

# Experiences with the CSC in Spain



- The “Cannabis Social Club” (CSC) model emerged **25 years ago** and is being adopted all **around the world** today.
- A large-scale **socio-sanitary experiment** is underway in Spain. **No specific data.**
- **1.200 CSC** (400 in Catalonia)
- Lower levels of the public administration have been adopting **regulatory initiatives** in this area, other branches of government have been **insisting on prohibition.**
- Current process of “**society’s mexicanitization**”.

- **Possession** of drugs for **personal consumption** has never been prosecuted criminally.

- Supreme Court designated (1979) that “**shared consumption**” among drug dependent individuals is lawful.

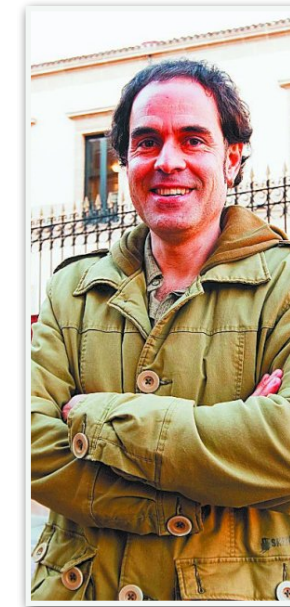
- Cannabis **considered “soft drug”** penalties from 1 to 3 years of prison.



**1994:** 200 cannabis plants, 100 members of **ARSEC**.



- Acquitted in first trial.
- Supreme Court (1997): 4 months of prison + fined €3,000 for the crime of “**negligent endangerment**”.



**1997:**  
600 cannabis plants,  
200 members.



**Dismissing** of penal proceedings and **cannabis returned** to Kalamudia

1997: Cañámo Magazine



2001: "Muñoz y Soto" Legal Report  
Andalucía government request.



1999: First Growshop in Barcelona



2001: Club de Catadors  
de Cannabis de  
Barcelona (CCCB)

2001: Catalonia's  
Parliament asks for  
medical cannabis  
program



2004: First Spannabis



**2007**

1st moden CSC  
FAC Model

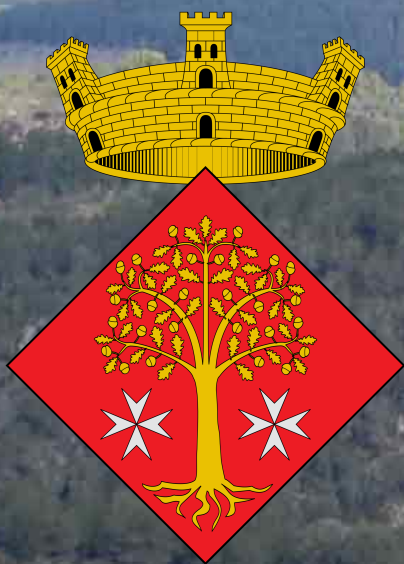
**2009**

14 CSC  
Starting of the model redefinition

**2012**

150-200 CSC  
Model Revolution  
New profiles  
(unemployment)

# RASQUERA



# End of 2012

200-250 CSC

Polarization of Models

International investment (?)

Tourism



# Spring 2014

350-400 CSC (+300 BCN)

Lobbing by Federations

“Excesses”; among CSCs and arbitrary interventions

Tensions Police Dept. and Health Dept.

“Barcelona” Brand





# “Operation Sativa” Municipality of Barcelona



- 🌿 August 2014
- 🌿 Interventions 150 CSC
- 🌿 Closing 45 CSC
- 🌿 No transparent criteria





FISCALÍA GENERAL  
DEL ESTADO

#### INSTRUCCIÓN 2/2013

##### **SOBRE ALGUNAS CUESTIONES RELATIVAS A ASOCIACIONES PROMOTORAS DEL CONSUMO DE CANNABIS**

1.- Planteamiento de la cuestión con referencia al marco normativo del derecho de asociación. 2.- Posición del Fiscal en el expediente administrativo de inscripción de asociaciones entre cuyas finalidades figure el cultivo de cannabis. 3.- El régimen de fiscalización sobre el cultivo de cannabis y la relevancia penal o administrativa de esta actividad. 4.- Los límites del derecho de asociación. Análisis de la entidad jurídico-penal de la actividad declarada en los Estatutos de las asociaciones y averiguación de la efectivamente realizada. 5.- Asociación y organización criminal. CONCLUSIONES.

