

## ADDRESSING NEW PSYCHOACTIVE SUBSTANCES: A GLOBAL CHALLENGE WITH DIVERSE LEGAL SOLUTIONS



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Submission date: 04/10/2025    Acceptance date: 08/03/2026    Publication date: 30/06/2026



### **Abstract:**

The emergence of new psychoactive substances (NPS) poses a global challenge. The ratification of three international drug conventions by nearly all countries has led criminal organisations to circumvent these conventions by designing substances that mimic the effects of controlled drugs while remaining outside existing international legal frameworks, these substances are referred to as NPS. However, only 65 countries have implemented a structured legal response to address NPS, and the lack of a unified legal approach threatens international efforts to control narcotics and exposes the global population to health risks. This article provides a theoretical examination by shedding light on several concepts, including the definition, classification, and identification of NPS. Additionally, this study examines the range of legal responses worldwide and explores how to combine them to enhance legal coherence and public health protection, drawing inspiration from the success of leading countries such as France and the United Kingdom in mitigating associated risks.

**Keywords:** New psychoactive substances; Synthetic cathinones; Synthetic cannabinoid; Analogue control; NPS; early warning systems.

التصدي للمؤثرات النفسانية الجديدة: تحدٍ عالمي و مقاربات قانونية متعددة

ملخص:

يعتبر ظهور المؤثرات النفسانية الجديدة تحديا عالميا، أدى مصادقة غالبية دول العالم على الاتفاقيات الدولية الثلاث الخاصة بالمخدرات و المؤثرات العقلية إلى قيام المنظمات الاجرامية بالإلتفاف على هذه

الاتفاقيات و ذلك بمحاولة تصميم مواد كيميائية تمتلك نفس تأثيرات المخدرات الكلاسيكية المجدولة مع بقائها خارج التصنيف المنبثق من الاتفاقيات الدولية الثلاث، هذه المواد سميت بالمؤثرات النفسانية الجديدة، رغم كل الجهود المبذولة، اعتمدت 65 دولة فقط عبر العالم إطارا قانونيا لمجابهة هذه المعضلة، يضاف إلى ذلك يؤدي عدم وجود إطار قانوني موحد إلى تقويض الجهود الدولية المتخذة لمكافحة المخدرات و يؤدي الى تعريض الأفراد لأخطار صحية. هذا المقال يقدم تحليلا نظريا عبر تسليط الضوء على عدة مفاهيم كالتعريف، التصنيف و كيفية الكشف عن المؤثرات النفسانية الجديدة، كما تستعرض الدراسة مجموعة من الأطر القانونية المعتمدة من قبل دول العالم و كيفية البحث عن أحسن توليفة لضمان أكبر قدر من الفاعلية، مستلهمين تجارب الدول الرائدة في ميدان مكافحة لتخفيف التأثير الصحي للمعضلة .

**الكلمات المفتاحية:** المؤثرات النفسانية الجديدة؛ القنبينات الاصطناعية؛ أنظمة الإنذار المبكر؛ مراقبة نظائر المخدرات؛ الكاثيونات الاصطناعية.

## **La lutte contre les nouvelles substances psychoactives : un défi mondial aux solutions juridiques diversifiées**

### **Résumé:**

L'émergence des nouveaux produits de synthèse (NPS) représente un défi majeur.

La ratification quasi universelle des trois conventions internationales pour la lutte contre les stupéfiants a contraint les réseaux criminels organisés à contourner les dispositifs de contrôle, pour ce faire ils ont développé des nouvelles substances qui reproduisent les mêmes effets que ceux des drogues classiques tout en échappant au contrôle international, ces substances sont connues sous le nom " les nouvelles substances psychoactives". Malgré tous les efforts déployés, seuls 65 pays ont adopté une législation pour lutter contre ce fléau, l'absence d'une approche légale unifiée fragilise l'ensemble des efforts pour la lutte contre les stupéfiants exposant la population mondiale à des risques accrus. Cet article propose une analyse théorique qui met en lumière plusieurs concepts tels que la définition, la classification et les méthodes d'identification des NPS- tout en examinant les différentes approches légales adoptées par plusieurs pays, l'objectif principal est chercher comment combiner les approches pour concevoir le cadre réglementaire optimale qui nous procure le maximum d'efficacité tout en s'inspirant des retours issus des expériences des pays leaders.

