

First Annual Report on Existing Situation in Georgia Relating to New Psychoactive Substances

(1 May, 2014 – 1 May, 2015)

1. Preparation of Annual Report

According to Sub-paragraph “d” of Paragraph 1 of Article 7 of the Law of Georgia “On New Psychoactive Substances” and Sub-paragraph “d” of Paragraph 1 of Article 3 of the “Regulation of State Commission Supporting Suppression of Distributing New Psychoactive Substances” (the latter is approved by the Joint Order №344/№01-30/n/№147 of 13 May 2014 of Minister of Internal Affairs of Georgia, Minister of Labour, Health and Social Affairs of Georgia and Minister of Finance of Georgia), it is the obligation of the State Commission Supporting Suppression of Distributing New Psychoactive Substances to publish annual reports relating to NPS situation existing in Georgia.

The First Annual Report covers the period from May 1, 2014 (the date when the Law of Georgia “On New Psychoactive Substances” entered into force) until 1 May, 2015.

2. Activities of State Commission

Establishment, composition and activities of the State Commission Supporting Suppression of Distributing New Psychoactive Substances (hereinafter – State Commission) are envisaged by Articles 6-7 of the Law of Georgia “On New Psychoactive Substances” and the Joint Order №344/№01-30/n/№147 of 13 May 2014 of Minister of Internal Affairs of Georgia, Minister of Labour, Health and Social Affairs of Georgia and Minister of Finance of Georgia “On Establishing State Commission Supporting Suppression of Distributing New Psychoactive Substances and Approving its Regulation” (hereinafter – Joint Order).

The State Commission is composed of the representatives from the Ministry of Internal Affairs (MIA), Ministry of Labour, Health and Social Affairs of Georgia and Ministry of Finance of Georgia. Furthermore, besides the Commission members envisaged by Article 1 of the Joint Order, respective specialists participate in the State Commission meetings, in case of necessity and upon invitation of the State Commission Chairman. Thus, the involvement of the non-governmental sector is guaranteed in the activities of State Commission.

In accordance with Paragraph 1 of Article 4 of the “Regulation of State Commission Supporting Suppression of Distributing New Psychoactive Substances”, the State Commission meets regularly, but at least once a month. Over one year since the adoption of the Law of Georgia “On New Psychoactive Substances” 12 meetings have been conducted, with the organizational support of the State Commission Secretary. This means that since 1 May 2014 meetings have been conducted systematically, every month. Relevant Protocols have been drawn up. Objectives of the meetings were: implementing the new legislation on new psychoactive substances in Georgia, facilitating discussion concerning the NPS trends and concerning the proposals to be submitted to the Government, and reacting to relevant challenges.

