



# HOUSE OF LORDS

European Union Committee

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Vice-President Šešćović  
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2 April 2014

*Dear Maria,*

**EM 13865/13: Proposal for a Directive of the European Parliament and of the Council on New Psychoactive Substances**

**EM 13857/13: Proposal for a Regulation of the European Parliament and of the Council on New Psychoactive Substances**

We are most grateful for your detailed and constructive response dated 10 March 2014 to our Reasoned Opinion, concerning the above draft Directive and Regulation.

As you know, we took the view in our 2012 report *The EU Drugs Strategy* (26th Report, Session 2012–12, HL Paper 270), that “decisions about banning such [new psychoactive] substances are, in most cases, best left to individual Member States”. We maintain that position but, as we stated in our Reasoned Opinion (which was endorsed by the House of Lords on 11 November 2013), we consider that the EU has an important role to play, where possible strengthening and adding value to the actions of Member States in tackling the negative effects of these substances.

We remain convinced that Member States are best placed to respond to NPS within their own differing systems and require unfettered flexibility to respond rapidly to local situations in order to protect public health. We are pleased to see your acknowledgement that “a Member State is better placed than the Union to address risks that are restricted to its national territory and that, in the case of a geographically contained risk, national action is more suitable”. We trust that you will now amend the draft Regulation, in particular Article 4, to give effect to that clarification.

We also welcome your intention that the proposal should “provide flexibility to the Member States” and believe this clarification should be expressed on the face of the Regulation so that it is clear that Member States remain able to take more stringent measures than those taken at EU-level, should they deem it necessary on the grounds of public health.

We remain unconvinced that there is sufficient information about the scale of licit trade in New Psychoactive Substances in Europe to justify use of a single market legal base for the legislation and have no doubt that this will be a topic of ongoing negotiations.

We greatly value this political dialogue. New Psychoactive Substances pose an increasing risk to EU citizens and action must be taken both at the national and EU level to prevent their abuse. EU-level action to promote prompt sharing of information and expertise is most desirable in this area and we welcome the Commission's consideration of how to strengthen existing provision to ensure that any EU action is swift and effective.

Handwritten signature of Lord Boswell, consisting of a stylized 'Y' followed by 'oswell' and a horizontal line above 'Boswell'.

Lord Boswell  
Chairman of the European Union Committee