



European Monitoring Centre
for Drugs and Drug Addiction

Drug legislation in the Member States of the European Union

Brendan Hughes

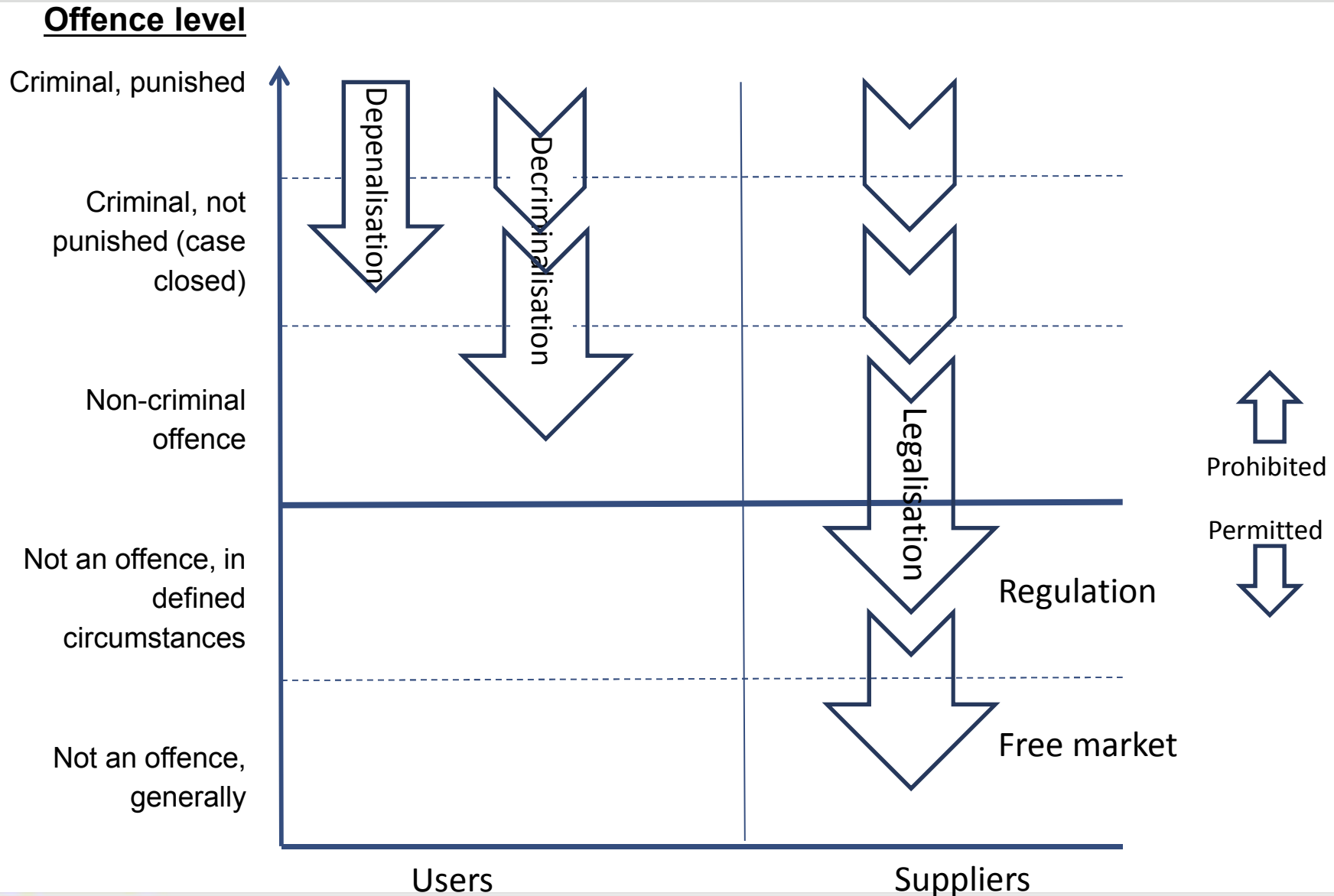
Lisbon, 22 September 2014



Outline...

1. Definitions
2. Laws – the text
3. Laws – the practice
4. Laws – the effects
5. Legalisation regimes

Legal terms applied to drug control



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According to those countries, why...?

...decriminalise?

- Concentrate resources on more serious crimes
- Reduce judicial system backlog / prison population
- Encourage entry to treatment
- Bring law and practice closer
- Proportionate response

...legalise?