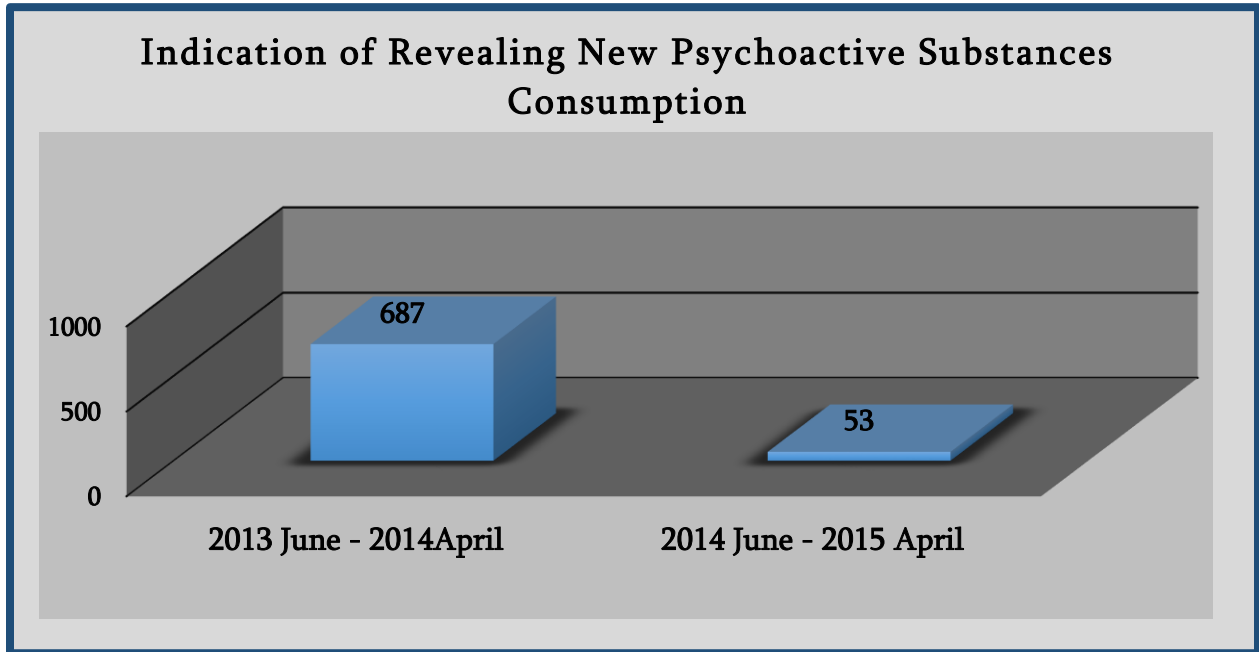
For the purposes of transparency of the State Commission activities and its accountability before the society, detailed information about establishment, composition and activities of the State Commission, and its meetings, including legal acts regulating its activities and relevant audio-video material are systematically updated and accessible under the State Commission section at the new web page of drug policy, created at the MIA official site (police.ge). In terms of transparency and accountability of the State Commission, its Eighth Meeting (13.01.2015) is worth mentioning, during which the Commission activities of 2014 were presented; and also, the Twelfth Meeting (01.05.2015) should be noted, during which a one-year work since the adoption of the Law of Georgia “On New Psychoactive Substances” were summarized. Relevant information and data are analyzed in more details in the Third and Fourth Quarterly Reports on Existing Situation in Georgia Relating to New Psychoactive Substances, and are also available at a new web page of drug policy.

3. Existing Situation in the Country after Adopting the Law

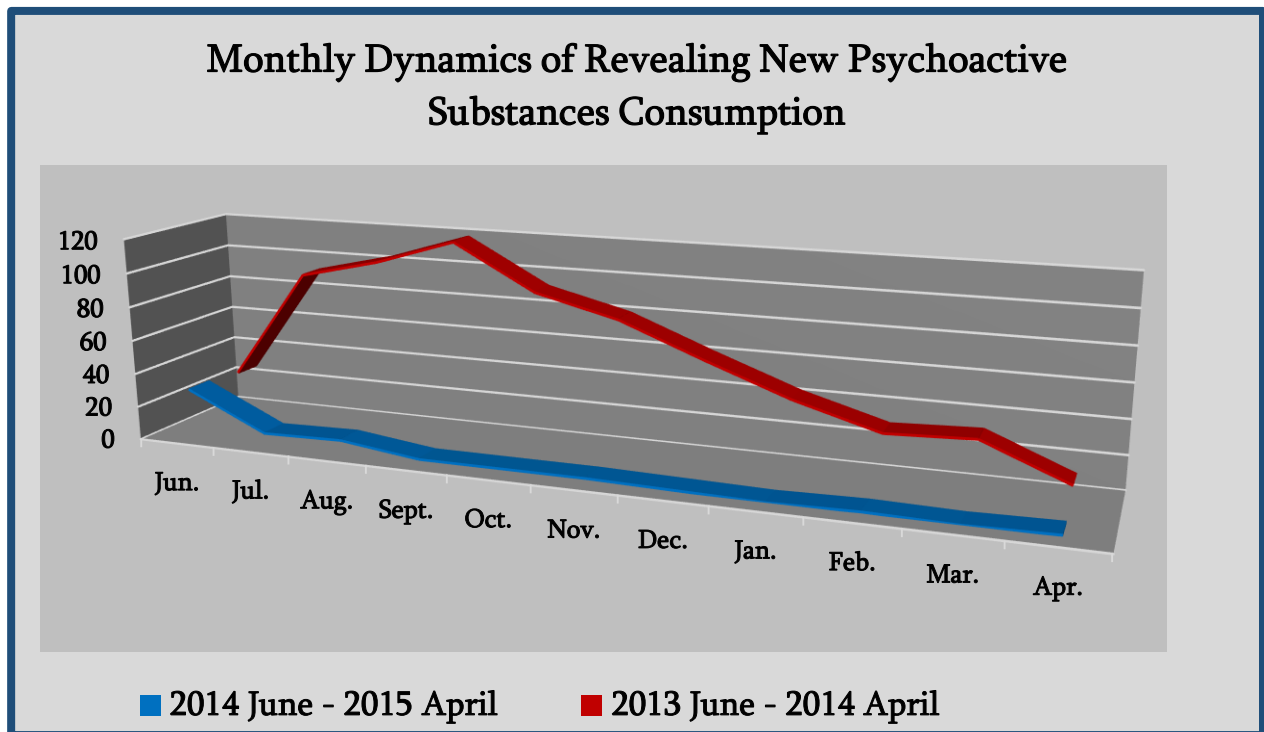
➤ General Analyses:

