

Cannabis Regulation in Europe: Country Report Spain

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Spain in the international and European Union context

The Iberian peninsula's geographical proximity to North Africa has enabled the development of various cultural, economic and political ties for centuries. The hemp plant has been part of this reality. In the late nineteenth and early twentieth century, this substance was important to the economy (agriculture, industry, etc.), as well as the pharmacopoeia of the time. In some areas of Spain there was more knowledge of the intoxicating effects of cannabis than in other European regions. Nevertheless, following the end of Spain's war with Morocco (1860), stereotypical information about the harmful effects produced by cannabis began to arrive in Spain and Portugal (Arana and Usó 2017).

During Spain's Second Republic,¹ the *Vagrancy Act* was passed in 1933 (Calderón 2000). Although it was never really applied in practice, it allowed for security measures to be used against habitual drunks and drug addicts.

After the end of what is known as the Spanish Civil War, Franco's dictatorship remained in place from 1939 until his death in 1975. During this lengthy period, the effects of the entry into force of the United Nations Single Convention of 1961 included a timid collaboration between the Spanish government and the United Nations (UN), following the request by the World Health Organization (WHO) for assistance with the attempt to prevent cannabis destined for other European countries from entering the peninsula (Vega 1965); after Spain's ratification of the 1961 Single Convention, the country's drug laws were updated with Law 17/1967 on narcotics; and the enactment of this law led to the official launch of the Special Narcotics Investigation Brigade, with the aim of hunting down illicit drug trafficking rather than targeting drug use, although it also arrested people solely for using drugs (Lamo de Espinosa 1989).

In the 1970s, prohibition and repression was associated with Franco's dictatorship. After his death in 1975, civil disobedience regarding cannabis was more evident than elsewhere, and various books and magazine articles were published.

The 1980s were marked by the political shift that occurred after the victory of the Spanish Socialist Workers' Party (PSOE) in 1982. The following year, an attempt was made to regulate crimes against public health in a more orderly fashion, through a reform of the Criminal Code in 1983. The changes included starting to distinguish between substances that cause serious harm to health (such as heroin and cocaine) and those that are not seriously harmful to health (such as cannabis). Right-wing politicians and the most important media blamed the changes in the law for the public safety problems at the time, and it was even said that in Spain *drugs had been legalised*, which was not true. Pressures from within and outside the country (the rest of Europe and the UN), as well as the PSOE's fear of losing votes, led to a new reform of the Criminal Code in the area of public health in 1988. Known as the *counter-reform*, this introduced much more restrictive measures than the 1983 reform, such as a disproportionate increase in activities prohibited (with the statement '*or otherwise promote, encourage or facilitate illegal drug use ...*'), and harsher penalties.

At the beginning of the 1990s, the Ramón Santos Cannabis Studies Association (*Asociación Ramón Santos de Estudios del Cannabis* – ARSEC) was founded in Barcelona, with the aim of putting an end to legal uncertainty and trying to find a way to supply its members with cannabis without having to resort to the so-called black market (Barriuso 2012). ARSEC sent a letter to the anti-drugs prosecutor asking for information about whether it was a crime to grow cannabis for personal use by a group of people. Having received a reply indicating that, in principle, it was not a crime, the association decided to grow cannabis plants for about 100 members. After a few months, the Civil Guard confiscated the plants without a court order. Several members of ARSEC were charged with drug trafficking, although they were acquitted at the trial held in the Tarragona Provincial Court. The prosecutor appealed, however, and the Supreme Court sentenced them to four months and a day in prison and payment of a EUR 3,000 fine (Parés and Bouso 2015).

This encouraged people in the Basque Country to repeat the experiment, and in 1997 the Kalamudia Association began growing 600 plants for about 200 members. The people participating included members of the Basque Parliament, trade unionists, artists, etc. At the time, there was already a campaign against the Organic Law on the Protection of Public Safety (1992), which made possession and drug use in public an offence, a matter to which we will return later. The campaign slogan was: '*contra la prohibición, me planto*'. The campaign's actions included planting cannabis but, above all, standing up in protest against the prohibitionist, authoritarian policy targeted at different social groups, including cannabis users.

It was based on experiences of this type and the report prepared by Juan Muñoz and Susana Soto for the Regional Government of Andalucía, which mentioned the possibility of obtaining cannabis for therapeutic use without breaking the law, that the Cannabis Social Clubs (CSCs) were launched. They were not the ideal solution but seemed to be the arrangement most likely to stay within the law (Barriuso 2012).

Since the beginning of this century, a significant number of CSCs have played a leading role in the campaign to change the way cannabis is currently regulated. For more than a decade, most of the court rulings in cases against members of CSCs have declined to convict them for the work they do.

In quantitative terms, cannabis has been the predominant substance in Spain's prohibitionist policy ever since the 1980s. To start with, it shared this prominence with heroin; later, with cocaine and other substances.

The legal framework on cannabis in Spain

Although Spain's legislation on drugs predates the 1961 Single Convention on Narcotic Drugs, for the purposes of this report we focus on the laws in place since the 1960s and up to the present day. In the Spanish context, it is necessary to analyse both criminal law and administrative law in relation to the substances included in the different lists issued under the 1961 Single Convention (Arana 2015b).

According to Article 368 of the Criminal Code, anyone who engages in cultivation, manufacture or trafficking, or promotes, encourages or facilitates the illegal use of toxic drugs, narcotics or psychotropic substances in any other way, or possesses drugs for such purposes, shall be punished with a prison sentence of three to six years and a fine of up to three times the value of the drugs involved in the crime if they are substances or products that cause serious harm to health, or a prison sentence of one to three years and a fine of up to double the value of the drugs in all other cases. This Article 368 of the Criminal Code sets minimum sentences which, in the case of an offence related to cannabis, would be a prison term of one to three years because the substance is not considered to cause serious harm to health. Nevertheless, the prison sentence for cannabis may be increased if there are aggravating factors in category one (Article 369 CC)² or category two (Article 370 CC).³ The 2010 reform of the Criminal Code included a new paragraph in Article 368, introducing a new mitigating factor that allows the courts to reduce the sentence when the offence is minor and the offender's personal circumstances are taken into account (Dopico 2013).

In the area of administrative law, we need to refer to both the Narcotics Law (1967) and the Organic Law on the Protection of Public Safety (2015). Article 22 of the 1967 Narcotics Law states that narcotics are allowed to be used only for the industrial, therapeutic, scientific and teaching purposes authorised under this law.

