



## EUROPEAN COMMISSION

Brussels, 24.1.2013

C(2013) 98 final

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

Dear Lord Boswell,

*The European Commission would like to thank the House of Lords for its Opinion on the evaluation of the EU Drugs Strategy 2005-2012, and apologizes for the delay in replying. Your Opinion includes an extensive assessment of the implementation of the Drugs Strategy over the past eight years, and provides food for thought for the development of the next EU Drugs Strategy, post 2013.*

*The Commission would like to make the following observations regarding the House of Lords' Opinion:*

### *The EU Drugs Strategy 2005-2012*

*The Commission shares the view of the House of Lords concerning the value of the EU Drugs Strategy 2005-2012. The final report of the evaluation of the EU Drugs Strategy, financed by the European Commission and carried out by an external contractor (RAND Europe), which has recently been published<sup>1</sup>, shows that the Strategy has clear added value for cooperation in the drugs policy field at EU level. The evaluation report shows that the strategy provides political guidance for Member States' drugs policies and has helped achieve convergence between national policies. Although direct impacts of the Strategy are difficult to identify due to the complexity of the implementation mechanisms and the necessity to translate its objectives into national responses, the available evidence suggests that the Strategy has had some success in aligning policies in the field of drug demand reduction, notably on harm reduction, that it is perceived by third countries and by international organizations as a 'model of good practice' and that it has helped achieve important gains in the field of information, research and evaluation of drugs policies.*

### *New psychoactive substances*

*The Commission is planning to present new legislation on new psychoactive substances in 2013. As indicated in the Commission Communication 'Towards a stronger EU response to drugs'<sup>2</sup>, the new legislation would seek to enhance the monitoring and risk assessment of*

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<sup>1</sup> The final evaluation report is added in the annex to this response

<sup>2</sup> COM(2011) 689/2

*substances, to provide more sustainable responses to the emergence of these substances, including through alternative control options, and to enable a swifter response to the spread of substances, including, possibly, through temporary bans on substances that pose immediate risks. The Commission will explore, inter alia, ways to address groups of substances, notwithstanding the need to determine scientifically the harmfulness to health of each individual substance, through an evidence-based approach. The analogue approach to new psychoactive substances, as proposed by the House of Lords, poses legal issues in certain EU Member States and may have undesirable effects, among others regarding legal certainty for EU citizens and legitimate economic activities involving these substances.*

### *Harm reduction*

*Over the past 15 years, the Commission has promoted and supported a wide range of initiatives, projects and proposals in the field of drug-demand reduction. The evaluation of the EU Drugs Strategy shows that some progress has been made, but that drug demand reduction measures based on the best available evidence do not seem to be applied commonly across the board in all Member States and by all services within Member States. As indicated in its Communication, the Commission intends to present a proposal on EU minimum quality standards in the field of drug demand reduction, to promote evidence-based prevention, treatment and harm reduction services in the Member States.*

### *Drug trafficking*

*The effect of displacement of drug trafficking, referred to in your Opinion, can, in the Commission's view, only be effectively tackled by improving cooperation and coordination at EU level, as envisaged by the EU Drug Strategy and its implementing Action Plans, and by making full use of all other EU instruments in the field of drug demand and drug supply reduction.*

*Countering drug trafficking is an important element of a number of the Commission's initiatives aiming at combatting organised crime, including the new Europol legal basis, the Communication on the Exchange of Information Model and actions on border control through the implementation of the Internal Security Strategy. The involvement of transnational networks and the existence of transnational routes in drug-trafficking require a coordinated approach. The Commission promotes this under the aegis of COSI, where 4 of the 8 priorities retained for the policy cycle 2011-2013 concern drugs trafficking.*

*Under the future Multiannual Financial Framework 2014-2020, the Commission has proposed funding programmes, presently under negotiation by the co-legislators, which aim to provide comprehensive funding for all aspects of drug policies, including drug trafficking. The Justice Programme and the Internal Security Fund would ensure that funding is available for projects related to drug-trafficking, while the Justice programme would also fund all horizontal drug policies issues. In particular it should be noted that the Internal Security Fund, would, for the first time, allow the financing of activities against drug trafficking in third countries key to the internal security of EU Member States.*

