisons.

The attraction of amphetamine is that it increases the metabolic rate and gives the user added energy, which is why it is so popular as a dance drug. As with ecstasy, users may be at risk of dehydration and overheating.

The effects vary : after the energy rush has worn off, users may feel lethargic and depressed. If used a lot, amphetamine can make people more vulnerable to colds and infections. High doses may lead to headaches, nausea, blurred vision. There is some evidence that long-term repeated use can cause nerve damage, high blood pressure and irregular heartbeat.

Amphetamine users who inject run the risk of contracting hepatitis B/C or HIV through the use of contaminated needles ; chronic snorting or sniffing may result in a loss of smell. It has been suggested that stimulant use may be more linked with violent crime than other types of drug use. Amphetamine use is associated with dependence.

LSD (Lysergic acid diethylamide) and its effects

This is a hallucinogenic drug, used in psychiatry for many years and by the US secret services as an aid to interrogation and brainwashing. It was also used medicinally for terminally ill patients. In the 1960s it became the favoured drug of American hippies, musicians, writers and artists.

Much of the LSD sold today is less powerful than that of the 60s, down from an average of 250 microgrammes to around 50 microgrammes, and it is a regular part of the dance scene.

It is impregnated in small pieces of thick paper, which dissolve on the tongue. The physiological effects may include - increase in heart rate, blood pressure, body temperature, blood sugar level ; sweating, chills, shaking, weakness, numbness, muscle twitching. It is associated with increased risks of accidents if driving or handling dangerous machinery. Its hallucinogenic powers can create illusions and delusions. Some people have died as a result of imagining they could accomplish the impossible while under the influence of the drug. LSD can also cause people to have sudden hallucinatory flashbacks, even years after they have taken the drug.

LSD has been held responsible for damage to chromosomes although the reports suggesting this have exposed cells to massive LSD concentrations.

LSD is not as easily manipulated chemically as the other two types outlined above, and is therefore more difficult to synthesise.

As can be seen, the evidence is mixed and the jury is still out on the longer term effects of NSDs. However, in the face of such mixed evidence, we cannot afford to be complacent and have to take clear and concerted action on precursors. Recognizing, however, that the existence of NSDs is a reality, work must continue on the preventative aspects.

The Communication

The Commission Communication has come about in direct response to conclusions reached at the 1996 Dublin Council on the need to suppress the production of and trafficking in synthetic drugs in the European Union. It sets out, in rather general terms, the background against which any future EU action on synthetic drugs is to be taken.

Areas referred to in the Communication cover the international response to the problem

(the 1971 United Nations Convention on Psychotropic Substances, together with the relevant provisions of the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances), the European Nations Convention on Psychotropic Substances, together with the relevant provisions of the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances), the European Union's existing possibilities for response, the types of responses adopted by individual Member States, and elsewhere. They include the 'generic' approach, which criminalises groups of synthetic drugs in advance of their actually becoming available on the market ; the 'emergency list' approach whereby, by definition, rapid action is taken and provisional legal controls for new synthetic drugs are introduced rather than waiting the 2 or 3 years usually required ; the 'analogue' approach favoured in the Un

The Communication goes on to offer what it calls 'elements for a response at the level of the European Union'. These are based on the priorities established at the Dublin Council, and the Joint Action of 17 December 1996 (adopted in June 1997) which stressed the need for more convergence in the legislation of Member States in the area of synthetic drugs. ¹⁴

Thus, "as a first and early step" ¹⁵, the Communication proposes a three-pronged approach involving:

- proposals for the amendment of directive 92/109/EEC on the manufacture and the placing on the market of certain substances used in the illicit manufacture of narcotic drugs and psychotropic substances, and of Regulation 3677/90 concerning international trade in precursors.
- the creation of an early warning system for synthetic drugs, to be built on existing information-gathering bodies, and including a mechanism for risk assessment ;
- a commitment by Member States to criminalise production and trafficking of new synthetic drugs which have been declared dangerous.

It is also suggested that, at a later stage, the three different approaches referred to above, the generic, emergency list and analogue approaches respectively, could be examined and their potential effectiveness and modes of implementation considered.

The Communication is accompanied by two annexes :

Annex I consists of a table listing the individual substances scheduled under the 1971 UN Convention;

Annex II deals specifically with actions needed to achieve a 'concrete Community position' on the issue of NSDs and their precursors. This joint position will be especially desirable in the light of the forthcoming General UN Assembly Special Session on Drugs, to be held in New York in June 1998.

As well as outlining the background, the Annex assesses the ability of current Community legislation to cope with the problem of NSDs.

