

A regulatory model for cannabis access



GUIDELINES EUROPEAN CANNABIS SOCIAL CLUBS



In collaboration with:



**In dear memory of
Andrés Vidau O'Hara and Joep Oomen**

*We can begin the restructuring of thought by
declaring legitimate what we have denied for so long.
Let us declare Nature to be legitimate.*

— Terence McKenna, Food of the Gods

Published by

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European Coalition for Just and Effective Drug Policies, 2020

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Acknowledgement

This document is a result of dedicated work and support of many individuals and organisations. Therefore we would like to express our sincere gratitude to all of them.

We want to thank ConFAC and CatFAC for provision of expertise and technical support in the redaction of these guidelines. Their input and support has been essential and provided the basis for this document. We would like to express our sincere thanks to researchers, activists and institutions who dedicated their time and knowledge in the reviewing of this document. We express our gratitude towards other unnamed colleagues for their cooperation and encouragement, which helped us in the completion of this document.

Last but not least, we would like to thank all ENCOD members and sponsors for the support and trust in the past 26 years. Without you, we would not exist.

YOU ALL are ENCOD!

What is a Cannabis Social Club?

A Cannabis Social Club (CSC) is an officially registered non-profit association, having functional autonomy, organised in a democratic based-structure that has a collective agreement of cultivation for the personal consumption of its members in a short and closed circuit. The CSC is competent and shares cannabis among its members for more or less immediate consumption. Their members have to be natural persons of legal age and previous users of cannabis. Cannabis cannot reach third parties, and its use should be addressed on a private-setting.

The CSC emerged from the necessity of avoiding the harms derived from the illicit markets. Harms as the contaminants or adulterants affecting the substance's quality, the lack of information and the legal damages caused by prohibition. They are promoting education and information about health and well-being, risk and harm reduction and drug education, in this way actively participating in the improvement of society.



CSC: A SENSIBLE APPROACH TO CANNABIS

A CSC is an officially registered non-profit association organized in a democratic based-structure that manages collective cultivation to afford the personal consumption of its members in a closed chain. The CSC is self-sustaining and shares cannabis among its members for its more or less immediate consumption. Their members have to be natural persons of legal age and previous users of cannabis. Cannabis can not reach third parties and should be used in private consumption settings.

Shared cultivation is a notion based on two combined drug-related juridical concepts. On one side, if personal use is allowed, then self-cultivation is possible, if not, how can each individual self-supply without attending the illicit market? On the other side, if adult shared consumption is recognised, then shared cultivation without diffusion to third parties is legally possible. The Freedom of Assembly juridical form framed these two concepts to end up with the Cannabis Social Club model.

The professionalisation of this initiative for public health and human rights reasons has resulted in the CSC model. From the extensive list of associations and cannabis local groups already created and still to come, many of them choose the form of CSC. This regulatory model requires a sensitive operation and control since they work with an illicit substance.

The juridical form within the CSC chose to operate is the association. In general terms, an association is an entity constituted through an express agreement of people committed that share knowledge, activities, or want to achieve a common purpose.



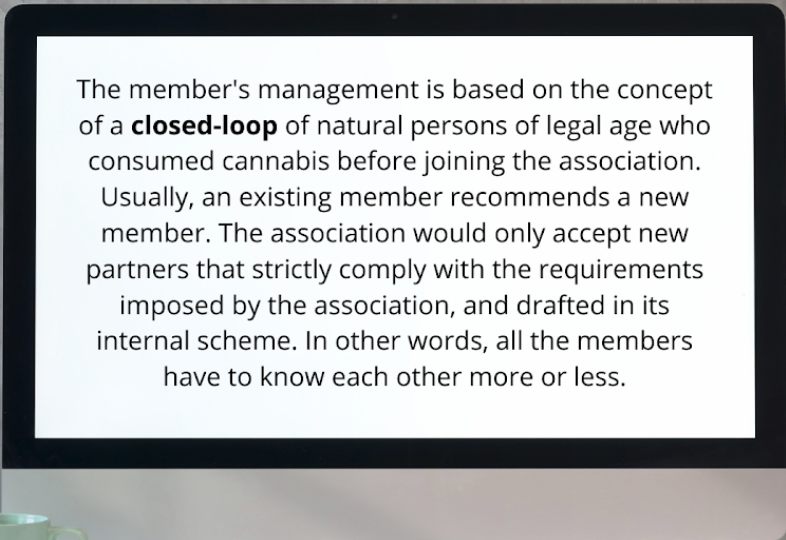
Creation of a Cannabis Social Club

The register of a CSC is the same as the established for any other type of non-profit organisation. A rigid discipline in the administration and organisation of the club is necessary, and any connection to the illicit drug market should be avoided (see the Annex I: Statement to create a CSC). The legislation and procedures to set up an association are different in each country, but there are common steps that should be taken in each case:

- a) The first step is to check the legal framework for cannabis consumption in your country. Suppose this consumption is not considered a crime. In that case, it should be possible to organise a successful legal defence of a CSC based upon the argument that where people have the right to consume, they should be allowed to grow for their consumption.
- b) The second step is to check how an association is created in your country. Find out the number of members you need to create a non-profit association and the process of registration. For the registration process, check the local or national register of associations (see Annex II, Table 1: Legislation related to the Right of Association).
- c) The third step is the official registration of the CSC, as an association of cannabis users who grow the amount of cannabis collectively for their consumption through a closed circuit. Create an executive committee and install a transparent and democratic decision-making process. In the statutes, you should include the purpose of the association: to avoid health-related risks of cannabis consumption that are inherent to the illegal market (like adulteration, etc.). It could also be for researching the cannabis plant and the most environmental and health-friendly ways to grow it or for the promotion of a social debate on the legal status of cannabis and its users. The statutes should be registered and approved legally by the corresponding authority.

Members of the Cannabis Social Club

The members have statutory rights and duties that determine the relationship with the CSC. The access to the substance is **restricted to members**, cannabis cannot reach third parties, and it is shared to be used in a private place for more or less immediate consumption. This section is about the various issues concerning the membership in a CSC.



The member's management is based on the concept of a **closed-loop** of natural persons of legal age who consumed cannabis before joining the association. Usually, an existing member recommends a new member. The association would only accept new partners that strictly comply with the requirements imposed by the association, and drafted in its internal scheme. In other words, all the members have to know each other more or less.

A CSC could have many **kinds of members**. For reasons of operability, some of them will be defined in this guide. The first classification is between those individuals who participate in the crop and those who do not: collective crop members and activist members. There are further distinctions that could be made among the collective crop members. Perhaps, the classification is in the function of the purpose of the member's use of cannabis: recreational members and therapeutic members.

Conditions to become a member

CSCs have a **protocol for admission of new members** that includes an explanation on their rights and duties, an indication of the estimated amount of consumption and a private conversation on the history of use. This allows the club to recognise problematic consumption (psychopathologies), and to respond to this situation. CSC applies an active policy of prevention of harms and risks and promotion of safer methods of consumption of cannabis by its members.