- Concentrate resources on more serious crimes
- Reduce judicial system backlog / prison population
- Separate the markets
- Regulate visible trade (away from OCGs)
- Gain tax revenue for healthcare, education, prevention.

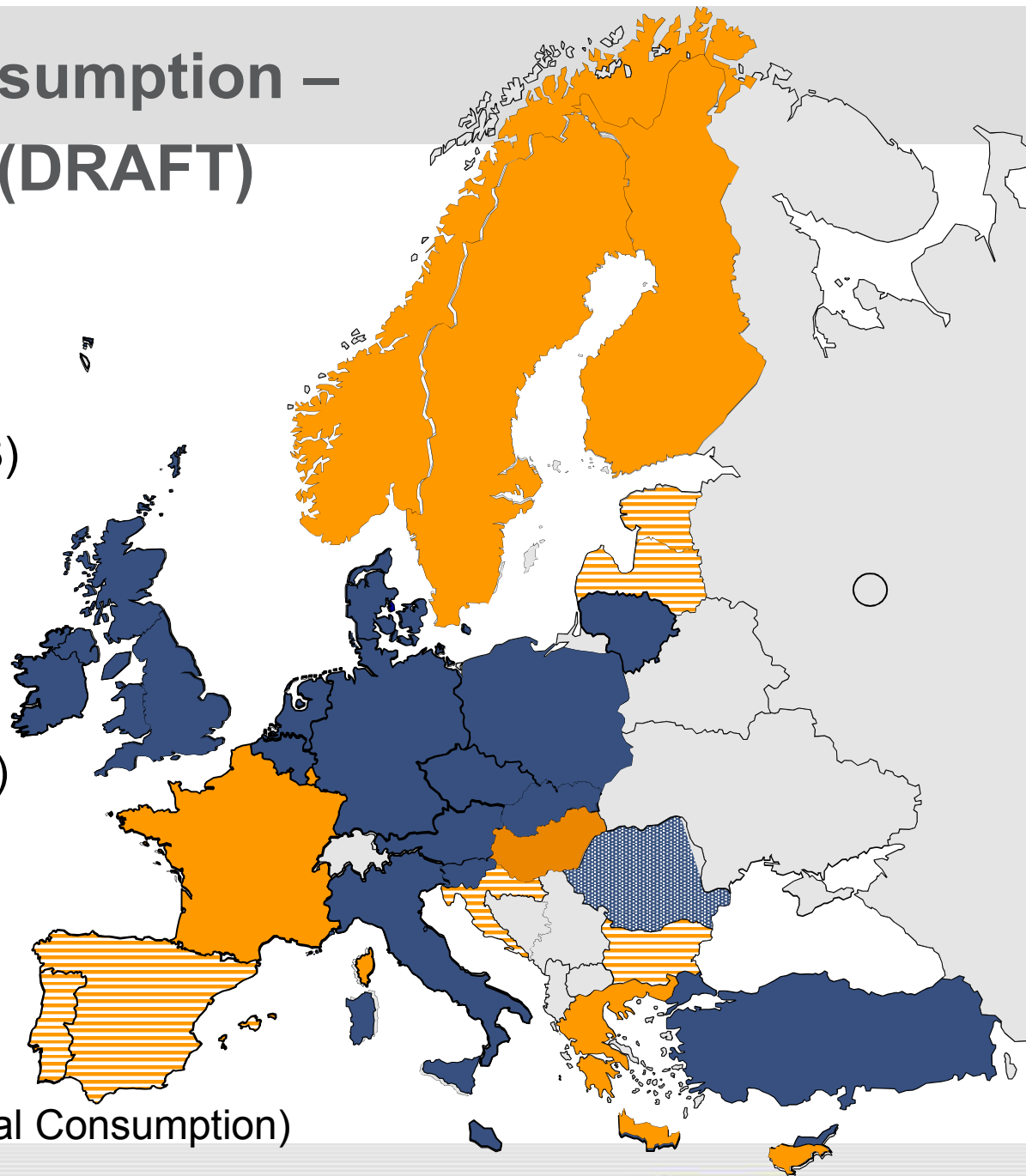
...Reasons of efficiency and/or effectiveness

Drug use / consumption – an offence? (DRAFT)

 Criminal offence (8)