However, according to the Communication, the existing legislation is inadequate, especially regarding monitoring mechanisms and the type and number of substances subject to monitoring (only 8 of the 22 substances listed in the 1988 Vienna Convention relate to synthetic drugs, while scientific opinion suggests that between 6 and 62 new substances should be added).

The Commission is working with national experts with the aim of finding "a suitable coherent system to tackle the problems of NSDs"¹⁶. It suggests that further action will also have to be taken under the Phare programme since many NSDs are currently produced in central and eastern European countries.

GENERAL COMMENTS:

The draftsman has carefully read the Communication and fully concurs with the need for strong controls on precursors and for a coordinated position at EU level. However, bearing in mind this committee's particular responsibility for public health, the conclusions below will also focus on the aspects concerning the prevention of the consumption of NSDs and on places of consumption. While clubs, discos and acid house parties should, as soon as possible, be subject to a high standard of regulation, we would encourage the issuing of strong guidelines, in the very near future, concerning opening hours, the presence of responsible adults, and basic health and hygiene measures. In the latter case, it is vital that free drinking water be available *throughout the evening*. (It is not uncommon for clubs to turn off the tapwater in washrooms or at drinking fountains, in order to 'encourage' patrons to buy expensive drinks at the bar).

The COMM2 Committee on the Environment, Public Health and Consumer Protection calls on the COMM1 Committee on Civil Liberties and Internal Affairs, as the committee responsible, to incorporate the following amendments in its report:

1. Takes the need for coordinated action and strong controls on the precursors used to manufacture new synthetic drugs extremely seriously, and endorses the tenor of the Commission Communication : the determination to take swift, and appropriate, action; in this context, welcomes the Commission's recent adoption of proposals to update Regulation 3677/90 and Directive 92/109; remains convinced, however, that without greater understanding of demand and use there can be no expectation of controlling the phenomenon of synthetic drugs effectively;
2. Recommends the approximation of laws on precursors and basic substances which can lead, when the time comes, to harmonization in this sector;
3. Also suggests the creation of a register listing all the basic substances and precursors with the aim of monitoring inward and outward flows during the various stages of production and distribution of these substances;
4. Agrees with the focus given in the Communication to the need for action on the production of precursors in the countries of central and eastern Europe;
6. Notes that synthetic drugs are on the increase in almost all countries of the European Union and that the current action taken against supply and the approach to demand have not proved sufficiently efficient; draws attention to the specific data in the 1997 report of the European Monitoring Centre for Drugs and Drug Addiction in Lisbon which however also shows that investigation into the phenomenon and the young people who come into contact with it is not really occurring anywhere in the Union.
7. Concerned to learn that the use of NSDs in clubs and discos is increasing dramatically, draws attention to the need to have a more coordinated policy towards such establishments; fully respecting the principle of subsidiarity, asks the Commission to put forward proposals to Member States to ensure that all health and hygiene

measures applicable to clubs, discos and places where young people congregate for leisure be fully respected;

8. Notes that the most important synthetic drugs, Ecstasy and related substances, belong to a specific aspect of youth culture (house, techno, rave); notes also, however, that for users real health risks can occur such as tiredness and depression after use, hallucinations, confusion and panic or overheating of the body during use;

9. Notes that health risks increase because the composition of synthetic drugs such as Ecstasy tablets is often not known so that consideration must be given to such measures as investigation of the composition of substances and thus their risk and this should take place where the substances are circulating;

10. Stresses the continuing importance of preventive measures regarding consumption of NSDs;

11. As underlined in its report on the prevention of drug dependence within the framework of action in the field of public health (1995-2000) [Burtone report, A4-0398/96], and in the subsequent Community Action Programme¹⁷, considers that education and information are paramount where prevention is concerned; considers that objective information (including awareness of the risks) provided at the level of and in dialogue with young people in schools, youth meeting places and other places where young people congregate and with an understanding of their motives, is the first requirement for targeted preventive actions;

12. Asks that health-care professionals be properly informed in good time of any possible development in the area of synthetic drugs;

13. Suggests that, since the Internet is increasingly utilized by the dance/drug subculture to advertise the availability of NSDs, and other drugs, and venues of consumption, the network be used to communicate the prevention message in a language familiar to the targeted group; drugs;

14. Draws attention to the evidence that already exists on the detrimental health effects of designer drugs, but recognises that not enough is known about their long-term effects, including the possibility of dependence; therefore asks the Commission to undertake further studies in this field, in particular on their composition, production methods, the short and long-term effects and possible treatments;

15. Supports the call by the European Monitoring Centre for Drugs and Drug Addiction in Lisbon for further research to be carried out on the users of synthetic drugs, the consequences of use, the various forms of use, the situation of chronic amphetamine users and also the results of different preventive measures already in operation;

OPINION

(Rule 147 of the Rules of Procedure)

Letter from the chairman of the Committee on Budgets to Mrs d'Ancona, chairman of the Committee on Civil Liberties and Internal Affairs

Committee on Budgets

Brussels, 24 July 1997

Subject: Communication from the Commission to the Council and the European Parliament on the control of new synthetic drugs (designer drugs) (COM(97)0249-C40244/97) (Report by Mr Pirker)

Dear Mrs d'Ancona,

The Committee on Budgets considered the above communication at its meeting of 23 July 1997.

