



Green and science-based approach to cannabis law in Europe

Cannabis is the most widely used illegal drug worldwide. According to UNODC estimates more than 4% of the adult population (aged 18 - 64) have used cannabis in 2020. In 2021, 22.2 million adult citizens of the European Union consumed cannabis.

According to a report by Hanway Associates 55% of Europeans have indicated 'support for legal, government regulated sales of cannabis products to over-18s'. Yet, in the 21st century there is a lot of stigma around users of all kinds of narcotics, including cannabis. The World Health Organisation (WHO) has been highlighting time and again that users should not be punished.

As Greens, we rely on science and demand policies that put more importance on fighting drug addiction than fighting personal and adult-use of drugs.

Luxembourg has announced its intention of legalising recreative cannabis use in the 2018 governmental program. As a first step, a draft legislation has been tabled in 2022 to allow homegrowing for personal use. A strategy for the implementation of a national adult-use cannabis sector, covering every step from production to sales, is in development and expected to be presented in spring 2023. Germany is also in the process of legalising cannabis, going as far as the current restrictive EU legislation allows. The proposed draft intends, in a first step, to decriminalise possession and homegrowing for personal use and enables the establishments of Cannabis social clubs, through which members can attain cannabis legally. In a second step, the commercial production, distribution and sale is tested in model projects.

Thanks to the continuous work of scientists, we already know that cannabis not only should be decriminalised but also destigmatised and regulated. Citizens deserve reliable and accessible information on the positive effects of cannabis, as well as on the positive and negative side effects that might be experienced.

Hemp, which can be used for the production of textiles, clothes, insulation, and can even be a substitute for plastic, which makes it an invaluable resource in striving for more ecological production. Despite the fact that a recent Commission regulation allows for the legal production of hemp products and that between 2015 and 2019 hemp production in the EU went from 94,120 to 152,820 tonnes, the production has been stifled due to the stigma and extremely strict regulations, as the products differ only in the psychoactive component. This means that when growing hemp a simple omission or mistake can lead to a lengthy trial, or in worst cases a prison sentence.

MEDICAL USE

The positive effect of using cannabis for some medical purposes is being confirmed by scientific evidence. It has been scientifically proven that medical cannabis can relieve different kinds of pain, from post-traumatic to oncological pain. Cannabis can play an important role in the treatment of symptoms of neurological diseases such as spasms multiple sclerosis, seizures in child epilepsy, Alzheimer's, and Parkinson's diseases. Studies suggest that medical cannabis helps reducing cancer symptoms and negative side effects of its treatment. These studies have also shown very positive results in replacing opioids for the treatment of pain with medical cannabis or at least supplementing them.



Even though the majority of European countries have legalised medical cannabis, access remains limited and inconsistent. For instance, on the Croatian medical market, there is just one cannabis medical product registered to contain cannabidiol. If legal, very often, medical cannabis remains inaccessible. And even prescribed this medicine is often not refunded and can only be obtained in the pharmacy as a full-pay medicine, which is still the case in many EU countries.

DRUG TRAFFICKING

It has been proven that introducing bans does not lead to improving the issue of addiction. Prohibition has only created an illegal market. Drug trafficking must continue to be sanctioned and drug dealers must be brought to justice. While criminal organisations are gaining lucrative earnings, there are no complex and structural prevention measures. Where illegal, there is no control over the market, no control over the quality, neither over the content of the drug nor on the age of the buyer. Additionally, young people who cannot access cannabis legally will often be exposed to a criminal environment. There is no control over its production, which means that any substances can be added or mixed with the cannabis to create addiction, or that substances are added to increase the volume of the drug which may lead to unknown health risks.

According to Europol's estimation Europeans spend approximately 9 billion Euro each year to purchase cannabis. This, obviously, creates an enormous illegal market. The regulation and implementation of regulatory control of the entire cannabis supply chain is a pillar of a successful legalisation. It would also be an important step to drain down the existing illegal market.

The use of cannabis was also speculated to serve as a "gateway", claiming that it increases the likelihood of users engaging in subsequent use of harder and more harmful substances. This hypothesis, however, has consistently not been supported by recent studies.

DECOLONISING DRUG POLICY

The 'War on Drugs' was built on untrue narratives and exemplified structural racism within Western societies. These drug policies disproportionately target racialised communities, especially those of African descent by persecuting, prosecuting and sentencing them more harshly despite similar rates of drug use, sale and trafficking compared to majority populations.