The new Organic Law on the Protection of Public Safety (Spanish acronym LOPSC), commonly known as the *Gag Law*, was approved in 2015. The LOPSC has met with strong social and political protests

because of the restrictions it places on basic rights and freedoms, as the faithful heir of its 1992 predecessor.⁴ With regard to toxic drugs, narcotics and psychotropic substances, the law combines a continuation of its predecessor's guidelines with the introduction of new changes. The former includes maintaining the penalties for drug use in public and possession of substances of this type. The changes are related to the penalties that can be imposed for providing transport to take drug users to where they will be able to gain access to substances of this type (Article 36.17 LOPSC), and for the illicit planting and cultivation of these substances if this takes place somewhere that is visible to the public (Article 36.18 LOPSC). The inclusion in the new LOPSC of the acts of illicit planting and cultivation as serious offences against public safety has been seen by members of different cannabis associations – and other social and academic groups – as a direct attack on those cannabis users who are accustomed to keeping their plants for personal use and, above all, on the so-called Cannabis Social Clubs, as a way of pressuring them to abandon in practice some of the objectives proposed in their own statutes.

All the activities mentioned in the previous paragraph are considered serious offences against public safety, punishable by fines larger than in the 1992 law (from EUR 601 to EUR 30,000). The vast majority of the occasions when this administrative law on drugs has been applied relate to cannabis use and possession (Quintas and Arana 2017).

Regulations on the therapeutic use of cannabis

Despite evidence showing the therapeutic usefulness of cannabis (Sallés 2006; Callado 2006), Spain has no specific regulations governing its therapeutic use. This is one of the demands included in most proposals for cannabis regulation.

Various associations of cancer patients have stated that they need to access therapeutic cannabis, and members of Spain's national government,⁵ several autonomous parliaments and municipal councils⁶ have agreed that they should be able to. For years, however, no clear support has been forthcoming from the institutions with the authority to take this forward.

One option that groups of people diagnosed with diseases for which the therapeutic benefits of cannabis have been demonstrated are the so-called Cannabis Social Clubs, which they may even be advised to join by their doctors. The clubs have hitherto been one of the few ways to obtain cannabis for therapeutic use. Some of these associations have not limited themselves to simply supplying cannabis, but have also engaged in information work.

In 2010, the Medicines Agency gave its approval for Sativex to be sold in Spain, and since then its use has been legal, although in practice its use is restricted solely for alleviating symptoms in patients with moderate or serious spasticity due to multiple sclerosis who have not responded well to other medications (Callado 2012).

The phenomenon of the Cannabis Social Clubs

The emergence and initial activities of the so-called Cannabis Social Clubs in Spain have already been mentioned. With regard to the processes of regulating cannabis, especially in relation to associations of cannabis users, there has been a series of developments in recent years that have been to some extent inter-connected, and therefore help to put this phenomenon in context: the Díez Ripollés – Sánchez Muñoz Report, the Attorney General's Instruction 2/2013 'on certain matters related to associations that promote the use of cannabis', the approval of the LOPSC (2015), rulings by the Supreme Court and the

Constitutional Court on cases involving members of cannabis associations, and the repercussions that all these events have had on the actions taken by the police.

An opinion issued by two prestigious professors of criminal law (Díez Ripollés and Muñoz Sánchez 2012) stated that, provided they complied with a series of requirements, the activities carried out by the cannabis associations abided by the criminal and administrative laws currently in force. For them to be legal, the associations' members had to be adult users of cannabis, and they had to support the *self-organisation* of cannabis use with the following objectives: de-link the use and consumption of this substance from illegal trafficking and supply by managing the entire cycle of cannabis production and distribution themselves; make it impossible for cannabis to circulate indiscriminately by distributing it among a closed group with a limited number of members; and ensure that cannabis use is controlled and responsible by guaranteeing its quality and preventing its abuse. These objectives are consistent with protecting public health and safety because the demand for cannabis is freed from being controlled by the supply, the indiscriminate distribution of cannabis is prevented, and the risks and costs involved in the use of substances of this type are reduced.

In August 2013, the Attorney General issued Instruction 2/2013 'on certain matters related to associations that promote the use of cannabis'. Among other matters, this indicates that both growing cannabis and possessing the plant or its by-products are illegal activities unless authorised by the government. Therefore, in those cases where the prosecutor's office does not find grounds for a criminal trial, it should agree – or, if necessary, demand – that a statement be taken and sent to the relevant institution so that the case can be dealt with in the administrative courts. Likewise, Instruction 2/2013 mentions that the activities carried out by cannabis associations may mean that they can be considered criminal organisations.

As mentioned earlier, the LOPSC of 2015 expanded the potential for people who use drugs classified as narcotics and psychotropic substances to be prosecuted under administrative law. Prosecutions of this type tend to focus on cannabis users.

From the mid-1990s to the first few months of 2015, the majority of rulings in court cases involving people who belong to CSCs did not consider the work done by these associations to be illegal. Despite this, in three cases where the provincial courts had found members of cannabis associations not guilty, the Prosecutor appealed and the cases reached the Supreme Court,⁷ which pronounced the members of cannabis associations guilty in all three cases, as it took the view that there was a real and evident risk of cannabis use spreading (Muñoz Sánchez 2015). In all three rulings, the Supreme Court found that those on trial were culpably ignorant of having committed an offence, and sentenced them to quite short prison terms and very large fines. In some of the sentences there were dissenting opinions⁸ and the people convicted appealed to the Constitutional Court demanding protection of their fundamental rights.

The Constitutional Court has now ruled on the *Ebers Case* (in mid-December 2017) and on the *Pannagh Case* (in 2018). In both cases, practically all the arguments on the substance of the appeal case were ruled inadmissible and the court agreed to hear the only procedural arguments regarding the right of defence, because the court that passed sentence did not give the defendants a hearing. Because of this, the cases were returned to the Supreme Court so that it could rectify this constitutional objection. This implies, first, that the people on trial in these cases are not going to be declared guilty⁹ (and it is likely that a similar ruling will be pronounced in the *Three Monkeys Case*); second, it implies that the growing and supply of cannabis by the cannabis associations for their members fall within the crimes defined in Article 368 of the Criminal Code.

After the Constitutional Court ruling (14/12/2017) regarding the cannabis associations, some courts have acquitted members of these associations because it has not been demonstrated that they were engaged

in trafficking cannabis.¹⁰ Nevertheless, following that ruling by the Constitutional Court the room for manoeuvre available to the cannabis associations to be able to supply themselves with cannabis without resorting to the black market is really very small.

