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EUROPEAN COMMISSION

Brussels, 20.10.2010
COM(2010) 583 final

2010/0293 (NLE)

Proposal for a

COUNCIL DECISION

On submitting 4-methylmethcathinone (mephedrone) to control measures

EXPLANATORY MEMORANDUM

The Council Decision 2005/387/JHA¹ on the information exchange, risk-assessment and control of new psychoactive substances provides for a three-step procedure that may lead to put a new psychoactive substance under control in the EU.

Following the provisions set out in the Council Decision, on 26 May 2010 the Council requested a risk assessment on the psychoactive substance 4-methylmethcathinone (mephedrone) to be carried out by the extended Scientific Committee of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA).

The main results of the risk assessment are:

- (1) Mephedrone is a synthetic cathinone whose physical effects can be compared to the ones produced by ecstasy (MDMA) or cocaine. As such, it can be an attractive alternative for those seeking stimulant psychoactive effects for recreational purposes.
- (2) Acute health problems related to the use of mephedrone can occur and it has a potential to cause dependency. Two fatalities have been reported in the EU in which mephedrone appears to be the sole cause of death. In addition, there are at least another 37 deaths in the UK and Ireland in which mephedrone has been detected in post-mortem samples.
- (3) Mephedrone has no established or acknowledged medical value. There are no indications that it may be used for any other legitimate purposes.

According to Article 8 (1) of the Council Decision, the Commission shall present to the Council an initiative to have the new psychoactive substance subjected to control measures, or a report justifying why this is not necessary, within six weeks from the date on which it receives the Risk Assessment Report.

Although the conclusive scientific evidence concerning the overall risks of mephedrone is still limited at this stage, a prudent approach should be appropriate.

The objective of this proposal for a Council Decision is to call upon Member States to submit mephedrone to control measures and criminal penalties as provided under their legislation by virtue of their obligations under the 1971 United Nations Convention on Psychotropic Substances.

The Commission is requested:

- to adopt the attached proposal for a Council Decision and
- to transmit it to the European Parliament, to the Council and to the National Parliaments, for information.

¹ OJ L 127, 20.5.2005, p. 32.

Proposal for a

COUNCIL DECISION

On submitting 4-methylmethcathinone (mephedrone) to control measures

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Decision 2005/387/JHA of 10 May 2005 on the information exchange, risk-assessment and control of new psychoactive substances², and in particular Article 8 (1) thereof,

Having regard to the initiative of the Commission,

Whereas:

- (1) A Risk Assessment Report on mephedrone was drawn up on the basis of Article 6 of the Council Decision 2005/387/JHA by a special session of the extended Scientific Committee of the European Monitoring Centre for Drugs and Drug Addiction and was subsequently received by the Commission on 3 August 2010.
- (2) Mephedrone is a synthetic cathinone which is legally produced and distributed in Asia mainly, while final packaging seems to occur in Europe. Mephedrone is mostly sold as powder, but also as capsules or tablets. It is commercially available on the internet, from "head shops" and from street-level dealers. On the internet, mephedrone is often marketed as "plant food", "bath salt", or "research chemical". It is very rarely marketed as a "legal high" (licit psychoactive substance) and usually there is no reference or concrete information about its potential psychoactive effects.
- (3) Mephedrone's specific effects are difficult to assess because it is primarily used in combination with substances like alcohol and other stimulants. Mephedrone is deemed to have similar physical effects to other stimulant drugs, in particular ecstasy (MDMA). However, its relatively short duration of action, leading to repeated dosing, is more analogous to cocaine. Some evidence suggests that it may be used as an alternative to illicit stimulants, that it has a high abuse liability and a potential to cause dependency. More in depth studies would be required to explore in detail the dependence potential of this drug.
- (4) There are two reported fatalities in the European Union in which mephedrone appears to be the sole cause of death. There are at least another 37 deaths in which mephedrone has been detected in post-mortem samples.

² OJ L 127, 20.5.2005, p. 32.

- (5) Twenty two Member States have reported seizures of mephedrone in powder or tablets. There is little information that may suggest large-scale processing or distribution of mephedrone and the involvement of organised crime. Some evidence suggests that where mephedrone has been controlled, the drug continues to be available on the illicit market.
- (6) Mephedrone has no established or acknowledged medical value or use in the European Union and there is no indication that it may be used for any other legitimate purposes.
- (7) Mephedrone is currently not under assessment and has not been under assessment by the United Nations system. Eleven Member States control mephedrone under drug control legislation by virtue of their obligations under the 1971 United Nations Convention on Psychotropic Substances. Two Member States apply control measures to mephedrone under their medicines legislation.
- (8) The Risk Assessment reveals limited scientific evidence and points out that further studies are needed on the overall health and social risks of mephedrone. However, because of its stimulant properties, ability to produce dependence in users, its potential attractiveness, risk to health, the lack of medical benefits, and therefore the need to apply precaution, mephedrone should be controlled.
- (9) Since eleven Member States already control mephedrone, placing it under control across the EU may help avoid problems in cross-border law enforcement and judicial cooperation.

HAS ADOPTED THIS DECISION:

Article 1

Member States shall take the necessary measures, in accordance with their national law, to submit 4-methylmethcathinone (mephedrone) to control measures and criminal penalties as provided for under their legislation by virtue of their obligations under the 1971 United Nations Convention on Psychotropic Substances.

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.]

Done at [...],

*For the Council
The President*