

# Csekély mennyiség és ÚPSZ

## Jogi szabályozás Magyarországon és az EU-ban

Major Magda  
Nemzeti Drog Fókuszpont  
2015. december 10.

# Tartalom

- EMCDDA interaktív online felületei
  - Az új pszichoaktív szerek szabályozásának jogi megközelítései
  - A kábítószer-bűncselekmények szankciói Európában
- Hasznos linkek
- A csekély mennyiség szabályozása Magyarországon
  - Kábítószeres
  - Új pszichoaktív anyagok
- A csekély mennyiség szabályozása Európában

# EMCDDA interaktív online felületei I.

- Legal approaches to controlling NPS  
Legal innovations across Europe

Az új pszichoaktív szerek európai  
szabályozásának jogi megközelítései  
Jogi válaszok Európa-szerte



## European Drug Report 2015

How many new drugs were detected in Europe over the last year? Is cannabis getting stronger? How many Europeans have ever used an illicit drug? What are the latest policy developments in the region?

[European Drug Report 2015](#)



2015 European Drug Report package, presenting the most recent overview of the drug situation in Europe

Just published Photos Videos

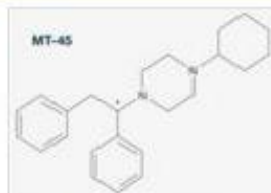
- Newsletter: Drugnet Europe 92
- Report on the risk assessment of MT-45
- Report on the risk assessment of 4,4'-DMAR
- Joint Report on α-PVP
- Prevention of addictive behaviours
- Drug law penalties in Europe at a glance
- Drug-related infectious diseases in Europe
- The ESPAD validity study
- Alternatives to punishment
- EMCDDA–Europol 2014 Implementation Report
- New psychoactive substances in Europe: Innovative legal responses
- See 'Publications' for more »

### Latest news



#### Memorandum of Understanding with Georgia

(04.11.2015) EMCDDA Director Wolfgang Götz and the Georgian Minister of Justice Tea Tsuladze met in Tbilisi to



#### 4,4'-DMAR and MT-45 to be placed under control across the EU

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### Noticeboard

Women and drugs: EMCDDA extended Reitox network meeting (24.11.2015)

Terrorist attacks in Paris - Joint statement of the Heads of State or Government and leaders of the European Union and its institutions (16.11.2015)

"Health responses to New psychoactive substances"

- drug-related infectious diseases key indicator (under 'Our activities' ~>)
- hepatitis thematic page
- hepatitis C treatment for injecting drug users

## J K L

- **key epidemiological indicators** (under 'Our activities' ~>)
  - drug-related deaths and mortality key indicator
  - drug-related infectious diseases key indicator
  - general population surveys key indicator
  - high-risk/problem drug use key indicator
  - treatment demand key indicator
- khat, drug profile
- **laws and legal aspects**
  - classification of controlled drugs
  - cannabis, personal possession
  - consumption, illegal consumption of drugs and the law
  - controlled deliveries, legal aspects
  - driving, legal approaches
  - hallucinogenic mushrooms, legal status of
  - medical purposes, supplying illicit drugs for
  - needle and syringe programmes (NSP), legal framework of
  - **new psychoactive substances, legal approaches to controlling**
  - opioid substitution treatment (OST), legal status of
  - penalties, drug law penalties at a glance
  - possession, illegal possession of drugs
  - precursor offences, penalties for
  - prison, treatment alternatives to prosecution or prison
  - threshold quantities for possession and supply offences

- synthetic drug production in Europe
- trafficking, penalties for
- **synthetic cannabinoids**
  - synthetic cannabinoids and 'Spice', drug profile
  - synthetic cannabinoids in Europe
- **synthetic cathinones**
  - synthetic cathinones, drug profile
  - injection of synthetic cathinones