It noted the need for the European Union to take firm action to control synthetic drugs, consumption of which is on the increase, particularly among the very young.

It therefore endorsed the aims of the above communication, which is intended as a further contribution on the part of the Commission towards implementing the recommendations of the Dublin European Council, which clearly pointed to the need to put an end to domestic production and trafficking of synthetic drugs within the Member States. In the communication, the Commission sets out its views on the tracking of the precursors of synthetic drugs and outlines the means to be used for this purpose, including the introduction of an early warning and risk assessment system. In this connection, the Commission proposes the establishment of a technical committee to evaluate the risks posed by synthetic drugs. The committee, which would be chaired by the Commission, would be allocated an annual budget of ECU 20 000 (2 meetings/year, with 15 experts by committee) under budget line A-2511.

The Committee on Budgets endorsed the creation of such a committee on condition that it abide by the terms of the Commission's undertaking to Parliament (resolution of 17 December 1996, paragraph 72), namely that:

- the agendas for committee meetings must be made available;
- the results of votes taken within committee meetings must be forwarded;
- the representatives of the Member States must make a prior declaration of their personal interests, which must not conflict with the committee's activities;
- Parliament's request that it take part in committee meetings must be met.

Yours sincerely,

Detlev SAMLAND

The following were present for the vote: Samland, chairman; Tillich, vice-chairman; Elles, Haug, McCartin, Tappin, Tomlinson, Virrankoski, Wemheuer (for Krehl) and Wynn,

23 March 1998

OPINION

(Rule 147)

for the Committee on Civil Liberties and Internal Affairs

on the communication from the Commission to the Council and the European Parliament on the control of new synthetic drugs (designer drugs) (COM(97)0249 -

C4-0244/97) (Report by Mr Pirker)

Committee on Culture, Youth, Education and the Media

Draftsman: Peter PEX

PROCEDURE

At its meeting of 2 September 1997 the Committee on Culture, Youth, Education and the Media appointed Philippe De Coene draftsman.

It considered the draft opinion at its meetings of 29 October 1997, 25 February 1998 and 18 March 1998.

At the last meeting it adopted the following conclusions by 12 votes to 5, with 1 abstention.

Given the conclusions which were adopted, Mr. De Coene did not feel it appropriate to remain as draftsman and therefore the name of Mr. Pex, Chairman of the Committee, appears on this opinion.

The following were present for the vote: Pex, chairman; De Coene draftsman; Oostlander, pursuant to Rule 138(2) and Anoveros Trias de Bes, Elchlepp (for Evans), Escudero, Gröner, Guinebertière, Heinisch, Kerr, Kokkola (for Morgan), Kristoffersen (for Mouskouri), LeperreVerrier, Pack, Perry, Ryyänen and Sanz Fernandez.

1. INTRODUCTION

In December 1996 the European Council of Dublin stressed the need to curb the production of, and illegal trade in, synthetic drugs. This communication is a contribution to this process.

Synthetic drugs are manufactured from chemical products, in contrast to cannabis and heroin. Examples are barbiturates, benzodiazepines, LSD, amphetamines and the XTC family.

These drugs are on the increase. They are part of a particular youth culture and they fit well with our 'live and consume' culture aimed at immediate results and performance. It is fairly easy to make these drugs. All the chemical ingredients required - the precursors - are freely available commercially because they are also used for the chemical and pharmaceutical sectors. Nor is there any need for a sophisticated laboratory; simple facilities will do. Accordingly, they are produced on a massive scale in certain Member States and in some countries in Central and Eastern Europe and then sold at an enormous profit to young people.

At the international level there is an important legal instrument for tackling this problem: the 1971 United Nations Convention on Psychotropic Substances. All EU Member States have ratified the Convention. The list with products is annexed to the communication. The Convention provides an important framework for registering and banning the main synthetic drugs which had been identified in 1971. Although the list is regularly updated, the problem is that it is always obsolete. Extending the list, for which two or three years are required, takes too much time. A minor change to the chemical formula is sufficient to create a drug which has not yet been banned. Nor is control on the trade in precursors easy, because the chemical products are available through normal commercial outlets.

