

## EUROPEAN COMMISSION

Brussels, 11 VI 2014  
C(2014) 3962 final

Dear Chairman, *Dear Lord Boswell,*

*The Commission would like to thank the House of Lords for its Opinion, in which it reaffirms the views expressed in the Reasoned Opinion concerning the proposal for a Regulation of the European Parliament and of the Council on new psychoactive substances {COM(2013) 619 final} and the proposal for a Directive of the European Parliament and of the Council amending Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking, as regards the definition of drug {COM(2013) 618 final}.*

*The Commission takes note of the different views of the House of Lords regarding the information available about the scale of the licit trade in new psychoactive substances in Europe. In addition to the arguments provided in its reply to the Reasoned Opinion, the Commission would like to draw the attention of the House of Lords to the fact that the proposed Regulation would also cover new psychoactive substances that are active substances in medicinal products for human and veterinary use, thus substances with uncontested – and crucially important – legitimate uses.*

*During the past years, Member States have detected and notified numerous new psychoactive substances that are active substances in medicinal products to the Early Warning System run by the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) and Europol. The Commission would like to stress that, while these substances would fall within the scope of application of the proposed Regulation, they would be excluded from restriction measures because of their legitimate medical use, as is already the case under the current EU instrument on new psychoactive substances, Council Decision 2005/387/JHA. The Commission, therefore, reconfirms that the available information shows that roughly 20% of the new psychoactive substances notified so far have some licit uses.*

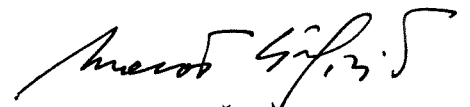
*Lord Boswell  
Chairman of the European Union Select Committee  
House of Lords  
Palace of Westminster  
UK – LONDON SW1A 0PW*

*The Commission agrees with the House of Lords that strengthening the sharing of information and expertise on new psychoactive substances is fundamental for improving the effectiveness of action in this area. As the Impact Assessment {SWD(2013) 319} accompanying the legislative proposals indicates, the Commission is planning to support structural cooperation between the EMCDDA, research institutes and forensic laboratories across Europe to facilitate the sharing of knowledge and information on new psychoactive substances. Article 20 of the proposed Regulation refers to such structural cooperation, which should facilitate the early detection and rapid assessment of new psychoactive substances and should make EU action swifter and more effective. The envisaged structural cooperation should benefit both national and EU action against new psychoactive substances.*

*The Commission would like to stress that, during the past years, it has supported more than 20 projects aimed at enhancing the knowledge of new psychoactive substances, through the EU financial programmes, in particular the Drug Prevention and Information Programme and the Prevention and Fight Against Organised Crime programme. It is planning to continue supporting projects aimed at enhancing knowledge on new psychoactive substances during the 2014-2020 period.*

*The Commission hopes that these additional clarifications address the comments made by the House of Lords and looks forward to continuing the dialogue in the future.*

*Yours faithfully,*



*Maroš Šefčovič*  
Vice-President