On 1 May 2014 the Law of Georgia “On New Psychoactive Substances” entered into force. The new Law placed the so-called “Bios” and “Spices” under the legal regulation, which before that had been imported into the country without any control and posed a huge threat for the country. The Law was adopted with the MIA initiative and based on the experience of four European countries. The Law envisages, *inter alia*, criminalization of the classes of chemical compounds.

The new Law has turned out to be effective in several directions. First of all, a significant tendency of consumption reduction is worth mentioning. Over 1 year since the adoption of the Law, more than 90% decrease in NPS consumption has been detected.



As for the monthly dynamics of reduction indication over the reporting period, see the following graph:



Furthermore, there is no indication of lethal cases caused by using NPS and referrals to medical institutions related to NPS harms are minimal.

On the basis of the Law, a permanent monitoring system related to NPS has been institutionalized in the form of the State Commission Supporting Suppression of Distributing New Psychoactive Substances, which unifies relevant agencies, meets every month and conducts identification of specific problems, responds to the challenges in this regard, ensures effective implementation of the Law, as well as gives recommendations to the Government of Georgia in case of necessity of carrying out legislative amendments and within the process of regulating the NPS situation existing in the country.

Under the implementation process of the Law, amongst other things, the State Commission has prepared a package of legislative amendments which ensures further improvement of NPS regulation framework in the country. Moreover, creation of NPS database should be noted as well, which supports rapid information exchange among competent agencies and their coordinated activities within the NPS regulation process. Easily-accessible, online system is operational under the State Commission section at the drug policy web page. Moreover, activities of the law enforcement agencies and the statistical data presented by them (see below) further highlights the effectiveness of the implementation process.

In terms of prevention, society awareness raising measures regarding legal regulation framework of new psychoactive substances and negative consequences of their consumption have been planned and executed; among other things, a wide-scale anti-drug campaign: “No to Bio Drugs – Let’s Change the Attitude Together” should be noted. This campaign has delivered the main messages of the State to all segments of the society, especially to the youth which is the most vulnerable group in this regard. The outcome of such measures has been reflected on the impressive, more than 90% reduction tendency of revealing NPS consumption.

Under the prevention context, society awareness raising measures are further supported by transparency of the State Commission activities and easily accessibility of the information. In this regard, creation of drug policy web page at the MIA official site, systematic upload of information, statistical data and reports in the Georgian as well as English languages on the web page, also regular coverage of the State Commission meetings by the mass media are worth mentioning. Thus the State Commission ensures accountability before the society.

Under the framework of the State Commission activities, relevant attention is devoted to the cooperation with the non-governmental sector; cooperation with foreign partners, including information and best Georgian practice sharing on the international level. In terms of cooperation, receiving special notices on NPS from International Narcotics Control Board and their coordination on internal level; as well as regional event on Monitoring and Control of

New Psychoactive Substances, held in Georgia in April 2015 with the organizational support of EMCDDA - are worth mentioning.

Hence, based on the statistical data available over one year since the adoption of the Law of Georgia “On New Psychoactive Substances” and considering the activities during this period, we may conclude that the complex state policy, including legislative initiatives and the steps taken for their execution, existence of oversight mechanism and cooperation-oriented activities, preventive measures and anti-drug campaign: “No to Bio Drugs – Let’s Change the Attitude Together” – have turned out to be effective. It is noteworthy that all segments of the state policy have been effective and in sum, resulted into positive outcome, which is more than 90% decrease in revealing NPS consumption. It should be also noted that the effectiveness of this policy is recognized by the governmental as well as non-governmental sector.

