Basic information

2017/0344(NLE) NLE - Non-legislative enactments	Procedure completed
Subjecting the new psychoactive substance 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (CUMYL-4CN-BINACA) to control measures **Subject** 7.30.30.04 Action to combat drugs and drug-trafficking	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	PAGAZAURTUNDÚA Maite (ALDE)	19/02/2018
	Shadow rapporteur HORTEFEUX Brice (PPE) HEDH Anna (S&D) ANDERSON Martina (GUE/NGL)	

Council of the European Union

Council configuration	Meetings	Date
General Affairs	3615	2018-05-14

European Commission

Commission DG	Commissioner
Migration and Home Affairs	AVRAMOPOULOS Dimitris

Key events

Date	Event	Reference	Summary
18/12/2017	Initial legislative proposal published	COM(2017)0764	Summary
02/02/2018	Legislative proposal published	05392/2018	Summary
28/02/2018	Committee referral announced in Parliament		
27/03/2018	Vote in committee		
04/04/2018	Committee report tabled for plenary, 1st reading/single reading	A8-0134/2018	Summary
03/05/2018	Decision by Parliament	T8-0194/2018	Summary

03/05/2018	Results of vote in Parliament		
14/05/2018	Act adopted by Council after consultation of Parliament		
14/05/2018	End of procedure in Parliament		
22/05/2018	Final act published in Official Journal		

Technical information

Procedure reference	2017/0344(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/11873

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE618.027	14/02/2018	
Committee report tabled for plenary, 1st reading/single reading		A8-0134/2018	04/04/2018	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0194/2018	03/05/2018	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	05392/2018	02/02/2018	Summary

European Commission

Document type	Reference	Date	Summary
Initial legislative proposal	COM(2017)0764	18/12/2017	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2018/0748
OJ L 125 22.05.2018, p. 0010 Summary

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.

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) - 02/02/2018 - 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 its opinion.

BACKGROUND: the risk assessment report on CUMYL-4CN-BINACAprepared by the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) and sent to the Commission and the Council on 14 November 2017 concludes that this substance - available in the Union since October 2015 and detected in 11 Member States - is a **synthetic cannabinoid** with similar effects to those of THC, but with additional life-threatening toxicity.

The substance is typically sold in small and wholesale amounts in head shops, sold as a legal high, as smoking mixtures or as powder, as well as on the internet, branded as a legal replacement for cannabis. It has no recognised human or veterinary medical use in the Union.

Two Member States have reported **11 deaths** associated with CUMYL-4CN-BINACA. In addition, two Member States reported **five acute non-fatal intoxications** associated with CUMYL-4CN-BINACA.

The available evidence and information on the **health and social risks** that the substance poses provides sufficient grounds for subjecting CUMYL-4CN-BINACA to control measures across the Union.

CONTENT: the draft Council decision aims to **subject the new psychoactive substance CUMYL-4CN-BINACA to the control measures** and criminal penalties provided for by Member States 'legislation, in accordance with their obligations under the United Nations Single Convention on Narcotic Drugs of 1971.

For more details, see the summary of the Commission's initial legislative proposal dated 18.12.2017.

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) - 04/04/2018 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Maite PAGAZAURTUNDÚA RUIZ (ALDE, ES) on the draft Council implementing decision on the draft Council implementing decision on subjecting the new psychoactive substance 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3carboxamide (CUMYL-4CN-BINACA) to control measures.

The committee recommended the European Parliament to **approve** the Council draft.

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) - 03/05/2018 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 609 votes to 12, with 30 abstentions, a legislative resolution on the draft Council implementing decision on the draft Council implementing decision on subjecting the new psychoactive substance 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3carboxamide (CUMYL-4CN-BINACA) to control measures.

Parliament **approved** the Council draft aims to subject the new psychoactive substance CUMYL-4CN-BINACA to the control measures and criminal penalties provided for by Member States' legislation, in accordance with their obligations under the United Nations Single Convention on Narcotic Drugs of 1971.

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

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.

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) - 14/05/2018 - Final act

PURPOSE: to subject the new psychoactive substance CUMYL-4CN-BINACA to control measures.

NON-LEGISLATIVE ACT: Council Implementing Decision (EU) 2018/748 on subjecting the new psychoactive substance 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (CUMYL-4CN-BINACA) to control measures.

CONTENT: the purpose of this Council's implementing decision is to **subject the new psychoactive substance CUMYL-4CN-BINACA to control measures throughout the Union**.

The risk assessment report drawn up under Decision 2005/387/JHA by the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) and forwarded to the Commission and the Council on 14 November 2017 concludes that this psychoactive substance detected in 11 Member States is a **synthetic cannabinoid** with similar effects to THC, which is responsible for the main psychoactive effects of cannabis, but whose toxicity is potentially fatal. It is produced by chemical companies in China.

11 deaths associated with CUMYL-4CN-BINACA have been reported by two Member States. In the case of at least five of those deaths CUMYL-4CN-BINACA was the cause of death or was likely to have contributed to the death. In addition, five acute non-fatal intoxications associated with CUMYL-4CN-BINACA were reported by two Member States.

Currently, nine Member States control CUMYL-4CN-BINACA under national drug control legislation and five Member States control it under other legislation.

The available evidence and information on the **health and social risks** that the substance poses provides sufficient grounds for subjecting CUMYL-4CN-BINACA to control measures across the Union.

By 23 May 2019, Member States shall take the necessary measures, in accordance with their national law, to subject CUMYL-4CN-BINACA to control measures and criminal penalties, as provided for under their legislation, in compliance with their obligations under the 1971 United Nations Convention on Psychotropic Substances.

The United Kingdom is not bound by this Decision.

ENTRY INTO FORCE: 23.5.2018.