Subjecting the new psychoactive substance 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (CUMYL-4CN-BINACA) to control measures

2017/0344(NLE) - 18/12/2017 - Initial legislative proposal

PURPOSE: to subject the new psychoactive substance 1-(4-cyanobutyl)-N-(2-phenylpropan-2yl)-1H-indazole-3-carboxamide (CUMYL-4CN-BINACA) 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 **CUMYL-4CN-BINACA**, 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:

- CUMYL-4CN-BINACA 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 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 October 2015 and has been detected in eleven Member States. **Eleven deaths** associated with CUMYL-4CN-BINACA have been reported by two Member States. In addition, **five acute non-fatal intoxications** associated with CUMYL-4CN-BINACA were reported by two Member States.

This substance has **no recognised human or veterinary medical use** in the Union nor, it appears, elsewhere. There is no information on the involvement of organised crime.

The risk assessment report reveals that many of the questions related to CUMYL-4CN-BINACA 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 CUMYL-4CN-BINACA 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 the new psychoactive substance CUMYL-4CN-BINACA 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, nine Member States control CUMYL-4CN-BINACA under national drug control legislation and five Member States control it 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.