**Mots Clés:** nouveaux produits de synthèse; NPS; Cannabinoïdes de synthèse; Cathinones de synthèse; contrôle des analogues; Systèmes d'alerte précoce.

## Introduction:

The illicit drug trade poses a global problem; therefore, extensive international cooperation is needed to fight it. As a consequence of these efforts, 186 countries have ratified the Single Convention on Narcotic Drugs of 1961, as amended in 1972. In addition, 184 countries have ratified the Convention on Psychotropic Substances of 1971 and 196 countries have ratified the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988.

The ratification of these three international conventions commits these countries to accept the rules and legal constraints contained in the clauses, which aim at criminalisation of illicit trafficking of controlled narcotics.

All countries, especially those most affected by narcotics problems, commonly referred to as consuming countries, take actions to restrain the access to these substances by requiring records for acquisition and usage of narcotics in pharmacies, medical clinics, and research centers. Moreover, licenses and estimation programs are imposed to organise the import and export of drugs and medicines.

As a result of these stringent measures, the quantity of drugs that escape regulatory control has become minimal. However, to counteract these restrictions, criminals have turned to a parallel industry that challenges the control system established by the three international conventions. They achieve this by creating and designing non-controlled drugs that mimic the psychoactive effects of traditional narcotics. These substances are known as New Psychoactive Substances (NPS).

The lack of a unified legal approach to address the NPS problem exacerbates the situation and poses a real threat to public health. Legal frameworks for NPS control vary from one region to another or from country to country in the same region, depending on historical context and the existence of a domestic chemical or pharmaceutical industry.

At present, 65 countries have a structured legal response to control NPS, meaning that two-thirds of the world still lack a structured response to reduce the harm caused by their proliferation. To tackle this issue, acknowledging both the existence and persisting of the problem is fundamental, then relying on what seems to be the ideal strategy based on existing national regulations and the experiences of leading countries.

This leads us to ask: what are the best approaches used worldwide to attenuate the risks associated with new psychoactive substances?

To achieve our goals, a descriptive-analytical approach is very appropriate. Additionally, a comparative approach is necessary when reviewing the experiences of leading countries.

This paper is organised into two topics: the first clarifies the concept of NPS, including its classification and identification, while the second topic examines a

multitude of legal approaches worldwide and how they can be integrated to address more effectively the challenges caused by the emergence of NPS.

## THE FIRST TOPIC:

### The concept of New Psychoactive Substances NPS

New Psychoactive Substances (NPS) is not a well-known concept; therefore, to clarify it, there is a need to define it. Additionally, this term encompasses a wide range of molecules that are structurally and functionally different. This diversity requires a classification system and identification methods to detect emerging substances and improve the methods used to identify pre-existing ones.

#### First requirement: Definition

New Psychoactive Substances (NPS) encompass a heterogeneous group of chemical compounds that mimic the psychoactive effects of classical narcotics but are not yet scheduled under the international drug control system.

These substances are known by various names, such as "designer drugs", "spices", "legal highs", or "bath salts." However, the United Nations Office on Drugs and Crime (UNODC) officially uses the term "New Psychoactive Substances" (NPS) and defines them as “substances of abuse, either in a pure form or a preparation, that are not controlled by the 1961 Single Convention on Narcotic Drugs or the 1971 Convention on Psychotropic Substances, but which may pose a public health threat”.

The term “new” does not necessarily refer to newly invented substances—many NPS were first synthesized decades ago—but rather to substances that have only recently become available on the market<sup>1</sup>.

#### Second requirement: Classification of NPS

When it comes to narcotics, there are many classifications, and the most important one is the classification introduced by three international conventions. The criteria for scheduling a substance have been carefully chosen based on therapeutic value, risk of abuse, and health dangers.

