

# Recreational use of cannabis

## Laws and policies in selected EU Member States

### SUMMARY

Cannabis is by far the most commonly used illicit drug in the European Union (EU), where its distribution, cultivation, possession and use (consumption) are largely banned. The prohibition of drug-related activities other than those performed for medical or scientific purposes is the defining feature of the international drug control system. Set up by the United Nations (UN), this system is composed of three complementary conventions, to which all EU Member States are party.

Countries around the world have made use of the flexibility of the UN system, forgoing criminal penalties in some cases (e.g. for possession of small amounts of drugs for personal use), or replacing them with administrative ones. The UN bodies monitoring compliance with the conventions seem to have come to accept these policy choices. However, they remain resistant to the still rare yet increasingly common practice of legalising the recreational use of cannabis, which may entail regulating drug distribution and sale in a manner akin to that for alcohol and tobacco.

In the EU, drug policy has remained primarily a Member State preserve. The EU has fostered Member State cooperation on law enforcement and health-related issues, while at the same time respecting their diverse philosophies on how to address recreational drug use. National approaches range from very restrictive policies that prioritise criminal law responses, to more liberal ones that focus primarily on reducing the health and social harms resulting from drug use. In 2021, Malta became the first Member State to legalise, within strict limits, recreational cannabis, and several others have since taken steps that could potentially lead to similar drug policy reforms.

*This briefing updates an earlier one, entitled [Recreational use of cannabis](#), published in 2023. The following EPRS policy analysts contributed to the country analyses: Antonio Albaladejo Roman (Spain), David De Groot (Germany), Micaela Del Monte (Luxembourg), Verena Kern (Austria), Silvia Kotanidis (Italy), Marie Lecerf (France), Gabija Leclerc (Lithuania), Katrien Luyten (Belgium), Ingeborg Odink (the Netherlands), Anita Orav (Estonia), Marketa Pape (Czechia), Martina Prpic (Croatia) and Rosamund Shreeves (Malta).*



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## Introduction

The term [cannabis](#) is broadly used to refer to a natural product derived from the cannabis plant, one component of which is tetrahydrocannabinolic acid (THCA), which when heated converts into psychoactive tetrahydrocannabinol (THC). Cannabis can be consumed in various forms, including marijuana (dried flowering tops and leaves), hashish (compressed solid substance made from the resinous parts of the cannabis plant), as well as diverse preparations. For many centuries, it has served a broad range of purposes, including industrial, medicinal, spiritual and recreational ones. According to the 2023 [European Drug Report](#) by the European Monitoring Centre for Drugs and Drugs Addiction (EMCDDA), set to become the EU Drugs Agency in July 2024, an estimated 22.6 million adults (15-64 years old) in the EU used cannabis in the 12 months preceding the survey.

Whereas most EU Member States have authorised the medicinal use of cannabis, its distribution, cultivation and possession for recreational purposes is commonly prohibited in Europe and elsewhere, with some states having also criminalised its consumption (referred to as use in the rest of this briefing). However, with the growing recognition of the need to address illicit drugs (referred to as drugs in the rest of this briefing) not only as a law enforcement issue but also from a public health perspective, resorting to criminal law to address cannabis use and possession for personal use has been increasingly questioned. Many states have thus chosen to decriminalise or depenalise such conduct (see the box below). Over the past two decades, some have gone even further, legalising cannabis and creating regulated markets for its cultivation, distribution and sale. This has been the case, for instance, in around a half of United States (US) states (since 2012), Uruguay (2013), and Canada (2018). Unsurprisingly, these developments have influenced national debates on cannabis across the EU, prompting some Member States to consider pathways towards legalisation.

**Depenalisation:** introducing the possibility to close a criminal case without proceeding to punishment, e.g., whenever a case is considered as of minor importance or prosecution not being in the public interest.

**Decriminalisation:** stripping a certain conduct from its criminal status. The conduct remains prohibited and non-criminal penalties may still apply.

**Legalisation:** making a previously prohibited conduct lawful. This usually means the removal of all criminal and non-criminal sanctions, although other rules may limit the extent of the permission.

**Regulation:** creating a set of rules and restrictions around the supply or use of a substance, as in the case of alcohol and tobacco.

Source: [EMCDDA](#), 2015.

## International drug control system

Since World War II, international cooperation on drugs has mainly taken place under the aegis of the UN. A highly institutionalised drug control framework has thus emerged. It is primarily composed of three complementary [conventions](#):

- [The Single Convention on Narcotic Drugs](#) of 1961
- [The Convention on Psychotropic Substances](#) of 1971
- [The Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances](#) of 1988.

The conventions set out control measures to ensure substances listed in annexed 'schedules' are available for medical and scientific purposes alone and not diverted towards illegal channels. 'Cannabis' (in the conventions' language synonymous with marijuana), 'cannabis resin' (hashish), as well as 'extracts and tinctures of cannabis', are listed in Schedule I of the 1961 Convention under a category of substances whose properties might give rise to dependence and which present a serious risk of abuse. For a long time, marijuana and hashish were also listed in Schedule IV of this convention, in a category of substances considered particularly dangerous due to their harmful

characteristics, risks of abuse and extremely limited therapeutic value. They were [removed](#) from that list only in 2020, based on World Health Organization [recommendations](#). The active principles of cannabis are classified as psychotropic substances under Schedules I and II of the 1971 Convention.