These ineffective policies have done little to reduce trafficking and use of drugs, but have devastated racialised persons, their families, and their communities. Drug policy reform must be decolonial and intersectional, prioritising humanity, dignity, wellbeing and human rights, with comprehensive reform made as well to law enforcement, the criminal justice system, and the training of police.

DECRIMINALISATION, DESTIGMATISATION AND SUPPORT SERVICES

Various studies have found cannabis to be less addictive than other drugs - including alcohol, significantly less lethal (with no known instance of drug overdose death solely attributed to



cannabis), with significantly less severe overdose and withdrawal symptoms than other drugs - including alcohol. It is still important to acknowledge that cannabis is prone to addiction, and cannabis use disorder can have long-term ramifications to social, physical and mental well-being. However, this conflation of the danger of cannabis to other drugs must be addressed to sufficiently destigmatise it.

Thus, the decriminalisation of cannabis use and reform of drug control policy and its enforcement is the first step towards a pathway of effective drug policy that would destigmatise cannabis, tackle racialised policing, prioritise individual and social wellbeing, and reduce current tax expenditure. The regulation of the cannabis market would further create new jobs and provide a new source of tax revenue.

Instead of expensive persecution, we could direct these funds towards criminal justice reform and effective and accessible health and social programmes and support services. This could include anti-bias police training, accessible public mental health and social support services to address underlying issues that predisposes one to cannabis, alcohol and other drug use. Moreover, funding for abuse prevention, detoxification, treatment and rehabilitation programmes for drug addiction and withdrawal could be extended.

Greens are committed to politically and structurally supporting humane and dignified drug policy that focuses on ensuring the dignified protection and treatment of all peoples, on supporting individuals in accessing cannabis for medical use across Europe and fully reimbursing such use, on regulating the market in a way that it is supporting citizens in legally accessing CBD and hemp products, and on decriminalising personal use across Europe whilst aiming for its eventual legalisation.

Harm reduction and assistance to patients must be the primary objective of a rational drug policy. Only a legal framework that focuses on the assistance of drug users rather than criminal punishment will make it possible to implement a comprehensive policy for the prevention of addictive behaviour and risk reduction (removal of a taboo, information campaign, supervised areas, quality control, research). Harm reduction policies must be extended to the general public and reinforced among young people and in prisons. Social care for marginal users must be promoted in each European country.

The EGP calls on the national governments and the EU Commission to:

- Decriminalise cannabis for adult use with the goal of legalisation and regulation whilst protecting minors.
- Allow and begin the legalisation and strict regulation of the sale of cannabis, strongly encouraging its ecological production.
- Legalise the production, sale and consumption of CBD products in line with the THC CAP (Common Agricultural Policy) limits for hemp.
- Legalise and regulate the cultivation, production, sale, accessibility and consumption of medical cannabis. Both medical cannabis and CBD products should be reimbursable in health insurance systems when on prescription.



- Exonerate current and past offenders for non-violent crimes related to cannabis use, after the reform of the framework, whilst ensuring the right to access rehabilitation services in order to support their re-integration into society.
- Implement external monitoring mechanisms to ensure that unwarranted and racially motivated drug searches, arrests, and the disproportionate use of force especially against racialised individuals, can be independently judged and prosecuted.
- Implement reforms in the training of police by establishing anti-bias and racial sensitivity trainings with an intersectional and people-oriented perspective.
- Fund accessible substance abuse centres, additional consultation as well as withdrawal programmes aimed at supporting citizens in need of such services.
- Fund scientific research around cannabis use, based on the principle of harm reduction, to further ascertain its potential for medical application and its general impact on mental health.
- Fund programmes to educate people of all ages on the responsible use of products derived from cannabis and the potential side effects caused by product usage.
 - Simplify EU legislation and regulations around hemp production and encourage the cultivation, processing, sale and use of industrial hemp. The Common Agricultural Policy (CAP) should further be reformed to increase the minimum THC level in hemp cultivation to 1%.
- Change the relevant international and European legislation, such as Directive (EU) 2017.2103 of the European Parliament and the Council of 15 November 2017 amending Council Framework Decision 2004/757/JHA or the 1990 Convention Implementing the Schengen Agreement.