European Union

Statement on the occasion of
the 63rd Session of the Commission on Narcotic Drugs
Vienna, 2 - 6 March 2020

Agenda item 5 (b): Challenges and future work of the CND, the WHO and the INCB in the review of substances for possible scheduling recommendations

Mr. Chair, Excellencies, Ladies and Gentlemen,

It is an honour to be here today with you and to speak on behalf of the European Union and its Member States regarding the ongoing challenges of identifying and detecting new psychoactive substances.

The World Drug Report 2019 shows that an area where the international community has had a degree of success is in addressing new psychoactive substances (NPS), evidenced by a decline in the number of NPS identified and reported for the first time to UNODC. NPS have not been taken up in the market to the extent feared a few years ago. Policies relating to NPS appear to be having some impact, especially those aimed at reducing open trade in the EU as well as measures taken in source countries. Currently around 50 new substances are reported annually, giving a total of over 730 that have been reported to the EU Early Warning System.

The international community has reacted in a timely manner to assess the harms caused by NPS and to schedule those that warranted international control: the Commission on Narcotic Drugs has acted swiftly in recent years to schedule the most harmful new psychoactive substances, and the UNODC early warning advisory has helped to keep the international community abreast of developments. International cooperation has succeeded in checking the growth in new psychoactive substances.

Nevertheless, make no mistake: despite this, NPS continue to represent a serious threat to health due to the number of potent opioids, synthetic cannabinoids and benzodiazepines appearing on the market and the associated health emergencies and deaths. Problems attributable to synthetic cannabinoids appear to be growing, as their relatively low cost, easy availability and high potency are factors in increased use among marginalised groups, including the homeless and prison populations.

In addition, new synthetic opioids are a growing cause for concern, with a rapid increase seen in the number of fentanyl derivatives, substances particularly associated with health problems, including fatal poisoning: synthetic opioids have become the second most important substance group, after stimulants, in terms of NPS reported for the first time. The group accounted for 29 per cent of the newly identified NPS in 2017.

Mr Chair,

We believe that strengthening the national, regional and international actions in order to address the challenges of new psychoactive substances, including their adverse health consequences, and continue to develop appropriate measures, prevention and treatment models and supporting scientific evidence-based review and scheduling of the most prevalent, persistent and harmful substances are important questions which must continue to have our full attention.

I would now like to turn our attention to drugs precursors.

In 2019 the European Union already spoke under this agenda item about the unprecedented challenges that drug precursor control is currently facing due to the rapid proliferation of the use of designer-precursors in illicit drug manufacture, in particular synthetic drug manufacture. Designer-precursors are close chemical relatives of scheduled precursor. They are purpose-made to circumvent controls and they usually do not have any known legitimate use.

In 2017 the European Union started with a large-scale and detailed evaluation of its drug precursor policy. Although this evaluation is not yet fully finalized it is clear that the use of designer-precursors in illicit synthetic drug manufacture is the European Union's most important challenge in this field.

The evaluation showed that our current legislative framework is conceived to prevent diversion of traditional precursors which have a legitimate use and are traded between legitimate companies but it is ill-equipped to deal with designer-precursors. To a large extent this is due to the fact that designer-precursors fall in the grey area between traditional drug policy, where production related offences are punishable with criminal penalties, and traditional drug precursor control, where in principle law-abiding companies are helping the authorities with the prevention of diversion. Offences in this area are usually punished with administrative penalties.

Within the European Union we have already started with informal discussions on possible options on how to more effectively address the challenge of designer-precursors. All options are being considered: some possible avenues are fine-tuning our current 'catch-all'-provision, introducing generic or extended scheduling, strengthening coherence with drugs legislation, etc. However, in view of the complexity of the matter we realize we need to involve a broad spectrum of expertise from licensing authorities, police, customs, the judiciary, chemists, academia, industry, etc. This is what we intend to do in the coming months and we will keep this Commission informed on developments.

Of course, as already stated last year, drug precursor diversion and trafficking, in particular of designer-precursors, is a global phenomenon and thus also requires global action. Therefore, the European Union continues to fully support the Board in calling upon all Parties to the 1988 UN Convention to start reflecting on how we can establish a legal basis which would enable authorities worldwide to disrupt the supply of such substances more effectively without creating undue burden for authorities and legitimate industry.

Thank you for your attention.