The three conventions do not require making drug use a criminal offence. Their approach to possession and cultivation for personal use is, however, more complex. The 1961 and 1971 Conventions require that the possession of drugs and psychotropic substances respectively be prohibited, 'except under legal authority', yet their relevant provisions may arguably be interpreted as referring to possession for the purpose of drug trafficking. The 1988 Convention is the only one to expressly request its parties to adopt 'such measures as may be necessary to establish as a criminal offence under [their] domestic law, when committed intentionally, the possession, purchase or cultivation of narcotic drugs or psychotropic substances for personal consumption'. However, this obligation is subject to 'constitutional principles' and the 'basic concepts' of the legal systems of each party, thus leaving room for national interpretations.

Making use of the flexibility of the UN conventions, an increasing number of states have indeed decriminalised or depenalised cannabis possession for personal use. This has prompted discussion on the limits of the UN drug control system, sparking [tension](#) between these states and the independent, quasi-judicial [International Narcotics Control Board](#) (INCB), established in 1961 by the UN to monitor and promote compliance with the conventions. The INCB has come to consider measures on decriminalising or depenalising the personal use and possession of small quantities of drugs as generally consistent with the conventions, but remains [opposed to legalisation](#).

Drug control and international law experts have long debated legalisation in the context of the limits set by the UN conventions. At present, there seems to be little appetite among the UN members for a UN treaty reform that could, for instance, amend the conventions or remove cannabis and its psychoactive compounds from the attached schedules. Therefore, other options have been [proposed](#) in the literature, including treaty modification among like-minded states.

## EU legal and policy framework

In the EU, drug regulation is essentially a national policy. Articles [83](#) (minimum rules on the definitions of criminal offences and sanctions) and [168](#) (complementing national action to reduce drugs-related health damage, including information and prevention) of the Treaty on the Functioning of the EU (TFEU) are among the main legal bases for related EU activity. Adopted prior to the Lisbon Treaty and thus not based on Article 83 TFEU, [Council Framework Decision 2004/757/JHA](#) lays down minimum provisions on the constituent elements of criminal acts and penalties in the field of drug trafficking.

The most recent [EU drugs strategy](#) (2021-2025) is the principal EU policy document guiding the EU's activities on drugs. Rooted in an evidence-based approach to drugs, the strategy provides the overarching framework and priorities for the EU drugs policy, which have been translated into specific actions under the [EU drugs action plan 2021-2025](#).

The EU has made use of its competences – albeit narrowly defined – as regards drugs, and has actively fostered cooperation among the Member States in this domain, in relation to law enforcement and health. However, its involvement has only been possible within the boundaries set by the UN and the Member States. The latter have been unwilling to surrender their sovereignty in this area of social policy that so strongly reflects the way governments see things. This is particularly true with respect to policy choices regarding the use and possession of drugs.

Stopping short of advocating specific policy responses, the EU strategy and action plan only go as far as promoting 'alternatives to coercive sanctions' with regard to drug-using offenders or individuals found in possession of drugs for personal use. In the same vein, the 2004 Council Framework Decision [2004/757/JHA](#) refrains from aligning national criminal law responses to personal use-related activities. Its Article 2(1) requires that Member States criminalise various forms

of conduct ('when committed without right'), including the possession or purchase of drugs and cannabis plant cultivation. Yet, it also states that these activities are not included in the framework decision's scope when 'committed by its perpetrators exclusively for their own personal consumption as defined by national law'.

Questions arise as to whether creating a regulated cannabis market with state-licensed cultivation and sales for recreational use would contravene the framework decision. One could argue that such legalisation at the national level would result in drug-related acts no longer being 'committed without right'. However, there is a [debate](#) as to whether the issue of compliance with EU law can be [addressed separately](#) from that of the Member States' obligations under international law; as described above, the latter generally prohibits drug-related activities for purposes that are not medical or scientific.

### 'European cannabis initiative'

In February 2024, the European Commission [partially registered](#) a [European Citizens' Initiative](#) concerning cannabis. Once formally registered, a [European initiative](#) allows one million citizens from at least seven EU Member States to invite the Commission to propose legal acts in areas where it has the power to act. The initiative's objectives on access to and the transportation of medical cannabis, as well as on allocating the necessary resources for researching therapeutic uses of cannabis were registered. However, the Commission refused to register other objectives of the initiative, which also called on the Commission to:

- convene a trans-European citizens' assembly 'to discuss cannabis policies in a broader perspective',
- 'invite Member States to promote human rights-centred cannabis policies that exclude the imposition of criminal and administrative sanctions for adult use, possession and cultivation of the plant and its derivatives for personal purposes', and
- 'not to interfere in Member States' choices to adopt regulations for a legal market for adult use of cannabis in response to their national situation'.

The Commission found that those objectives fell manifestly outside its powers to propose legislation.

In the initiative's annex, the organisers argued that Council Framework Decision 2004/757/JHA was no longer in line with the latest drug control developments and did not reflect recent UN recommendations.