##### **1.- Planteamiento de la cuestión con referencia al marco normativo del derecho de asociación.**

El derecho fundamental de asociación, reconocido en el artículo 22 de la Constitución, ha sido desarrollado por la Ley Orgánica 1/2002, de 22 de marzo, *reguladora del Derecho de Asociación* (en lo sucesivo LODA), estableciendo un régimen general de este derecho compatible con la normativa especial de las modalidades asociativas específicas con

**2013** - Attorney general issued an order to **all prosecutors' offices** with instructions on the “associations promoting cannabis consumption.”  
**Public Health + Organized Crime**

# Regulatory initiatives - Autonomous communities' level

## Navarra (2014)

**Popular legislative initiative** (5.000 signatures).

Establish **general rules** for the founding, organisation and functioning of **cannabis user clubs**.

Four months after it was passed, it was **suspended when the Constitutional Court**.

## Catalonia (2015 & 2017)

2012, **Health Department of the Catalan government** organised a process that brought together members of parliament, the cannabis federations active in Catalonia and a committee created by the Health Department itself.

Different perspectives between **Police Dept. and Health Dept.**

Approval of the **Resolution SLT/32/2015**, which defined the **public health criteria** that the cannabis associations and their social clubs must follow and the conditions for carrying out their activities in **municipalities in Catalonia (Dutch Model)**.

2017, **Popular legislative initiative** (57.000 signatures): **Law 13/2017**, on cannabis users' associations.

Both **suspended in weeks by the Constitutional Court**.

## Euskadi - Basque Country (2016)

2012, **Parliamentary committee** to analyse the regulation of the activities of CSCs.

Conclusion to the government:

- **Provide guarantees and legal security** for CSCs and based on the principles of a **harm reduction** approach and a framework that upholds the **rights and obligations** of cannabis users.
- Proposed that the future **Law on Addictions** and its implementing regulations include rules, programmes and protocols that regulate this type of association.

Approved in 2016, challenged by the Constitutional Court but **succeed in 2018. Not developed yet**.

# Regulatory initiatives - Municipal level

## Donostia - Basque Country (2014)

Regulates the CSCs' **locations and the conditions for running their activities**. It also demands that they commit to **complying with legal requirements** and collaborating with city councils on **prevention and harm reduction**. All of this is framed in a **code of good practices** and has the goal of ensuring **transparency** in the work done by CSCs. **Suspended** by the Supreme Court in **2019**.

## Barcelona (2016) + 43 municipalities - Catalonia (2014 - 2019)

Criteria related to **urban planning, safety, hygiene, smoke removal** and other issues. They have helped **create a more peaceful environment both for CSC members and the residents of the neighborhoods** in which they are located. Some have been **well-received by the pro-cannabis movement**, such as the ones adopted in Barcelona, whereas **others serve as mere instruments of prohibitionism**.

Barcelona's one created a **collateral effect**, suddenly only with money you can open a CSC.

Inspections & control by **urban planning and environment technicians**. Not police.

This year (2021) the **Supreme Court has suspended Barcelona bylaw**.

SOCIEDAD Sentencia del Alto Tribunal

## Golpe del Tribunal Supremo a las asociaciones pro cannabis

□ Condena a los responsable de un club en Vizcaya por delito contra la salud pública



## EL SUPREMO CONDENA A PRISIÓN A LOS RESPONSABLES DE UN CLUB DE CANNABIS POR DELITO CONTRA LA SALUD PÚBLICA

01/12/2015 - [www.teinteresa.es](http://www.teinteresa.es), MADRID



DESPUÉS DE QUE LA FISCALÍA DECIDIERA AUMENTAR LAS PENAS SOLICITADAS

## Nueva sentencia del Supremo contra los clubes de cannabis

El Tribunal Supremo ha condenado a cuatro miembros del club de de consumidores de cannabis Pannagh a penas que van de los seis meses al año y ocho meses de cárcel.

