



TACKLING EUROPE'S "SPICE" PROBLEM

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The increased prevalence of the drug "Spice" is a concern for European policymakers. The authors put forward the case that stronger EU cooperation on the issue, more funding for research and prevention, while shifting the burden of proof of legality to the manufacturers of such drugs, are all essential if Spice is to be tackled effectively.

The growing consumption of Spice—a generic name for chemically produced synthetic cannabinoids, also referred to as “legal highs”—has been responsible for an increasing number of overdoses and even deaths in European countries. In Sweden alone, 2014 saw the occurrence of over 300 overdoses attributed to Spice. The fact that Spice is composed of largely non-illegal substances—and is therefore sold as “legal”—presents a major problem for policymakers and law enforcement authorities. At both the national and the European level, the efforts made by policymakers to stem the spread of Spice and to eliminate it from circulation have been insufficient. A more robust approach aimed at proscribing the drug and putting the onus on manufacturers to prove the safety of Spice is therefore necessary.

The Spread of Spice

Spice is a synthetic, laboratory-produced drug, which imitates the effects of cannabis. The drug was created in the late 1990s as an attempt to produce THC (Tetrahydrocannabinol, the active substance in cannabis) for medical use. Spice was rejected as a medicine, however, due to its unwanted and particularly strong side-effects. These include hallucinations, paranoia, vomiting, anxiety, psychosis, and in severe cases, death. Nowadays, Spice is often sold under the innocuous name of “mixed herbs” or “incense.” According to the United Nations Office on Drugs and Crime (UNODC), the solvents used in spice include acetone, cyclohexanone, heptanal, toluene, 3-methylbutanal, and ethyl acetate, as well as harmful heavy metal residues. These substances are routinely found in paints, insecticides, and nail polish remover, and can irritate the respiratory system, skin, and eyes. However, the European Monitoring Centre for Drugs and Drug Addictions (EMCDDA) has warned that other chemical compounds used in the drug

remain to a large extent unknown. In the European Drug Report 2014, it is reported that the number of new substances that can be used to produce Spice reaches over 350, with 81 new drugs being reported for the first time in 2013 alone. In spite of these obvious dangers, Spice and its multifarious ingredients continue to escape formal international control in the UN’s drug control conventions.

Spice is mainly produced in laboratories in China where the necessary precursors originate, but also in Southeast Asia and Eastern Europe. Although Spice is available in some specialized shops, the lion’s share is sold via the internet. The EMCDDA claims that Spice products are currently available on national websites in two-thirds of European Union member states. In this context, a rapid increase has been observed in Spice use, particularly among teenagers, since 2013. Its legality makes it attractive as a “first-time drug” among young people, who are also able to take advantage of the anonymity offered by purchasing Spice through online channels. According to the European Commission, Spice prevalence rates in Europe average around 5 percent but can reach as high as 16 percent in countries such as Ireland. In Sweden it is estimated that around 8 percent of young people have tried the drug.

In the UK, a country which has been labelled as Europe’s “designer drug capital” due to its difficulties in dealing with synthetic drugs, the number of deaths attributed to “legal highs” almost doubled from 2012-13, and reached over 60 in 2014, although this figure has been disputed by some sources. Spice has also become a major concern in British prisons, where it has contributed to severe mental health problems among its users. Spice’s addictive properties, the transnational nature of its distribution through international criminal networks, and the high level of integration in Europe mean that increased Spice consumption is likely to spread further throughout the EU unless decisive action is taken.



The Problem of Legality

The crux of the problem lies in the fact that Spice is composed of legal substances and is therefore sold as “legal” despite its addictive and destructive effects. The current legal framework in Europe prevents a product from being banned if it is composed of legal ingredients. Some EU countries have reacted to the threat: Austria, Germany, France, Luxembourg, Poland, Lithuania, Sweden, and Estonia have taken tentative legal action to ban or in other ways try to control Spice and related substances. Sweden, for example, made use of its law on hazardous goods (introduced in 1999) and has classified as illegal some of the active components of Spice.

However, problems remain. As soon as legislation classifies a particular substance as illegal, the resourceful producers of Spice modify the molecules in the drug and can thus circumvent the new rules and deceive the authorities. The EMCDDA has warned that in the last four years, more than 250 new drug compounds have entered the European market. This enables producers to stay one step ahead of policymakers, and some even store ready-to-use new compounds for immediate use in case the current ones become criminalized. This leaves the authorities two steps behind the drug manufacturers, obstructing current efforts to control Spice.

To reinforce and coordinate efforts at control, the European Commission has proposed new regulation which allows substances to be banned within 10 months of being detected and for dangerous substances to be immediately withdrawn from the market. This would replace current EU legislation, in which it takes two years to ban a dangerous substance and which has proved administratively cumbersome. However, some EU countries, such as the UK, stubbornly oppose the introduction of this new legislation, arguing that it may interfere with the legitimate use of some substances. This viewpoint is misguided, as it leaves the door open for the criminals producing the drugs to keep operating. Agreeing to common European standards and timeframes for the classification and criminalizing of compounds used in Spice is therefore essential.

The new legislation which the EU Commission has proposed is a step in the right direction and acts as an important signal that the EU understands the extent of the Spice problem, and is willing to draw up concrete proposals to address it. However, in order to achieve real results, simply banning substances more quickly will not be enough.

The EU must also increase pressure on manufacturers and importers of Spice-style substances and ingredients. This could be achieved by, for example, legislating that importers have to carry out laboratory tests to prove that their goods do not contain Spice compounds, nor present health hazards, before they are allowed to enter the European market in the first place. By shifting the burden of proof to entities introducing Spice to the market, instead of leaving it up to the authorities to find and classify Spice substances, the source of the problem can be more easily tackled.

Notwithstanding, more research to identify the contents used when producing Spice, as well as further study into the side effects of common Spice compounds, is also needed if preventative policies are to be effective. Furthermore, the fact that transnational criminal organizations often stand behind spice production and distribution must also be clearly understood and acted upon. Efforts must therefore be extended to include greater monitoring and legal intervention in the countries where Spice production and export is thriving. Local authorities too should be involved in tackling the increased usage of Spice among youths and should see their budgets for drug prevention and rehabilitation programs increased accordingly. In sum, coordinated action in all of these areas and across EU member states is a necessity if policymakers are serious about stopping the spread of Spice.

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