## Laws and policies of selected EU Member States

### Overview

The 27 Member States have developed national drug policies rooted in their respective histories and legal traditions. From [the EU perspective](#), this diversity of contexts makes it difficult to identify a set of objectives to which all of them could subscribe. Whereas Member States have willingly cooperated in combating drug trafficking, they apply different approaches to drug use. Some have taken a restrictive criminal law-based approach, while others – focusing primarily on reducing the health and social harms resulting from drug use – have scaled back the use of criminal sanctions.

According to the EMCDDA's [2023 European Drug Report](#), 77 % of an estimated 1.5 million drug-related offences reported in the EU involved use or possession for personal use in 2021, primarily of cannabis (566 000 cases). Yet, for the past 20 years, the trend has been to reduce penalties, including limiting incarceration for possession for personal use of either all drugs or specifically cannabis.

In an EU-wide [survey](#) (Eurobarometer) conducted between June and July 2021, 62 % of respondents were in favour of regulating the sale of cannabis and 23 % in favour of allowing both medical and recreational use by adults. In December 2021, Malta became the first EU Member State to legalise possession and cultivation of cannabis for personal use. Initiatives in Czechia, Germany, Luxembourg and the Netherlands could lead to similar, possibly wider, reform (although Czechia

and Germany have adjusted their initial plans to regulate the commercial distribution of cannabis, with the former prioritising instead non-profit associations cultivating and distributing cannabis among their members). However, at present these developments are not representative of the EU as a whole, given that some other Member States have retained their restrictive stance, with decriminalisation and legalisation initiatives by policymakers and citizens alike having failed to produce any policy change. Therefore, it remains to be seen whether the few countries having entered the legalisation path are heralding an emerging broader trend.

## Selected EU Member States

Selected Member States' drug policies are presented below with the aim of providing a snapshot of approaches to recreational cannabis use and national debates on related issues as of March 2024 (and April 2024 for Germany).

### Belgium

Producing, importing, selling, possessing, using or driving under the influence of cannabis is [prohibited](#). However, the laws of [4 April 2003](#) and [3 May 2003](#) amending the Law of 24 February 1921, as well as the implementing Royal Decree of [16 May 2003](#), created **a legal distinction between possession of cannabis for personal use and all other types of offences**. This was further clarified by the [Ministerial Directive](#) of 16 May 2003 on the prosecution policy regarding possession and retail sale of drugs, and a [Joint Directive](#) of 25 January 2005, adopted by the Minister of Justice and the College of Public Prosecutors. Possession, use and cultivation of cannabis for personal use by adults are therefore tolerated **as long as the criminal policy classifies these types of offences as non-priority**. Offences are given a 'low prosecution priority', provided the offender is older than 18 years, the drug is intended for personal use, weighs less than 3 g (or is no more than one female plant), and its possession does not cause 'aggravating circumstances or public nuisance'. When a person is [caught](#) and meets these conditions, the police confiscate the cannabis and draw up a simplified report. This report is then sent to the public prosecutor (although the case is registered locally, not centrally) who in theory can still decide to prosecute, if they justify their decision.

Therefore, despite the legal distinction between possession of cannabis for personal use and all other types of offences, such possession **is not a right citizens can enforce**. Case handling can differ between judicial districts, and different procedures may apply in certain circumstances, such as at music festivals. If the conditions stipulated by the law are not met, the police draw up a regular report. The public prosecutor can then take various measures: dismissal with a warning from the police and possibly referral for specialised assistance; [praetorian probation](#); amicable settlement; community service or referral to the criminal court, where the offender could face a fine and/or a prison sentence. Belgium has a zero-tolerance policy for [drug use and driving](#), including for cannabis. Calls to [fully legalise](#) and regulate cannabis are proliferating, in particular as a means of [countering the rising problem](#) of drug-related criminality in Belgium. However, [academics](#) and [other stakeholders](#) disagree on the degree of liberalisation.

### Czechia

**Drug use is not a criminal offence**, but handling of drugs is. According to the [2009 Criminal Code](#), **possession of a small quantity of cannabis for personal use is an administrative offence and entails a fine**. Possession of 'a quantity larger than small' is a crime, punishable by imprisonment of up to one year. The Supreme Court decides what constitutes 'a small quantity'; in 2012, it established **10 g as the limit between administrative and criminal offences**. Sharing cannabis is also a crime, entailing 2-10 years in prison, as is 'propagation of drug addiction', where those who entice others to abuse substances other than alcohol, or support them in doing so, receive a prison sentence.

Similarly, cultivating up to five cannabis plants for personal use is an administrative offence that can result in a fine of up to CZK 15 000 (€640). Anything above this number is considered a crime

punishable by up to 6 months imprisonment, a fine or confiscation of property. The processing of any amount of plants, as well as their harvesting, drying, crushing and storing is considered 'drug production', punishable by imprisonment of up to five years. The intention when drafting the 2009 Criminal Code seems to have been to introduce a differentiation between production (Article 283) and unauthorised cultivation (Article 285), but judicial practice has not taken up this possibility.

The [national debate](#) on strictly framed legalisation, as opposed to the current partial decriminalisation, entered a new phase in 2022, with the preparation of a legislative proposal to legalise cannabis use (allowing to legally grow up to five plants and store up to 1 250 g of dry matter), as well as liberalising and taxing the cannabis market, in parallel to similar developments in Germany. In [January 2024](#), the Czech antidrug coordinator presented a draft of the proposed law to a group of experts. However, contrary to what was initially under consideration, the draft does not include the introduction of a strictly regulated market for cannabis. Furthermore, it has become clear that any form of market regulation may encounter significant opposition in Parliament.

