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## OUTCOME OF PROCEEDINGS

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From:	General Secretariat of the Council
On:	1 and 2 December 2015
To:	Delegations
Subject:	Summary of discussions

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## OUTCOMES OF THE HORIZONTAL WORKING PARTY ON DRUGS

### 1. Adoption of the agenda

The meeting adopted the agenda as outlined in doc. CM 4671/15 with the addition of the following AOB points:

- Conference "Responding to the evolving drugs challenge: towards UNGASS 201";
- Risk assessment report on 1-phenyl-2-(pyrrolidin-1-yl)pentan-1-one ( $\alpha$ -pyrrolidinovalerophenone,  $\alpha$ -PVP);
- Request to provide information on cannabis use.

## 2. Preparation for UNGASS 2016

A number of NGOs were invited to present their views on UNGASS 2016 and the preparation process leading to UNGASS 2016. The representative of the Civil Society Forum on Drugs made a number of recommendations for the UNGASS outcome document especially as regards the better promotion of risk and harm reduction, including ensuring that laws, policies and practices inhibiting the delivery of risk and harm reduction services were reformed, and strengthening the human rights section in the document, including ending death penalty and closing compulsory drug detention centres. She also recommended close involvement of the civil society before and at UNGASS 2016, encouraged the delegates to recognise the Civil Society Task Force as the official NGO engagement mechanism and to fund it as well as to support the organisation of the Civil Society Hearing in February 2016.

The representative of the International Drug Policy Consortium (IDPC) noted that at the international level, the leadership of the EU governments had been critical in shifting the drug policy narrative towards public health and human rights principles, but the UNGASS was a crucial moment to work across regions to discuss serious alternatives to current drug control policies, that are too narrowly focused on repression and punishment. She called on an inclusive UNGASS process and commended some developments as regards civil society participation, especially the convening of the Civil Society Task Force. The speaker stressed that the UN drug conventions contained some outdated elements and while being flexible enough to allow harm reduction and decriminalisation, they did not have "sufficient scope and flexibility" to accommodate ongoing policy shifts towards cannabis regulation.

The representative of EURAD, a network for prevention, treatment and recovery, welcomed the increased focus on health in drug policy in the run up to the UNGASS and the strong EU emphasis on compliance with human rights, especially as regards the abolition of the death penalty. The speaker called for increasing the availability of health services and substitution treatment for drug users and noted that the availability of long-term non-medical treatment options was decreasing in many European countries. He also encouraged making international development aid conditional to the respect of human rights and enhancing human rights monitoring frameworks in relation to drugs policy. Also, according to the speaker, despite the priority given to alternative development in the context of UNGASS, there has been a decline of 51 % in global funding for alternative development programmes since 2009.

The representative of Reprieve gave an overview of the application of the death penalty for drug-related crimes, explaining that at least 33 countries and territories prescribed the death penalty for drugs, and at least 10 countries of them had the death penalty for drugs as a mandatory sanction, as a result of which around 1000 people were believed to be executed for drugs in 2014. He expressed his concern with an increasing number of drug-related executions in some states and the collapse of the moratorium of the death penalty in some others. The speaker stated that the EU and its Member States were perhaps the leading advocates internationally for the abolition of the death penalty, but at the same time recalled the funding provided for UNODC programmes supporting law enforcement operations in countries which sentence drug offenders to death. He presented a recent study on links between drug funding and executions and put forward a number of recommendations on the abolition of the death penalty.

The Presidency reported on the outcomes of the 7th CND intersession meeting held on 12 November in Vienna. The delegations discussed the operational recommendations for the UNGASS outcome document to be presented during the 8th CND intersessional meeting to be held on 8 December 2015 (doc. WK 171/15). The EU statement for the special UNGASS event to be held in the margins of the reconvened 58th CND session on 9 December 2015 was finalised during the meeting (doc. WK 143/2015 REV 1). Delegations also discussed the strategy for UNGASS negotiations.

The Presidency updated delegations on the EU side event to present the EU vision towards UNGASS 2016 to be held on 9 December 2015 in Vienna. The PT delegation recalled that they were organising a side event on the public health approach as a basis for drugs policy, where the Portuguese drug policy examples would be presented, and the SE delegation informed the meeting about the organisation of the side event on user participation in drug policy formulation.