At national level attempts have been made to deal with the problems to some extent through the generic, analogue or emergency list approach. In the 'generic' approach, legislation includes generic formulas so that new synthetic drugs not appearing on the UN Convention's lists are also covered. The advantage of this approach is that a large number of groups of synthetic drugs which might be placed on the market are illegal from the outset. The 'analogue' approach regards as analogous substances that produce substantially the same psychotropic effect and which have chemical structures substantially similar to those of controlled substances. Finally, the emergency list is an urgency procedure in legislation whereby new substances which appear on the market can be controlled on a provisional basis before they are included on the list of illegal drugs.

In view of the international dimension of the trade in synthetic drugs or their precursors, there is a need for action at Union level too. Besides greater convergence between national legislation and better cooperation in the fight against drugs, the Union seeks specific action on the following three fronts:

A. As far as precursors are concerned, the aim is to make monitoring of trade in these chemical substances more efficient. At present the list includes 22 products subject to strict, and hence laborious procedures. There is still no scientific agreement on what products could be added to the list, although there is agreement that for practical purposes

- because of their cumbersome nature and hence the delaying effect they have on trade and the chemical industry - the existing monitoring mechanisms would be difficult to apply to new products. Too extensive a list would further impede monitoring of trade, which is already difficult. The question is whether, and if so, what products should be added to this list, and hows the list can be updated more rapidly. In other words, the aim is to find different, rapid and flexible, effective and manageable monitoring mechanisms for the Union as a whole, based less on the issuing of licences and more on cooperation between the participants in the market. However, the Commission fails to state exactly what it understands by this.

B. The aim is to create an early warning system for new synthetic drugs on the basis of a technical committee to be set up in cooperation with the Member States, the Monitoring Centre in Lisbon, Europol and the Agency for the Evaluation of Medicinal Products, to achieve a more rapid exchange of information and evaluation and to enable action to be taken more rapidly.

C. Better cooperation with the countries of Central and Eastern Europe where there are numerous clandestine laboratories or which attract such laboratories. Funding under PHARE can be used to exert pressure in this respect.

Finally, the intention is to arrive at a common position as soon as possible by way of preparation for the United Nations' special assembly on drugs in 1998.

CONCLUSIONS

The Committee on Culture, Youth, Education and the Media calls on the Committee on Civil Liberties and Internal Affairs, as the committee responsible, to take account of the following conclusions:

1. Notes that the use of synthetic drugs is on the increase in virtually all the countries of

the European Union, although this new market is not tending to replace the consumption of products such as cocaine or heroin but is adding to it by penetrating further sections of the population, particularly young people;

2. Notes that the manufacture of these synthetic drugs, which are psychotropic, require only chemical precursors and can thus be carried out close to what have become extremely fragmented distribution markets, which considerably shortens supply channels and complicates the anti-drugs effort of the police and courts in the Member States, and the job of understanding the problem;

3. Notes that there are increasing signs of the establishment of synthetic drug production on a large scale in eastern Europe and that there is therefore a need to involve the central and eastern European countries more closely in the surveillance mechanisms to be set up to counteract the manufacture and export of these new drugs or the deflection of substances used as precursors;

4. Welcomes the Joint action of 16 June 1997 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, concerning the information exchange, risk assessment and the control of new synthetic drugs (OJ L 167, 25.6.1997, p. 1);

5. Refers to the specific information in the 1997 report of the European Monitoring Centre for Drugs and Drug Addiction in Lisbon, which shows, however, that research into the phenomenon and the young people who come into contact with it does not amount to very much anywhere in the Union;

6. Notes that the proliferating diversified supply of synthetic products and their consumption are bound to increase, since they generate extremely large sums of money at every level of production, distribution and consumption;

7. Notes that the illegal production of, and trade in, synthetic drugs is in the hands of clandestine organizations and/or persons, often organized in effect as a cartel, who make enormous profits from it, and that such circles can only be efficiently combatted through a Community dimension to police and justice cooperation at Union level, with powers for the European Court of Justice, and democratically accountable to the European Parliament;

8. Welcomes the communication from the Commission on the control of new synthetic drugs because it is a step in the right direction, and in which there is recognition of the need to strengthen the system for controlling the new synthetic drugs and their precursors, in order to curb the manufacture and sale of such products, but remains convinced that without a greater understanding of supply and demand the phenomenon of synthetic drugs cannot effectively be controlled;

9. Endorses the Commission proposals for improving and increasing cooperation with the central and eastern European countries in this area, including the proposals to set up contact points for legislative affairs and assessment, and for modifying the relevant PHARE project;

