



Brussels, 2 February 2015  
(OR. en)

5777/15

CORDROGUE 7  
SAN 35

## OUTCOME OF PROCEEDINGS

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From: General Secretariat of the Council  
On: 13 and 14 January 2015  
To: Delegations of the Horizontal Working Party on Drugs  
Subject: Summary of discussions

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### 1. Adoption of the agenda

The meeting adopted the agenda set out in CM 5508/14 addition of the following AOB items:

- Call for proposals as regards the EU Civil Society Forum on Drugs;
- Joint action on HIV reduction and prevention

### 2. Presentation of the priorities of the LV Presidency

The LV Presidency outlined the main issues in the field of drugs to be addressed during their Presidency, including negotiations on the Regulation on New psychoactive substances, preparation of the 58th CND session and UNGASS 2016, development of minimum quality standards in drug demand reduction and tackling the misuse of and dependence on prescribed medicines, and informed the delegations about the calendar of the meetings.

### **3. Information concerning the proceedings of other EU bodies**

The Presidency updated delegations on the developments concerning the drug-related priorities of the EU policy cycle and invited delegations to actively participate in the implementation of the drug-related action plans at Member State level.

The Presidency also informed delegations about the findings of the questionnaire issued by the **Customs Cooperation Working Party** on improving capacities of law enforcement agencies in the fight against new psychoactive substances, contained in **16073/14 JAI 951 ENFOCUSTOM 152 CORDROGUE 99**. Some delegations welcomed this report, while noting that overlap between the two working parties in dealing with new psychoactive substances should be avoided. Delegations agreed to give EMCDDA access to this document.

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

The Presidency gave an overview of the different possibilities existing under Article 114 TFEU and Article 83 TFEU to establish a mechanism to tackle new psychoactive substances. The CLS recalled the conditions for adopting legislation under Article 114 TFEU and elaborated on the possibilities for Member States to adopt new or more stringent national measures under both legal bases. The representative of the Commission recalled the arguments leading to the choice of Article 114 TFEU as the legal basis for the proposed Regulation on new psychoactive substances.

A number of delegations expressed their concerns as regards the use of Article 114 TFEU as the legal basis of the proposal and suggested that alternatives should be explored. A number of delegations proposed that Article 83(1) TFEU, (minimum harmonisation of substantive criminal law), possibly combined with Article 74 TFEU, (administrative cooperation of national authorities competent in the field of JHA) should be further considered.

## **5. Minimum quality standards in drug demand reduction - discussion on the proposed list of standards**

The Presidency presented the revised proposed list of minimum quality standards contained in DS 1575/1/14 REV 1 and delegations provided their general comments on the proposed standards, especially as regards their number, nature, implementation, further process and monitoring. A number of delegations noted that this was a very important project, which should also be presented to third countries. Also, a number of delegations explained that many of these minimum standards were already in place in Member States.

The Presidency requested delegations to send general written comments on the proposed standards and drafting comments as regards the thematic area "Prevention" by 21 January 2015. Further discussions of the standards would be based on DS 1575/1/14 REV 1 and draft Council Conclusions on this topic would be presented in one of the forthcoming HDG meetings.

## **6. Preparation of the EU statement for the "Special Segment on UNGASS Preparation" to be held during the 58th CND session**

The delegations discussed the preparation of the draft EU statement for the above-mentioned meeting suggesting to prepare a statement containing the EU position on the procedure and the key recommendations on drugs policy, rather than developing a statement complemented by written annexes. The Presidency noted that work on the written annexes would continue.

## 7. Preparation for the ordinary 58th CND session

The EL delegation presented the revised proposal for a CND Resolution on proportionality of sentencing for drug-related offences (DS 1577/1/14 REV 1), the IT delegation presented a revised proposal for a CND Resolution on promoting interventions on protection of young people and children with particular reference to the sale of illicit drugs and new psychoactive substances over the Internet (DS 1576/1/14 REV 1) and the FI delegation presented the revised proposal for a CND Resolution on promoting the role of drug analysis laboratories worldwide and reaffirming the importance of the quality of the analysis and results of such laboratories (DS 1484/2/14). The Presidency called that the deadline for tabling these draft Resolutions was 9 February 2015.

Delegations also examined the Israeli proposal for a CND Resolution on supporting the availability, accessibility and diversity of evidence based treatment and care for children and young people affected by drug use disorders (DS 1581/14).

The UK delegation recalled their proposal to put mephedrone under provisional control under the 1971 Convention on Psychotropic Substances. It was also noted that at present no new psychoactive substances were controlled under the UN conventions, whereas the system offered such an opportunity. Many delegations expressed their support for the UK efforts.

## **8. Preparation for the EU-CELAC Technical Committee meeting (15 January 2015) and XVII High Level meeting of the EU-CELAC Coordination and Cooperation Mechanism on Drugs**

The Presidency informed delegates about the above-mentioned meeting to be held on 11-12 February 2015 in Montevideo, Uruguay and the IT delegation reported on the EU-CELAC Technical Committee meeting held on 11 December 2014 in the preparation for the High Level meeting. The delegations further discussed the agenda of the forthcoming meetings, including the proposed topic of the second thematic debate to be held during the meeting.

Delegations also examined the draft Montevideo declaration (DS 1633/14) and provided their initial comments on it, to be presented at the second EU-CELAC Technical Committee meeting to be held on 15 January 2015.

## **9. AOB**

### ***– Call for proposals as regards the EU Civil Society Forum on Drugs***

The representative of the Commission informed the meeting that a call had been launched for interested organisations to become members of the EU Civil Society Forum on Drugs for the period 2015-2017 and asked delegates to share this information with those who could be interested.

– *Joint action on HIV reduction and prevention*

The representative of the Commission informed the meeting about the Joint action on HIV reduction and prevention which had started this year, noting that Member State institutions could still join this Joint Action as collaborating partners.

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