CSCs take a comprehensive written record of consumption made by their members from collective farming, register in which they shall contain at least a membership number, the amounts withdrawn and the date of withdrawal. In this register, personal data protection is ensured at all times. There will be a maximum stipulated on the monthly amounts that members may receive, in order to avoid the possibility of facilitating the diffusion on to third parties. The main **requirements** to become a member of a CSC are:

- **Be of legal age.** All the members of the CSC have to be of legal age and with full capacity to act. The CSC can decide to raise the entrance age of members if they wish. Any member of legal age can have access to the CSC facility. Primarily, cannabis should not end up in the hands of people under legal age.
- **Be a previous user of cannabis.** You can choose one of these ways that guarantee that a new member accomplishes this condition.
 - Personal endorsement by another member: this mechanism ensures that the new member is a previous user and that the CSC does not break the closed-loop. Being approved by another member is the way that is used in Spain.

- o Interview and a signed statement: Be able to demonstrate that you were a user previous to the inscription. An interview and a signed statement can do it. New members have to sign that they do not acquire membership to get access to cannabis in order to pass it on to third parties.
- o As an exception and for reasons of compassion, a new member could be added upon presentation of a valid medical diagnosis showing that the applicant is suffering from a medical condition susceptible to being treated with cannabis.
- **Read, accept and sign the official documentation** to become a member: the membership form and the estimation of consumption.

The estimation of consumption is a document where the member states an approximate figure of future use, usually calculated over the period of one month or a year. For example, if the member consumes 50g per month, the consumption foresight would be 600g per year. By signing the form, she/he allows the collective to grow this amount of cannabis for her/his personal use.

As international travel with cannabis is an illegal challenge, the CSCs could establish partnerships across federal borders, under very strict conditions. A partnership between CSCs should allow a system of providing cannabis to members of a CSC in other regions or countries without having to go to the illicit market to buy. This service could be provided by the federation or overseeing body. As this is a very advanced topic, it will not be described in detail here.

There could be other requirements, as to have the legal residence in the country where the CSC is seated. The CSC can adapt those extra conditions to the specific necessities of the territory. **Remember, all the collection of data must be in line with the GDPR and the laws on privacy of each country!**



Management of membership

The CSC should have strict control over the memberships. The member ID is the primary tool to manage people registering. It can be done with an identification number or through other systems, such as a chip. The CSC collects membership fees once a year to cover the expenses and to sustain the activity of the organisation.

The rules on the renewal of membership, cancellations or expulsions have to be defined in its House Rules or Statutes. Every member has to renew her/his membership yearly by paying the membership fee. The association is responsible for informing all the members about the deadlines, fees and conditions for the renewal of the annual membership. Once the period to renew the membership is exceeded, the association unsubscribes the members who do not pay the fee.

There is also the option to cancel the membership for different reasons, like changing of address, death or disability. These cancellations are removed from the membership list as well. The association has to specify the reasons for the expulsion in advance, through the code of conduct or the house rules. There should be stipulated rules under which the member can be expelled, like supplying cannabis to a third party, disturbing or harassment of other members and similar. Each case of expulsion has to be evaluated.

A member recount is done at least once per year and its corresponding adjustment of the estimation of consumption. Plans for the new growing season are based upon the number of members. According to its capabilities, the association may open membership slots for new members. If the CSC uses identification numbers, those can be reassigned to new members.



Management of a Cannabis Social Club

The association has to ensure the possibility of participation of all members. There are different ways of working when it comes to management. It is recommendable that the members bear the expenses proportionately to their input. Members can either pay a membership fee or work for their share. The association can also hire employees for different tasks, such as collective gardening and growing, administration, cleaning, etc., if necessary. Expenses are covered by the association.



With time, the pool of members might rise, and the organisation of production, transport, payments etc. will need to become more professional. It is recommended to have small-scale plantations to implement better control and tracking methods. Every club can have its rules that can complement statutes, as long as those are not in contradiction with the codes of conduct for the CSC and domestic law. Those can refer to the use of the club room, payment of membership contributions, cultivation, the club good team spirit, etc.

Non-profit organisation

The fact that CSCs are non-profit associations does not mean that no transactions can take place. To produce good quality cannabis safely requires hard work. To operate as an association, expenses have to be made, and people who run it should be remunerated. The establishment of the price should be done transparently. Operational costs like rent, water, electricity, materials, salaries and wages, office costs, gasoline and other general costs of the association can be included. These are calculated to result in the price per gram. If the revenue exceeds the total costs, it will be spent for the association internally and could result in a reduction of annual membership contribution of the members or similar. It is also recommendable to donate part of the income for research or to support the common cause, like activism. The assembly generally makes this kind of decision.

CSCs are characterised by transparency, democracy and non-profitability. They function as an association, with complete openness about financial arrangements to their members, so the members can see how the costs are calculated and the money is spent. CSC's organise a general assembly at least once a year, where annual reports are discussed and approved. These reports include a full balance of income and expenses in the past fiscal year, according to the rules established for this purpose.

A CSC is not a business in which there are economic benefits that are used for personal profit. The benefits are not shared between the partners, and therefore, it could be less attractive to criminal structures. **Unlike cannabis distributors who operate on the illegal market, CSC's are willing to enter into dialogue with authorities to provide insight into their working methods, in the framework of the elaboration of regulation of cannabis.**

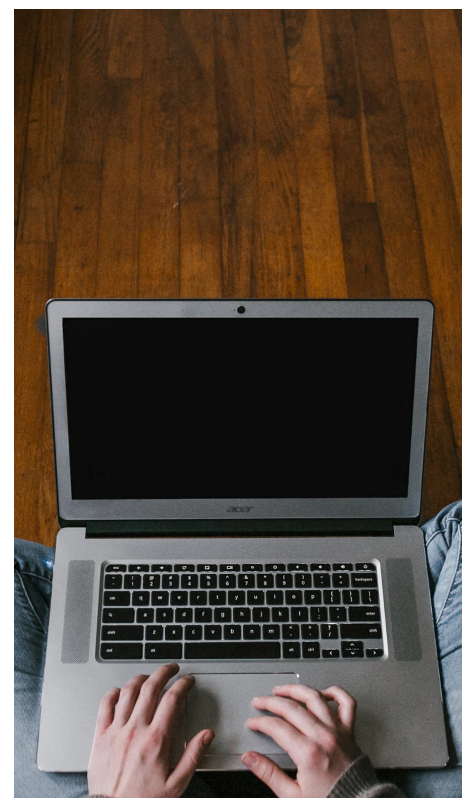


Fees

The total income of the CSC results from membership fees. As it is not allowed to gain profit, any potential surplus of income has to be spent on the needs of the association and agreed upon by the general assembly. All transactions have to be transparent and understandable. The CSCs could have different kinds of fees, as follows:

- a) Annual fee:** It is a fee to become a member and maintain the membership. The member must pay the CSC at the moment of inscription and once a year thereafter. Calculating the annual fee is to be agreed between the members and transferred at the time of the membership agreement.
- b) Withdrawal fee:** it is a fee that each member pays for the cost of the collective crop of cannabis of his association. It is expended proportionally to the cannabis consumption each one has. The CSC calculates the withdrawal fee based on adding all the functional costs of the association.
- c) Other, exceptional fees:** If the CSC has a lack of funding, it could collect an extra amount through members' extraordinary fees. These donations could be used for specific purposes. For example, to change or renovate the headquarters.