### *The European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)*

*Both the Opinion of the House of Lords and the external evaluation of the EU Drugs Strategy 2005-2012 have found that the investments made in data collection, monitoring, information*

*and evaluation in the field of drugs have paid off. The work of the EMCDDA and that of the network of Reitox National Focal Points on drugs has provided the EU with high quality data on the drugs situation. A report on the external evaluation of the EMCDDA, covering the period 2006-2012, will be published soon.*

*The Commission takes note of the request of the EU Committee to maintain the budget of the EMCDDA in the next few years at adequate levels. The Commission has concerns about the impact of the various budget cuts in the Member States on the funding of the Reitox National Focal Points on drugs. It is essential that Member States continue to fund the provision of timely, adequate and reliable data from national authorities to the EMCDDA.*

### Statistics and threat assessment

*Regarding data in the field of drug supply, the Commission has been the driving force behind the development and improvement of supply side data in the field of drugs, which is necessary for a better understanding of the drugs problem and of the drugs markets. Building on the technical expertise developed at the EMCDDA, the Commission, with the support of EMCDDA and Europol, will present key indicators for the monitoring of drugs markets, drug-related crime and drug supply reduction. These should help improve the effectiveness of responses in the area of drug supply, by enhancing analysis of the different trends and interactions between markets, crimes and the effectiveness of law enforcement responses. The Commission set out its strategy for the development of key indicators on drug markets, drug-related crime and drug supply reduction in a Commission Staff Working Document<sup>3</sup> from October 2010. Furthermore, at the beginning of 2013, a targeted drug report encompassing available information on all illicit drug markets, including a comprehensive overview of the criminal chain, including market analysis and future trends, will be published. It will also contribute to the EU policy cycle for organised and serious international crime.*

### Research

*Under the current EU Drug Action Plan, the Commission has developed various activities to support research in the field of drugs. At the Commission's suggestion, the Horizontal Drugs Group organises an annual debate on priorities for drug-related research. In 2011, funding has been made available for a five-year, 10 million Euro research project on addiction, which covers all aspects of drug addiction. Cooperation on drugs research between Member States will receive a boost with the setting up of a European Research Area Network on illicit drugs (ERA NET), which is expected to start its activities in 2013. On the basis of an EU-financed 23 million Euro research project on driving under influence of drugs, alcohol and medicines, which has been finalised in September 2011, the Commission is exploring possible actions at EU level to address drugged driving, with the aim of increasing road safety. Finally, the Commission has financed and continues to fund various research projects that further examine the functioning of the EU drugs market, the (un)intended impact of drug policies on safety and security as well as projects in the field of drug-demand reduction.*

### Institutional questions

*As in Member States, drugs policy coordination can be organised in different ways. While in certain Member States (for instance in the UK), it is placed within the Interior Ministry, in*

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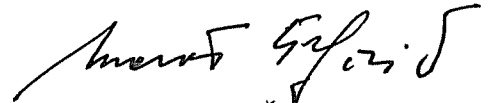
<sup>3</sup> Commission Staff Working Document on improving the collection of data on drug markets, drug-related crime and drug supply reduction measures in the European Union, SEC(2010) 1216 final, , 8.10.2010

*others (including Germany, the Netherlands and Denmark), it is situated in the Health Ministry. On the other hand, in Spain, France and the Czech Republic, among others, drugs policy coordination is situated within an inter-ministerial coordination body where the various disciplines come together.*

*Several Commission Directorates General are involved in the elaboration and implementation of the Commission's drugs policy, in order to cover all its aspects. As the Commission is a collegial body, they work closely together, each within their relevant mandate and field of expertise. The Directorate General for Justice is responsible for the overall coordination of drugs policy within the Commission and for ensuring, by working closely with other Directorates General, an integrated and balanced approach to drugs policy, addressing both drug demand and drug supply.*

*The Commission hopes that these clarifications address the issues raised in the Opinion of the House of Lords and looks forward to continuing our dialogue in the future.*

*Yours faithfully,*



*Maroš Šešćovič  
Vice-President*