Subjecting the new psychoactive substance N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (ADB-CHMINACA) to control measures

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PURPOSE: to subject the new psychoactive substance N-(1-amino-3,3-dimethyl-1-oxobutan-2yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (ADB-CHMINACA) to control measures.

PROPOSED ACT: Council Implementing Decision.

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

BACKGROUND: on 15 September 2017, following the request made by the Commission and seven Member States and pursuant to Council Decision 2005/387/JHA on the information exchange, risk-assessment and control of new psychoactive substances, the Council requested an assessment of the risks caused by the use, manufacture and trafficking of the new psychoactive substance ADB-CHMINACA, the involvement of organised crime and the possible consequences of control measures introduced on this substance.

A **risk assessment report** on the new psychoactive substance was drawn up by the Scientific Committee of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), and was subsequently submitted to the Commission on 14 November 2017.

The main results of the risk assessment are the following:

- ADB-CHMINACA is a **synthetic cannabinoid**. It shows similar effects to THC, which is responsible for the major psychoactive effects of cannabis, but with additional life-threatening toxicity. It is typically sold in small and wholesale amounts branded as ‘legal-high’ smoking mixtures and as powder in head shops as well as on the internet as ‘legal’ replacements for cannabis. It may also be sold directly on the illicit drug market;
- the substance has been available in the European Union since at least August 2014 and has been detected in 17 Member States. More than 630 seizures have been made within the European Union. **13 deaths** associated with ADB-CHMINACA have been reported by three Member States. In at least nine deaths ADB-CHMINACA was the cause of death or is likely to have contributed to the death.

This substance has **no recognised human or veterinary medical use** in the Union nor, it appears, elsewhere. There are no indications that it may be used for any other purpose aside from as an analytical reference standard and in scientific research.

The risk assessment report reveals that many of the questions related to ADB-CHMINACA could be answered through further research. However, the available evidence and information on the **health and social risks** that the substance poses provides sufficient ground for subjecting ADB-CHMINACA to control measures across the Union.

CONTENT: the purpose of this proposal for a Council Implementing Decision is to call upon the Member States to **subject ADB-CHMINACA** to control measures across the Union and criminal penalties as provided under their legislation by virtue of their obligations under the 1971 United Nations Single Convention on Narcotic Drugs.

Currently, 13 Member States control ADB-CHMINACA under national drug control legislation and four Member States control ADB-CHMINACA under other legislation.

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.

The United Kingdom shall not take part in the adoption of this Decision.