## Germany

Until 1 April 2024, **cannabis production and sale were prohibited** under the [Act on Trade in Narcotic Drugs](#) and could lead to five years' imprisonment. Whereas [cannabis use](#) is not prohibited, its possession, cultivation and acquisition were. However, those found possessing a small amount were not necessarily prosecuted. Provisions on what constitutes a small amount differ across the *Länder* (federal states). Most *Länder* provided for a maximum of 6 g, however, Nord-Rhein Westfalen, Rheinland-Pfalz and Thüringen provided for a maximum of 10 g as the limit at which the prosecution could discontinue proceedings. In Bremen and Berlin, proceedings were discontinued for possession of up to 10 g and could be discontinued for possession of up to 15 g.

In the 2021 [Coalition Agreement](#) (p. 87), the federal government declared it would introduce controlled sale of cannabis to adults for recreational use in licensed outlets. In its [key issues paper](#) of October 2022, it proposed that cannabis for recreational purposes be available for sale in licensed stores and possibly pharmacies. Licensed stores would have to be located a minimum distance from youth establishments. It proposed limiting the amount of cannabis for purchase and possession to 20-30 g. Moreover, possessing three female plants would be permitted but might require registration.

In April 2023, following discussions with the European Commission, the government published a [second version](#) of the key issues paper, presenting a two-pillar model. The first pillar, covering cultivation for personal use, focused on non-profit associations that would cultivate and distribute cannabis among their members. Associations would have to report on their cannabis production and would be banned from import and export. Associations would be allowed a maximum of 500 members. Members may receive up to 25 g a day and up to 50 g a month (or 30 g for those aged 18-21). Membership of several associations would be forbidden. The use of cannabis would be prohibited in public places and near schools, as well as in pedestrian areas until 20:00 hours. The associations would not be allowed to provide alcohol or drugs other than cannabis. Moreover, advertising of the associations would be prohibited.

The government published the [proposal](#) on 18 August 2023. It was [debated](#) in the Bundesrat in September 2023, which issued a [recommendation](#) with amendments, many of which the government [rejected](#). In October 2023, the proposal was [discussed](#) in the Bundestag and sent to the health committee, which held a hearing with stakeholders.

The original proposal should have entered into force on 1 January 2024. However, the delays meant this was no longer feasible. Moreover, other changes were [proposed](#) in December, to accommodate the coalition parties and France. The changes related to cultivation for personal use (up from 25 to 50 g a month) since the permitted number of plants (three) usually allows for production higher than 25 g. It was also clarified that the weight limit concerns dried plants and the maximum fine for possessing higher amounts was reduced. The minimum sentence for selling to minors was raised

from one to two years in prison. Furthermore, at France's request, club membership requires six months prior residence in Germany, to avoid ERASMUS students from becoming eligible. Moreover, an expert group will decide on the maximum amounts allowed when driving.

The Bundestag adopted the bill on 23 February 2024, with the Bundesrat [approving](#) it on 22 March 2024, even though three of its committees (health, interior and legal affairs) had called for a mediation committee to be set up. The [law](#) entered into force on 1 April 2024, with the social clubs exception set to enter into force on 1 July 2024.

Little information is available on the second pillar, providing the framework for companies to produce, distribute and sell recreational cannabis to adults in specialist shops in a licensed and state-controlled setting. Researchers would monitor the five-year project in a limited number of regions.

## Estonia

The **use and possession of cannabis for recreational purposes are prohibited** under the [Act on Narcotic Drugs and Psychotropic Substances and Precursors thereof](#). **However, the handling of small quantities (not defined by a law) of drugs for personal use was decriminalised** in 2002, when it became an administrative offence (punishable by a fine or 'administrative arrest', i.e. detention in police custody – different to imprisonment). Even being repeatedly caught using or possessing small quantities of cannabis does not lead to criminal prosecution. According to the [Criminal Code](#), handling larger quantities (causing intoxication of at least 10 people) entails a prison sentence of up to five years, or a life sentence for repeat offenders with the objective of great material gain. The law does not differentiate between cannabis and other drugs.

In 2013-2014, a citizens' [petition](#) to legalise cannabis gathered 4 669 signatures, but was not followed up. In 2022, a Reformierakond political party [youth organisation](#) proposed to legalise cannabis, arguing that given Estonia's significant problems with alcohol and serious drug abuse (the country tops the list for [deaths by drug overdose](#)), legalising cannabis might help to re-balance the situation. In August 2023, Estonian politicians [asserted](#) that recreational cannabis reform, akin to Germany's initiatives, is currently not an option for Estonia. The Estonian Minister of Health, Riina Sikkut (Social Democratic Party) explained that a scientific approach is needed before taking a political decision and that improved mental health services should help to overcome addiction.

## Spain

Spain has a complex set of rules on cannabis, combining a firm criminal prosecution stance when it comes to trafficking, with a more lenient approach to recreational use, which is allowed in private.