All these fees represent the income of the CSC and have to be accounted for transparency, and presented once a year to the General Committee. Telematic transactions are recommended to be able to demonstrate the tracking of the CSC economic activity and prevent money laundering by policy design, as mandatory in a regulated framework. A CSC could also consider offering reduced fees in case of prescribed therapeutic use.



Workers and remuneration

The CSC model could create several job positions. In the first stages of the CSC, most of the tasks are achieved through volunteer work. This is usually the case for up to 50 members. For reasons of security and volume of work, volunteering is not recommendable above this amount of members. As the CSC grows the positions and the number of employees also increase. This needs a disciplined organisation and work-flow.

The positions are either related to the headquarters or cultivation. The headquarters positions include administration, IT technician, trained staff, and other personnel. The cultivation positions include trained gardeners, trimmers, etc. Some positions are generally externalised, such as specific services like analysis of samples or the maintenance of headquarters. All the staff of the headquarters has to be trained in cannabis harm reduction. Usually, the workers are contracted by the CSC, but they could be freelancers for specific tasks.

As the CSC can organise the crops in different manners, the tasks can be covered by several workers. It depends on the forecasted quantity of cannabis that the CSC is allowed to grow. The CSC can contract them under the title of a gardener or assistant gardener with the corresponding remuneration.

The staff in charge of the crop has to be trained in cannabis quality and control. The CSC activity entails risks because it is working with an illegal substance, cannabis. The remuneration of the employees has to be according to domestic law.

quality
job
positions

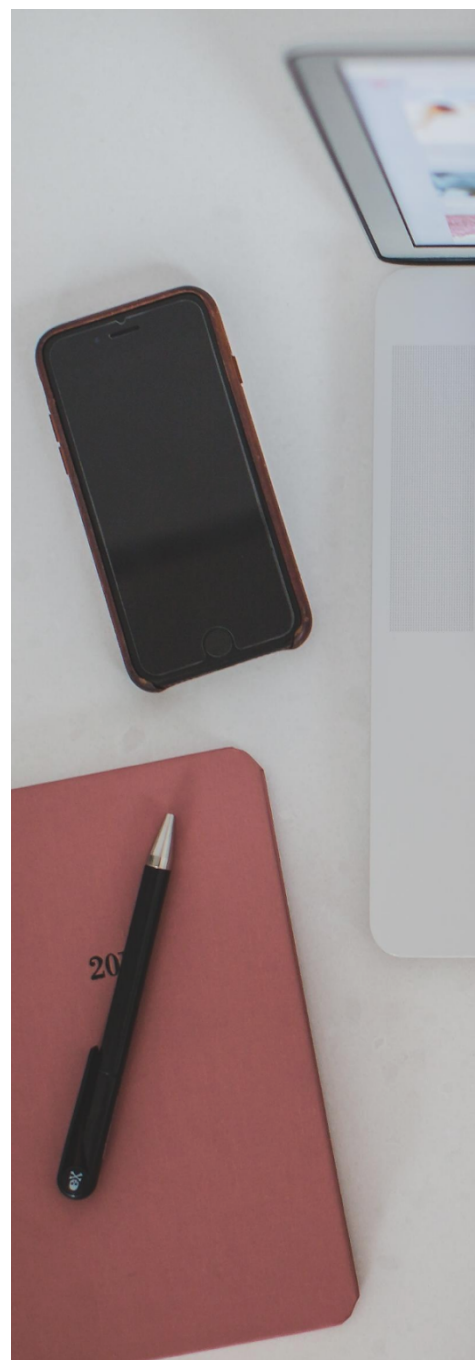
CANNABIS SOCIAL CLUBS

Accountability

Financial transactions should always be documented (outgoing and incoming payments with receipts). This step is essential to show in an eventual court case that the club has not been involved in any illegal activity. It also helps to ensure the financial transparency of the organisation. It is a good idea to establish a mechanism for external control of the organisation if the used methods live up to the standards that may be expected. The members' privacy has to be guaranteed throughout the process. An association has all the obligations regarding contributions and tax withholdings that may apply to any company that hires personnel. The CSC must be scrupulous in this regard.

Each country has laws and regulations of accounting obligations for associations. A CSC has to present the accounting according to the legislation. It is usually done once a year. We recommend making use of an accountant to handle the issues related to the accounting obligations. In order to increase transparency and prevent money laundering, it is recommended to implement telematic transactions in a trusted provider.

The operational costs and other expenses of the association must be duly justified. Invoices and receipts must be kept, according to the legal obligations to keep records of the country. The justification of costs is essential to record where the money has been spent. The financial flow has to be transparent and correctly managed from a legal standpoint. The treasurer of the CSC has to present the annual financial balance to the assembly to show the result.



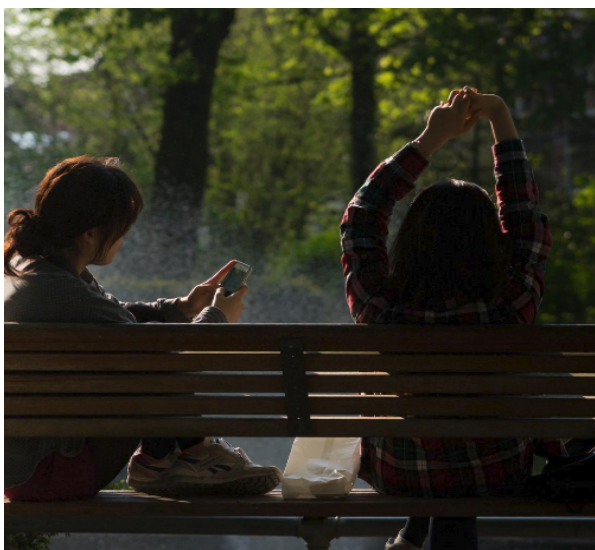
Fiscal obligations

The CSC has all the regular fiscal duties of any association in the location country. Taxes are imposed on the activity that is carried out, but they do not apply directly to the product. The substance itself cannot be taxed in the current situation. The CSC does not sell anything. The activity is considered sharing. The crop is collective property, even if it is managed by the association. For that, the withdrawal fee cannot be taxed. There are general taxes that the EU Member States can have:

- a) Company or Corporation Tax:** It taxes the companies for the total benefit it has in a year. In some countries, the tax office applies it to the non-profit associations too, but it is not usual. As the CSC does not generate profit, the resulting tax to pay usually is 0.
- b) Value-Added Tax (VAT):** The EU has standard rules on such taxation that are differently applied in each country. The VAT taxes all purchased or contracted goods and services. Even that, cannabis cannot be taxed.
- c) Taxes related to the employees:** The countries of the EU have fees and charges associated with employing human resources, typically calculated proportionally to the salary. There are many differences among the states for the lack of harmonisation on that matter. Some countries require social insurance in the employment contract. It is an issue that should be consulted with an accountant.