As a result of the Attorney General's Instruction 2/2013 and the Supreme Court rulings mentioned above, the public prosecution service and the police have been noticeably more aggressive in their actions with regard to the cannabis associations. This has led some of these associations to change the way they operate in order to be less vulnerable. For example, some have reduced the number of people who can be members, or turned to growing cannabis indoors (in commercial greenhouses, etc.)¹¹ rather than outdoors (Arana 2018).

The current debate on regulating cannabis

Since 2014, various regional laws and municipal bylaws have been passed regarding the so-called cannabis social clubs at both the autonomous community and the local government level. The following are some of the most important laws approved by the autonomous communities: the Foral Law 24/2014, enacted on 2 December, which regulates cannabis user groups in Navarre; Law 1/2016, enacted on 7 April, on integrated services for addictions and drug dependence in the Basque Autonomous Community (*Comunidad Autónoma de Euskadi* – CAE); and Law 13/2017, enacted on 6 July, on cannabis user associations in the Catalan Autonomous Community (*Comunidad Autónoma de Cataluña* – CAC). Although other Autonomous Communities (Balearic Islands, Canary Islands, Madrid, etc.) have also been receptive to this demand for changes in policies on cannabis, in this report we focus on the legislation in the three communities mentioned above, for the following reasons: the Chartered Community of Navarre was the first to approve regulations on cannabis associations; the Basque Autonomous Community took its own particular path, following the introduction of the relevant Parliamentary Proposal; and the legislation passed by the Catalan Autonomous Community is the most comprehensive of all the regulations approved in Spain regarding the cannabis associations (Arana 2018).

Analysis of these three laws reveals their similarities and differences. Among the similarities, all three autonomous communities have seen fit to regulate the cannabis associations because of the powers they hold in the areas of health and social services, as well as the rights of drug users, the protection of public health, risk and harm reduction, the existence of legally registered, non-profit associations whose members are adult cannabis users, and the need for cannabis users to participate in measures to prevent and reduce risk and harm.

The fundamental differences are related to the type of legislation. The aim of the legislation in the CAE, Law 1/2016 of 7 April on integrated services for addictions and drug dependence, is to regulate the measures and actions to be taken as part of an integrated response to addictions – including behavioural addictions – in the areas of health promotion, prevention, supply reduction, support, social inclusion, training and research, and institutional organisation. It also regulates actions to protect third parties against the harm that may be caused either by drug use or by behavioural addictions, with special consideration for children, young people and people in a particularly vulnerable situation (Article 1). The law is therefore not specifically on cannabis associations but it does allow for them to be regulated.

In contrast, the Foral Law 24/2014 of 2 December, which regulates cannabis user groups in Navarre, and Law 13/2017 of 6 July, on cannabis user associations in Catalonia, are specific pieces of legislation that focus on the associations of cannabis users. Even so, Law 13/2017 is much broader and more comprehensive than the legislation in Navarre.

As this makes clear, although legislation of this type is a significant step forward in the regulation of cannabis associations – either by means of regulations (CAE) or through a law (CFN and CAC) – it is insufficient for a full, overall regulation capable of providing a response to the sectors of the public who are demanding that adults should be able to obtain cannabis without having to resort to the so-called black market, not only through cannabis associations but also by growing their own and in fully licenced establishments open to the public. In the process, it should not be forgotten that the Prime Minister of Spain has lodged appeals with the Constitutional Court against this legislation passed by Navarre, the Basque Country and Catalonia, with varying success. In mid-December 2017, having considered the appeal lodged by the Prime Minister, the Constitutional Court declared that the Foral Law 24/2014 of 2 December, which regulates cannabis user groups in the Chartered Community of Navarre, is unconstitutional, and rendered it null and void for encroaching upon the exclusive power of Spain’s national government to legislate on criminal matters. This is because the Navarre law regulates how cannabis is used, supplied and dispensed in associations of people who use the substance, and thus has an impact on the criminal offences defined in national-level legislation.

Following the annulment of the Foral Law 24/2014 of 2 December, most of the political parties represented in the Navarre Parliament have made a commitment to approve an initiative to be sent to the Congress of Deputies so that it can debate and approve a law on cannabis users (Arana 2018).

An appeal was also lodged by the Spanish Prime Minister against Article 83.1 of Law 1/2016 in the CAE. In this case, the Constitutional Court declared in a ruling on 08/03/2018 that the CAE has the authority to regulate cannabis associations by issuing regulations, as reflected in the above-mentioned article of the law, providing that these regulations confine themselves to assisting the government with prevention and harm-reduction work and do not go beyond the criteria set out in the Supreme Court ruling of 14/12/2017.

Work at the municipal level in the area of cannabis regulation

Just as legislation regarding cannabis associations has been approved by autonomous communities, municipal bylaws have also been introduced in Donostia, Girona and other cities, with the aim of regulating the setting-up of associations of this type by stipulating the distances that must exist between one association and the next and between them and schools and health centres. Likewise, these bylaws not only seek to ensure that these associations are properly registered in the public records, but also that the venues used by cannabis associations meet minimum conditions required to avoid disturbing the neighbourhood and with regard to the safety, health and hygiene of the people who use them. In November 2014 the municipality of Donostia / San Sebastián (Euskadi) passed a municipal bylaw – the first in Spain – regulating where CSCs could be located and the conditions they needed to meet in order to carry out their activities. This pioneering bylaw was based on the real situation of cannabis associations in society. As well as offering them institutional recognition, it required them to undertake to abide by legal requirements – in the area of safety, health and hygiene – and to assist the local government with its prevention and harm-reduction work. All this was set out in a good-practice manual to ensure transparency in the activities carried out by the cannabis associations.

However, the Spanish government’s lawyers subsequently lodged an appeal with the High Court of Justice in the Basque Country. In May 2016, this court rejected the appeal on the grounds that the municipal bylaw did not infringe state powers. After this ruling, the Solicitor General appealed again, this time to the High Court’s administrative disputes chamber, reiterating the government’s arguments: that the municipal bylaw was legally null and void because it infringed the principle of the hierarchy of laws and encroached upon the powers vested in the national government regarding legislation on pharmaceutical products or, alternatively, on the foundations and overall coordination of health.