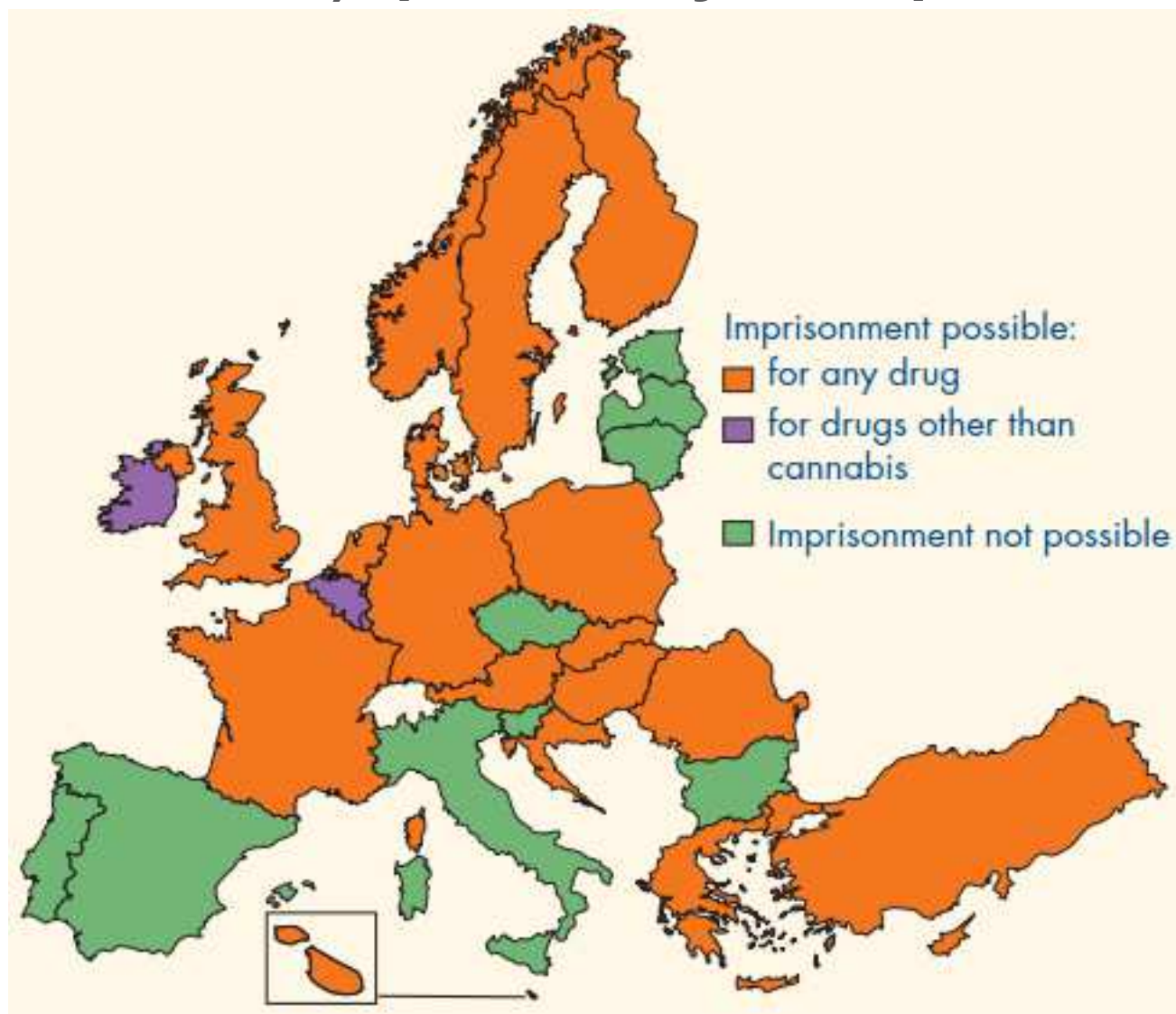
 Non-criminal
offence (6)

 Not an offence (16)