## T

- **trafficking**
  - opioid trafficking routes from Asia to Europe
- **treatment**
  - Internet-based drug treatment
  - legal framework for supplying illicit drugs for therapeutic treatment
  - monitoring drug treatment (under 'Our activities' ~>)
  - opioid substitution treatment (OST), legal framework of
  - psychosocial interventions

## U V W

- volatile substances, drug profile
- **wastewater analysis**
  - activities in the area of wastewater analysis (under 'Our activities' ~>)
  - wastewater analysis and drugs — a European multi-city study
- women and gender issues

## X Y Z

# Legal approaches to controlling new psychoactive substances

Intro

1. Analysis

2. Interactive: innovations

3. Terms and definitions

4. New Zealand's approach

Find out more

## Introduction

Last update: 04.06.2015

The number and diversity of new psychoactive substances reported in Europe in recent years represents a major challenge for Europe's policymakers. This analysis looks at countries' legal responses to the new drugs phenomenon.

Part of the 'Perspectives on drugs' (PODs) series, launched alongside the annual European Drug Report, these designed-for-the-web interactive analyses aim to provide deeper insights into a selection of important issues.



Download PDF version



# Legal approaches to controlling new psychoactive substances

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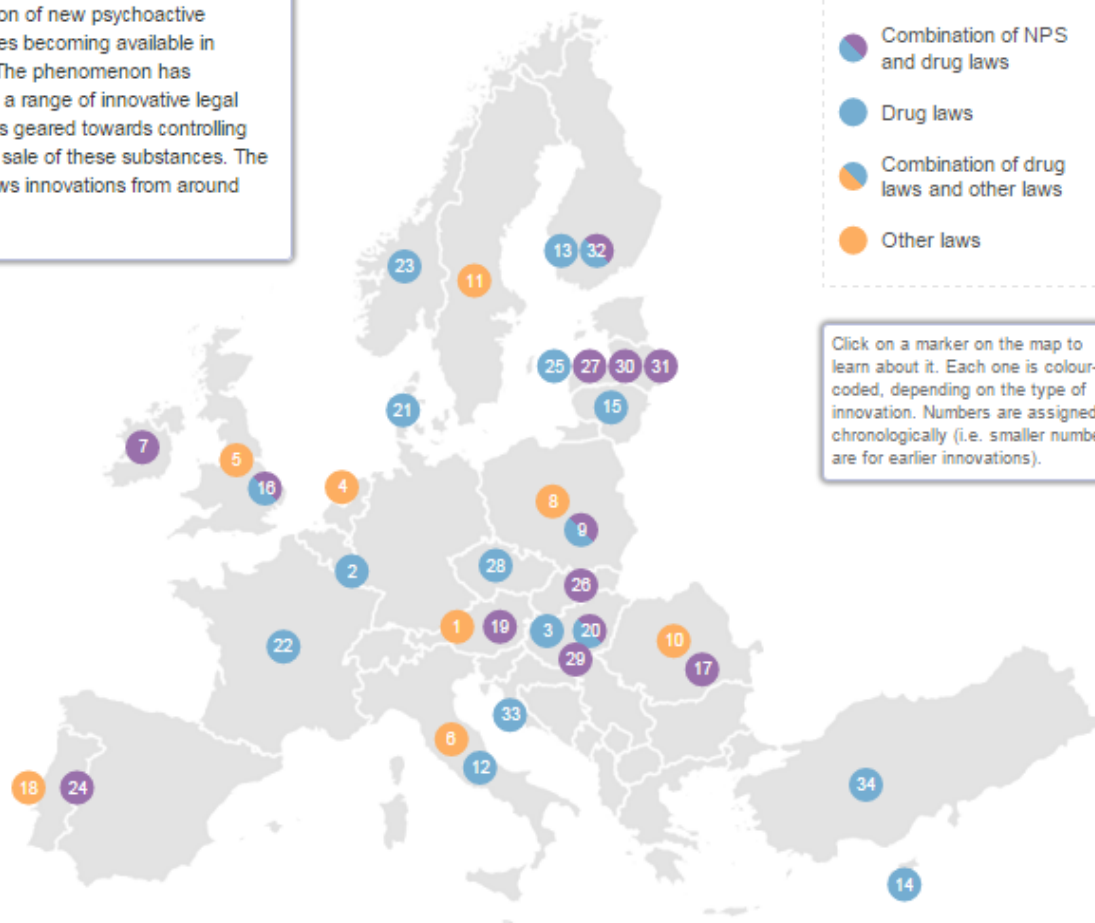
Find out more