The Spanish Criminal Code [prohibits](#) cultivation, processing, trafficking, or promotion, encouragement, or facilitation of the illegal use of cannabis, and possession for these purposes. Sanctions include 1-3 years imprisonment and a fine of twice the value of the seized drug, but can vary depending on offenders' personal circumstances, such as drug dependency, or membership of a criminal organisation. **Cannabis use and possession for personal use are allowed, but use in public is regarded as an administrative offence entailing a fine**, ranging from €601 to €30 000. The fine may be suspended if offenders are 14 to 18 years old and agree to enrol in a re-education or rehabilitation programme. Cultivation for personal use is tolerated unless visible, which is also an administrative offence. **To differentiate personal use from trafficking, Spanish courts focus on the amount seized.** Amounts exceeding National Institute of Toxicology limits [determined](#) for each substance (100 g of marijuana and 25 g hashish) are usually regarded as trafficking.

**Cannabis clubs** are an important element of the Spanish recreational use landscape. These private non-profit associations of cannabis users exist in a legal limbo between private cultivation and use (which is legal) and trafficking (a criminal offence). The Supreme Court has [outlined](#) conditions they must respect: a reduced number of members, use that is not visible to the public, and management of small quantities commensurate with members' average daily consumption. Attempts to regulate these organisations by the autonomous communities of Navarra and Catalonia, as well as the

municipality of Barcelona in recent years were overturned by the [Constitutional](#) and [Supreme](#) Courts, as encroaching on the exclusive competence of the central state in criminal matters.

A 2021 [survey](#) showed 49.7 % of Spaniards support legal cannabis sales under certain conditions, with 40.9 % opposing it. While no political consensus on legalising recreational use of cannabis exists, the Ministry of Health is currently [regulating](#) its medicinal use, which is viewed positively by 90.1 % of Spaniards.

## France

The French cannabis market is one of the largest in the EU, both in terms of [use](#) (5 million users per year in France, of 22.2 million in the EU in 2020) and [turnover](#) (estimated at €1.2 billion in 2017). French drug laws are among the strictest in Europe. Drug trafficking has been [severely penalised](#) for over 50 years, with the most stringent penalties involving a life sentence and a €7.5 million fine. The punishment for other drug-related activities (including possession) is also severe, with [Article 222-37](#) of the Criminal Code providing for 10 years of imprisonment and a €7.5 million fine.

In this respect, cannabis is no exception: it is classified as a drug and its use is prohibited, in accordance with the [Law of 31 December 1970](#), the provisions of which have been incorporated in the [Criminal](#) and [Public Health](#) Codes. **Using, buying, possessing, giving away, reselling, cultivating (at home or outside), transporting cannabis or driving after using it are thus all criminal offences, punishable by heavy penalties, regardless of the quantity of cannabis involved.** The unauthorised use of cannabis (or of any other drug) **carries a one year prison sentence and a fine of €3 750** ([Article L3421-1](#) of the Public Health Code).

To manage increased drug use, the criminal justice system has systematised and diversified its response. For instance, the criminal law procedure applicable to drug users is increasingly rapid, and is focused on imposing financial penalties rather than prioritising [health-related measures](#), even if since 2012 jurisdictions are primarily encouraged to resort to [non-punitive measures](#). **Since 2019, the illegal use of drugs incurs a flat-rate fine (€200)** (Articles [495-17 to 495-25](#) of the Code of Criminal Procedure) **for use or possession of a small amount of drugs**. The police can issue fines immediately without involving the courts. Since 1 September 2020, this fine applies [nationwide](#).

[Legalising recreational use](#) of cannabis is a regular topic of debate. In January 2023, the Economic, Social and Environmental Council (a consultative assembly) [proposed](#) to move towards legalisation.

## Croatia

Supply, cultivation, possession and use of cannabis for recreational purposes are prohibited. However, after changes to the Criminal Code (Nos [125/11](#), [144/12](#), [56/15](#), [61/15](#), [101/17](#), [118/18](#), [126/19](#), [84/21](#), [114/22](#)) in 2013, **the possession of drugs, including cannabis** (as Croatian legislation does not draw a distinction between different types of drugs) **for personal use is no longer considered a criminal offence, but a misdemeanour**. Those who use drugs for personal consumption are no longer imprisoned, but are **referred for treatment**. Not only is this procedure more flexible, but offenders avoid the stigma of a criminal record. On the other hand, those who trade in drugs and induce people to consume them could face a prison sentence ranging from 6 months to 15 years, depending on the gravity of the offence. The law does not specify the amount of drug to qualify as personal use; instead, **personal use is determined by court practice** based on individual circumstances. Cultivation of plants from which a drug can be obtained (including cannabis) is only allowed for medical, veterinary, scientific research and teaching, under the conditions determined by the Act on the prevention of the abuse of drugs (Nos [107/2001](#), [87/2002](#), [163/2003](#), [141/2004](#), [40/2007](#), [149/2009](#), [84/2011](#), [80/2013](#), [39/2019](#)). Under the Criminal Code, the unauthorised production or processing of substances classified as drugs by the law entails a prison sentence of 6 months to 5 years. The sentence can reach 15 years for producing drugs to sell.

