

Estimated Timeline for the Cannabis Legalization in Germany

(Subject to alterations) | Status: July 2023

2021

11/21

Coalition Agreement

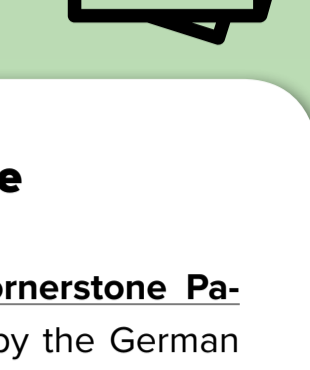
The newly elected German government of SPD, Bündnis 90/Die Grünen and FDP announces in the **Coalition Agreement**¹ 2021-2025 the legalization of cannabis for recreational adult use.

2022

06/22

Consultation process started

Start of the **consultation process** with more than 200 experts in June 2022, led by the Federal Government Commissioner for Addiction and Drug Issues



10/22

First Cornerstone Paper published

Publication of first **Cornerstone Paper with key issues**² by the German government in October 2022 – basis for draft legislation.

11/22

Work on legislative content begins

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

2023



2023

Judgement Federal Constitutional Court

During 2023, the **decision of the Federal Constitutional Court** whether a punishable ban on cannabis is constitutional is expected.

04/23

Presentation of revised key points and Two-pillar model

In April 2023, the German Federal Minister of Health, Karl Lauterbach, and the Federal Minister of Agriculture, Cem Özdemir, presented **revised key points**, which provide for legalization in a so-called **Two-pillar model**:

- **Pillar 1: Private & communal, non-profit self-cultivation**; an internal government draft on this was subsequently submitted to the other ministries at the end of April.
- **Pillar 2: Regional model projects with commercial supply chains**; a draft bill on this is to be introduced after the parliamentary summer break 2023.



05/23

Publication of expert report

Publication of the medical-scientific expert report commissioned by the Federal Ministry of Health from the Institute for Interdisciplinary Addiction and Drug Research in Hamburg: "The goal of legalization should be to create a legal supply for people who are currently using, without increasing the attractiveness of starting to use."

03/23

Pillar 1: Publication of draft legislation

For the first pillar (private and community non-profit personal cultivation) the corresponding **draft law is expected to be presented to the public in September 2023**.

Moving forward: **Start of the parliamentary procedure** and hearings in the German Bundestag with internal & external experts. There are currently no plans to introduce the bill to the Bundesrat (upper house of the German parliament), which would require approval – but this could still change.

03/23

Pillar 2: Publication of draft law on model regions

The **draft law on the second pillar** (regional model projects with commercial supply chains) is expected to be introduced in late summer 2023. Afterwards: **Submission of the draft law to the EU Commission** and the start of the **EU notification process**⁴. According to (EU) Directive 2015/1535, it will be checked whether national law is in line with EU law. During this period: so-called standstill period for implementation of the law in Germany (3 to 6 months).

2024

2024

1st half of the year 2024

Pillar 1: Adoption of draft law on decriminalization, home cultivation & Cannabis Clubs

Cannabis use is decriminalized, self-cultivation and Cannabis (Social) Clubs are allowed (possible publication in the Federal Law Gazette⁵); start of licensing process for Cannabis Clubs.



2024

1st half of the year 2024

Pillar 2: Feedback from the EU Commission is expected

During the first half of 2024, the **EU Commission's feedback on the draft Pillar 2** (pilot projects) legislation is expected. How to proceed will depend on:

- Either start of the parliamentary procedure with draft legislation (circa six to nine months in total) and/or subsequent improvements requested by the EU.
- Or adjustments to the original draft in case of negative feedback from the EU that the draft law is not in line with EU law.

06/24

Election of the European Parliament

Citizens of all member states of the European Union elect the **European Parliament** for the next five years. The outcome of the election could also indirectly influence the Pillar 2 process.

2024

Summer-Autumn 2024

Pillar 1: Start of operation of the first Cannabis (Social) Clubs

First **legal cannabis** available from Cannabis Clubs.

2024

2nd half of the year 2024

Pillar 2: Federal Council vote

In the second half of 2024, a **vote on the law** (or parts of it) on Pillar 2 is expected in the **Bundesrat**.

2025

01/25

Pillar 2: Adoption of draft law on model regions

Possibly as early as Q4/2024, but possibly not before Q1/2025, the **draft law on the second pillar (pilot projects)** can be expected to be passed; possible publication in the Federal Law Gazette. This would then also start the licensing process for pilot projects (via federal/state authorities); likely to take several months.

02/25

Pillar 2: Start of pilot projects

Launch of first pilot projects and legal dispensing of cannabis in licensed stores.

09/25

Bundestag election

In September 2025, the next **German Bundestag will be elected** for the 21st legislative period. A newly elected government may be more critical of legalization.

2028-2030

Evaluations of the laws

Possible time periods for evaluations of the laws:

- **Evaluation Pillar 1** (decriminalization/self-cultivation/cannabis clubs): Probably 2028/2029
- **Evaluation Pillar 2** (pilot projects): Expected from 2030

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-brief1>

<https://www.bundestag.de/resource/blob/190866/d3726187d0228b27956769ab67d5c9ef/notifizierungsverfahren-data.pdf>

https://www.spd.de/fileadmin/Dokumente/Koalitionsvertrag/Koalitionsvertrag_2021-2025.pdf

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