



28.9.2012

NOTICE TO MEMBERS

Subject: Petition 0122/2012 by Francesco Agnoli (Italian), on behalf of European Movement in Defence of Life and Human Dignity (MEVD), with 23 signatures, on legalisation of soft drugs

1. Summary of petition

The petitioner points to the detrimental effects of narcotic drugs. He is also of the opinion that the use of soft drugs leads to the use of harder narcotic drugs. He requests the European Parliament to take note of the harmful nature of narcotic drugs, including soft drugs, and to oppose their legalisation. The petitioner also requests an initiative from the Commission to oppose legalisation of narcotic drugs, including soft drugs, and to repeal where necessary.

2. Admissibility

Declared admissible on 31 May 2012. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 28 September 2012

‘The current system of international drug control is based on the relevant UN Conventions. Cannabis is scheduled under the UN 1961 Single Convention on Narcotic Drugs. All EU Member States are party to this convention and have implemented measures to control the use¹ of cannabis, prohibiting its illicit utilisation.

¹ UN 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, Article 36: *"Subject to its constitutional limitations, each Party shall adopt such measures as will ensure that cultivation, production, manufacture, extraction, preparation, possession, offering, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation and exportation of drugs contrary to the provisions of this Convention, and any other action which in the opinion of such Party may be contrary to the provisions of this Convention (...)"*.

The UN 1961 Convention on Narcotic Drugs and the 1971 Convention on Psychotropic Substances do not contain provisions on the use (consumption) of controlled drugs and therefore do not oblige States to establish sanctions or punishments, criminal or otherwise, regarding the use of such drugs. Signatories of the UN Conventions take the measures that they consider appropriate regarding drug use, in conformity with their obligations under these Conventions. In addition, a considerable number of UN Member States (including a majority of EU Member States) have de facto and in certain cases also de jure decriminalised the possession for personal use of controlled drugs, in particular that of cannabis¹. The European Union is not party to the UN 1961 and UN 1971 Conventions.

Drug policy is to a large extent the competence of the EU Member States. Policies regarding drug use, and actions aimed at reducing the demand for drugs, are linked to the socio-economic and cultural context of each country. Therefore, each Member State decides what is the most appropriate policy regarding the use of controlled drugs, including that of cannabis.

On the specific request made by the petitioners to the Parliament to request the Commission to take initiatives opposing or repealing Member States' legislation or practices with regards to 'legalisation' of cannabis, the Commission cannot propose such measures relating to public health under Article 168(5) TFEU, which excludes harmonisation of national law. This is because the EU only has the mandate to complement the Member States' action in reducing drugs-related health damage, but the Member States are competent for deciding on their national policies in this area.

Conclusion

The petitioners should address their concerns about the legalisation of controlled drugs, including the legalisation of cannabis, to the appropriate authorities of the individual EU Member States.

¹ See: <http://www.emcdda.europa.eu/legal-topic-overviews/cannabis-possession-for-personal-use#countries>