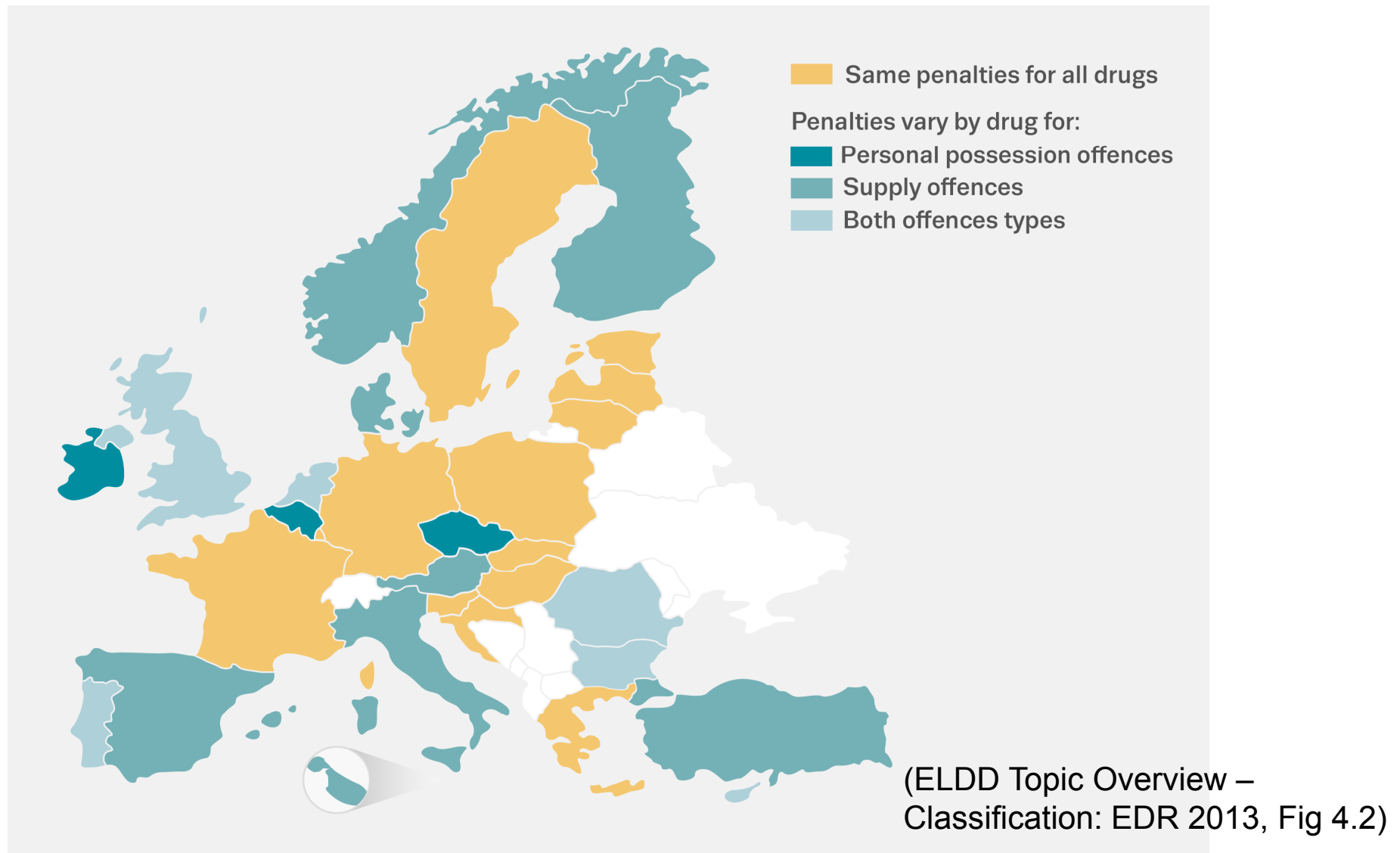
(ELDD Topic Overview – Illegal Consumption)

Possession of drugs for personal use (minor offences): possibility of imprisonment in laws



(ELDD Topic
Overview –
Illegal Possession:
Annual Report
2011, Fig 2
Since 1/2013:
Croatia)

Does the penalty vary by drug?