➤ **Information and Data Presented by the Agencies**

According to the information presented by the Ministry of Internal Affairs of Georgia, large scale illicit traffic in new psychoactive substances (so-called “Bio Drugs”) had been identified before the adoption of the Law, however, its suppression was impossible due to the absence of legislative basis. Since the Law entered into force, law enforcement agencies conduct NPS seizures merely every day. As a result, over one year since adopting the law, from 1 May 2014 till 1 May 2015, 229 criminal cases have been initiated on illicit traffic in new psychoactive substances and 241 persons have been charged.

In order to effectively respond to this challenge the law enforcement structures were facing, from the beginning of 2015, due to the structural changes conducted at the Central Criminal Police Department, Division on Fight against Psychoactive Substances with the Unit on Fight Against New Psychoactive Substances, was created at the Main Division on Fight against Illicit Traffic in Drugs, which actively conducts respective measures for the purposes of revealing, suppressing and preventing NPS in the country.

Furthermore, deprivation of liberty for up to 5 years is defined as a measure of punishment for the crime envisaged by Article 260.1¹ of the Criminal Code of Georgia¹; in other words, this crime is qualified as a less grave crime. And therefore, the prosecution mostly requests bail as a preventive measure and hence, detention is less used.

¹ Criminal Code of Georgia, Article 260.1¹:

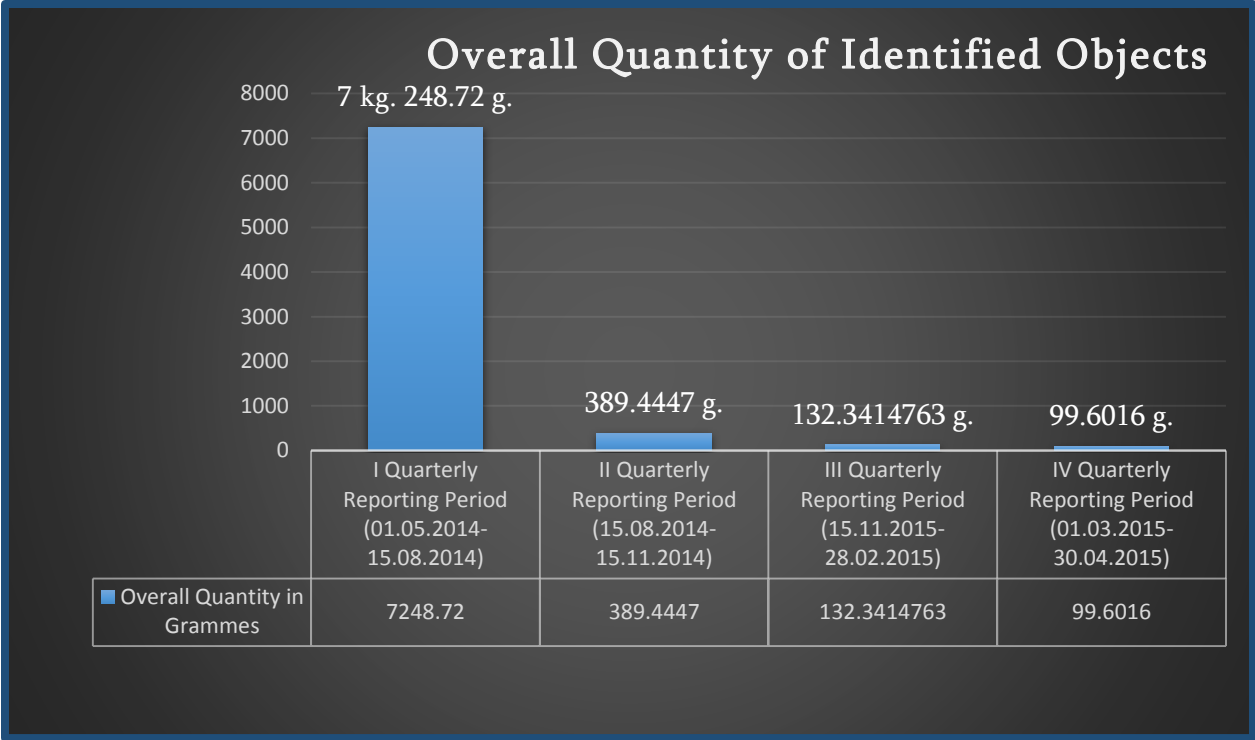
“Illicit production, manufacture, purchase, storing, transport, transfer or sale of new psychoactive substances, - Shall be punishable by deprivation of liberty for up to five years.