Some initiatives have sought to ease the legislation on recreational use of cannabis. In [November 2022](#), the Croatian Parliament received and rejected a proposal to [legalise](#) cannabis for

medicinal, economic, industrial and recreational purposes, by inter alia, allowing people above 18 years to cultivate up to nine plants for personal use. The [2022 Eurobarometer](#) showed 72% of those surveyed thought cannabis should be regulated as opposed to banned, compared to the 62% EU average.

## Italy

The Italian [Code on Drugs](#) (Decree of the President of the Republic 309/1990), **distinguishes between the act of selling drugs, in particular 'soft' drugs, including cannabis, and possession of such drugs for personal use.** The supply (i.e. sale, distribution, transport, cultivation, etc.) of cannabis is a criminal offence sanctioned by detention and a fine determined by reference to the penalty applied to the supply of hard drugs, diminished by between a third and a half (Article 73(4) of the Code on Drugs). The supply of drugs, including of cannabis, whenever it is of 'low relevance', is subject to detention (6 months to 4 years) and a fine (€1 032-10 329). The Supreme Court's [Ruling No 45061/2022](#) sets the threshold for supply 'of low relevance' at 246 g for marijuana and 386.93 g for hashish. Conversely, **the possession of cannabis for personal use** ([Table II](#) of the Code on Drugs), **is subject to an administrative penalty** (1-3 months) and offenders may face one or several of the following sanctions (Article 75 of the Code on Drugs): i) suspension of their driving license or a ban on obtaining one for three years; ii) suspension of their weapons licence or a ban on obtaining one; iv) suspension of a passport or equivalent document or a ban on obtaining one; v) suspension of a residence permit for tourism or a ban on obtaining one if the offender is a non-EU citizen. Persons found in possession of cannabis for personal use are invited to enrol in a rehabilitation programme. According to a 2006 [Ministerial Decree](#), the maximum quantity [deemed](#) for personal use is 500 mg of THC, or 15-20 joints. The Supreme Court decided in [2019](#) that limited domestic cultivation of cannabis is not a criminal offence (Article 26 of the Code on Drugs), if the methods used are not sophisticated and clearly suggest cultivation for personal use by the grower.

The Italian Supreme Court has often stepped in to address the absence of a comprehensive legislative initiative on cannabis. Legalisation or decriminalisation of certain aspects of cannabis use resurfaces in political discourse regularly in this context. A [proposal](#) was presented in the Senate in 2015, to legalise personal use of cannabis and a [proposal](#) was submitted to the Chamber of Deputies in 2018 to decriminalise cannabis cultivation for personal use; a further [proposal](#) was submitted in 2021. On 2 March 2022, with [Judgment No 51](#), the Italian Constitutional Court declared inadmissible a referendum on cannabis that sought to decriminalise cannabis cultivation, all offences relating to soft drugs, and to end suspension of a person's driving license for personal use of hard or soft drugs.

## Lithuania

Lithuania has long been known for its strong [anti-cannabis](#) stance. The country legalised industrial uses of hemp only in 2013, and in 2018, the Parliament permitted cannabis for a narrowly defined medical use. However, **the supply, cultivation, possession and use of cannabis for recreational purposes remain prohibited and sanctioned under both administrative and criminal law.** Under the Lithuanian [Criminal Code](#), possession of cannabis without intention to distribute is punished by a fine or 'arrest' (detention in police custody, differs to imprisonment), or imprisonment of up to two years. **Possession of a small quantity of cannabis** (<5 g of the cannabis plant or <0.25 g of cannabis resin, as [decided](#) by the Ministry of Health) **may be punished by community service, restriction of liberty, a fine or arrest.** Meanwhile, under administrative law, using cannabis could result in a €30-150 fine and a €150-230 fine for a repeat offence. In addition, a repeat offence might entail an administrative sanction, such as an obligation to attend drug abuse prevention, early intervention (an awareness raising educational programme mostly aimed at young people or those not yet dependent on the substance), healthcare, or resocialisation programmes, etc. **Under both criminal and administrative law, a person would not be penalised for substance use if they voluntarily apply for medical assistance. Similarly, they would not be penalised if they surrender an illegally possessed substance to the authorities.**

Despite an unsuccessful November 2021 [attempt](#) in the Parliament to decriminalise a broader spectrum of controlled substances, the debate on the need for more flexible controlled substances legislation continues. Debate on decriminalising possession of small amounts of cannabis for personal use has led to clashes between those for and against, both within Parliament and wider society. In the Parliament, proposals have been made to amend both criminal and administrative laws, to address the offence solely through the latter. One of the governing coalition parties, whose leaders argue Lithuania's drug laws are disproportionate, is spearheading the reform initiative.

One [proposal](#) calls for a provision to be added to Article 71 of the [Code of Administrative Offences](#), whereby possession of cannabis for personal use would be punishable by a warning or a fine of €50-300 (€300-1 000 for repeat offences). As currently, the proposal also envisages an obligation for offenders to enrol in thematic programmes or training. Another proposal amends the provisions of the Criminal Code to release offenders from criminal responsibility. The measures would have entered into force on 1 January 2024. However, due to procedural issues regarding the first proposal, and lack of support during the December 2022 plenary for the second, the proposals have been referred back to the Committee on Law and Legislation for revision. Subsequently, in December 2023, Parliament [stated](#) the proposals would not return to the plenary this parliamentary term (parliamentary elections are set for October 2024). In a context where 'the votes in favour are missing and their number is not increasing', leading politicians believe that now is not the right time to consider this initiative 'as the highly reported problem of drug use in schools continues to worsen and could potentially contribute to [lower support](#) for the decriminalisation proposals.'