Cannabis supply penalties (EU Drug Markets Report 2013)

Figure 14: Prescribed penalty ranges for supplying cannabis in some European countries



Sentence type – personal use offences



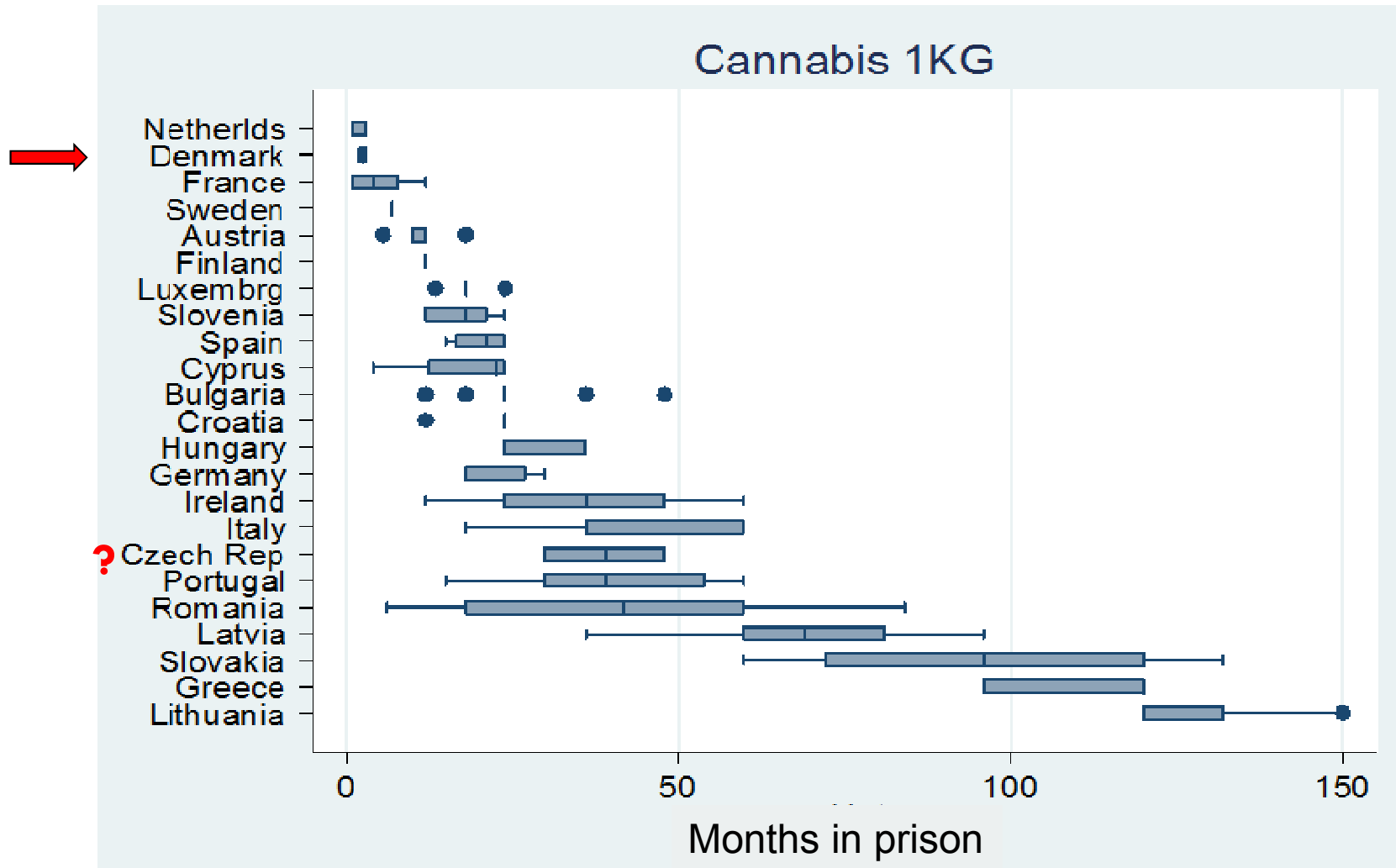
EMCDDA Selected Issue Sentencing, 2009

Sentence type – supply offences



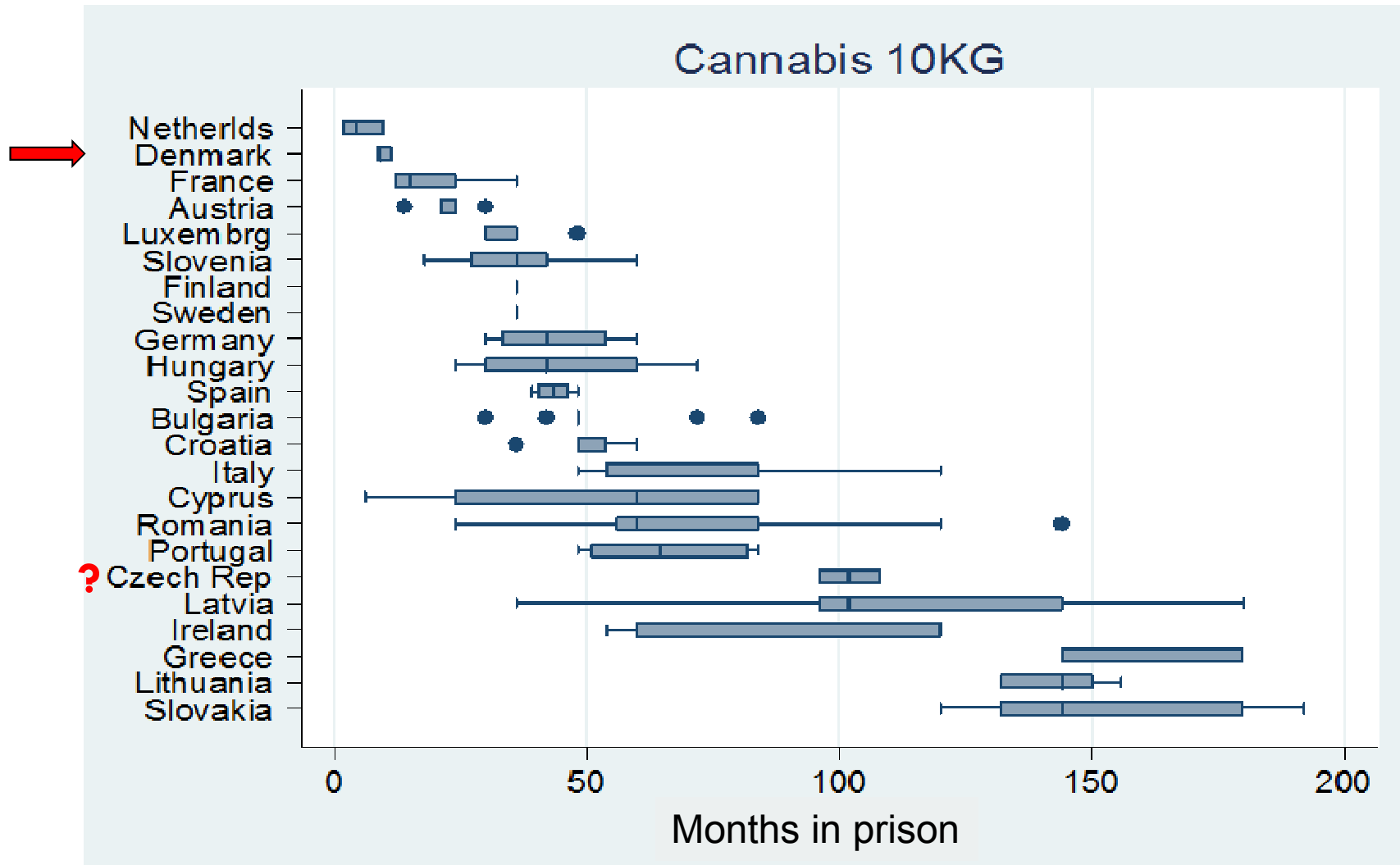
DRAFT Supply penalties estimates (2014)

(from approx 5 practitioners per country [DK:7])



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Do changes in legal sanctions result in observable changes in cannabis use rates?



With many caveats, the best available evidence shows no clear impact of penalty changes on cannabis use.

(EMCDDA Annual Report 2011, Ch.3)

Legalisation regimes – brief comparison

	Netherlands	Washington State	Colorado State	Uruguay
Level of law	National prosecutor guidelines	State law (conflict with federal law)	State constitution (conflict with federal law)	National law
Regulatory Body	Municipality	Washington State Liquor Control Board	Colorado Department of Revenue	National Cannabis Institute
Age limit for possession	18	21	21	18
Growing at home	Up to five plants if for own use	Not allowed	Up to six plants, three in flower (cannot be sold)	Up to six plants / 480 g
Maximum amount permitted for possession	5 g (limit for investigation) 30 g (limit for prosecution)	1 oz (28.5 g)	1 oz (28.5 g)	40 g

EMCDDA Perspectives on Drugs (2014)

Models for the legal supply of cannabis: recent developments

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Thank you for listening – any questions?

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