

Impact assessment on the amendment of BM Decree No 78/2022 of the Ministry of Interior of 28 December 2022 on controlled substances

The list of new psychoactive substances (hereinafter: ‘the List’) in Annex 3 to BM Decree No 78/2022 of the Ministry of Interior of 28 December 2022 on controlled substances (hereinafter: ‘the Decree’) contains structural descriptions (generic formulae) and individual new psychoactive substances.

Pursuant to Section 27(4a) of Government Decree No 66/2012 of 2 April 2012 on licensed activities with narcotics and psychotropic substances, as well as new psychotropic substances, including the listing and amendment of the listing of these substances (hereinafter: ‘the Government Decree’), the new task of the National Drug Focal Point is to monitor the list of suspected new psychoactive substances in foreign circulation on a monthly basis within the framework of information exchange. In this context, 9 new substances were found that are included in the European Early Warning System (EMCDDA Early Warning System) but are not subject to control in Hungary. In addition, 1 new substance has been identified on the domestic market.

In order to ensure the criminalisation of any undeclared economic activity performed with a substance or group of compounds that is registered in the EMCDDA Early Warning System and identified in circulation in Hungary, and to mitigate the possibility of abuse, it is justified to extend the List of the Decree with the said 10 substances.

In accordance with Section 27(4)(c) and (4a) of the Government Decree, the National Drug Focal Point contacted the National Institute of Pharmacy and Nutrition (hereinafter: ‘OGYÉI’) and the National Food Chain Safety Office (hereinafter: ‘NÉBIH’) in connection with the above-mentioned 10 substances to verify whether there is any data known to indicate their medical use or whether they may pose a threat similar to the one that may be attributed to drugs or psychotropic substances.

Based on the response of OGYÉI and NÉBIH, as well as its own further investigation, the National Drug Focal Point concluded that there is a presumption of abuse and black market presence of these substances, and therefore their classification as new psychoactive substances is justified, helping to effectively counter the spread of designer drugs in order to minimise the health and social problems resulting from their use.