## Luxembourg

The [medical use of cannabis](#) has been permitted since 2018, and a [2018-2023 Coalition Agreement](#) provided for the introduction of recreational cannabis legislation. Its main objective would be to decriminalise and potentially legalise, under defined conditions, 'the purchase, possession and consumption of recreational cannabis for the personal needs of adult residents'. In June 2022, a draft [bill](#) proposing a set of [modifications](#) to the 1973 [law](#) on the selling of medical substances and the struggle against drug addiction was transmitted to Parliament. In July 2022, a [high-level consultation](#) on the regulation of cannabis for non-medical uses between Germany, Luxembourg and Malta [concluded](#) that regulations and policies on the matter should be based on scientific evidence and guided by public health and security principles. In March 2023, the Council of State rendered its [opinion](#) on the proposal, pointing out that deliberations should not be limited to domestic legal considerations, the issue of drugs being largely regulated at international and EU levels. The Council of State concluded the proposal did not contradict EU law, yet questions remained regarding its compatibility with UN drug control conventions. In April 2023, the government proposed a set of [amendments](#) followed by a [complementary opinion](#) of the Council of State. The Chamber [approved](#) the proposal, which entered into force on 21 July 2023.

Cannabis cultivation is therefore authorised for up to **four cannabis plants per household** (not per person living in the same household), provided cultivation is carried out by a person of legal age, at her or his home or habitual residence, and that plants are not visible from the street. Moreover, any person of legal age is **authorised to consume and possess cannabis** that he or she has cultivated at his or her home or habitual residence. The law introduces penalties for those who fail to comply with these conditions. **Use in public thus remains prohibited** and individuals caught using cannabis in public will be [fined](#) between €25 and €500. Those possessing (outside their home or habitual residence), transporting or buying up to 3 g cannabis may be fined between €25 and €500; the quantity exceeding 3 g entails imprisonment ranging from eight days to six months and/or a fine of between €251 and €2 500. These penalties are not applicable if the drug is medically prescribed. Use of narcotics or psychotropic substances other than cannabis remains illegal.

## Malta

In December 2021, Malta became the first EU country to legalise personal use and cultivation of cannabis, with a [new law](#) intended to stop small-scale cannabis users from facing the criminal justice system and to curb drug trafficking by giving users a safe, legal way to obtain cannabis. The [rationale](#) behind the legislation was not to move to full commercialisation of the cannabis market, or to promote cannabis use, but to prioritise public health and reduce harm by shifting existing Maltese users from the illicit market to a regulated non-profit sector. The new law allows adults to grow up to four plants at home and possess up to 7 g of cannabis for personal use only. It also permits the establishment of non-profit associations known as 'cannabis harm reduction associations' to cultivate cannabis plants and sell dried cannabis flowers to their members. Members must be at least 18 years old and may only belong to a single association. Associations must have at least two founders, who have been Maltese residents for at least five consecutive years. Associations may have no more than 500 members, must not be located near schools or youth clubs, may not advertise and may only distribute cannabis products they have cultivated themselves. To avoid promoting drug tourism, tourists and short-term visitors may not procure cannabis from the associations.

The licensing procedure for the associations [opened](#) on 28 February 2023. To obtain a licence, [associations](#) must meet [requirements](#) determined by the new regulator, the [Authority on the Responsible Use of Cannabis \(ARUC\)](#), which is also responsible for overseeing the law, providing education and reducing harms related to cannabis. ARUC [updated](#) the licensing requirements in May 2023, to tackle obstacles to registration identified during consultations with prospective associations. As of 18 March 2024, ARUC has provided [operating permits](#) to seven associations.

Outside these specific conditions, possession, use, cultivation and supply of cannabis for recreational purposes remain illegal and [administrative or criminal sanctions](#) still apply. The use of cannabis in a public place is an offence punishable by a fine of €235, or €300 to €500 if consumed in front of anyone under 18 years. Possession for personal use of up to 7 g of cannabis is not an offence, but anyone carrying more than 7 g (but less than 28 g) faces fines up to €100. The possession of more than 28 g of cannabis is a criminal offence, with sanctions ranging from fines to prison sentences, depending on the quantity. Outside licensed associations, supplying cannabis is also a criminal offence, punishable by between 6 months and 10 years in prison if tried in a magistrates' court and by imprisonment that can reach a life sentence if tried in a criminal court.

The legal reform was preceded by grassroots activism by local organisations and accompanied by lively public debate. In its [summary](#) of the public consultation, the government concluded there was a clear consensus that the criminalisation of individuals who consume cannabis was no longer an acceptable practice and that the focus should shift towards prevention and support. However, views on regulation varied widely, spanning calls for full legalisation with a regulated cannabis market, to calls for more caution and strict regulation of the sector, in view of the potential health consequences and other harms. This divergence was reflected in the margins by which the legislation was [adopted](#) in Parliament. The media subsequently flagged [concerns](#) about the delay between the enactment of the legislation and the setting up of the regulatory framework and the associations, [reportedly](#) leading to a surge in demand and an increased black market. ARUC is [concerned](#) about the increasing availability of semi-synthetic cannabinoid products, which are not regulated under the 2021 law. These products could pose unforeseen risks. The government and ARUC are [setting up](#) a consultative committee to identify what action to take.