The classification based on pharmacological effects seems to be widely accepted by the scientific community. Narcotic drugs are classified as stimulants, depressants, narcotic analgesics, or hallucinogens.

The lack of a unified legal approach regarding NPS favors the use of their definition, as NPS are known for their ability to mimic the psychoactive effects of

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<sup>1</sup> United Nations Office on Drugs and Crime, "The challenge of New Psychoactive Substances A technical update", Vienna, 2024, p8. Consulted on (02/01/2025 at 13:07) link: [https://www.unodc.org/documents/scientific/The\\_Challenge\\_of\\_NPS\\_A\\_technical\\_update\\_2024.pdf](https://www.unodc.org/documents/scientific/The_Challenge_of_NPS_A_technical_update_2024.pdf).

classical controlled drugs, for which classification is based on pharmacological effects<sup>1</sup>.

The UNODC, using a purely scientific approach in collaboration with the U.S. Drug Enforcement Administration (DEA), assigns NPS into six groups based on their major effects. However, some substances may have additional effects that are classified under other groups.

The six groups are:

### **First section: Stimulants**

NPS stimulants are the largest and most studied group. They represent a heterogeneous category composed of cathinones, phenethylamines, piperazines, aminoindanes, and tryptamines. NPS stimulants mimic the effects of controlled drugs such as amphetamine, cocaine, ecstasy (MDMA), and methamphetamine.

NPS stimulants act on the central nervous system. They modulate the levels and activity of several neurotransmitters, such as dopamine, norepinephrine, or serotonin, and induce excitatory responses.

### **Second section: Synthetic opioids**

This group consists primarily of fentanyl derivatives, which bind to specific opioid receptors in the brain, producing morphine-like effects such as euphoria, relaxation, and nausea, with respiratory depression as an undesirable effect.

In 2021, 71,074 drug overdose deaths were associated with synthetic opioids in the US. "Designer fentanyls" are widely misused and considered a cheaper substitute for heroin, prepared with basic equipment. Some of these designer substances are extremely toxic with unknown properties, which pose challenges for emergency medical services<sup>2</sup>.

### **Third section: Synthetic cannabinoid receptor agonists**

This group is numerically the largest. These substances are used as alternatives to herbal cannabis to evade detection in settings with forensic drug testing regimes, such as prisons or military environments.

Synthetic cannabinoids form a heterogeneous group and are structurally different from  $\Delta^9$ -tetrahydrocannabinol (THC). They are manufactured and transported as bulk powder, then dissolved in acetone or menthol solution upon

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<sup>1</sup> United Nations Office on Drugs and Crime, "The challenge of new psychoactive substances A Report from the Global SMART Programme", Vienna, march 2013, p1.

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[https://www.unodc.org/documents/scientific/NPS\\_Report.pdf](https://www.unodc.org/documents/scientific/NPS_Report.pdf).

<sup>2</sup> Jiri Patocka, et al, "Fentanyl and its derivatives: Pain-killers or man-killers?", Heliyon, Volume 10, Issue 8, 2024, pp1-2.

arrival at their destination. The solution is sprayed onto inert herbal material or paper to minimise the risk of detection.

The effects of these substances are similar to those of cannabis, as they act on the endocannabinoid system. Desired effects include relaxation, euphoria, and disinhibition. However, synthetic cannabinoids have been associated with cerebrocardiovascular accidents, as well as cardiovascular and respiratory complications.

#### **Fourth section: Dissociatives**

Substances in this class are hallucinogens and produce effects similar to those of phencyclidine (PCP) or ketamine. Two synthetic hallucinogenic dissociative classes exist: arylcyclohexylamines (such as PCP) and diarylethylamines. They act by modulating the N-methyl-D-aspartate (NMDA) receptor in the brain, producing a sense of detachment, dissociation from oneself and the environment, sensory and tactile distortion, and euphoria.

#### **Fifth section: Synthetic hallucinogens**

These substances mimic the effects of three classes of controlled drugs: phenethylamines, lysergamines, and tryptamines, which are represented by ecstasy (MDMA), LSD, and DMT.