The presented data and the activities carried out by the law enforcement clearly indicate to the active work conducted by the latter in terms of suppressing illicit traffic in NPS, in order to achieve legislative purposes and within the MIA competence, what ensures the effectiveness of supply reduction intervention.

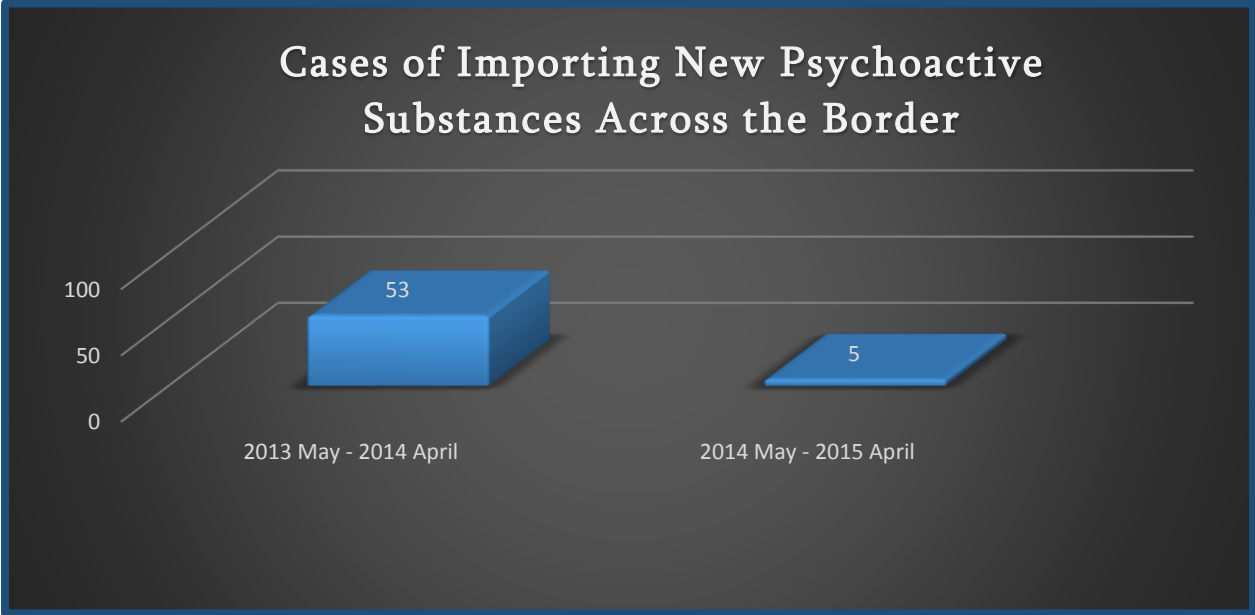
In accordance with the statistical data presented by the Ministry of Internal Affairs of Georgia, over one year since adopting the Law, starting from 1 May 2014 till 1 May 2015, 234 expertize opinions have been issued by the MIA Forensic-Criminalistic Main Division concerning the identification of new psychoactive substances; 263 objects have been identified, among which the majority belonged to Cannabinomimetic compounds. For more details, see the graph below:

209 objects belonged to	-	I Class of Compounds of New Psychoactive Substances (Cannabinomimetic Compounds);
33 objects belonged to	-	II Class of Compounds of New Psychoactive Substances (Phenethylamin Compounds);
10 objects belonged to	-	III Class of Compounds of New Psychoactive Substances (Amino-Phenyl-Ethanon Compounds)
3 objects belonged to	-	VI Class of Compounds of New Psychoactive Substances (Tryptamin Compounds)
1 object belonged to	-	VIII Class of Compounds of New Psychoactive Substances (Arylcyclohexylamin Compounds)
7 objects belonged to	-	all other classes of NPS compounds

According to the Ministry of Internal Affairs data, over the period of one year since adopting the Law (from 1 May 2014 till 1 May 2015) the overall quantity of identified objects has amounted to 7 kg. 870.1077763 g. In this regard, to show the effectiveness of the measures taken by the Ministry under supply reduction, see the reduction graph below:



According to the information presented by the Ministry of Finance of Georgia, over the one year period since adopting the Law, from 1 May 2014 till 1 May 2015, only 5 cases of importing new psychoactive substances across the borders have been identified, while 53 cases were reported during the similar period of 2013-2014. Hence, these figures indicate to the 90% decrease, in comparison the similar period of 2013-2014.