Ter García 30/12/15 · 12:43 |



# Current process of “**society’s mexicanization**” aka “**Europe’s greenhouse**”

(we missed the train)

Statement by the police: “**Weed-related crimes are the first security problem**”

**Local crime + International mafias** \* (Chinese, Italian, German, French, Serbian, Albanian, Croatian, Swedish, Moroccan ...) export weed throughout **Europe**.

\* “**Marijuana Brokers**”: They come from abroad, connect with growers (lots of supply), buy and sell abroad. After a while, they start cultivating themselves.

Spain = 1 gr. = **6 Euros**,  
EU average = **18 Euros**,  
Germany = **30 Euros**,  
Iceland = **+30 Euros**.

## WHY?

- 1997-2007, **Real estate boom**. Crisis and emergence of the “okupation” phenomenon. Cultivators and mafias occupy **empty spaces + sabotage water and light**.
- **Historical hashish routes**, going up from Morocco to France. Spain was a country of pas. Once seen that cultivating was a business, it grown very fast, as there was **already the logistics of transport and sales abroad**.
- Previous **cannabis culture** and **wasting opportunity to regulate CSC + international “call effect”**.
- **Laws**: seeds, right to self-cultivation (gray area), penalties of 1 to 3 years.

# Current process of “**society’s mexicanitization**” aka “**Europe’s greenhouse**”

(we missed the train!!)

Current situation... **CATALONIA ONLY** (7.5 million ppl.)

- Mafias have so many resources that they **stop okupations in order to reduce risks** (neighbors, police, etc.).
- “**Narco-economy**”: real estate agencies, electricians, van & transport rentals, gardeners ... they become dependent on the mafias, they *leave the system*.
- **Violence**: last years from **3 to 5 deaths each year** linked to theft at the crops.
- The **arms market** has skyrocketed. Before only the local mafia had them (robbers).
- “**Narco-assaults**” in 2021: **102 violent incidents** related to crops (**reported to the police**), in **70% there was use of weapons**.
- Currently **50% of criminal groups** that dismantle the Mossos (Catalan police) **have weapons**.
- **30 operations in 2016**; 518 in 2019; **400 October 2021**.
- Permanent settlement of a **multitude of criminal groups**.
- **Police corruption on the rise**.
- We have gone from a country of **transit to a country of production**.

Seized **cannabis plants** (Mossos only):

**125.251 (2016)**

170.459 (2017)

