

Estimated Timeline for Cannabis Legalization in Germany

(Subject to alterations) | Status: February 2023

2021

11/21

Coalition Agreement

The newly elected German government which consists of the SPD, Bündnis 90/Die Grünen and the FDP announced the legalization of cannabis for adult use in their **Coalition Agreement**¹ 2021-2025.

2022

06/22

The consultation process begins

The **consultation process** which includes more than 200 experts begins in June 2022, led by the Commissioner of the Federal Government for Drug and Addiction Policy.



10/22

Cornerstone paper (key issues) published

The **cornerstone paper with key issues**² is published by the German government in October 2022, thereby providing the basis for draft legislation.

11/22

Work on draft law begins

Start of **drafting the bill**³ by federal ministries & commissioning of a **medical-scientific expert report**.

2023



Q2/23

Judgement Federal Constitutional Court

The **Federal Constitutional Court** is expected to issue a ruling defining whether a punishable ban on cannabis is constitutional.

03/23

Publication of draft law & expert report

By the end of the first quarter 2023: **publication of the draft law** and of the **medical-scientific expert report** are envisaged.

Subsequently: **Submission of both documents to the EU Commission** whereby the **EU notification process**⁴ is kicked off. According to (EU) Directive 2015/1535, an assessment is made whether the national law is in line with EU law.

During this time (the so-called **standstill period**) the law being reviewed by the EU cannot be implemented in Germany.



Q3/23

Feedback from the EU Commission expected

Feedback from the **EU Commission** on the draft legislation is expected during the third quarter of 2023. The next steps will depend on this:

Plan A – Start of the parliamentary procedure in the Bundestag (approx. 6 to 9 months in total) incl. improvements to the draft law required by the EU.

Alternative: Plan B – In case the feedback issued by the EU is negative (a decision that the draft law is not in line with EU law) a drafting process of an alternative draft law will begin. This will be a "Legalization Lite" (which would not require an EU notification).

Q4/23

Bundestag Hearings

Plan A – Start of parliamentary procedure with hearings in the German parliament (Bundestag) with internal & external experts.

2024

Q1/24

Parliamentary procedure

Plan A – Continue parliamentary procedure.
If necessary: Further review by EU (if significant changes are made).
Mandatory: Notification of final text to EU Commission.
May drag into Q2 if necessary.

Plan B – Parliamentary process over several months with hearings in the Bundestag with internal & external experts.

Q2/24

Voting in the Federal Council

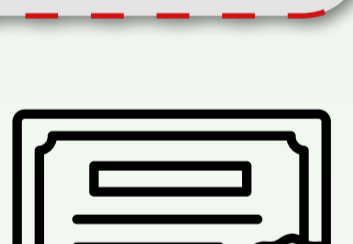
Plan A – A vote on the bill in the German Federal Council (Bundesrat) is expected no earlier than the end of the first quarter, but likely in the second quarter of 2024.

Plan B – If necessary, depending on the content of the alternative bill: Vote in the Federal Council (Bundesrat).

Q2/24

Adoption of the Law

Plan A – Potential adoption of the law and publication in the Federal Law Gazette (Bundesgesetzblatt)⁵.



Q3/24

Begin Licensing Process

Plan A – Start of the licensing process (via federal/state agencies); likely to take several months.

Plan B – Possible adoption of alternative law. Depending on the content of the law, introduction of e.g.:

- Immediate legalization of cannabis consumption and decriminalization of users
- Permission for self-cultivation & framework for Cannabis Social Clubs (CSCs)
- Conceptualization of (national/regional) pilot projects with scientific evaluation.

Q4/24

Cannabis is legal

Plan A – Estimated first sale of legal cannabis for adult use purposes.

Plan B – First legal cannabis for consumption by CSCs / possible pilot projects expected to begin in late 2024.

Glossary:

1 Coalition Agreement:

"We are introducing the controlled dispensing of cannabis to adults for consumption purposes in licensed stores. This will control quality, prevent the transfer of contaminated substances and ensure the protection of minors. We will evaluate the law after four years for social impact. Drug checking models and harm reduction measures will be enabled and extended."

2 Cornerstone Paper (Key Issues):

The Cornerstone Paper (or: Key Issues Paper) is the basis for a draft bill. It is prepared in consultation with all relevant federal ministries. As the name suggests, the paper sets out the most important key points of the planned bill. It often does not go into detail and is usually much less extensive than a draft bill. After a general approval of the Cornerstone Paper by the Federal Cabinet, the key points will be transferred into a more detailed draft bill by the responsible ministries.

3 Draft bill:

A draft bill is the fully formulated text of a law submitted to the legislative bodies for deliberation and voting. Until the final vote, the title of the legislative text is "draft bill". A draft bill is going through several stages during the political process:

1) The draft bill that is written by one or several ministries is called „Referentenentwurf“. The „Referentenentwurf“ is submitted to the Federal Government for discussion and decision in the Cabinet.

2) The „Regierungsentwurf“ is the bill passed by the Federal Government (in the Cabinet) and then submitted to the German Parliament (Bundestag). This draft bill is subject to change within the parliamentary process as expert opinions, parliamentary hearings and legislative amendments will be incorporated. The Federal Council (Bundesrat) also has the right to comment on the draft. The involvement of the Bundesrat (approval of the bill may be required) depends on the content of the bill.

4 EU Notification Procedure (according to EU) Guideline 2015/1535):

The term "notification" describes a procedure in which EU member states inform the European Commission, and in some cases also other member states about a legal act before it can take effect as national legislation. This is the case when it comes to legal acts relevant to the EU Single Market (Binnenmarkt). While the EU Commission is reviewing the legal act, the member state is prohibited from implementing the act in question. This "standstill period" can last from three to six months.

5 Bundesgesetzblatt / Final bill:

Once the bill is adopted, it will be published in the Federal Law Gazette (Bundesgesetzblatt). Now, for the first time, citizens can read the binding legal text in its final form. Corrections are no longer possible – except via a completely new legislative procedure. The Bundestag decides whether a law enters into force immediately on the day after promulgation, at a later date or even retroactively. This depends entirely on the content of the regulation.

Sources:

- <https://ec.europa.eu/growth/tools-databases/tris/de/about-the-20151535/the-notification-procedure-in-brief>
- <https://www.bundestag.de/resource/blob/190866/d372b187d0228b27956769ab67d5c8ef/notifizierungsverfahren-data.pdf>
- https://www.spd.de/fileadmin/Dokumente/Koalitionsvertrag/Koalitionsvertrag_2021-2025.pdf
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