Hallucinogens primarily affect serotonin receptors. Serotonin is involved in functions such as mood regulation, sexual behavior, and sensory perception, explaining the euphoria, altered time-space perception, and insight associated with these substances.

#### **Sixth section: Sedatives/Hypnotics**

Substances in this class mimic the effects of controlled drugs such as benzodiazepines (e.g., alprazolam). They activate GABA receptors in the brain, inducing depression of the central nervous system.

Data on the effects of synthetic benzodiazepines are limited, but early studies suggest they exhibit anxiolytic, anticonvulsant, and muscle-relaxant properties for medical use. However, they have also been associated with sedative-hypnotic toxidrome, confusion, and visual hallucinations.

#### **Third requirement: Identification of NPS**

The scheduling system established by the three international conventions serves as the foundation for the international control of narcotics.

The UN Economic and Social Council (ECOSOC) has acknowledged certain shortcomings in this system and emphasized the need to schedule certain substances as a clear priority.

Establishing a system to identify NPS worldwide is of high importance. Some countries, such as Argentina, have implemented national warning systems, while most opt to connect to regional or global alert systems. Two key systems include:

### **First section: EU Early Warning System on NPS**

The European Union was the first to discuss this issue and assigned the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) the task of studying and evaluating new substances.

The joint action adopted by the European Council established a three-point plan:

- First, the establishment of an early warning system.
- Secondly, the development of methods to analyze the risks of these new substances.
- Thirdly, placing these substances under European control.

The EU Early Warning System on NPS, issued by the junction, is the main tool for combating the emergence of NPS. It is operated by the EMCDDA in close cooperation with Europol and 29 national early warning systems across Europe.

The EWS was first set up in 1997 under Joint Action 97/396/JHA. It was strengthened in 2005 by Council Decision 2005/387/JHA. As of 23 November 2018, it operates under Regulation (EC) 1920/2006 (as amended by Regulation (EU) 2017/2101)<sup>1</sup>.

Thirty-one countries in Europe have implemented at least one approach, representing about half of the countries worldwide that have a legal response to NPS issues. This reflects the harm caused within Europe.

The strategy of the EU EWS is based on strengthening cooperation among all actors, including international and national agencies.

The National Early Warning System (NEWS) collects information from toxicology laboratories analyzing substances seized by law enforcement agencies, reports from emergency and forensic medical services, samples collected from drug users, and test purchases of NPS directly from the market. The combination of all these efforts makes data collection more efficient and faster.

The analysis of information provided by national EWS systems facilitates the classification of any substance as an NPS. If the criteria are met, the substance will be placed under control, and all relevant information will be communicated to the countries participating in the EU EWS.

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<sup>1</sup> J Neicun, et al. "Mapping novel psychoactive substances policy in the EU: The case of Portugal, the Netherlands, Czech Republic, Poland, the United Kingdom and Sweden". PLOS ONE, June 26, 2019, p2.

## **Second section: UNODC Early Warning Advisory on New Psychoactive Substances**

A global early warning system has been designed to address the risks associated with the emergence of new psychoactive substances. It is aimed at decision-makers, law enforcement agencies, and reference laboratories, enabling the exchange of information with access restricted to officials<sup>1</sup>.

This system aims to:

- Define strategies to analyze market trends.
- Exchange information on chemical structures, identification methods, and collaboration with toxicology laboratories, particularly regarding post-mortem cases and other reported poisoning incidents.
- Share the experiences of leading countries at the local level.
- Support local authorities by creating a portal that provides technical assistance, including data on NPS and their detection.

### **THE SECOND TOPIC:**

#### **The organization of the legal responses to the NPS throughout the world**

Identifying an NPS is a very important step, but it is not an objective in itself. Hence, to address the problem effectively, it is essential to organize a legal response that integrates an alert system with a legal approach to ensure the best treatment of the problem.

##### **First requirement: Alternative approaches**

Alternative approaches are used to block potential NPS. These responses are not entirely effective, but they can be combined with other approaches to cover the loopholes observed in practice. We cite:

##### **First section: Rapid procedure**

It is common for governments to have tools at their disposal to protect public health, using what is known as a rapid procedure.