Finally, on 5 March 2019, the Supreme Court overturned the ruling by the High Court of Justice in the Basque Country. Although it recognised that municipal governments have powers regarding urban and environmental matters within their jurisdiction, the Supreme Court took the view that the byelaw “could lead to the error of misunderstanding the nature of the activity,” by which it meant that citizens might think the activity was unconnected to any crimes or illegality. As Chaves (2019) acknowledges, a more appropriate ruling would have been “to confirm the legality of the Byelaw, but leaving open the possibility for the government to exercise its power to introduce regulations requiring reports, authorisations or other stipulations for the activity.”

Aside from municipal bylaws, one pioneering proposal at the municipal level emerged at the start of 2012 in Rasquera, a municipality in the province of Tarragona (Catalonia), with a population of fewer than a thousand inhabitants. In the *Municipal Action Plan to Address the Crisis*, the town’s mayor proposed to cede some municipal land to the *Asociación Barcelonesa Cannábica de Autoconsumo* (ABCDA), a cannabis association with about 5,000 members, for it to plant cannabis for its members’ own use, both therapeutic and recreational. ABCDA was willing to pay a first instalment of EUR 36,000, followed by EUR 1.3 million over two years, to be used to set up a municipal cannabis research enterprise that would create jobs (García and Elorza 2012).

The news caused a major commotion, both in political circles and in the media. The council launched a consultation with local residents to find out their opinion. Although more than half (56%) were in favour of the proposal (Parés and Bouso 2015), it was not possible to implement it because an administrative court annulled the agreements reached in the municipal council. Thus, the judge agreed with the Spanish government’s lawyers who brought a lawsuit asking for the agreements to be annulled in March 2012. The court’s ruling acknowledged that the municipal government has the power to develop business activities, but found that the public-interest justification in the Rasquera council’s proposal was not valid, among other reasons because the council is not allowed to carry out an activity that could imply physical contact with substances classified by law as narcotics (García 2013).

Latest initiatives or proposals for regulation

At present, as well as a social and political debate about cannabis, worldwide there are policies, laws and practices that differ from prohibitionist policies. For instance, there have been changes made to the law on cannabis in Uruguay and in several US states. The changes made to the laws in these countries have awakened the interest not only of drug policy-makers but also the general public (EMCDDA 2017). Nevertheless, a prudent amount of time needs to go by before an exhaustive evaluation can be made.

The inclusion of cannabis in the lists of toxic drugs, narcotics and psychotropic substances in international conventions has served to legitimate the use and expansion of prohibitionist policies, affecting millions of people around the world. A recent European report on drugs (EMCDDA 2017) found that in 2015 more than a million seizures of drugs classified as illegal took place in Europe, the majority of which involved small quantities confiscated from drug users. Analysis of the data by substance reveals that more than two out of three (71 per cent) were related to cannabis – herbal cannabis (41 per cent), cannabis resin (28 per cent) and cannabis plants (2 per cent) – distantly followed by cocaine and crack (9 per cent), amphetamines (5 per cent), MDMA (2 per cent) and other substances (8 per cent). The majority of offences related to the supply of substances of this type in the EU in 2015 involved cannabis use or possession (EMCDDA 2017).

In Spain, too, cannabis has largely been the main target of prohibitionist policies ever since the 1980s (Arana 2012). In recent years, more than half of the offences related to drug trafficking and over eight out of ten penalties imposed under administrative law for substance use in public or possession are

related to cannabis (OEDA 2017). In 2015, Spain reported more than 70 per cent of the total quantity of cannabis resin seized in the EU, the vast majority of which came from Morocco (EMCDDA 2017). At the same time, there is evidence that Spain has become an important importer and exporter of cannabis in recent years.¹²

In 2016, almost 3 million people (2,940,000) used cannabis in Spain over the course of the year (OEDA 2017). This social acceptance of cannabis by large sectors of the Spanish population stands in stark contrast to the punitive response developed in the institutional sphere. This demonstrates the need to adapt the law to reality in society, where policies based on human rights and the principles of the social and democratic state of law should take precedence (Arana 2017).

Various alternatives for cannabis regulation have been developed in Spain in the last few years. Some (GEPCA and Responsible Regulation) are aimed at full regulation of the cannabis phenomenon; another, promoted by the European Observatory on Cannabis Cultivation, is aimed at regulating the home growing of cannabis for personal use; finally, the proposal advised by the Spanish Observatory on Medicinal Cannabis focuses on the regulation of therapeutic uses of cannabis.

GEPCA proposal for cannabis regulation

For more than two and a half years, a group of people have been thinking about the situation in which cannabis users currently find themselves. Called the Cannabis Policy Study Group (*Grupo de Estudio de Políticas sobre el Cannabis - GEPCA*) and made up of about a dozen people,¹³ the group's objective is to develop a public policy proposal on cannabis that will consign prohibitionist strategies to the past. *GEPCA* is an interdisciplinary, independent group whose members come from very different backgrounds, with a wide range of approaches and ample experience of drugs as a social phenomenon. The group is financed by crowdfunding provided by individuals and organisations interested in promoting a different type of cannabis regulation. The funds raised were assigned to a consortium comprising *Asociación Bienestar y desarrollo* (Barcelona), *Fundación Atenea* (Madrid), *Federación Enlace* (Seville) and *Fundación ICEERS* (Barcelona).

GEPCA gave a public presentation in June 2017 in Madrid, where we reported on the work we had done over this time: the *Manifiesto for cannabis normalization*, the book entitled *Cannabis, from the margins to normality. Towards a new regulatory model (GEPCA 2017a)*, and a concrete proposal for cannabis regulation in Spain: *Cannabis: a proposal for a new regulatory model (GEPCA 2017b)*.¹⁴

As part of the process of encouraging social debate about the current situation regarding cannabis and the people who use it, *GEPCA* has also run two summer schools (one in Donostia, at the University of the Basque Country [UPV/EHU], and the other in Marbella, at the University of Málaga [UMA]). Contacts have also been made with the different political parties represented in parliament, to tell them about *GEPCA*'s specific proposal. The aim of this is to contribute to a parliamentary debate that may lead to changes in the current prohibitionist policies and laws, replacing them with new ones based on the rights, freedoms and responsibilities that characterise the social and democratic state of law.

GEPCA adopts a realistic approach, acknowledging that drugs have always existed, they are around today and they are here to stay. It is not possible to put an end to drugs, although we can learn to live with these substances, taking advantage of their benefits and attempting to avoid harm. Historically, humanity has ample experience of how to regulate drugs. Cannabis is the most widely used 'illegal' substance in the world, and the majority of people who use it are able to control it themselves. Nevertheless, it also has its risks – certain types of use, when it is used by vulnerable people, children etc. – and that is why it needs to be regulated.