Based on this statistical data, a significant reduction tendency is identified in terms of customs activities. This further highlights the effectiveness of the drug policy conducted by the State.

According to the information presented by the Ministry of Labour, Health and Social Affairs of Georgia, information sharing on new psychoactive substances involved in international network has been actively undertaken. Consequently, under the International Narcotics Control Board international initiative, the Ministry regularly receives special alerts on non-UN-scheduled NPS, which have been placed under the control system of other countries. In this regard, over the one year period since the Law of Georgia “On New Psychoactive Substances” entered into force (from 1 May 2014 till 1 May 2015), under the INCB international initiative, overall 11 special notices have been received from various countries (30 May 2014, No. 1/2014; 25 June 2014, No. 2/2014; 7 July 2014, No. 3/2014; 24 July 2014, No. 4/2014; 12 September 2014, No. 5/2014; 20 January 2015, No. 1/2015; 26 January 2015, No. 2/2015; 9 February 2015, No. 3/2015; 30 March 2015, No. 4/2015; 7 April 2015, No. 5/2015; 27 May 2015, No. 6/2015). This information has been shared with relevant agencies of the State Commission; and has been compared with the substances criminalized under the Law of Georgia. This information aims at prior criminalization of NPS before they enter the Georgian market and at making respective amendments to the Law. Considering the information and data presented herein, we may say that Georgia effectively uses early warning system and duly responds to the challenges related to new psychoactive substances, existing on the world market.

4. Main Directions Identified at State Commission Meetings:

➤ Package of Legislative Amendments

During the reporting period the State Commission prepared a package of legislative amendments and presented it to the Government of Georgia for further actions.

1. The package of legislative amendments envisages changes and modifications to be entered into the Law of Georgia “On New Psychoactive Substances”. These changes have been initiated due to the following circumstances: new substances have been detected in practice, which are not criminalized by the new Law. Furthermore, based on the UN and Cayman databases, the issue of adding certain chemical structures and terms to the list of classes of chemical compounds of new psychoactive substances, in the annex of the Law of Georgia “On

New Psychoactive Substances”, has been raised under the framework of the State Commission. It should be especially highlighted that the cases of changing so-called “nuclei” by criminal groups have been detected in practice, for the purposes of avoiding liability and increasing illicit traffic; therefore, the issue of introducing the term of analogy and its interpretation into the Law has been raised. It should be further noted that while interpreting the term of analogy the experience of special notices received under the international initiative of INCB has been taken into consideration.

2. The package of legislative amendments includes a draft of amending Article 221 of the Tax Code of Georgia. More precisely, in case of detecting the substance under special control, therapeutic agent equated to pharmaceutical product under special control and/or new psychoactive substance, the Ministry of Internal Affairs of Georgia conducts further response. In case of substances which do not fall under the framework of the above-mentioned substances, a measure of special preventive suspension has been determined in order for such substances not to fall in traffic and not to endanger the life and health of the population, before the state puts these substances under the framework of illicit traffic.

3. The package of legislative amendments also includes a draft of the Ordinance of the Government of Georgia “On Approving the Instruction “On Further Response in Case of Suspension of Goods or Probable Detection of the Substance under Special Control, Therapeutic Agent Equated to Pharmaceutical Product under Special Control and/or New Psychoactive Substance””. In such cases the competences of the Ministry of Internal Affairs of Georgia, Ministry of Finance of Georgia, Ministry of Labour, Health and Social Affairs of Georgia and relevant procedural issues are stipulated in the draft, and also the draft clarifies the amendments to be made into Article 221 of the Tax Code of Georgia.

4. Furthermore, the package of amendments envisages changes and modifications to be made into the Order №295 of 6 March 2006 of Minister of Internal Affairs of Georgia “On Approving the Instruction “On the Rules of Storage and Destruction of Narcotic Drugs and Psychotropic Substances Seized from Illicit Traffic””. More precisely, a draft of amending Article 9 regulates the cases when, besides the court order, the prosecutor’s ruling on terminating investigation and/or criminal prosecution due to expiration of statutory limits when there is no defendant in the case - amounts to the ground for destruction of narcotic drugs, psychotropic substances, their analogy and precursor. In case when there is no defendant and based on the legislation in force, the Ministry of Internal Affairs does not have legislative grounds for destroying these substances. And the above-mentioned draft of amendments fills this gap.

