Information Note COM(21) 997

1. **Proposal**
   European Union: European Commission, Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Union Drugs Agency, 12 January 2022 COM/2022/18.

2. **Date of Commission document**
   12 January 2022

3. **Number of Commission document**
   COM(2022) 18

4. **Number of Council document:**
   2022/0009 (COD)

5. **Dealt with in Brussels by**
   Horizontal Working Party on Drugs (HDG)

6. **Department with primary responsibility**
   Ireland - Department of Health

   Europe - Commission's Directorate-General for Migration and Home Affairs
   Organised Crime, Drugs and Corruption (DG HOME/D5)

7. **Other Departments involved**
   Department of Foreign Affairs
   Department of Justice
   Revenue

8. **Background to, Short summary and aim of the proposal**

The European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) coordinates monitoring and analysis of illicit drugs in the EU. It supports EU and national policymaking by providing evidence-based information on drugs and drug-related harms. The EU drugs strategy and action plan 2021-2025 sets out a key role for the EMCDDA in the coordination, governance and implementation of the strategy. One of the actions under the strategy is to review of the mandate of the EMCDDA. This follows an external evaluation of the EMCDDA in 2019, including an extensive stakeholder consultation.

The European Commission has presented a proposal to revise the mandate of the EMCDDA to ensure that the agency is prepared to meet future challenges of the drug phenomenon[1]. Specifically, the revision of the mandate seeks to strengthen the agency's capacity to monitor poly-substance use, build its threat assessment capabilities, establish a laboratory to provide forensic and toxicological information to the agency, reinforce the position of national focal points, and give the agency a leading role in the development of EU-level prevention and awareness raising.

The proposal is a targeted revision of the mandate of the EMCDDA, with the aim of delivery more value in drugs policy. It envisages national focal points being better equipped to avail of support from the agency and will give the agency the breath to devise services specifically for Member States. It will also support the expansion of methodologies developed to monitor and address drug supply and drug markets. The changes envisaged in the legislative proposal will provide the basis for the agency to provide a comprehensive understanding of the current drugs situation. The legislative proposal will have a significant impact on the work of the agency and will require a substantial increase in its budget and staffing, which will see the budget increase by €63 Million.

It is proposed that the EMCDDA will be renamed the European Union Drugs Agency (EUDA). The new legislation pays particular attention to monitoring and risk assessment procedures for new psychoactive substances, in particular the production of assessments of threats to public health, safety and security. Another important expansion of the agency's role is in the area of competence development. It will develop prevention programmes for the entire EU and will work directly with Member States in preparing national campaigns. The agency will also act as an accreditation and certification body for national prevention, treatment, harm reduction and other programmes.

The Commission's proposal is a strong endorsement of the agency's work over the past 25 years. The new agency will be a driver of innovation in drugs monitoring, scientific practice and evaluation in all Member States. The new mandate will present real opportunities for researchers, policy analysts and practitioners particularly in the area of threat assessment and competence building.

9. Legal basis of the proposal

Regulation (EC) No 1920/2006 of the Agency was based on Article 152 of the Treaty establishing the European Community, i.e. on the public health legal basis. This provision corresponds to Article 168 of the Treaty on the Functioning of the European Union (TFEU).

Article 168(1), third subparagraph, TFUE reads: "*The Union shall complement the Member States' action in reducing drugs-related health damage, including information and prevention*". Article 168(5) TFUE provides that the European Parliament and the Council may adopt "*measures concerning monitoring, early warning of and combating serious cross-border threats to health*".

Addressing supply and drug market related issues supports reducing the availability of drugs in the EU and curbing drug demand and ultimately public health. The health and security dimensions of the drug phenomenon are intrinsically linked and cannot be addressed separately. Therefore, the content of this legislative proposal is covered by the public health legal basis and does not go beyond what is possible under that legal basis.

10. Voting Method

Further clarification is required from the Commission.

11. Role of the EP

Once suitably amended and agreed upon by Member States at the Horizontal Working Part on Drugs, the Commission's proposal will be submitted to COREPER and to the European Parliament for adoption.

12. Category of proposal

Some Significance

13. Implications for Ireland & Ireland's Initial View'

Ireland welcomes the proposed REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Union Drugs Agency, 12 January 2022 COM/2022/18. The principles behind this document, are very welcome as a strengthened European Drugs Agency would assist member states in tackling emerging drug issues and in implementing the EU drugs strategy & action plan.

There are some issues in the proposed regulation with regards to the balance of priorities and the details of the expanded remit of the agency. These are being reviewed by the Horizontal Working Party on Drugs and the Irish representatives are actively contributing to this review.
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14. Impact on the public

The proposed amendments will help ensure the extended mandate for the European Drugs agency and deliver on an agency that has the agility to deal with future challenges of the drug phenomenon. An increased role for the agency in drug monitoring, warning systems and prevention programmes will ensure states are further enabled to provide the right services, awareness raising and prevention programmes for those who need it.

15. Have any consultations with Stakeholders taken place or are there any plans to do so?

The Health Research Board (the IE focal point for the EMCDDA) and the Health Service Executive have been consulted as has the IE chair of the EMCDDA scientific committee. .

A briefing will be provided for the National Oversight Committee for the National Drugs Strategy and the Emerging Warning Emerging Trends Group.

16. Are there any subsidiarity issues for Ireland?

According to the principle of subsidiarity, EU action may only be taken if the envisaged aims cannot be achieved by Member States alone.

17. Anticipated negotiating period

It is anticipated that these negotiations would last until mid-2022

18. Proposed implementation date

Implementation with a start-up period from 2024 to 2027, followed by full-scale operation

19. Consequences for national legislation

No consequences are envisaged, as this regulation solely relates to the remit of the EMCDDA, which will also be adapted to the common approach on decentralised EU agencies.

20. Method of Transposition into Irish law

Not relevant

21. Anticipated Transposition date

Not relevant

22. Consequences for the EU budget in Euros annually

An additional budget of €63 million and 40 staff posts are envisaged for the remainder of the Multiannual Financial Framework 2021-2027.

23. Contact name, telephone number and e-mail address of official in Department with primary responsibility

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