

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

In Decree No 78/2022 of the Ministry of Interior of 28 December 2022 on controlled substances (hereinafter: 'the Decree'), the list of new psychoactive substances in Annex 3 (hereinafter: 'List') 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 National Drug Focal Point is responsible for monitoring the list of suspected new psychoactive substances in foreign circulation, on a monthly basis, within the framework of information exchange. In this context, 20 new substances were found that are included in the European Early Warning System (EUDA Early Warning System) but are not subject to control in Hungary.

To ensure the criminalisation of undeclared economic activities with any substance and group of compounds registered in the EUDA early warning system in Hungary and to mitigate the possibility of abuse, it is justified to extend the List of the Decree with the said 20 substances.

In accordance with Section 27(4)(c) and (4a) of the Government Decree, the National Drug Focal Point contacted the National Center for Public Health and Pharmacy (hereinafter: 'NNGYK') and the National Food Chain Safety Office (hereinafter: 'NÉBIH') in connection with the above-mentioned 20 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 NNGYK's and NÉBIH's response and its own further investigation, the National Drug Focal Point concluded that it can be suspected that these substances are abused and black marketed, which justifies their classification as new psychoactive substances in order to help effectively tackle the spread of designer drugs so as to minimise the health and social problems resulting from their use.