Subjecting the new psychoactive substance methyl 2-[[1-(cyclohexylmethyl)-1Hindole-3-carbonyl]amino]-3,3-dimethylbutanoate (MDMB-CHMICA) to control measures

2016/0262(NLE) - 31/08/2016 - Initial legislative proposal

PURPOSE: to subject the new psychoactive substance methyl 2-[[1-(cyclohexylmethyl)-1Hindole-3-carbonyl]amino]-3,3-dimethylbutanoate (MDMB-CHMICA) to control measures.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

BACKGROUND: on 26 May 2016, following the request made by the Commission and 13 Member States and pursuant to Council Decision 2005/387/JHA, the Council requested an assessment of the risks caused by the use, manufacture and trafficking of the new psychoactive substance MDMB-CHMICA, the involvement of organised crime and the possible consequences of control measures introduced on this substance.

The risks of MDMB-CHMICA were assessed by the Scientific Committee of the EMCDDA, acting in compliance with the provisions of Council Decision 2005/387/JHA. The risk assessment report was submitted to the Commission and to the Council on 28 July 2016.

The main results of the risk assessment are the following:

MDMB-CHMICA is classed as a **synthetic cannabinoid receptor agonist**, a chemically diverse group of substances also referred to as synthetic cannabinoids. The substance has been available on the drug market in the European Union since at least August 2014 and has been detected in 23 Member States;

the high potency of MDMB-CHMICA and the highly variable amounts of the compound in "legal high" products constitute a high risk of acute toxicity. Eight Member States have reported a total of **28 deaths and 25 acute intoxications** associated with MDMB-CHMICA.

CONTENT: this proposal for a Council Decision aims to call upon the Member States to **subject MDMB-CHMICA 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.

Currently ten Member States control MDMB-CHMICA under national legislation complying with the obligations of the 1971 United Nations Convention on Psychotropic Substances and five Member States use other legislative measures to control it.

Subjecting this substance to control measures across the Union would help avoid the emergence of obstacles in cross-border law enforcement and judicial cooperation, and would help protect from the risks that its availability and use can pose.