In Germany, the Federal Minister of Health can place a substance under control on Schedule 1 or 3 to prevent harm. To apply this legal procedure, the substance must not be considered a medicine, and the ban lasts for one year. If it is not scheduled through regular methods, the substance will be removed from the list.

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<sup>1</sup> United Nations Office on Drugs and Crime, "The Role of Drug Analysis Laboratories in Early Warning Systems", Vienna, 2020, pp.4-7.

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In Sweden, there are two procedures: one is regular, and the other is rapid. The placement under control can be guaranteed by the Narcotic Drugs Act or by a regulation banning goods that pose a risk to public health. The time required in the second case is shorter. In extreme cases, the government can reduce the time to just a few days.

### **Second section: The insertion of NPS definition in narcotic regulation**

Most countries classify narcotics in schedules derived from three international conventions. In some countries, such as Jordan, in addition to the scheduling system, the Jordanian legislator introduced an article making it an offense to administer any non-controlled substance capable of producing the same psychoactive effects as a narcotic. In this case, the trafficking of NPS is prohibited, but the punishment is less severe than that for narcotics.

### **Third section: The use of pre-existing regulations**

In this case, governments use pre-existing regulations to prohibit the trafficking of NPS because they pose a threat to consumers and to public health.

In the Netherlands, some substances used as NPS are prohibited under pharmaceutical law, and any substance intended for human consumption without proper authorization is considered illegal. This is why mephedrone was deemed illegal before it was officially controlled under the Opium Act in 2012<sup>1</sup>.

In Italy, several cases of poisoning from synthetic cannabinoids were reported in 2010. The Italian government used the regulation of the Consumption Code to seize substances sold under the name "Spice." The justification for the seizure was the requirement for clear and accurate labeling of food and goods on sale. In this case, the Italian language was not used on the labels. The substances concerned, JWH-018 and JWH-073, were later added to Table I of the list of controlled substances in Italy.

### **Second requirement: Radical approaches to dealing with the emerging NPS**

A radical approach is considered a final solution to the problem, balancing the fair guarantee of the suspect's rights with society's right to enforce punishment. A radical approach can be as severe as the regulation applied to narcotics, and we cite:

#### **First section: Specific NPS Legislation**

Drafting specific legislation to address the problems of new psychoactive substances appears to be a very effective solution.

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<sup>1</sup> European Monitoring Centre for Drugs and Drug Addiction, "Risk assessment report of a new psychoactive substance: 4-methylmethcathinone (mephedrone)", Lisbon, 2010, p12,

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[https://www.drugsandalcohol.ie/13862/1/Risk\\_Assessment\\_Report\\_on\\_mephedrone.pdf](https://www.drugsandalcohol.ie/13862/1/Risk_Assessment_Report_on_mephedrone.pdf).

In the UK, the Psychoactive Substances Act 2016 (PSA) came into force on 20/05/2016. The Act creates a blanket ban on the production, distribution, sale, and supply of psychoactive substances for human consumption in the United Kingdom.

The 2016 Act does not replace the Misuse of Drugs Act (MDA) 1971 but was introduced to close the loopholes created by the emergence of NPS.

The term NPS excludes controlled drugs, medicines, alcohol, nicotine, tobacco products, caffeine, and food.

A key advantage of this legal response is the reduced reaction time since there is no need to evaluate the risks beforehand. Law enforcement authorities can operate within this legal framework to seize substances and prosecute those involved in production and supply.

Statistics published by the UK Home Office Report (HOR) indicate that the Psychoactive Substances Act achieved its goals: ending NPS sales in shops and on clear-net websites, reducing NPS-related harms in England and Wales, and decreasing usage in the general adult population<sup>1</sup>. However, the Act led to increased use among certain vulnerable groups in the UK, such as the homeless and prisoners. When an NPS is banned, it tends to be purchased through the same channels as traditional drugs<sup>2</sup>. This highlights the need for demand reduction policies alongside supply reduction efforts.