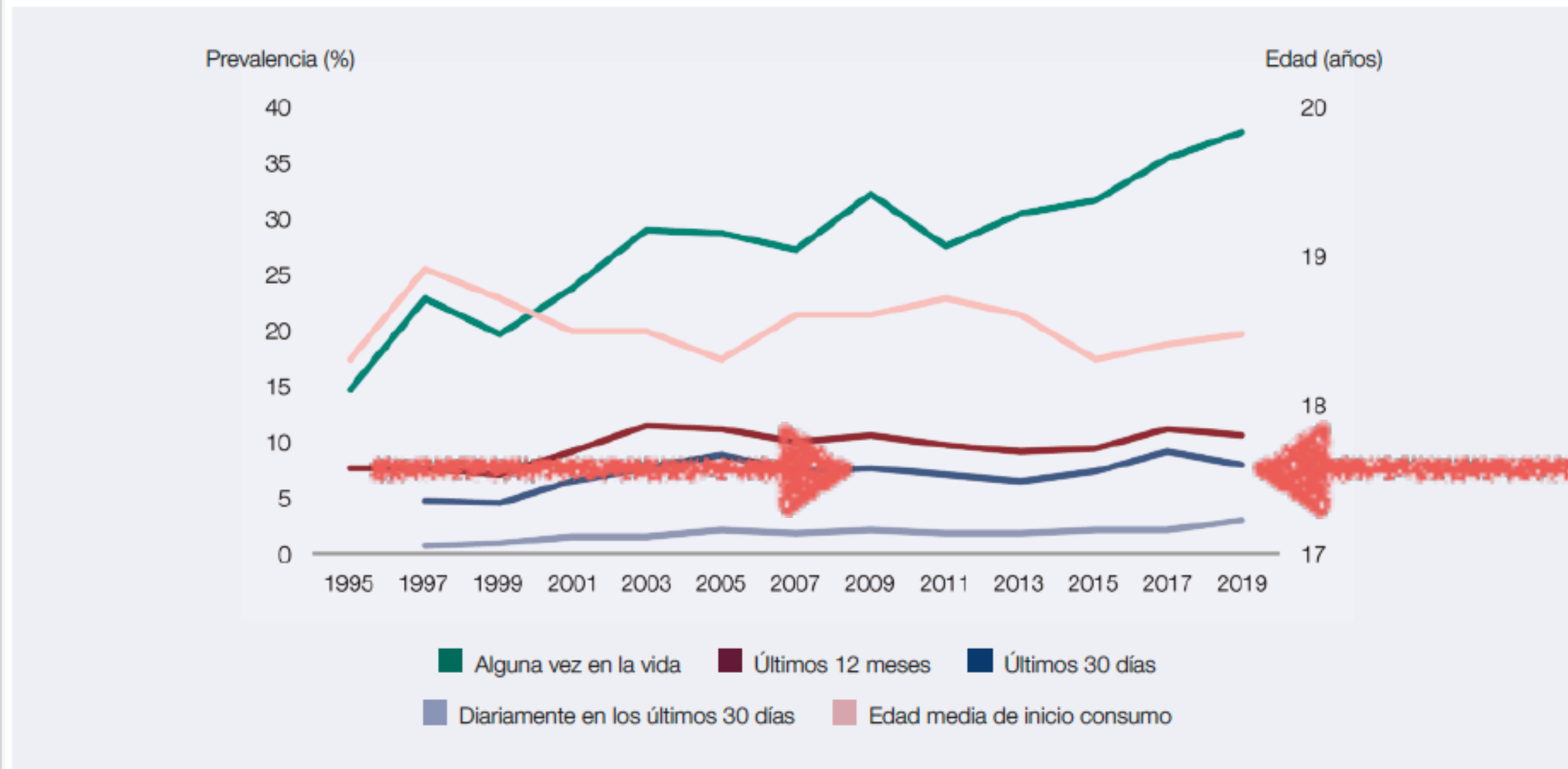
176.897 (2018)

221.291 (2019)

264.627 (2020 pandemic)

**500.000 (estimate 2021)**

Evolución de la prevalencia de consumo de cannabis (%) y edad media de inicio en el consumo de cannabis (años) en la población de 15-64 años. España, 1995-2019/2020.



	1995	1997	1999	2001	2003	2005	2007	2009	2011	2013	2015	2017	2019
Alguna vez en la vida	14,5	22,9	19,6	23,8	29	28,6	27,3	32,1	27,4	30,4	31,5	35,2	37,5
Últimos 12 meses	7,5	7,7	7	9,2	11,3	11,2	10,1	10,6	9,6	9,2	9,5	11,0	10,5
Últimos 30 días	-	4,6	4,5	6,4	7,6	8,7	7,2	7,6	7,0	6,6	7,3	9,1	8,0
Diariamente en los últimos 30 días	-	0,7	0,8	1,5	1,5	2	1,7	2	1,7	1,9	2,1	2,1	2,9
Edad media de inicio consumo	18,3	18,9	18,7	18,5	18,5	18,3	18,6	18,6	18,7	18,6	18,3	18,4	18,5

FUENTE: OEDA. Encuesta sobre Alcohol y Drogas en España (EADAES).

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