Like all economic activities carried out in the European Union, CSCs can also be inspected. Transparency is one of the traits that separates the CSCs from illegal markets, but openness is a double-edged sword. That is, CSCs must be transparent in their management. For example, accounting, traceability of the substance and committee decisions must be known to all members.





Headquarters

In the headquarters, the CSC develops all the activities except the collective cultivation. The social headquarters is where the members meet, share experiences and consume cannabis. It is a private place, the CSC has to ensure specific conditions in this space.

General rules of the headquarter

The associations may implement House Rules for the headquarters. They would help to maintain the functioning of the CSC. These rules normally include some recommendations such as conditions of hygiene, the behaviour of members or the requirements for the borrowing of various materials. It depends on the entity itself and other external factors. Specific, universal rules for the headquarters of a CSC are:

- No non-member may have access to the headquarters,
- do not enter or leave the headquarters smoking or flaunting the substance, and
- conditions for lending materials such as vapes and their maintenance accessories.

The smoking room has to allow extraction of smoke through ventilation. Frequently, the CSCs use extractors with a carbon filter. The CSC is responsible for the rules in the headquarters. So the common sense should be used, and things like noise that could disturb neighbours or un-recycled garbage in public areas have to be avoided in order not to draw unnecessary attention to the CSC.

ENCOD recommends implementing house rules or a code of conduct for the internal functioning of the headquarter to ensure the security and well-functioning of the CSC.

Security and Privacy of the headquarter

The headquarters are exclusively for members. They have to show their ID upon entering or be known personally. The security of the headquarters must be guaranteed. The CSC has to assure that the headquarters are not accessible to third-party people and to ensure that cannabis is not being supplied to non-members. We recommend giving visitor-badges to visitors like service-companies in those cases and register their information and signature in a standard guest book. The control of entrance is essential to demonstrate that it is a private place.

There are many methods to make this control. ENCOD recommends the systems of a double door, and guest recognition tools, like wall phones and security-cameras. Each country must consider its laws about security and privacy to have cameras with video control. To reduce the risk of robberies, only small quantities of the substance should be kept in the headquarters. Police are not allowed to enter without showing a search warrant, and you are not even obliged to open the door for them. This is to ensure and protect the rights and privacy of the collective (the CSC, its members and its board). It is recommended engaging a trusted criminal lawyer to call when necessary.

Promotion and banners

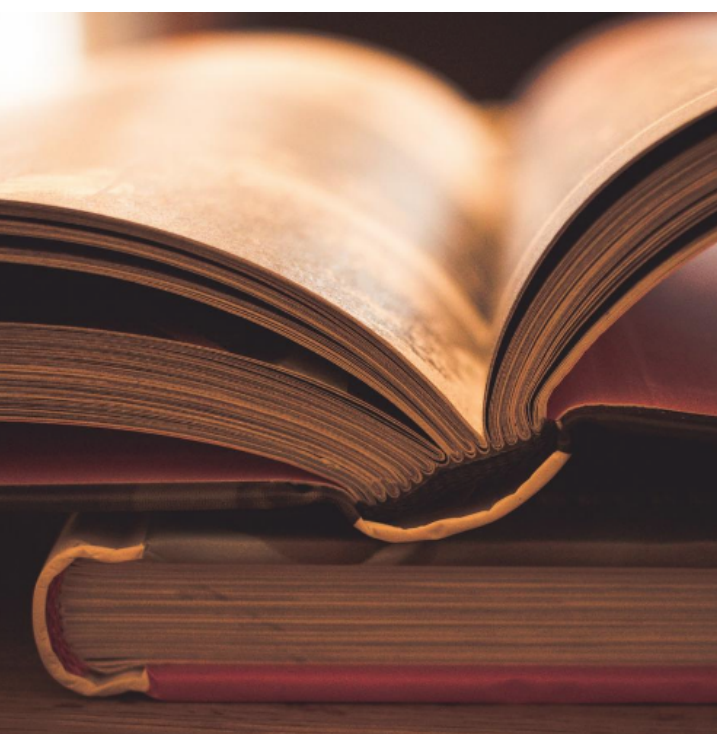
The CSC cannot advertise or put banners at the door of the headquarters. All things that promote the usage of cannabis are considered a promotion of consumption and are probably banned in the legislation of your country. Public use of the substance might be a criminal offence. To respect harm reduction requirements, the CSC cannot put banners at the door indicating or suggesting that there is a CSC or that cannabis can be used inside the social headquarter. The CSC cannot make publicity of its activities, especially the consumption, through social media or other kinds of public media. This measure is also recommended for the security of the headquarters. The headquarters is supposed to be a private place that should be discreet. The CSC is non-profit and doesn't need any form of publicity or promotion.

Cultivation of Cannabis

The crops are one of the most delicate areas to manage in the CSC. The current CSCs share the method of carrying out collective crops in which the expenses are split by members proportionally. The different collectives have different ways of working when it comes to the actual cultivating and harvesting of cannabis. The CSC estimates the amount needed for the personal consumption of its members and organises the cultivation of this amount in a collective plantation.

Make sure the cultivation and post-harvest treatment meet up to the standards of biological agriculture with sustainable use of natural resources and that there is a tasty variety of plants available, so members can always choose between different strains and find out which is the most convenient for them. Members should also be able to choose the strains they want to be grown.

CSCs have to keep a comprehensive written record of production, in which the association shall certify the dates of the cycle of cultivation, the used methods of agriculture and the amounts collected and suitable for consumption. Once the harvest has been controlled, and the final production volume quantified, the association will issue a written authorisation, to one of its representatives to proceed to transport the crop product from the place where it is cultivated to the premises where the controlled sharing is carried out.



To increase transparency, the authorities could potentially be informed about transportation of plants or harvest, mainly in an activity regulatory framework. Proper documentation and transparency are crucial to avoid the persecution of the people involved in the association in case legal authorities decide to intervene.