## 2. Interactive: legal innovations across Europe

Recent years have witnessed a proliferation of new psychoactive substances becoming available in Europe. The phenomenon has provoked a range of innovative legal responses geared towards controlling the open sale of these substances. The map shows innovations from around Europe.

- NPS laws
- Combination of NPS and drug laws
- Drug laws
- Combination of drug laws and other laws
- Other laws

Click on a marker on the map to learn about it. Each one is colour-coded, depending on the type of innovation. Numbers are assigned chronologically (i.e. smaller numbers are for earlier innovations).



2009

2010

2011

2012

2013

2014

2015

All years

Use these buttons to filter by year of innovation

# EMCDDA interaktív online felületei II.

- Penalties for drug law offences in Europe  
Possession of drugs for personal use

A kábítószer-bűncselekmények szankciói  
Európában

Kábítószer-birtoklás személyes  
fogyasztás céljából



# Kábítószer-birtoklás személyes fogyasztás céljából

- Mi a büntetés az adott magatartás esetén?
- Mik a büntetés alternatívái?
- Függ a büntetési tétel a kábítószer típusától?
- Függ a büntetési tétel a mennyiségtől?
- Változik a büntetési tétel kábítószer-függőség esetén?
- Változik a büntetési tétel visszaesés esetén?



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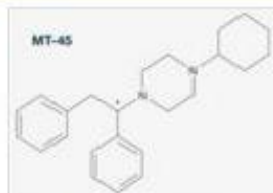
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    - prison, treatment alternatives to prosecution or prison
    - threshold quantities for possession and supply offences
    - workplace drug testing, legal status of
- LSD, drug profile

## M

- **MDMA**
  - MDMA ('ecstasy'), drug profile

developments

- new psychoactive substances, legal approaches to controlling
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## X Y Z

- **young people**
  - thematic page on young people



# Penalties for drug law offences in Europe at a glance

## Penalties at a glance

Introduction

Use

Personal possession

Supply

### Penalties at a glance [beta]

This tool lets you examine and compare the penalties or rehabilitative responses for the core offences of drug use, possession for personal use, and supply-related offences, across countries in Europe. It also allows you to see how the laws vary those penalties according to the type or quantity of the drug, and the addiction or recidivism of the offender.

Date of last update: 22 September 2015.

The data is largely based on data submitted to the EMCDDA by the [Reitox network](#) of focal points.

To compare penalties or other responses, first select a type of drug law offence.

#### Use

About half the countries in Europe specify drug use or consumption as a specific offence.

#### Possession of drugs for personal use

All countries in Europe specify possession of drugs for personal use as an offence – though it may be defined in different ways.

#### Supply

All countries in Europe have offences of production, trafficking, offering, selling, or possession with intent to distribute or supply.

#### Technical notes

Please note that this is a **beta version**. The following browsers are supported: Chrome 9 and later, Firefox 4 and later, Internet Explorer 9 and later, Safari 5 and later. Other browsers may also work but haven't been tested. Because of the quantity of data, the data is currently only available as an interactive product (i.e. you must have JavaScript enabled, which is the case by default on most browsers).



# Penalties for drug law offences in Europe at a glance

## Penalties at a glance

Introduction

Use

Personal possession

Supply

Select up to 4 countries. Select questions:

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Greece
- Finland
- France
- Germany
- Hungary

- What is the punishment for the offence?
- What are the alternatives to punishment for the offence?
- Does the penalty vary by drug?
- Does the penalty vary by quantity?
- Does the penalty vary for addiction?
- Does the penalty vary for recidivism?