➤ **Issue of Identification of New Psychoactive Substances**

It is difficult to identify new psychoactive substances, especially considering that their titles on packaging often change. On this background, it is especially important for the agencies involved in detection of “Bio Drugs” to have information on the titles of new psychoactive substances and to share this information among each other. Hence, a database on new psychoactive substances was created and respective agencies (authorized representatives from the Ministry of Internal Affairs and Ministry of Finance of Georgia) have access thereto.

➤ **Issue of Drug Destruction**

Concerning the issue of drug destruction, extracting so-called burned toxic remains (known as “ground”) by drug users from the ground, what had been reported in mass media, was discussed at the State Commission. It was clearly stated at the State Commission meetings that a special building, where drug destruction is conducted and which is properly equipped in line with modern standards, is already operational. From now on destruction process shall leave no toxic remains. It is especially noteworthy that the building is equipped with proper filters and therefore, is safe for the environment. Hence, similar problems shall no longer occur in the future.

➤ **Involvement of Non-Governmental Sector**

In accordance with the Joint Order “On Establishing State Commission Supporting Suppression of Distributing New Psychoactive Substances and Approving its Regulation”, respective specialists may participate in the State Commission meetings, in case of necessity and upon invitation of the State Commission Chairman. In this regard, involvement of non-governmental sector in the activities of the State Commission is worth mentioning. More precisely, Zurab Sikharulidze, Head of “Uranti”, narcologist, doctor of medical science - attended meetings of the State Commission several times.

Zurab Sikharulidze presented the information he had on the consumption of new psychoactive substances in Georgia, to the Commission members. Based on this information, referral to clinics concerning “Bio Drugs” has practically decreased. Massive consumption of “Bios” and “Spices” is no longer identified and furthermore, no new substances have been detected. On this background, along with the measures of control and suppression, Zurab Sikharulidze especially highlighted correctly planned and executed information campaign which has resulted in positive outcome. People have received correct information concerning new psychoactive substances, what has decreased the number of consumers of these substances.

According to Zurab Sikharulidze's assessment, the policy currently being conducted by the State has turned out to be the right one. (Statements by Zurab Sikharulidze are available at the drug policy web page, under the section of State Commission Meetings²).

➤ **New Web Page of Drug Policy**

Presentation of a new web page of drug policy on the official site of the Ministry of Internal Affairs (police.ge) was conducted within the framework of the activities of the State Commission. The web page shares the information on balanced drug policy, indicating main challenges facing the country and effective measures responding thereto, which have been successfully implemented and translated into respective statistical data, including: 99% decrease in revealing "Krokodil" consumption; 90% decrease in revealing NPS consumption; in terms of activating the fight against illicit traffic in classical drugs, 2.8 tons of liquid heroin was seized by MIA in July 2014. Moreover, the 2014 Report on Drug Situation in Georgia is available on the site; the Report covers the activities conducted within the MIA competence in 2014 (together with respective statistical data), including the activities in the NPS field.

Furthermore, anti-drug campaign, which was launched by MIA on 24 March 2014, is respectively covered on a new web page of drug policy, sharing links to the activities conducted by the Ministry within the campaign, including Facebook page: "No to Bio Drugs – Let's Change the Attitude Together"; audio-video materials of the activities concerning this topic, respective TV and radio reports and programmes are available at the Facebook page. Moreover, a separate section of the drug policy site addresses the legal regulatory framework, covering national laws and bylaws as well as international agreements (and their authoritative commentaries) to which Georgia is a party.

Drug policy site devotes special attention to the activities of the State Commission Supporting Suppression of Distributing New Psychoactive Substances. More precisely, the site shares the information on the structure, functions and rules of procedure of the State Commission, as well as on the Commission meetings having been conducted systematically, every month since June 2014. Moreover, reports on existing situation relating to new psychoactive substances are quarterly and annually published under the State Commission section of the site, thus further ensuring transparency and publicity of the State Commission activities and positively highlighting accountability of the Commission before the society. Also, functioning of online access system to the database on new psychoactive substances, under the State Commission section is worth mentioning; this will facilitate effectiveness of the fight against illicit traffic

² Available at: <http://police.ge/ge/shss-shi-gaimarta-akhali-fsiqoaqtiuri-nivtierebebis-gavrtselebis-aghkvetis-khelshetskobis-sakhelmtsifo-komisiis-mekhute-shekhvedra/7233>; <http://police.ge/ge/shss-shi-/8082>.

in “Bio Drugs” and coordination of the relevant agencies – MIA and Ministry of Finance of Georgia, in the fight.

