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Committee on Civil Liberties, Justice and Home Affairs

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DRAFT REPORT

on the proposal for a Council decision on defining 1-benzylpiperazine (BZP) as a new synthetic drug which is to be made subject to control measures and criminal provisions
(COM(2007)0430 – 11974/2007 – C6-0285/2007 – 2007/0811(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Jean-Marie Cavada

Symbols for procedures

*	Consultation procedure *majority of the votes cast*
**I	Cooperation procedure (first reading) *majority of the votes cast*
**II	Cooperation procedure (second reading) *majority of the votes cast, to approve the common position* *majority of Parliament's component Members, to reject or amend the common position*
***	Assent procedure *majority of Parliament's component Members except in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty*
***I	Codecision procedure (first reading) *majority of the votes cast*
***II	Codecision procedure (second reading) *majority of the votes cast, to approve the common position* *majority of Parliament's component Members, to reject or amend the common position*
***III	Codecision procedure (third reading) *majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council decision on defining 1-benzylpiperazine (BZP) as a new synthetic drug which is to be made subject to control measures and criminal provisions (COM(2007)0430 – 11974/2007 – C6-0285/2007 – 2007/0811(CNS))

(Consultation procedure)

The European Parliament,

– having regard to the Commission proposal (COM(2007)0430),

– having regard to Article 34(2)(c) of the EU Treaty,

– having regard to Article 39(1) of the EU Treaty, pursuant to which the Council consulted Parliament (C6-0285/2007),

– having regard to Rules 93 and 51 of its Rules of Procedure,

– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0000/2007),

1. Approves the Commission proposal;

2. Draws the attention of the Commission and the Council to the weaknesses in the risk assessment report on which the Commission proposal is based, particularly as regards evidence of harm caused by this drug, and stresses that further studies are needed;

3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;

4. Calls on the Council to consult Parliament again if it intends to amend the Commission proposal substantially;

5. Instructs its President to forward its position to the Council and the Commission.

EXPLANATORY STATEMENT

The European Parliament is consulted on a proposal for a Council decision on defining 1-benzylpiperazine (BZP) as a new synthetic drug which is to be made subject to control measures and criminal provisions. This implementing measure is taken by the Council on the basis of Council Decision 2005/387/JHA of 10 May 2005 on the information exchange, risk-assessment and control of new psychoactive substances.

This is the first time that Council formally consults Parliament on such an implementing measure in the third pillar according to Article 39(1) of the EU Treaty. The Council has set a deadline of three months for Parliament to deliver its opinion in accordance with Article 39(1) of the EU Treaty.

The decision to submit BZP to control is based on a risk assessment report, which has been drawn up by the European Monitoring Centre for Drugs and Drug Addiction and submitted to the Council and the Commission on 31 May 2007. Following the recommendation of the report, the Commission has put forward a proposal to bring BZP under control on 17 July 2007.

The risk assessment report on which the Commission proposal is based reveals a certain lack of conclusiveness. It points out that the evidence for harms arising from this drug is not strong and that further studies are needed. On the other hand, a range of adverse reactions have been reported by users of BZP and the strict procedural deadlines imposed by Council Decision 2005/387/JHA do not allow for in-depth research.

Furthermore, the overall conclusion of the experts is that due to its stimulant properties, risk to health and the lack of medical benefits, there is a need to control BZP. This conclusion is in line with the precautionary principle. The relatively low risks of the substance have been taken into account in the decision by pointing out that the control measures have to be proportionate to the risks of the substance.

The rapporteur therefore suggests approving the Commission proposal while pointing out the shortcomings of the risk assessment report.