



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 30 October 2013
(OR. en)**

15295/13

CORDROGUE 108

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 16 October 2013
To: Horizontal Working Party on Drugs
Subject: Summary of discussions

1. Adoption of the agenda

The meeting adopted the agenda as set out in doc. CM 4597/13.

2. Information concerning the proceedings of other EU bodies

The Presidency informed the delegations about the progress on the Multi-Annual Strategic Plans (MASPs) concerning cocaine and heroin and synthetic drugs in the framework of the EU policy cycle and the adoption of the Council implementing decision on subjecting 5-(2-aminopropyl)indole to control measures.

3. Draft Council Conclusions on Drug Supply Reduction Indicators

The delegations examined the above-mentioned revised Council Conclusions, outlined in doc. 14539/13 CORDROGUE 98 ENFOPOL 311 and endorsed the text as amended during the meeting to take into account the delegates' comments, which will now be submitted to COREPER/Council for adoption.

4. Proposal for a Regulation of the European Parliament and of the Council on new psychoactive substances

The representative of the Commission presented the above-mentioned proposal, outlined in doc. 13857/13 CORDROGUE 87 SAN 344 DROIPEN 110 CODEC 2068. The first general discussion was held on the proposal, especially as regards the legal basis of the new proposal, the impact of the new instrument on national legislation already in place, including on the generic approach to classifying new psychoactive substances, the possibility to introduce different national measures and to act where no action is taken on the EU level.

The Commission explained that it found the internal market legal basis to be the best way to achieve the objectives of the new instrument, by dealing with the threat posed by new psychoactive substances more efficiently through enabling the market withdrawal and adoption of binding measures, while at the same time ensuring that legal trade was not hampered. The CLS noted that after a preliminary examination of the proposal, they looked favourably to the choice of the legal basis of the new instrument, subject to the possible evolution of the text and that Article 4 of the proposed Regulation had to be further analysed in order to see how and to what extent the MS concerns about their possibility to adopt more stringent rules could be addressed.

The representative of the Commission also recalled that the proposal did not replace relevant national legislation and only concerned new psychoactive substances which posed a risk on EU level, while national measures could continue to be taken as regards substances causing national concern (and which need to be notified to the Commission pursuant to Directive 98/34). The speaker also explained that the draft Regulation did not require to criminalise the possession of drugs for personal use. In response to the UK, CLS said that neither the Regulation nor the newly proposed Directive can be viewed as "building upon Schengen acquis".

The delegations also discussed the difficulties concerning establishing scientifically sound criteria to classify new psychoactive substances, the financial resources necessary for the functioning of the new mechanism and the proposed decision making process as regards classifying these substances, including the role of the Committee composed of the Member States' representatives.

5. Report on National Drug Coordinators' meeting and discussion on the further steps concerning the misuse of prescribed medicines

The Presidency gave an overview of the proceedings and results of the above-mentioned meeting, held on 18-19 September 2013 in Vilnius, recalling that the electronic versions of the publications on the misuse of prescribed medicines prepared by the Presidency and presented during the meeting were available as well as a banner to the relevant link, which could be placed on the websites of the national drug institutions.

The Presidency expressed a wish to encourage the discussion on the misuse of prescribed medicines and to see what actions could be taken in this respect. Pointing to the examples of the US and Australia, one delegation warned about the necessity to act in a preventive manner. A number of delegations stressed that the concept as well as the scope of the problem had to be defined first and that the Council working group dealing with health issues should also be involved into this discussion. It was also noted that this problem fell under the HDG remit as long as the misuse of the prescribed medicines was treated as an addiction. The incoming EL and IT Presidencies announced their intention to tackle this problem during their Presidencies.

6. Preparation for the High Level CND session in 2014: information from the Presidency on the intersessional meeting on 16 September 2013 and on the coordination of the further process

The Presidency reported on the intersessional meetings held on 25 September 2013 and 16 October 2013 and informed the meeting that a new text would be presented containing the points of the CND Chair proposal for the draft Ministerial Statement on which consensus was achieved. The Presidency also explained the difficulties the third states' delegations had with the concept of "risk and harm reduction", but the EU Member States insisted on using the concept as defined by the EU Drugs Strategy 2013-2020.

7. Preparation for EU-US expert meeting on drugs (17 October 2013) and discussion on the outcomes of the http://www.oas.org/en/media_center/press_release.asp?sCodigo=E-194/13 Report on the Drug Problem in the Americas

The Presidency gave an overview of the foreseen agenda of the above-mentioned meeting to be held as a videoconference, outlined in doc. 14510/13 JAI 867 CORDROGUE 97 US 48 and presented the alternative scenarios of the drug policy development as provided in the study on the Drug Problem in the Americas. The representative of the EEAS recalled that this study was discussed at the OAS General Assembly held in Guatemala in June 2013 where it was widely supported by the Latin American delegations. The representative of the Commission welcomed the conclusion of the study that the drug problem could only be addressed through a comprehensive approach.

8. Preparation for:

– *EU-Central Asia Senior Official Meeting*

The representative of the EEAS updated the delegations on the preparations for the above-mentioned meeting to be held on 12 November 2013, the draft agenda of which is contained in doc. DS 1703/13.

– *Dublin Group meeting*

The FR delegation presented the main agenda items of the Dublin Group meeting to be organised on 13 November 2013, noting that the same thematic debates as planned during the previous meeting, which was cancelled due to a strike, would be held during the forthcoming meeting.

9. Report on the EU-CELAC technical committee meeting

The Presidency gave an overview of the outcomes of the above-mentioned meeting held on 12 September 2013 (doc. 14444/13 CORDROGUE 95 COLAC 12).

10. AOB

No issues were covered under AOB.