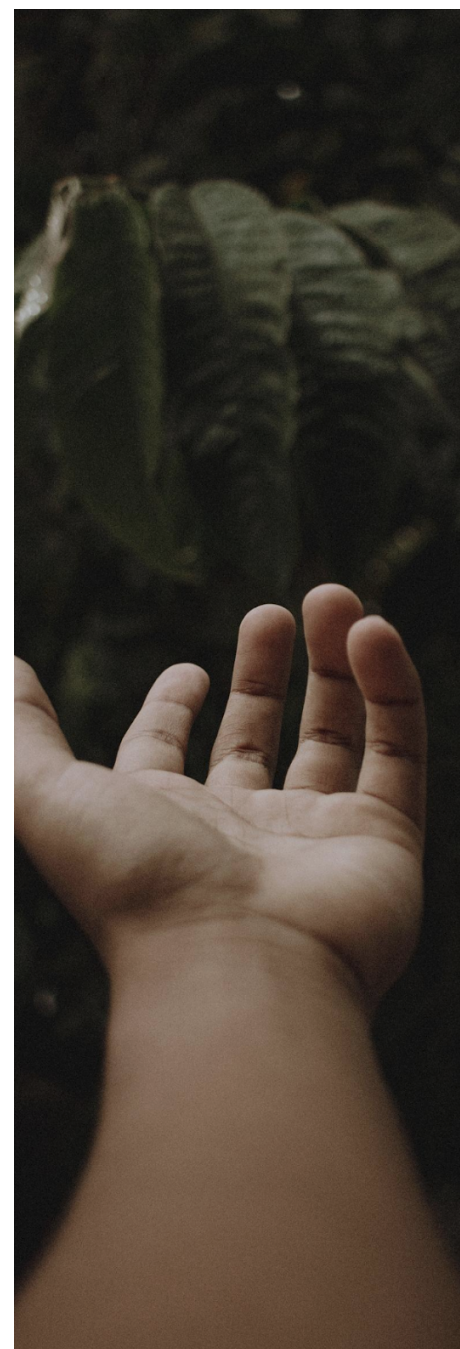
Collective crops

The collective crop is one of the main activities of the CSC. The first stage of a CSC is a group of friends who make a crop for their personal use. It is not necessary to be registered as an association to make a collective crop. For example, a house of three members can cultivate cannabis, if the legal context of the country allows or tolerates this. They can grow the quantity which can be considered for their personal use. It is the basis of a CSC. The CSC makes a collective crop, but on a larger scale. To avoid excess quantities, the production of cannabis must always be equal or lower than the consumption amount calculated of all the associated people participating in the shared cultivation. There has to be a ledger for the cannabis harvests to be compared to the estimated need.

Crop conditions

For reasons of security and sanitation, the CSC should manage the crops following public health standards. The different laws that govern this type of activity will be taken into account in the cultivation area, including those relative to sanitary standards and good practices in agriculture, as well as having the technical knowledge to carry them out. The CSC has to guarantee optimum hygienic conditions to ensure the quality of the substance in all its steps and procedures.

However, sensitive data such as crop location should be secret and not accessible except to people who work in those facilities. (confidentiality and secret contract). Data privacy laws apply here too. Personal data is protected. Therefore the CSC must take measures to anonymise their members. All the collection of data must be in line with the GDPR and the laws on privacy of each country.



The places where the crops are located must meet the relevant technical requirements to carry out this activity, as well as other needs related to crop security and surveillance. Where you grow is to be considered in order to prevent robberies and other dramatic situations. The minimum characteristics are the following:

- The place should be owned by the association or rent with the owner's permission,
- It must be fenced and must be difficult for outsiders to access, it is not in view of third parties, and prohibits access to unauthorised persons.
- It has to ensure that no seeds can get outside either.

If the cultivation takes place indoors, the installation must comply with the regulations on electrical safety, water supply and correct ventilation, among others. If the planting takes place outdoors, you have to remember that cannabis is a phytoremediator. Therefore, it absorbs heavy metals and other harmful particles from soil and environment

To avoid this, you should analyse the ground substrate. Indoor or outdoor, cannabis is exposed to robberies. For that, we recommend having security systems, like cameras and sensors. When the plant is almost ready to harvest, be extra cautious. The CSC can implement other measures of surveillance, always taking into account the laws on that matter.

WATER IS A SCARCE RESOURCE, TAKE CARE OF IT!

FOUR LESSONS FOR A BETTER FUTURE

1 Water guarding

Remember that water is a scarce resource, do not waste it!

4 Do not throw waste materials to the water

Take care about what you throw to the water, the rivers and oceans are not a trash!



2 Use organic fertilisers

The fertilisers are going to the water through the soil, use organic fertilisers!

3 Avoid the use of pesticides

The pesticides pollute the water as the fertilisers, do not use them!

Tracking of crops

The control of the substance is an essential task of all the models of regulations of drugs and one of the main goals of international institutions. The CSC has to implement measures of control for the whole process; the tracking of the cultivation and procedures is essential to ensure that cannabis is not derived to third parties. The CSC monitors cannabis to achieve this objective through different mechanisms. You can develop crop monitoring in four primary documents:

- **Forecast of cultivation:** The estimation of consumption of all members is summed up. The CSC can grow the quantity resulting from this calculation. Remember that those estimations should be periodically adjusted to the real consumption of members to ensure control over the substance.
- **Growing journal:** It is a ledger where the characteristics of the crop are described like grower activity during the period between the planting and harvesting. It is essential to record the applications of fertilisers or other products to irrigate the plants. It could be interesting to include the parameters of the ground, the water (EC, pH, etc.) and the environment (temperature, humidity, etc.).
- **Book of results:** There should be a detailed register of the crop results. It must include the final dried cannabis, the wasting plant material and its kind of destruction. The annual result should be equal or lower than the forecast of cultivation, and it should coincide with the total shared amount of the withdrawals book.
- **Evaluation:** This document is a control mechanism comparison of the forecast of cultivation and the book of results. It ensures that the quality and quantity are in compliance. Ideally, it should be done at least once per year.

Additionally, there is the possibility to pass an **agricultural appraisal**. This document certifies that the characteristics and crop conditions correspond with the quantity of the forecast of cultivation. An agrarian engineer or similar is needed for this step. It is recommended in a regulated framework, in order to ensure legal control over the substance.

The tracking of crops is essential to have sufficient control over the substance. These documents act as a framework for the supervision of plants. Besides these documents, which are the basic tools to track the crops, the CSC could implement other measures in all the steps it considers needed during the process. ENCOD recommends implementing protocols that allow benchmarking.



TRACKING THE CANNABIS

SIMPLE STEPS TO CANNABIS TRACKING WITHIN THE CSC

The control of the substance is an essential piece of all the models of regulations of drugs and one of the main goals of International institutions. If the structures of control of drug are at the beginning of the transition to regulate drugs, it is because there is a general agreement that it is the best way to control them. In other words, the illegality provides opacity and lack of control. On the other hand, regulated models could provide transparency and standards.