### Possession of drugs for personal use

All countries in Europe specify possession of drugs for personal use as an offence – though it may be defined in different ways.

Select at least one question and one or more countries to view associated laws.

# Hasznos linkek

- EMCDDA: <http://www.emcdda.europa.eu/>
- Az új pszichoaktív szerek szabályozásának jogi megközelítései:  
<http://www.emcdda.europa.eu/topics/pods/controlling-new-psychoactive-substances>
- A kábítószer-bűncselekmények szankciói Európában:  
<http://www.emcdda.europa.eu/topics/law/penalties-at-a-glance>

# A csekély mennyiség szabályozása Magyarországon I.

## Kábítószeres (Btk. 461. §)

- (1) a) Bázis formában megadott tiszta hatóanyag-tartalom
- (1) b) Sav formában megadott tiszta hatóanyag-tartalom (GHB)
- (1) c) Tiszta és sav formában együttesen jelen lévő THC-tartalom
- (2) Növényegyedek száma (kannabisz)
- (4) a) Tiszta hatóanyag-tartalma a hozzá nem szokott fogyasztó átlagos hatásos adagjának hétszeres mértékét nem haladja meg (fel nem sorolt kábítószer esetén)

# A csekély mennyiség szabályozása Magyarországon II.

## Új pszichoaktív anyagok

- Új pszichoaktív anyaggal visszaélés (Btk. 184. §)

Elterelés nincs

Csekély mennyiség megszerzését, tartását nem rendeli büntetni, egyéb elkövetési formákat szankcionál.

DE! VÁLTOZÁS!

2015.XII.1. szabálysértési törvény (2012. évi II. tv.)  
módosítását elfogadták

Csekély mennyiségű ÚPSZ birtoklása szabálysértés lesz

- Btk. 184/D. § (2) „... az új pszichoaktív anyag csekély mennyiségű, ha a készítmény legfeljebb 10 gramm tömegű új pszichoaktív anyagot tartalmaz.”



# A csekély mennyiség szabályozása Európában

- Több európai országban a „birtoklás személyes fogyasztás céljából” szabálysértés (pénzbírság)
- Csehország: ÚPSZ-birtoklás személyes fogyasztás céljából is szabálysértés
- Tiszta hatóanyag-tartalmat kevés országban vizsgálják. Bíróságoknak nagyobb döntési jogkör a személyes használat mennyiségét tekintve.
- Gyakoribb a bruttó tömeg meghatározása vagy az értékhatár.
- Kivétel pl. Németország: törvényi kommentárban számos ÚPSZ esetén meghatározták a csekély mennyiséget.

# (Tömeg)

- Belgium: „nem problémás kannabisz-birtoklás”: 3g / 1 db nőivarú növény termesztése esetén
- Hollandia: <5g kannabisz – nem indul nyomozás, <30g – nem indul eljárás, "kemény drogok": csekély mennyiség saját fogyasztásra – 1évig terjedő szabadságvesztés/pénzbüntetés
- Málta: 3,5 g kannabisz vagy 2 g egyéb szer (függetlenül a tiszta hatóanyag-tartalomtól) – szabálysértés.

# (Adag)

- Portugália: 10 adag feletti birtoklás – büncselekmény
- Szlovákia: legfeljebb 3 adag birtoklása – 3 évig terjedő szabadságvesztés
- Szlovénia: csekély mennyiség birtoklása egyszeri személyes fogyasztás céljából – pénzbírság

# (Személyes fogyasztás)

- Ausztria: saját használat esetén nem határoz meg csekély mennyiséget
- Horvátország: mennyiségtől függetlenül saját használat esetén szabálysértés (pénzbírság)

# Köszönöm a figyelmet!

Major Magda

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