

Luxembourg, 15th July 2022

Joint statement



High level consultation on the regulation of cannabis for non-medical and non-scientific uses between the Federal Republic of Germany, the Grand Duchy of Luxembourg and the Republic of Malta

We, the Ministers or high representatives of Ministers competent in the fields of drug supply and drug demand of the national governments of Germany, Luxembourg and Malta met in Luxembourg on the 15th July 2022 for a first high-level ministerial consultation to discuss the different aspects of the regulation of cannabis for non-medical and non-scientific uses and adopted the following statement:

Considering that

- the United Nations Drug Control Conventions are concerned with the health and welfare of mankind;
- the EU Drugs Strategy 2021-2025 aims to protect and improve the well-being of society and of the individual, to protect and promote public health, to offer a high level of security and well-being for the general public and to increase health literacy;
- cannabis, that comes from the flowers or extract of the plant *Cannabis sativa*, is by far the most widely used illicit drug throughout Europe and the world and the one most often mentioned in reports of drug law offences in Europe;

- cannabis use is most prevalent among young people, who are most vulnerable to adverse effects of regular use;
- the availability and use prevalences of cannabis have been increasing over the last decade;
- the average concentration of the main psychoactive constituent of cannabis, *delta-9-tetrahydrocannabinol* (THC), in illicit cannabis products sold on illicit markets has also steadily increased over recent years and illicit cannabis products with high THC and low *cannabidiol* (CBD) concentrations are increasingly found on the illicit markets, making these products more potent in terms of psychoactive effects and associated health risks as well as harms for individuals and the society;
- novel forms of cannabis products, with outstanding THC concentrations, have been observed and emerged on the illicit markets (*e.g. butane hash oil, BHO, shutter, dab, wax, etc.*) as extraction and isolation techniques have been improved;
- the demand for and the treatment of cannabis use disorders is generally increasing;
- quality of illicit cannabis products found on the illicit markets increasingly implies health risks as the list of potentially harmful adulterants and cutting agents, is growing;
- new psychoactive substances (NPS), such as synthetic cannabinoids continue to proliferate and appear to be increasingly used to adulterate hemp and low THC cannabis, sold on the illicit markets as regular or high THC cannabis, which markedly increases the potential risks and harms related to its use by often unaware users as synthetic cannabinoids are generally far more potent than their natural counterparts and their short and long terms adverse effects on humans are still widely unknown; whereas fatalities related to the use of the latter are being regularly reported;
- control of the quality and potency of cannabis products is not possible as long as they are not regulated and controlled by public authorities guided by public health objectives;
- according to latest estimates, cannabis accounts for around 39 % of the retail market for illicit drugs in the EU, generating massive revenues for organized crime groups (OCG's), as it is estimated that about 25 million users of cannabis yearly spend an estimated EUR 11.6 billion on cannabis, thus making the illicit market for it the largest of its kind in the EU (EMCDDA and Europol, 2019). These revenues are increasing power and influence in legal economy, society and politics, margins of manoeuvre and criminal or other business development opportunities of OCG's. Hence, the increasing influence of OCG's leads to growing threats to public security;
- these margins of profits have become greater and trafficking risks potentially lower with the emergence of synthetic cannabinoids, which are not all controlled globally and being added to products such as industrial hemp or other plant material;

- in terms of law enforcement, it has become even more challenging to enforcing existing cannabis laws and regulations as it is not easily possible to distinguish “common” cannabis products from products containing synthetic cannabinoids, or even CBD or low THC hemp, and in particular to analyze synthetic cannabinoids without lengthy and costly toxicological analysis and enforcement procedures;
- law enforcement and prosecution resources are limited and foremost needed to fight severe offences, such as organized crime and drug trafficking;
- there is a need to re-assess our policies on cannabis and to take into account recent developments in this area, to further strengthen and develop health and social responses, such as prevention programs, treatment and harm reduction interventions and to find new approaches beyond prohibition based drug policies.

We have a common understanding that

- we are facing common drug related threats and challenges;
- cannabis and its related products need special attention and its possession in small quantities for non-medical and non-scientific purposes but for personal use;
- we bear the responsibility for reviewing existing and future regulations and policies in the light of new scientific evidence, monitoring data, emerging consumption patterns and market evolutions;
- this review should be guided primarily by principles of public health and public security;
- new approaches guided by these considerations and put into practice with innovative regulations will facilitate the emergence of further scientific evidence;
- we will strive for a balanced approach between public health and criminal justice responses to the drugs phenomenon and, where appropriate, apply the principle of a proportionate response to drug-related offences;
- a structured multilateral exchange on the vast spectrum of cannabis related issues contributes to sharing knowledge, best practices and experiences and foster finding solutions including possible regulation in order to move forward, as the status quo is not a tenable option;
- this first structured multilateral exchange is meant to facilitate further consultations regarding regulations of cannabis for non-medical and non-scientific uses.