The changes that are taking place with regard to strategies and policies to manage cannabis are basically a result of: a) the failure of prohibitionist policy to achieve its own stated objectives of reducing supply and demand; b) the wide range of negative effects caused by policies of this type: from marginalising users and concealing problems to violence, economic distortions, corruption, etc.; and c) the logical tendency of open societies and cultures based on democracy and the rule of law to want to move forward with a process to restore the balance between health and safety, and rights and freedoms, with a view to progressively taking responsibility for ourselves.

This tendency to reform policies is not something that is passing Spain by. The voices calling for a change in strategy are increasingly numerous and backed by solid arguments. Furthermore, the potential for change is underpinned by certain specific circumstances: a) the fact that cannabis has long been present in Spanish society, enabling progress to be made in assessing its usefulness and the extent of the risks involved; b) the consequent shift in how it is viewed by society, leading to a process of normalisation in the perception the general public has of cannabis, its use and risks; c) the presence for many years of a strong social movement, which has clearly contributed to the normalisation process and encouraged more objective views, albeit with ups and downs; d) the fact that, for all the above reasons, the demand for a change in policies and strategies in relation to cannabis is now coming from the majority of Spanish society (Mejías et al. 2016). Those who belittle these positions, seeing them as the result of manipulation by 'publicity' campaigns, forget that the pressure could well be seen as coming from the opposite direction. Above all, they underestimate society's capacity to change its views and positions when it comes into contact with the reality of a given experience.

The model proposed by *GEPCA* is underpinned by different principles, the most important of which are: a) if the cannabis market and cannabis use can and should be regulated, it is not because there are no risks but precisely because there *are* risks involved; b) in contrast to the radical prohibition and criminalisation approach, regulation offers the possibility of adopting a wide range of gradual measures: education, discouragement, social and ritual oversight, taxation, control and coercion of an administrative nature, and even criminal sanctions for certain actions; c) regulation needs to try to strike a balance between defending the rights and freedoms of potential cannabis users and protecting collective safety and, above all, the most vulnerable groups; and d) the model cannot emerge from a 'historical vacuum'. We are coming from a situation that has influenced society's opinions, attitudes, issues, demands and fears. And we cannot fail to take this into account – legal regulation cannot turn its back on this reality. Although the aim may be to give cannabis a status similar to alcohol or tobacco, regulation of its market cannot be identical because the paths these products have followed over time, and thus their image and how they are viewed, are very different.

This model proposes comprehensive regulation of the entire life cycle of cannabis, from its cultivation and production to the final consumer, based on the following main guidelines:

1. Access to cannabis will be limited to adults with full legal competence.
2. Three complementary ways to access the substance are proposed: a) a regulated market; b) different types of user associations; and c) home growing.
3. The levels of operating requirements and controls are extremely high in the regulated market, very high for associations with up to 500 members, and high for associations with fewer than 50 members, while people who grow their own will not be allowed to sell or pass on the cannabis they produce to any other individual or company.

4. Each phase of production/marketing will be regulated and controlled: a) isolation, surveillance and control of production and storage; b) safety assurance in production, in both the process and the product; c) control of product quality, class and level of psychoactive content; d) comprehensive product labelling; e) regulated and controlled dispensing rooms, with stock checks; f) information on risk and responsible use; g) maximum limit per transaction (25g); h) limit on psychoactive ingredient (60% THC); i) limit on how much associations with fewer than 50 members are authorised to produce: the quantity produced per year may not exceed 75kg of dried buds; for associations with up to 500 members, the amount they are authorised to produce per year may not exceed 750kg of dried buds.
5. Individual use rights will be subject to certain limits, for reasons of collective safety: a) up to 300g for personal use (10g per day for 30 days); b) possession authorised for ten days (10g x 10 days): 100g.; c) for those who grow their own: six female plants per person, up to a maximum of five people, with authorisation to hold the amount corresponding to the annual harvest; d) cannabis use in public will be regulated by local and regional regulations, taking those for tobacco as the point of reference.
6. All the different production and consumption circuits will be subjected to other regulatory precautions: a) any kind of publicity for brands, types, etc. will be banned; b) promoting cannabis use will be banned; c) total ban on online sales and home deliveries, except in special, authorised cases; d) ban on import from/export to countries without legal regulations in place, and without a special permit.
7. Cannabis use in particularly high-risk circumstances will be banned. This may be use that affects driving or the performance of certain tasks at work, alertness, etc. In these cases, restrictions, control standards and penalties will be clearly defined, striking a balance between safeguarding individual rights and freedoms and protecting collective safety.
8. The model proposes a complete set of precautions and safeguards in the areas of education, prevention, risk and harm reduction, protection and assistance. Regulatory laws should provide for funding for these activities, to ensure that they become more than a written proposal.
9. The entire production and marketing cycle will be subject to a system of taxation that seeks to ensure that prices are balanced (between discouraging purchase and the need to weaken the illegal market or make it disappear), and this will provide revenue to finance the administrative control measures and prevention strategies, as well as other public interest activities.
10. As applies to any legal product, penalties for infringing any of the regulations will be administrative in nature (fines, suspensions, withdrawal of permits, etc.); they will be weighted, progressive and clearly defined, although certain particularly serious acts will be considered crimes, including selling or providing cannabis for profit to children under 16 or people without full legal competence, or to people under 18 when there are aggravating circumstances.
11. Regulation and control of such a complex model requires a specific law, changes to the overall legal structure, and administrative organisation that implies central, regional and local government roles and responsibilities.

Other proposals for cannabis regulation

Regulación Responsable (RR)

Regulación Responsable or Responsible Regulation is a platform that describes itself as a group of citizens and community organisations in Spain that support proposals advocating for the regulation of cannabis production and use. Its proposal is based on the five pillars of comprehensive cannabis regulation (*Regulación Responsable* 2016): a) growing for personal use; b) group cultivation and cannabis social clubs; c) licensed trade; d) education for responsible use; and e) access to therapeutic cannabis. The platform considers this proposal a first draft in the process leading to comprehensive regulation. As such, it is not a definitive text but a means to encourage debate and the sharing of ideas to fine-tune and improve the proposal for cannabis regulation.