The Presidency also updated delegations as regards the intention to organise an informal EU - CELAC meeting on UNGASS on 10 December 2015 in Vienna, explaining that no formal agenda would be foreseen for this meeting so as to allow for an open debate.

### **3. Discussion on the draft legislation on new psychoactive substances**

The Presidency reported on the outcome of the DROIPEN working party meeting on 18 November 2015, which examined the articles of the above-mentioned draft legislation containing criminal law provisions.

Delegations further examined the draft legislation on new psychoactive substances, based on the Presidency's text prepared on the legal basis of Article 83(1) TFEU, especially as regards the information exchange system and the possibility to shorten the deadlines so as to have the decisions on new psychoactive substances taken quicker.

### **4. Presentation by the Commission of the progress report on the implementation of the EU Drugs Strategy 2013-2020 and the EU Action Plan on Drugs 2013-2016**

The representative of the Commission gave an overview of the progress made in implementation of the EU Drugs Strategy 2013-2020 and the EU Action Plan on Drugs 2013-2016 in the fields of drug demand reduction, drug supply reduction, coordination, international cooperation, information, research, monitoring and evaluation. The speaker concluded that the adoption of the new legislation on new psychoactive substance package was highly necessary, that online drug trafficking was an emerging risk and there was a new impetus for cooperation with third countries. She also stressed the necessity to continue harm reduction actions despite the economic downturn and noted that the intense debate around cannabis would continue.

### **5. Alternative development**

The DE delegation noted that there was a growing interest in alternative development with different countries including India, Russia, China adding alternative development to their strategies and starting to fund some alternative development activities. The speaker presented the recently launched programme “Global Partnership on Drug Policies and Development”, aiming at the promotion and international embedding of development and health-oriented approaches on drug policy within the framework of UNGASS and beyond.

He gave an overview of different activities of the project, including the International Conference on Alternative Development 2 recently held in Thailand, training of decision-makers and technical personnel from Colombia, Myanmar, Morocco, India on alternative development issues and commissioning of two studies in cooperation with the UNODC Research Branch as contribution to the World Drug Report 2016. The speaker also mentioned the link between alternative development and tackling climate change.

The representative of the Commission recalled that the EU funded alternative development programmes in different countries growing coca bushes and opium poppy.

**6. Preparation for the 59th CND session: discussion on the draft CND resolution on proportionality for sentences regarding drug-related offences**

Delegations further examined the revised version of the above-mentioned draft resolution and the deadline of 10 December 2015 was set for providing written comments on it.

The Presidency also invited other delegations intending to present draft resolutions for the 59th CND session to inform the Presidency.

**7. Misuse of and dependence on prescribed medicines**

The Presidency updated delegations on progress as regards establishing the informal expert group in the field of misuse of and dependence on prescribed medicines.

**8. Preparation for the EU-US expert videoconference on drugs**

The Presidency recalled the forthcoming EU-US videoconference on drugs to be held on 2 December 2015 (doc. CM 4672/15)

**9. Preparation for the Dublin Group meeting**

The FR delegation recalled that the Dublin Group meeting foreseen to take place on 3 December 2015 had to be cancelled.

## 10. Presentation of the priorities of the Dutch Presidency in the field of drugs

The incoming Presidency presented its priorities in the field of drugs, including preparations for the 59th CND session, preparations for the UNGASS 2016 on drugs, the draft legislation on new psychoactive substances and the High Level meeting of the EU-CELAC Cooperation and Coordination Mechanism on Drugs and gave an overview of the calendar of the HDG and related meetings.

## 11. AOB

- *Conference "Responding to the evolving drugs challenge: towards UNGASS 201"*

The UK delegation reported on the above-mentioned conference held on 4-6 November 2015 at Wilton Park.

- *Risk assessment report on 1-phenyl-2-(pyrrolidin-1-yl)pentan-1-one ( $\alpha$ -pyrrolidinovalerophenone,  $\alpha$ -PVP)*

The Commission informed the meeting that a risk assessment report had been issued on the above-mentioned new psychoactive substance and that the Commission would come with initiative on this substance within the deadline set by Council Decision 2005/387/JHA.

- *Request to provide information on cannabis use*

The NL delegation informed the meeting about the request addressed to the Member States to provide information on national positions as regards cannabis use.

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