Furthermore, a new web page of drug policy shares the information on the law enforcement activities conducted by the MIA; more precisely, the links to drug seizures, destruction and other relevant activities conducted by MIA representatives in terms of fight against drug-related crime are available on the page. The starting point is 1 May 2014, however it should be noted that the mentioned activities refer to new psychoactive substances as well as to other drugs. Also, the web page shares the information on involvement of MIA representatives in trainings, international meetings, programmes and other respective activities related to drugs. In this case as well, the starting point is 1 May 2014, however the mentioned activities refer to NPS as well as to other drugs. And finally, links sector of the web page includes links to relevant national (e.g. Ministry of Justice of Georgia) as well as to international (e.g. European Monitoring Center for Drugs and Drug Addiction) organizations and agencies whose activities directly or indirectly cover drug thematic, including law enforcement field (e.g. INTERPOL).

It should be highlighted that a new web page of drug policy is available in the English language as well, thus further guaranteeing transparency of the State activities and accessibility of information in regard to drug policy in the country.

➤ **New Information Campaign on Negative Effects of Drugs**

A new graph - Information on Drugs - has been added to the drug policy web page. Representatives of the non-governmental sector (Uranti, Bemoni) were included in the information processing process. This initiative aims to provide the society with the information on negative effects of drug consumption, in an easily understandable form; to present relevant definitions, considering the specifics of the terminology of this field; to inform the society on the role of parents, school and other social factors as well as on treatment; also, to raise awareness of the society concerning the ill-consumption of certain substances available in Georgia.

➤ **International Cooperation**

On 16-17 April 2015 a regional event on Monitoring and Control of New Psychoactive Substances, organized by European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), was held in Tbilisi. Eight representatives of the MIA from respective divisions of Central Criminal Police, Forensic-Criminalistic Main Division, Reforms and Development Agency and Academy of the Ministry of Internal Affairs of Georgia attended the event. The

objective of the event was experience and best practice sharing in terms of NPS regulation. In this regard, within the framework of the event, Sopio Kiladze – Secretary of the State Commission Supporting Suppression of Distributing New Psychoactive Substances presented the activities of the State Commission and the state policy on controlling NPS situation in Georgia, *inter alia*, highlighting more than 90% decrease in NPS consumption. On the second day of the event, participants (experts and specialists from ENCDDA, Europol, ENP countries of Azerbaijan, Belarus, Israel, Moldova, Ukraine, Croatia, Hungary, Poland and Georgia) visited MIA Forensic-Criminalistic Main Division and observed the working process of forensic chemistry laboratory, where expertize of drugs, including NPS is conducted. EMCDDA representatives and experts assessed the forensic chemistry laboratory as one of the best among European countries. (These statements are available at drug policy web page, under the news graph³).

On 29 April 2015 EU-Eastern Partnership countries dialogue on drugs was held at Brussels, Belgium. The dialogue was attended by the Secretary of State Commission Supporting Suppression of Distributing New Psychoactive Substances. Positive results in terms of conducting balanced drug policy in Georgia was highlighted within the framework of the dialogue. Moreover, countries participating in the dialogue expressed readiness to share Georgian experience and further cooperate with Georgia in this regard.

On 27-28 May 2015 the United Nations Office on Drugs and Crime (UNODC) organized a Regional Dialogue on drug policies and their impact on HIV in Kiev, Ukraine. The dialogue aimed at supporting the discussions in preparation of the UN General Assembly Special Session on Drugs (UNGASS). The dialogue was attended by Secretary of State Commission Supporting Suppression of Distributing New Psychoactive Substances.

³ Available at: <http://police.ge/ge/shss-s-saeqsperto-kriminalistikur-mtavarsammartvelos-evropis-monitoringis-tsentrisevropolis-evrokavshiris-daevropis-samezoblo-politikis-tsevri-qveknebis-tsarmomadgenlebi-etsvivnen/8013#!prettyPhoto>.