Observatorio Europeo del Cultivo y Consumo de Cannabis (OECCC)¹⁵

At the recent *International Congress on cannabis and its by-products: health, education and the law*,¹⁶ a member of the steering committee of the European Observatory on Cannabis Cultivation and Use (OECCC) presented an argument for more effective, inclusive and consensus-based policies on the growing of cannabis for personal use. One of the OECCC's priorities is to publish its proposal for a law on the growing of cannabis for personal use in 2018. After that, it plans to launch a participatory process – by asking cannabis users and home growers to answer a survey – to give them the chance to express their opinion before drafting the final version of the proposed law on the growing of cannabis for personal use.

Observatorio Español de Cannabis Medicinal (OECM)

The Spanish Observatory on Medicinal Cannabis (OECM) has advised the Ciudadanos political party on its presentation of a Non-Law Proposition (*Proposición No de Ley* –PNL) to the Congress of Deputies with the aim of regulating medicinal cannabis. The following changes to existing legislation are proposed: a) regulate and facilitate the ability to access therapeutic treatments that use cannabis and its by-products, with the relevant medical indications and supervision, for diseases where its effectiveness has been demonstrated or medical staff consider it advisable; b) regulate the legal and technical specifications for the controlled growing of cannabis and its subsequent medicinal use, with appropriate levels of quality, traceability and safety; c) establish controlled sales outlets and set up logistics networks with the safeguards necessary to avoid fraudulent or illegal use of therapeutic cannabis; e) set up a system for evaluating impacts on public health, and especially on the quality of life of patients who receive this type of treatment.

Finally, the proposal states that although it is not necessary to approve a new law authorising the therapeutic use of cannabis, it would be a good idea to develop a specific medicinal cannabis programme with regulations to guarantee that it will be used properly, in line with international treatment programmes.

Annex 1: Strength-Weakness-Opportunity-Threat Analysis

1.1. Weaknesses

- Legislation in the autonomous communities
 - They have focused primarily on regulating the cannabis associations, but the legislation has not been implemented
 - One law, in the Chartered Community of Navarre (CFN), has recently been declared unconstitutional
 - It is likely that the law in the Catalan Autonomous Community (CAC) will also be declared unconstitutional
- Local regulations
- Inability to present an agreed proposal
- Situation of the cannabis associations
 - Very different realities
 - Different strategies and ways of working
 - Everything is more complicated after the Supreme Court's rulings
- The police and the courts are taking action against the cannabis associations

1.2. Strengths

- Good quality research is being carried out and reports published to inform social debate and contribute to the consolidation of a different discourse
- Cannabis regulation is on the political agenda
 - The debate has reached the majority of the autonomous parliaments
 - CAC: Law approved by the Catalan Autonomous Parliament
 - CAE: Parliamentary proposal, regulations approved, and cannabis users represented on the Basque Council on Addictions (a high-level consultation and advisory forum where social groups can participate and express their opinions on proposed laws, regulations and plans regarding addictions)
 - CFN: Law approved by the Navarre Parliament, but declared unconstitutional
- Specific proposals exist: GEPCA and others

1.3. Threats

- National level:
 - PNSD (national plan on drugs), and many political parties do not favour comprehensive cannabis regulation; the most they will contemplate is regulation of therapeutic use
 - Actions taken by police, prosecutors and the courts (Supreme Court and Constitutional Court)
 - The situation with the Catalan independence dispute is holding back the political agenda in general
 - A significant sector of the media does not want to discuss the debate in any depth
 - It is proving difficult to take the debate on regulating cannabis to the Mixed Commission (Congress + Senate) of the Spanish Parliament for it to be discussed
 - As a result of all this, the general feeling in society is not as optimistic as it was in 2014

1.4. Opportunities

- International context: Uruguay, USA (Alaska, California, Colorado, Maine, Massachusetts, Nevada, Oregon, Washington, DC,), Canada
- Autonomous community laws
 - CAE: Article 83.1 of the law passed by the Basque Autonomous Community (CAE) has been declared constitutional by the Constitutional Court. Therefore, although the Constitutional Court's ruling places broad restrictions on regulatory development, the CAE has the power to legislate on the cannabis associations by means of regulations
- Local government legislation
- Synergies between public administration and the cannabis associations

References

- ARANA, X. (2012) *Drogas, legislaciones y alternativas. De los discursos de las sentencias sobre el tráfico ilícito de drogas a la necesidad de políticas diferentes*. Donostia: Gakoa.
- ARANA, X. (2015a) 'Código de Buenas Prácticas para los Clubes Sociales de Cannabis'. *Fundación Renovatio. Memoria 2013*. Gasteiz: Fundación Renovatio, pp.9-37.
- ARANA, X. (2015b) 'Viabilidad legal de los Clubes Sociales de Cannabis en la Comunidad Autónoma del País Vasco y Propuesta de Hoja de Ruta'. *Fundación Renovatio. Memoria 2014*. Gasteiz: Fundación Renovatio, pp.106-155.
- ARANA, X. (2017) 'Las políticas de drogas en el Estado social y democrático de Derecho. Cannabis, de los márgenes a la normalidad. Hacia un nuevo modelo de regulación', GEPCA. Barcelona: Bellaterra, pp.263-282.
- ARANA, X. (2018) 'Progresiones y regresiones – en materia legislativa y jurisprudencial –, y la necesidad de una propuesta sobre un nuevo modelo de regulación del cannabis: el caso español en la presente década', in S. Shecaira, X. Arana, F. Caroso and B. Miranda (eds.) *Drogas, desafíos contemporáneos*. Brazil: Editora D'Plácido, pp. 431-461.
- ARANA, X., MARKEZ, I. (2006) Cannabis: salud, legislación y políticas de intervención. Madrid: Dykinson.
- ARANA, X. and USÓ, J.C. (2017) 'Las políticas sobre regulación del cannabis en España, y su relación con el contexto internacional'. *Cannabis, de los márgenes a la normalidad. Hacia un nuevo modelo de regulación*, GEPCA. Barcelona: Bellaterra, pp. 33-62.
- ARARTEKO (2012) *Cannabis: usos, seguridad jurídica y políticas. Colección Derechos Humanos "Francisco de Vitoria". Foros de reflexión y participación*. Vitoria-Gasteiz: Ararteko.
- BARRIUSO, M. (2012) 'Ni prohibición ni mercantilización: buscando el equilibrio en la regulación legal del cannabis'. *Cannabis: usos, seguridad jurídica y políticas. Colección Derechos Humanos "Francisco de Vitoria". Foros de reflexión y participación*. Vitoria-Gasteiz: Ararteko, pp. 166-181.
- CALDERÍN, E. (2000) 'La posesión de drogas para consumo y para traficar. El consumo compartido'. *Delitos contra la salud pública y contrabando*. Madrid: CGPJ, pp. 11-47.
- CALLADO, K. (2006) 'Utilización terapéutica del cannabis', in *Cannabis: salud, legislación y políticas de intervención*. Madrid: Dykinson, pp.73-90.
- CALLADO, K. (2012) 'Cuestiones de interés en torno a los usos terapéutico del cannabis', in *Cannabis: usos, seguridad jurídica y políticas. Colección Derechos Humanos "Francisco de Vitoria". Foros de reflexión y participación*. Vitoria-Gasteiz: Ararteko, pp. 75-86.
- CHAVES, J.R. (2019): "Ordenanzas municipales condenadas bajo sospecha". <https://delajusticia.com/2019/03/13/ordenanzas-municipales-condenadas-bajo-sospecha/>
- DÍEZ RIPOLLÉS, J.L. and MUÑOZ SÁNCHEZ, J. (2012) 'Licitud de la autoorganización del consumo de drogas'. *Jueces para la Democracia* 75: 49-77.
- DOPICO, J. (2013) *Transmisiones atípicas de drogas. Crítica a la jurisprudencia de la excepcionalidad*. Valencia: Tirant lo Blanch.
- EMCDDA (2017) *European Drug Report 2017: Trends and Developments*. Luxembourg: EU Publications Office.
- GARCÍA, J. (2013) 'Un juzgado anula el proyecto de Rasquera para cultivar cannabis'. *El País*, Cataluña, 31 May. https://elpais.com/ccaa/2013/05/31/catalunya/1370002593_622104.html
- GARCÍA, J. and ELORZA, A. (2012) 'El cultivo de cannabis busca un terreno legal'. *El País*, Sociedad, Vida & Artes, 2 March. https://elpais.com/sociedad/2012/03/01/vidayartes/1330636194_739703.html
- GEPCA (2017a): *Cannabis, de los márgenes a la normalidad. Hacia un nuevo modelo de regulación*. Barcelona: Bellaterra.
- GEPCA (2017b) *Cannabis: propuesta de un nuevo modelo de regulación*. Barcelona: Bellaterra.