### **Second section: Placement of NPS in the national list of narcotics**

The inclusion of NPS in the national list of narcotics under existing drug laws is a radical approach that ensures a fair trial and guarantees the suspect's right to be informed about the illegal nature of a substance before facing charges.

In France, narcotics are classified into four groups: three groups are based on the international conventions, while the fourth is a national classification<sup>3</sup>. Khat was the first substance classified under this system, followed by various others, including plants like *Mimosa hostilis* and synthetic substances such as benzodiazepines.

In Egypt, a decision by the Minister of Health added five substances, along with their esters, ethers, salts, and preparations, to Section II of the First Schedule of the Narcotics Law 182.

<sup>1</sup>Home Office, "Review of the psychoactive substances act 2016 ", UK, 2018,Consulted on (22/01/2025 at 13:27) link: [https://assets.publishing.service.gov.uk/media/5beec777e5274a2b0fd695db/Review\\_of\\_the\\_Psychoactive\\_Substances\\_Act\\_2016\\_\\_web\\_.pdf](https://assets.publishing.service.gov.uk/media/5beec777e5274a2b0fd695db/Review_of_the_Psychoactive_Substances_Act_2016__web_.pdf).

<sup>2</sup>J van Amsterdam, Burgess N, van den Brink W, "Legal approaches to new psychoactive substances: first empirical findings", European addiction research, v.29, N 05,2023, p368.

<sup>3</sup>Florine Marie Lucie Anne Ziegler, "Psychotropes et stupéfiants : de l'importation de la substance active à l'exportation de la spécialité pharmaceutique. Cas d'un comprimé pelliculé", université de Bordeaux u.f.r. des sciences pharmaceutiques, thèse de doctorat, France, 2023, p49.

In Algeria, Law No. 04-18 on narcotics and psychotropic substances, as amended and supplemented by Law No. 23-05, introduced a national list containing substances not controlled by the three international conventions but considered addictive or a public threat, despite having valuable medical indications. This includes pregabalin for neuropathic pain, tramadol for severe pain, and trihexyphenidyl for Parkinson's disease. These medicines are not yet globally recognised as NPS.

The framework established in Algeria by Executive Decree 24-112 facilitates the classification of substances and medicines not under international control onto a national list<sup>1</sup>. The classification task is assigned to a national commission administered by Minister in charge of pharmaceutical production.

The National Commission for Substances and Medicines with Psychoactive Effects has the authority to place any NPS on the national list if necessary, making this a highly effective solution for counteracting the future emergence of NPS in Algeria.

### **Third section: Analogue control**

This approach is based on defining NPS by recognising that all controlled drugs have esters, ethers, salts, and isomers, some of which may have the same psychoactive effect as the controlled drug. Thus, analogue control compares a suspected substance to an already controlled drug.

The Controlled Substances Analogue Enforcement Act was ratified by the US Congress in response to the rise of legal highs.

Two criteria are used:

- The principle of structural analogy.
- The psychoactive effect must be similar to or more potent than the original controlled drug.

Courts in the USA require the presence of both criteria for a substance to be classified as an NPS, as chemical similarity alone does not automatically indicate the same effects.

Scientists argue that this law severely hampers the development of new medicines and limits scientific progress.

The law has also been criticized for violating the constitutional right of suspects to be aware that a substance is prohibited before being charged, as required by the American Convention on Human Rights (ACHR)<sup>2</sup>. Courts in the US must determine whether a substance is an NPS as a matter of law, not fact.

<sup>1</sup>Executive Decree 24-112, 13 March 2024, defining the conditions and procedures for the classification of narcotic drugs, psychotropic substances and precursors and their updating. JO N° 19,18 March 2024, P 7.

<sup>2</sup> Abdellatif Dahia, "The General Principles Guarantees to Achieve a Fair International Trial", Journal of Legal Studies and Researches, Volume 3, Numéro 3, September 2018, p76.

#### **Fourth section: Generic legislation**

Some substances have psychoactive effects similar to narcotics but lack a structurally similar chemical composition. This fundamental difference distinguishes generic legislation from analogue control.