10. Takes note of the recent Commission proposals, 98/0016 and 98/0017 of 23 January 1998, for a Council Regulation and a European Parliament and Council Directive on control of substances used for the illegal manufacture of narcotic preparations and psychotropic substances;

11. Notes that drug use is very much culturally and socially determined, and that the

consumer society is partly to blame, as it suggests that life's difficulties can be overcome by taking substances with a pharmacological effect;

12. Notes that the most important synthetic drugs, XTC and analogues, form part of one particular aspect of youth culture (house, techno and rave), and notes that coordinated action must be taken to counteract all glorification of the use of synthetic drugs by media such as television or modern information technologies;

13. Is concerned at the dangers which their use involves for the health of users, such as fatigue or depression after use or, hallucination, neurological disorders, feelings of disorientation or fear, or hyperthermia of the body during use, particularly as the composition of these synthetic drugs, such as XTC pills, the molecular variation of which is a simple matter, is often unknown;

14. Considers that the Member States must implement a wide-scale primary prevention policy, warning the general public of the risks involved in the abusive use of psychotropic substances and the risk of deflection of their use into synthetic drugs;

15. Considers, therefore, that the campaign against synthetic drug use must be a top priority; the campaign must be based mainly on objective information (with a knowledge of the risks) for, and in dialogue with, young people and with an understanding of their motives, and other measures such as analysing the composition of products, and hence their risks, and the places where such products are in circulation;

16. Stresses that when running prevention campaigns priority must be given to a campaign geared to and targeted on young people; is of the opinion that objective information, which must be put across in the teaching of science in schools, amongst other places, is an essential basis for successful prevention, and is the first requirement for selective preventive measures, particularly in schools, youth clubs and other places where young people get together; points out that information must be given in a dialogue with young people in which teachers, parents, doctors, youth leaders and church representatives, are involved;

17. Considers that such awareness and prevention campaigns require the provision of objective information on the potential dangers arising from the use of such drugs, through cultural and educational programmes of a preventive nature designed not only for young people but also for parents, teachers, medical personnel and welfare assistants, to enable them to provide appropriate help at the various stages in a young person's life;

18. Suggests the introduction of "anti-drugs discotheques" as a special form of information campaign; in this form of treatment for drug addiction, which has already proved its worth in, for instance, Germany, the police present information at disco events on the risks of drug use, in cooperation with drugs advisory centres, parents and schools;

19. Considers that the campaign against drug consumption must remain a top priority for the European Union and, in accordance with the guidelines set out in the Commission communication, must take the following form:

- rapid amendment of Community law on precursors,- a campaign against their deflection (in third countries as well),- adjustment of the surveillance machinery to deal with the highly evolutionary nature

of substances used to manufacture NSDs, particularly to compile a register of the products used,

- assessment of the risks they pose to health,
- suggested lines of thinking and action to be put forward at international level, notably at the special United Nations session on the drugs issue;

20. Stresses that research work must be carried out in the field of synthetic drugs to improve knowledge of such drugs, and gather relevant information on their effects on health and on the social, economic and cultural factors underlying the consumption of amphetamine-type stimulants (ATS);

21. Supports the call by the European Monitoring Centre for Drugs and Drug Addiction in Lisbon for in-depth research into the users of synthetic drugs, the consequences of drug use, the different forms of drug-use, the situation of chronic amphetamine users and the results of existing preventive measures;

22. Emphasizes that the central and eastern European countries must also be involved in such measures in a prophylactic campaign against drugs, to take the form of a public debate and dialogue between young people, teachers, parents, schoolchildren and youth centres.

() Decision No 102/97/EC of the European Parliament and Council, 16.12.1996 (OJ No L 19 of 22.01.1997, page 25)

() Oxford University Press 1997.

() OJL 370, 19.12.1992, p. 76

() OJL 159, 1.7.1993, p.134

() OJL 188, 27.7.1996

() OJL 357, 2.12.1990, p.1

() OJL 96, 10.4.1992, p.1

() OJL 167, 25.6.1997, p.1

() OJL 322, 12.12.1996, p.5

() OJ C 166, 3.7.1995, p.116.

() COM(98)0022.

() OJL 167, 25.6.1997, p.1

() Figure cited by Lord Semphill, the House of Lords, Nov. 1996

() 1997 Annual Report on the State of the Drugs Problem in the European Union, European Monitoring Centre for Drugs and Drug Addiction, Lisbon.

() Bulletin of the European Union no 12, p. 9

() COM(97)0249 final, p. 5

() COM(97)0249 final, p. 15