- GONZÁLEZ ZORRILLA, C. et al. (1989) *Repensar las drogas. Hipótesis de la influencia de una política liberalizadora respecto a las drogas, sobre los costes sociales, las pautas de consumo y los sistemas de recuperación*. Barcelona: Grup Igia.
- GRUPO DE ESTUDIOS DE POLÍTICA CRIMINAL (1992) *Una alternativa a la actual política criminal sobre drogas*. Málaga: Grupo de Estudios de Política Criminal.
- ICS DP (2015) Estado de la evidencia. Uso de cannabis y regulación. Toronto: ICS DP. dhdpc.com/media/401145/estado_de_la_evidencia_uso_de_cannabis_y_regulacion.pdf
- LAMO DE ESPINOSA, E. (1989) Delitos sin víctima. Orden social y ambivalencia moral. Madrid: Alianza Universidad.
- MARÍN, I. (2010) *Cannabis. El movimiento cannábico en España*. Madrid: Editorial Popular.
- MARTINÓN QUINTERO, R. (2011) *El marco de las coaliciones promotoras en el análisis de políticas públicas. El caso de las políticas de drogas en España 1982-1996*. Madrid: CIS.
- MEGÍAS, I. and RODRÍGUEZ SAN JUAN, E. (2016) *Tendencias de cambio en la representación social del cannabis; la perspectiva de adolescentes y jóvenes españoles*. Madrid: Centro Reina Sofía sobre Adolescencia y Juventud & FAD.
- MIRÓ, G. (2017) 'Organización colectiva de usuarios de cannabis tras la doctrina Ebers', in *Las sendas de la regulación del cannabis en España*. Barcelona: Bellaterra, pp. 448-464.
- MUÑOZ SÁNCHEZ, J. (2015) 'La relevancia penal de los clubes sociales de cannabis. Reflexiones sobre la política de cannabis y análisis jurisprudencial'. *Revista Electrónica de Ciencia Penal y Criminología* 17-22.
- OEDA (2017) *Informe 2017. Alcohol, tabaco y drogas ilegales*. Madrid: Centro de Publicaciones del Ministerio de Sanidad, Servicios Sociales e Igualdad.
- PARÉS, Ò. and BOUSO, J.C. (2015) 'Hacer de la necesidad, virtud. Políticas de drogas en Cataluña, de la acción local hacia el ámbito global'. *Serie Lecciones en Políticas sobre Drogas*. Budapest: Open Society Foundation.
- QUINTAS, J. and ARANA, X. (2017) 'Decriminalization: Different Models in Portugal and Spain', in E. Savona, M. Kleiman and F. Calderoni (eds.). *Dual Markets. Comparative Approaches for Regulation*. New York: Springer Nature, pp. 121-143.
- REGULACIÓN RESPONSABLE (2016) Los 5 pilares de la regulación integral del cannabis. http://www.regulacioncannabis.org/descargas/70/pdf_5_PILARES_REGULACION.pdf
- REINKING, D. (2012) 'La globalización del cultivo (interior) de cannabis', in *Cannabis. Usos, seguridad jurídica y políticas. Foros de reflexión y participación*. Vitoria-Gasteiz: Ararteko, 139-166.
- ROMANÍ, O. (2005) 'La cultura del cannabis treinta años después... unas reflexiones personales'. *Revista Española de Drogodependencias* 30 (3&4): 263-282.
- SALLÉS, J. (2006) 'Farmacología de los cannabinoides: mecanismos de tolerancia y dependencia'. *Cannabis: salud, legislación y políticas de intervención*. Madrid: Dykinson, pp. 61-72.
- VEGA, J. (1965) 'España, barrera contra el tráfico hacia Francia y Alemania'. *Gaceta Ilustrada* 442: 33-40.