Harvest and postharvest

The CSC has to monitor cannabis during and after the harvest. The association must be able to demonstrate that it is achieving the objectives, through controlling all the postharvest steps to ensure that the substance is not reaching third parties. Essentially, weight control is the only mandatory task to register harvest, but there are other options where registration could be done:

- **Harvesting:** When the association harvests the crop, it registers the date it was collected, an assigned code of the person who harvested it and its weight. Details such as the strain, the number of crops harvested, the name of the lot, comments, etc. can be added. A members' identification system can be implemented too.
- **Trimming:** Some growers trim the cannabis fresh, and others prefer to do it once it is dried. For this stage, you register the following information: identification of the trimmer, the date, the weight of the buds and the rest (trimmings, stems). The association can add other details such as the strain details, the number of the lot, comments, etc.
- **Drying and curing:** This is the moment when cannabis loses the most weight. The association has to take care of the drying location's security and sanitation. When the crop is dried and cured, the CSC has to register the weight again, with the date and the code number assigned to the employee who handled the drying stage. This registration could also include other information such as the strain details, the lot number, etc. and is put in connection with the harvested lot.

All the people participating in these tasks have to know how to detect plagues, fungi or other diseases. After that process, the association obtains two products:

- **Buds:** this amount has to strictly coincide with or be lower than the forecast of production amount. This quantity is usually calculated at the end of the year and presented in the General Assembly. There should not be a surplus.

- **Rest:** trimmings, leaves and stems; the rest can be used to make extracts, for example. If the association does not do so, the rest should be destroyed or composted or in exceptional cases, go to the cannabis bank model introduced below.

Extracts and edibles

Cannabis extracts have a long-time tradition of use amongst cannabis users. There are several techniques the CSC could use. The extracts have to be produced meeting sanitary and hygienic standards. Here we signal some key issues on such matters among the existing CSCs. The workers have to be trained in the prevention of occupational risks to accomplish these tasks.

Generally, CSC makes non-solvent extractions, where cannabinoids are extracted mechanically without solvent, like hashish, the so-called pollinator or rosin. Also, polar solvents are involved in some of these extractions, like ice-olator or hash oil. This last technique could leave some traces of alcohol. Therefore, the alcohol used has to be for human consumption. About the BHO (Butane Honey Oil), the traces of gas found in this kind of extract is always present. Gas is explosive material. The CSC has to take into account the quality of the gas that is used and the prevention of occupational risks regarding fire prevention and gas closed-loop systems.

Cannabis tinctures are done by soaking the cannabis in alcohol. It does not require distillation and could be done in the CSC. Production of edibles is not due to regulations by EFSA (European Food Safety Authority) because it is done in a private circle and not sold. However, due to the risks involved in the distribution of food products and due to their perishable condition, CSCs must comply with the regulations related to public health on food quality regulation. The members can also make the edibles themselves at home because it is easy to cook cannabis. With a few specifications about the dosage to avoid having an overwhelming experience and tips on regulating cooking temperature to avoid destroying THC with heat, members may cook safe cannabis edibles at home. The CSC staff should provide details of these procedures to members.

Exceptions to the collective crop

The CSC can sometimes have problems maintaining a steady sharing. All the cannabis of the association should be self-produced. It is what the theory says and how the model is inside of the personal consumption construct. To respond to those challenges, we found the following tools that could be of aid for these types of problems: the collaborator member and the banks of cannabis.

- The collaborator member loans cannabis to the CSC. Then, the association can return the service with cannabis too, without monetary exchange. It is a tool that the CSC could use with members who have homegrown cannabis. Such a deal is considered acceptable.
- Another possibility is to make an exchange of material with another CSC. A surplus cannabis bank could be founded for participating members. This could help the associations in case of loss due to weather, pests, robberies, etc. It is recommended to have written agreements on terms and conditions.
- In a regulated framework, there could be some options to solve those unexpected challenges, for example, importing cannabis from a country where it is legally produced or could be a certified company growing under strict measures of control.



ENCOD recommends implementing the analysis of samples of all the cannabis, especially in the circumstances of the common purchase of material. The composition of cannabis is important, but the association has to check the contaminants, adulterants, fungus, heavy metals and pesticides if it would not be possible to track the whole cultivation and storage processes.

Stock

The CSC has to manage the stock correctly. For that, the tracking of association's cannabis from the plant to the sharing must be done daily. The association should have the whole cannabis located at every moment. A periodic inventory check is recommended. It should be agreed upon by the members how often it is done. ENCOD recommends quarterly.

Storage conditions

Cannabis has to be appropriately stored in a specially designated cool, dry and dark area to ensure that it does not deteriorate. Ideally, cannabis should be stocked in a warehouse. Due to cannabis being perishable, the common recommendations to maximise storage time and maintain the organoleptic qualities are temperatures between 21 and 25 degrees, humidity between 55 and 65%, without exposure to UVA rays and in an airtight glass pot. In such a way, cannabis should be stored for a maximum of one year.

The CSC has to take all measures to store cannabis in a locked and monitored facility to avoid loss or robbery. We recommend not to store all the cannabis in one place. The location of the warehouse should only be known to authorised people. Third parties cannot access the warehouses. The association has to register all the substance movements in the ledger.

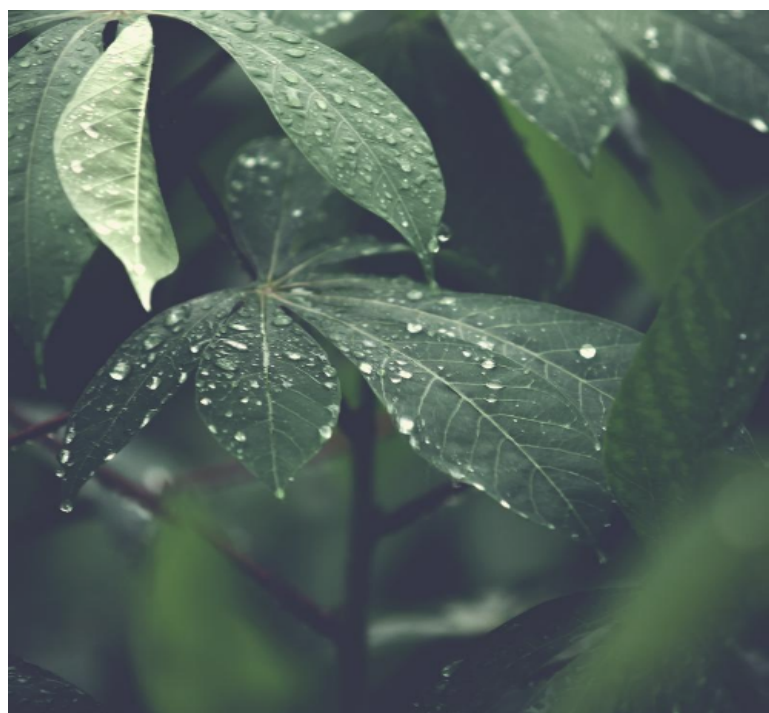


Surplus

The CSC must entirely produce its cannabis, and must not depend on the purchase of it on the illicit drug market. The association is not supposed to have a surplus, but it sometimes happens. A surplus is a quantity that resulted from the crop production minus the total quantity withdrawn. Its calculation is usually done annually.

