

Open Letter to the European Commission

Date: 28/03/2023

Subject: Germany's plan to legalise Cannabis is a challenge to EU law and global efforts to reduce drug-related harm.

Dear Ursula von der Leyen,

It is with great concern that we note the German coalition government's plans to legalise cannabis, as described in their coalition agreement as well as in several subsequent documents.

As NGOs that work in the prevention, treatment, rehabilitation, and recovery of substance use, we strongly object to the legalisation of cannabis. We believe it will lead to increased cannabis use and harm in Germany, but it will also undermine other EU members' efforts to prevent drug use and harm in their own countries.

The plans to legalise cannabis in Germany are in breach of the global drug control conventions that all EU member states have ratified. The International Narcotics Control Board has repeatedly criticized similar policies in the US, Canada, and Uruguay.ⁱ

Cannabis legalisation also violates chapter six of the Schengen Agreement, which states that member states must comply with the UN drug conventions and adopt necessary measures to prevent illicit trafficking in narcotic drugs and psychotropic substances. Furthermore, it conflicts with *The Council's framework decision 2004/757/RIF*, which says that member states must ensure that it is a criminal offence to produce, extract, sell, distribute, market, transport, and import narcotics, including cannabis.

Unlike previous cannabis reform initiatives, the German government aims to open a legal, commercial market for cannabis. This will turn cannabis into a commodity sold in a single market. There is no doubt that cannabis legalisation in Germany will have a significant impact on neighbouring countries. In a single market with open borders, it will be difficult to ensure that in Germany legally produced cannabis is not diverted to more profitable markets in other countries. Indeed, experiences from the United States confirm that there is a high risk of diversion of cannabis from legal markets.

Furthermore, legalisation in one country undermines the multilateral approach to the drug issue and puts pressure on neighbouring countries to follow suit.

Some countries are exploring the possibility of legalising cannabis as part of limited scientific trials to study the effects of legalisation. The purpose is to comply with the letter of the UN drug conventions, which allows the use of controlled drugs for medical and scientific purposes. However, it is quite clear that these trials are steps towards full legalisation. Once a market has been established with legal customers and vested interests in production, distribution, and sales, it will be difficult to reverse. A principle of legalisation through scientific trials will easily undermine the international drug control system.

After a decade, cannabis legalisation is still in its infancy, but early findings give us cause for concern. US data show that cannabis consumption has gone up, particularly more intensive use.ⁱⁱ Canadian data are more limited, but official statistics show that both regular and frequent cannabis consumption has increased in the years following legalisation.ⁱⁱⁱ Legalisation has been followed by rapid commercialisation of the cannabis market and normalisation of cannabis use. Cannabis products have become cheaper and more potent. New products that appeal to new user groups have appeared, including THC-infused candy and sweets. A multi-billion-dollar cannabis industry has emerged as a

political and economic force both at home and abroad. Several of the major US and Canadian companies are active players in the emerging European cannabis markets.

One of the main goals of legalisation was to eliminate the illicit cannabis market. However, in all jurisdictions, there is still a flourishing illegal market that supplies both the local market and markets in neighbouring states.

The increase in use has, among other things, been accompanied by an increase in cannabis-related road traffic accidents and fatalities^{iv,v}, increases in cannabis-related visits to emergency departments^{vi} and hospitalisations^{vii}, and increases in accidental poisoning in children.^{viii ix} Canadian authorities recently reported that cannabis is now the number one cause of substance-related hospitalisations among young people – higher than alcohol.^x

Despite emerging data, some of the long-term consequences of cannabis use and legalisation are still unknown. Just in the past years, we have seen an increase in incidences of Cannabis Hyperemesis Syndrome (CHS)^{xi}, as well as an epidemic of serious lung illness that appears to be associated with vaping THC^{xii}. These harms were unknown just a few years ago.

We believe that the European approach to drug policy has proven to be a good compromise. The EU has promoted a balanced and evidence-based approach rooted in health and human rights. Member States have always promoted a multilateral approach to the world drug problem.

We are deeply concerned that the unilateral action of one member state, in this case, Germany, will ultimately undermine global efforts to curb drug consumption and drug-related harm. Hence, we urge the European Commission to support the multilateral approach to the world drug problem and oppose the German plans to legalise cannabis.

Yours sincerely,

ⁱ <https://www.incb.org/incb/en/news/press-releases/2018/incb-expresses-deep-concern-about-the-legalization-of-cannabis-for-non-medical-use-in-canada.html>

ⁱⁱ <https://ajph.aphapublications.org/doi/10.2105/AJPH.2019.305191>;

ⁱⁱⁱ <https://www150.statcan.gc.ca/n1/pub/82-003-x/2021004/article/00001/tbl/tbl01-eng.htm>

^{iv} <https://pubmed.ncbi.nlm.nih.gov/35838426/>

^v <https://www.nejm.org/doi/full/10.1056/nejmsa2109371>

^{vi} <https://edition.cnn.com/2019/03/25/health/edible-cannabis-emergency-visit-study/index.html>

^{vii} <https://www.washingtontimes.com/news/2017/may/5/marijuana-related-hospitalizations-quadruple-among/>

^{viii} <https://publications.aap.org/pediatrics/article/151/2/e2022057761/190427/Pediatric-Edible-Cannabis-Exposures-and-Acute?autologincheck=redirected>

^{ix} <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2787715>

^x <https://www.cihi.ca/sites/default/files/document/hsu-youth-report-2019-en-web.pdf?fbclid=IwAR1PrmyXQDVICFrXPkFi1MCnWeIzum6sfhjeSnahKZbucCvBuveY4VEhHw4>

^{xi} <https://pubmed.ncbi.nlm.nih.gov/29768651/>

^{xii} https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html