Endnotes

1. The Second Republic lasted from 14 April 1931 to 1 April 1939, a period that included the so-called Spanish Civil War between 1936 and 1939.
2. Article 369 of the CC stipulates that prison sentences longer than those indicated in Art. 360 CC and fines of up to four times the value of the drugs shall be imposed when any of the following circumstances are involved: 1. The guilty person is an authority, civil servant, general practitioner, social worker, teacher or educator, and the offence was committed while in office or in the exercise of their profession or trade; 2. The guilty person is involved in other organized activities or acts that may have been facilitated by the commission of the crime; 3. The offence took place in establishments open to the public and was committed by the people running or employed by such establishments; 4. The substances referred to in the preceding article were provided to persons under the age of 18, persons with diminished mental capacity or persons undergoing treatment for addiction or rehabilitation; 5. The quantity of the said substances with which the acts referred to in the preceding article were committed is notably large; 6. The said substances were adulterated, manipulated or mixed with others, thus increasing the potential harm caused to health; 7. The acts described in the preceding article took place in education facilities, military centres, facilities or units, penitentiary establishments, or addiction treatment or rehabilitation centres, or in close proximity to any of these; 8. The guilty person used violence or showed or made use of arms to commit the offence.
3. Similarly, under Article 370 of the CC, sentences one or two degrees harsher than those indicated in Art. 368 CC shall be imposed when: 1. Persons under the age of 18 or persons with diminished mental capacity were used to commit these crimes; 2. The offence was committed by the heads, managers or directors of the organisations referred to in circumstance 2, section 1 of Article 369; 3. The acts described in Article 368 were extremely serious (cases in which the quantity of the substances referred to in Article 368 notably exceeds the amount considered notably large, or ships, boats or aeroplanes were used as the specific means of transport, or the acts referred to were committed by pretending to engage in international trade transactions between companies, or international networks engaged in activities of this type were involved, or when there was a combination of three or more of the circumstances mentioned in Article 369.1 CC). When the circumstances mentioned in numbers 2 and 3 above apply, a fine of up to triple the value of the drugs involved in the crime shall be imposed on the guilty parties.
4. From 1988 to 1992 there was an intense political and media debate about the use and possession of the substances included in the 1961 Single Convention's various lists. The Organic Law 1/1992 on the Protection of Public Safety was finally enacted in 1992.
5. 'La ministra de Sanidad anuncia que se estudia el uso terapéutico del "cannabis"' (elpais.es, Sociedad, 26 July 2004).
6. Among the resolutions approved by the Basque Parliament in relation to the CAE's 5th Plan on Drug Dependency (2004-2008), the 2nd Resolution states that the Basque Parliament urges the Basque Government to ask the Medicines Agency to authorise the dispensing of cannabis or its by-products to people with diseases for which it is indicated, when there is scientific evidence of its effectiveness (07\10\08\01\0001). 10/02/2005, p. 2.
7. *Ebers Case*, STS 484/2015, 7 September. *Three Monkeys Case*, STS 596/2015, 5 October. *Pannagh Case*, STS 788/2015, 9 December.
8. In the first of the sentences, in the *Ebers Case*, there were three dissenting opinions: the first argued for the need to issue requirements applicable to associations of this type; the second considered that the people charged were genuinely ignorant of having committed an offence and that they should therefore be acquitted; the third partially agreed with the first dissenting opinion, but disagreed with the second regarding ignorance of having committed an offence.
9. The Supreme Court (STS 21/02/2018) has already acquitted the defendants in the *Ebers Case* of the crimes of which they were accused.
10. See, for example: <http://www.lavanguardia.com/vida/20180410/442436708910/audiencia-absuelve-asociacion-cannabis-al-no-ver-sancionable-consumo-en-grupo.html> <http://www.elcorreo.com/alava/araba/tener-club-cannabis-20180329203439-nt.html> <http://www.elcorreo.com/bizkaia/duranguesado/absuelto-club-cannabis-20180322165100-nt.html?edtn=bizkaia>

11. Between January and October 2017, cannabis plants were confiscated from various commercial greenhouses in the Basque Autonomous Community (CAE): January, 120 plants; February, 1,547 in one plantation and 101 in another; March, 1,145 plants; April, 1,000 plants; May, 14,000 plants; June, 1,200 plants; September, 1,950 plants; October, 1,000 plants. Most of these police operations included making arrests (*Noticias de Gipuzkoa*, Gizartea, 13 October 2017, p. 7).

12. http://druglawreform.info/es/site_content/item/8341-la-demanda-europea-dispara-el-cultivo-de-marihuana-en-girona

13. The members of *GEPCA* are (in alphabetical order): Xabier Arana (*Doctor of Law and Professor of Criminology UPV/EHU*), José Carlos Bouzo (*Psychologist and Doctor of Pharmacy*), Domingo Comas (*Doctor of Political Sciences and Sociology*), Patricia Faraldo (*Professor of Criminal Law*), Teresa Laespada (*Doctor of Political Sciences and Sociology*), Carmen Martínez (*Magistrate*), Eusebio Megías (*Psychiatrist*), Gabriel Miró (*Lawyer, Professor of Criminology UB*), Juan Muñoz (*Professor of Criminal Law*), Òscar Parés (*Graduate in Philosophy and Anthropology*), Oriol Romaní (*Emeritus Professor of Social Anthropology*), and Josep Rovira (*Social Worker and Mediator*).

14. Both the *Manifesto for cannabis normalization* and the book and regulatory proposal are available on the website gepca.es

On the website, people who wish to can also sign up to the *Manifesto for cannabis normalization*.

15. For more information on the OECCC, see: <http://observatoriocannabis.com/>

16. Held in Catoira (Galicia) on 24-25 November 2017

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NEW APPROACHES ON HARM REDUCTION POLICIES AND PRACTICES

The NAHRPP project (New Approaches in Harm Reduction Policies and Practices) is a joint project of the Transnational Institute (TNI), based in the Netherlands, ICEERS (Spain), Forum Droghe (Italy) and Diogenis (Greece), supported by the European Union. The project addresses recent drug policy developments in Europe.

One section of this project, led by TNI, is focused on the role of local authorities in cannabis regulation. Local and regional authorities across Europe are confronted with the negative consequences of a persisting illicit cannabis market. Increasingly, local and regional authorities, non-governmental pressure groups and grassroots movements are advocating for regulation of the recreational cannabis market, rather than prohibition. This project analyses the possibility of cannabis market regulation models, alongside political, policy, and legal steps under exploration by local authorities in Belgium, Spain, Switzerland, Germany, Denmark and the Netherlands. It is hoped that the information collected through this initiative will help to improve the understanding of regulating drug markets as a means to reduce the negative consequences of illicit drug markets on individuals and society.

In order to better understand the situation around, and possibilities for, local and regional cannabis regulation, a series of six country reports were developed, providing background for an overarching analytical report. The country reports provide detailed information about the state of cannabis policy, and the possibilities for change, within each country. This report addresses the past, present, and future of cannabis policy in Spain.

PUBLICATION DETAILS

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