In France, the decree of 27 July 2012 classifies cathinone as an analogue of amphetamine, which is a controlled drug. The decree specifies that all substituents of the basic cathinone structure must be included in the list of narcotics<sup>1</sup>.

#### **Third requirement: The perfect combination to combat the rise of NPS**

A continuous effort is needed to combat the NPS problem, requiring a combination of three steps:

The first is the establishment of a national early warning system. The second is necessary to counteract any failure caused by the appearance of a new psychoactive substance that has never been detected on the market before. The last approach is a radical one.

The choice of the best combination depends on the local circumstances of each country, particularly the existence of a local pharmaceutical or chemical industry and the country's role as a consumer, transit hub, or producer.

#### **First section: A national early warning system**

To operate the system, a national agency must be established. Additionally, to collect information locally using a government logistics system, it is essential to ensure adequate protection of personal data.

This information will be collected from various sources, particularly from laboratories controlled by authorities responsible for combating drugs, reports from specialized hospital services, and toxicology laboratories.

The next step is to send the information to an agency with regional or global responsibility for collecting data. The EWA on drugs seems to be the ideal choice for non-European countries, while the EU Early Warning System on NPS provides European countries with comprehensive coverage.

A notification is sent back to the relevant stakeholders, containing restricted information for official use. An NPS is described by its name, chemical structure, risks, detection methods, existence of an antidote, and any other relevant information.

These agencies must develop a strategy to analyze and describe recent market trends.

<sup>1</sup> Christophe Poire, " Les cathinones de synthèse : revue de la bibliographie, synthèses et caractérisation PK/PD de la MDPV et de la méphédronne seules ou en association", thèse de doctorat, université de Lorraine, faculté de pharmacie, France, 2019, p18.

## **Second section: Modeling rapid alternative approach to respond to unexpected risks**

If an alert system is not effective, an alternative approach is needed to address the emergence of a potentially new psychoactive substance on the market. It is necessary to establish legislation as these substances pose a threat to public health. For that reason, a temporary ban is required. The purpose of this legislation is to prohibit the import, export, supply, sale, or offering of these substances.

Some countries have attempted to use alternative solutions, such as consumer health laws or public health laws, to limit the expansion of NPS markets. These laws contain clauses for public health protection. However, the use of these laws has failed because they are easily circumvented by falsely claiming that these NPS are intended for animal use rather than human consumption.

### **Third section: Adopting a legal approach based on Community needs**

A radical approach becomes necessary when all other methods fail. As stringent as the regulations developed for narcotics, this approach can take various forms:

1. Drafting legislation specifically for NPS, in which all existing and potential future substances are banned.
2. Including NPS in the national drug schedule alongside narcotics, subjecting them to the same regulations as narcotic drugs and psychotropic substances.
3. Expanding narcotics regulations to counter the emergence of NPS by incorporating the definition of analogue control or generic legislation into the regulation.

## Conclusion:

New Psychoactive Substances (NPS) constitute a challenge for all countries due to their rapid emergence and global nature. Unlike classical narcotics, which are regulated by clauses contained in three international conventions and listed in official schedules, NPS are not formally recognized in many countries, which weaken efforts to combat them. The disparity in legal responses has led to the inundation of markets with these substances, especially in countries lacking a legal framework. Furthermore, NPS are increasingly present in countries with fragile systems, and even those with adequate regulation are targeted due to high demand.

For this reason, we highly recommend:

1. The creation of a legal framework under the auspices of UNODC, which could evolve into a binding international convention.
2. The establishment of a unified legal response that includes:
  - An alert system with global jurisdiction, working in close cooperation with national and regional alert systems.
  - A regulatory mechanism that serves two key objectives:
    - To address all activities related to NPS-production, distribution, sale, supply, import, and export especially when dealing with newly emerging substances not yet listed.
    - To ensure punitive measures for officially identified NPS, equivalent to those applied to classical psychotropic drugs.
3. It is essential to update the three international conventions in light of new developments.

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