## The Netherlands

In the Netherlands, **drug use is not criminalised, but cultivation, supply and personal possession of cannabis are all criminal offences, punishable by prison sentences and fines** under Articles 3 and 11 respectively of the [Opium Act](#). However, the country has pursued a **practice of tolerance** since the 1970s, laid down in [rules](#) that are binding on the Public Prosecution Service. The possession of small quantities of drugs for personal use, including up to 5 g of cannabis, and/or

non-commercial cultivation of a small quantity for personal use (up to five plants), does not lead to prosecution, if the accused is an adult who is not subject to targeted police investigation.

Under the same policy, the sale of small amounts of cannabis to adults over 18 years in municipally licensed cannabis sales outlets ('**coffee shops**'), is tolerated, to help keep young adults who experiment with cannabis away from drugs involving a greater health risk (i.e. hard drugs, listed in Schedule I, Opium Act). The coffee shops ([565](#) spread across 102 municipalities, according to the 2023 census) must abide by strict requirements that prohibit advertising, nuisance, access of minors, sale to minors and sale of hard drugs or alcohol. No more than 5 g of soft drugs may be sold per day per person and trading stock should not exceed 500 g. Coffee shop owners who do not comply may be prosecuted, and mayors can close premises temporarily. To prevent nuisance, municipalities can also impose additional requirements, such as adjusted opening hours or a greater distance from schools. To combat drug-related crime and nuisance, the 'i-criterion' was added in 2013: only 'residents of the Netherlands' (*ingezetenen*) are permitted to visit coffee shops and purchase cannabis there. To regulate cultivation and supply of cannabis through a [closed coffee shop chain](#), the 'back door', in order to end the paradoxical policy that leaves the coffee shop's 'back door' aspect unregulated, the Dutch Parliament debated a 2015 [own-initiative bill](#) (Coffee Shop Front and Back Door Regulation Act). The proposal, [approved](#) by the Chamber in February 2017, is [pending](#).

Consensus was however [reached](#) in 2017 ([reconfirmed](#) in 2021) on the start of an [experiment](#), under which the state grants a limited number of producers a licence to grow cannabis to supply participating coffee shops. After repeated delays, [Tilburg and Breda](#), the first 2 of 10 designated Dutch cities, received permission in February 2023, from the Minister of Health, Wellbeing and Sport and the Minister of Justice and Security, to **start the 'weed trial' in the fourth quarter of 2023**. Despite changes in the Dutch government, preparations for the Closed Cannabis Supply Chain Experiment continue. The start-up phase was [officially launched](#) on 15 December 2023, with three growers to supply regulated cannabis to coffee shops in Tilburg and Breda. Parliament rejected a 2022 [proposal](#) for an amendment to expand the experiment to Amsterdam in March 2024. A [motion](#) expressing enforcement concerns passed a week earlier. The four-year experiment, the [stated aim](#) of which is to clarify whether regulated production, distribution, and sale of quality-controlled cannabis is possible, will be [closely monitored](#).

## Austria

The Austrian Narcotic Substances Act, ([Suchtmittelgesetz](#)) regulates the possession, cultivation, sale and distribution of drugs, including cannabis. Under this law, the **supply and possession of cannabis** are prohibited and punishable with a prison sentence of up to 6 months or a fine of up to 360 'daily rates', determined by the court based on the offender's financial situation.

Whilst the **use of cannabis** (or any other drug) is not a punishable offence, possession and acquisition of cannabis are. However, purchase and possession of cannabis plants are not an offence, as they do not constitute possession of a drug. Whether the **cultivation of cannabis plants** is punishable depends on its purpose. If it is to obtain drugs by separating the flowers and fruiting parts from the plant, it becomes punishable.

Even **possession of small quantities** of narcotic substances (*suchtmittel*) for personal use is in principle punishable. However, a comprehensive [legislative reform](#) launched in early 2016 promoted therapy rather than punishment. Consequently, today the Public Prosecutor's Office or the courts can provisionally withdraw a case from prosecution under certain conditions, if:

- the possession of narcotic substances was below the [threshold quantity](#) (in principle 20 g for THC);
- it was intended for personal use or the personal use of another person, without the defendant having derived any benefit therefrom;
- the defendant cooperates with the health authorities and undergoes a medical examination.

Similar conditions apply in cases where a fine or a prison sentence has already been imposed, making it possible to suspend it. Furthermore, the law provides for a specific procedure that enables schools, in cases of drug abuse by pupils, to follow an internal crisis management procedure without having to report the incidents to the health or law enforcement authorities.

At present, Austria has no plans or the political majority needed to decriminalise cannabis. In 2014 and 2017, two citizens' initiatives ([53/BI](#), [116/BI](#)) submitted to the Austrian Parliament failed to change the status quo. On 18 July 2022, the Austrian Constitutional Court rejected a citizen's application for a revocation of the prohibition of cannabis. The court argued it is within the legislator's discretion to regulate the use of substances covered by the UN drug control conventions more strictly than other substances, such as alcohol and tobacco.

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