But in the case of producing an agricultural surplus, the associations must carry it on to next year's forecast, and adjust the current year's inventory. The associations must have an up-to-date record of all their surpluses. A small quantity of the surplus could also be labelled for tasting workshops or cooking classes, for example.

If the surplus in production is much higher than the forecasted production, the CSC could be accused of a criminal offence and of drug trafficking. Therefore, it should be destroyed. It is crucial to keep the relation between the crops result and the cultivation forecast very close.



Sharing

The sharing is the last step of the collective supplying chain when the cannabis is delivered to the closed-loop. The members can withdraw their part of the collective crop in the headquarters. The CSC must register all the withdrawals in the corresponding book or the equivalent specific hardware. Each seat in the withdrawal book should contain the date, the member assigned identification and the quantity withdrawn.

Cannabis is personal and non-transferable, except for exceptional circumstances. The annual shared cannabis amongst members has to coincide or be lower than the forecast of cultivation. We recommend adjusting the estimation of consumption to real consumption periodically. As cannabis is a substance with consumption associated risks, employees of the headquarters have to be trained on harm reduction. It is recommended to analyse before sharing. A label in the form of an info sheet can be attached. ENCOD suggests that the CSCs promote reusable packaging, such as opaque air-tight packaging with a child-proof lock.

Transportation of small quantities from the CSC to the members' home is a common practice among CSC members. Cannabis is intended to be used in the headquarters. Ultimately, if the member has the responsibility for the cannabis, once the member is outside of the CSC, it is entirely up to the member. In some countries, the possession for personal consumption is punished as a criminal offence. We recommend the creation of CSC in states that have gone through a decriminalisation process. Otherwise, members should be duly informed about the legal risks involved.

Substance quality and analysis of samples

The CSC has to control the quality of the substance from the growing of the plant to the sharing and must be prepared for random inspections, especially in a regulated framework. The CSC staff has to be trained on such matters but cannot always detect the threat to protect public health. The members should have access to the results of the analysis at any time.

A tasting is needed before cannabis sharing. A committee of experts at the club, check the substance, through elements like the appearance, the organoleptic qualities, the taste and the effect. This tasting is essential for cannabis quality control. With this test, the CSC can provide a description of the cannabis for the labels. The CSC can implement tasting workshops to train the users as well.

Not only the composition like cannabinoids, terpenes, etc. is important, also, as already mentioned above, but the CSC also aims to produce high quality organic cannabis, free of contaminants of any

kind. As right now these analyses are too expensive to be implemented by non-profit organisations, ENCOD encourages the institutions and the harm reduction services to implement a public drug checking service, to ensure the protection of public health.

Consumption limits

Associations that work with employees usually have a fee per gram and dispense through monthly payments and regular pickups that are established through the crop forecast contract, where each member stipulates how much cannabis will be consumed in the agreed time, always respecting the maximum limit per person.

ENCOD recommends that the quantities of personal consumption should not exceed 3 g per day for a member. This limit can be higher in cases of therapeutic use prescribed by a doctor. The member does not need to visit the CSC every day. It is recommended to get up to a week's provision to avoid health and legal risks. For therapeutic use, a month's provision sharing could be allowed.

Cannabis can only be withdrawn in person. In the case that the member cannot do it due to illness, she/he may assign another person to withdraw in her/his name. This could be done by prior notification and written authorisation by the member to another appointed member, it is just in case of exceptional circumstances.

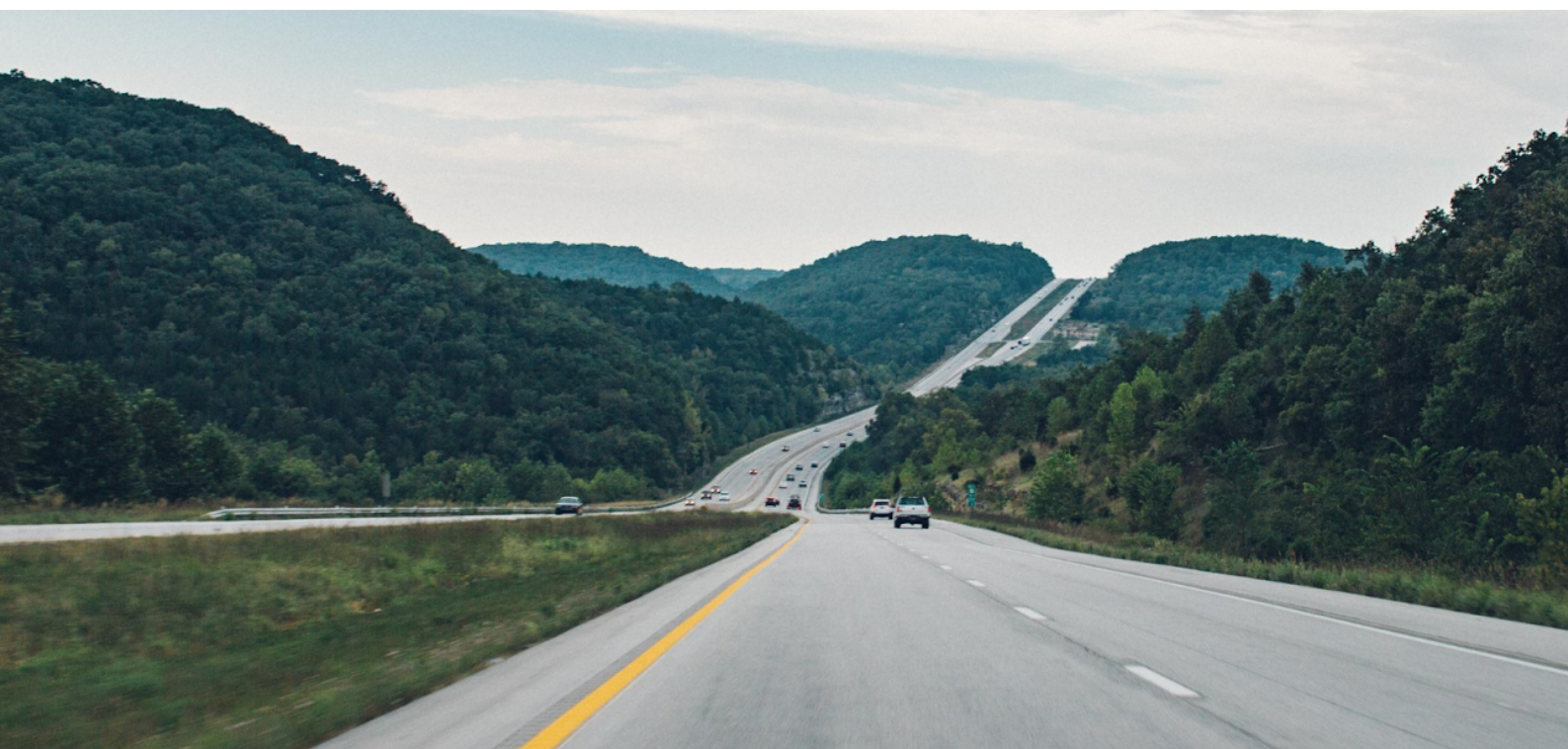
Human Rights & Wellness

CANNABIS SOCIAL CLUBS

Transport

As a general recommendation, ENCOD advises against moving cannabis on public transportation to prevent legal harms and the possibility of access by third parties. Having cannabis in a public place keeps cannabis out of the private circuit. The transport of seeds, vegetative plants, and dried cannabis has to be in private transport and small amounts. Wherever possible use sealed and labelled packaging (label showing the owner CSC at time of transportation), maybe stamp and seal, always using individual transport, ensuring the maximum security possible.

We recommend that when transporting from the warehouse to the headquarters, cannabis should not be carried in the quotas intended to the individual members, since it can be an indication of drug trafficking. In a regulated framework, the conditions for the substance can improve considerably. Although, as of now, legal uncertainty is highest when it comes to transporting cannabis.



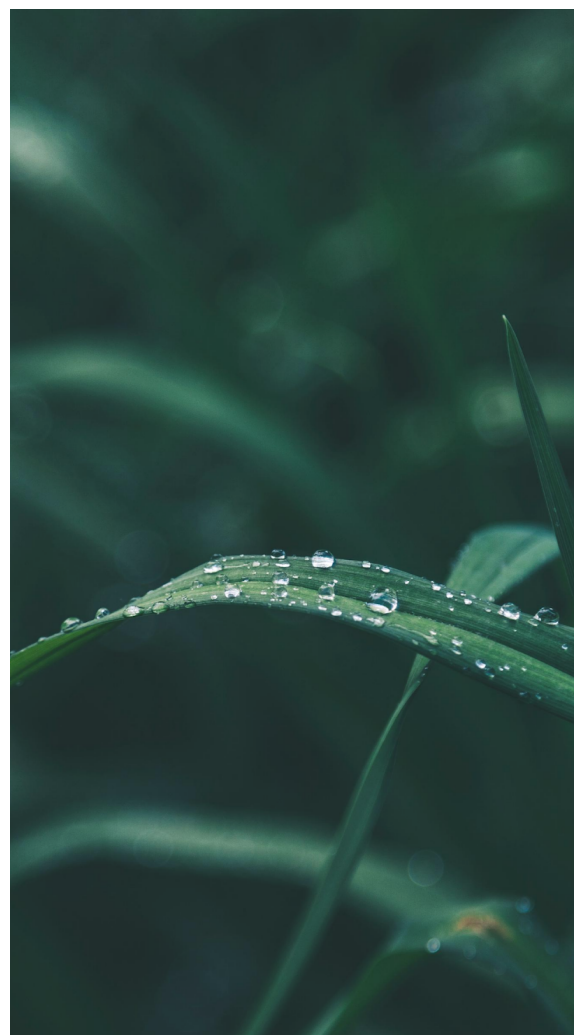
Harm Reduction

The CSC is a harm reduction entity itself because it contributes to the knowledge about the substance and its effects. The quality of the substance and the possibility to track the activity avoid certain health harms associated with the illicit markets. The separation of users from the illegal markets reduces their contact with the illegality decreasing legal harms.

Harm Reduction tools

The CSC has several tools to implement a harm reduction approach to its management. Among these tools, we find the activities that are carried out at the headquarters, ranging from the simple dissemination of information in a preventive measure to the realisation of activities of different kinds aimed at avoiding problematic consumption.

- **Information and advice:** the information and advice about cannabis consumption are tools to educate people on drug use. This information could be spread through general recommendations to members. The advice is personalised, so it is adapted to the necessities of each person.
- **Exchange of experiences:** this is one of the tasks of the CSC that is hard to find in other entities or institutions. First, because everybody uses cannabis in the CSC, secondly, it is a non-stigmatizing environment that encourages members to be open about their experience as a user.



- **Harm Reduction activities:** to spread general notions about cannabis and harm reduction, the CSC can make workshops, talks and conferences. These activities are convenient for drug education and can be done in a socio-recreational context. The CSC can invite harm reduction entities or experts on cannabis to organise these activities.
- **Teach about a healthier relationship with the substance:** alternative ways of use like vaping, excluding E-cigarettes or edibles, use of filters, detection of plagues and contaminants, promotion of healthy behaviours, etc.

Finally, there can be several ways that advance harm reduction. The non-stigmatizing environment is key to accessing user experiences. Therefore, CSC is a broad field of research for harm reduction entities because of its access to affected populations. **We recommend contacting a specialised organisation to make a professional plan for such activities.**

Problematic use of cannabis

The prevention of cannabis abuse through harm reduction mechanisms is a goal of the CSC. It has to be the user who recognises that she/he has a problematic use that affects other spheres of her/his life, such as work, social relations, etc. When the user recognises it, and requests help to have access to a rehabilitation process, the CSC has to facilitate the tools to her/him and, if required, refer the user to a specialised entity. The CSCs are an early warning system to detect problematic use because there is regular contact with the users. The identification and treating derivation of problematic use is also a service of the CSC.

Finally, a CSC's goal is to prevent the problematic use of drugs, providing information and education to the members. The CSC should guide harmful behaviours to healthy habits to prevent the abuse of drugs. The management of pleasures and addictions is key in the user relationship with her/his context and the substance.

CSC staff

The staff of the CSC should be educated and has to be knowledgeable about topics such as cannabis and social work applied to the prevention of problematic use. For that purpose, the training of CSC staff is essential to qualify people responsible for running the association to give specialised attention to cannabis use through a harm reduction approach.

Basic concepts that should be covered from a non-stigmatizing perspective are basic pharmacognosy of cannabis, lower risk consumption methods, legal aspects, how to react to certain urgent situations, detection and guidance for problematic use, and the basic concepts of therapeutic use, among other specialized knowledge.

The staff of the CSC should be taught on harm reduction related-topics to prevent drug misuse. Therefore, special training should be available for people who work in CSCs. As per now this kind of training is not available in all the countries, ENCOD recommends that the CSC contacts a local harm reduction service which could teach staff training adapted to the context.



Activities and services



The social life of the CSC is the set of relationships between members within the headquarters, including the events that the CSC could organise. The CSC should have a responsible approach to drug use, and the staff has to promote healthy habits of consumption in that context. This section is about the social life of the association.

Social activity

All the associations have to demonstrate that they are holding an associative activity. The social activity may include training, debates, conferences or other events. For example, cannabis growing workshops or talks about drug policy are common requests from CSC members.

The social activities are what maintain the social life of the CSC such as jam sessions, debates, games, film viewing or other activities. These create links between members and make the association a community. Several cultural associations can set examples for the CSC to develop its social life.

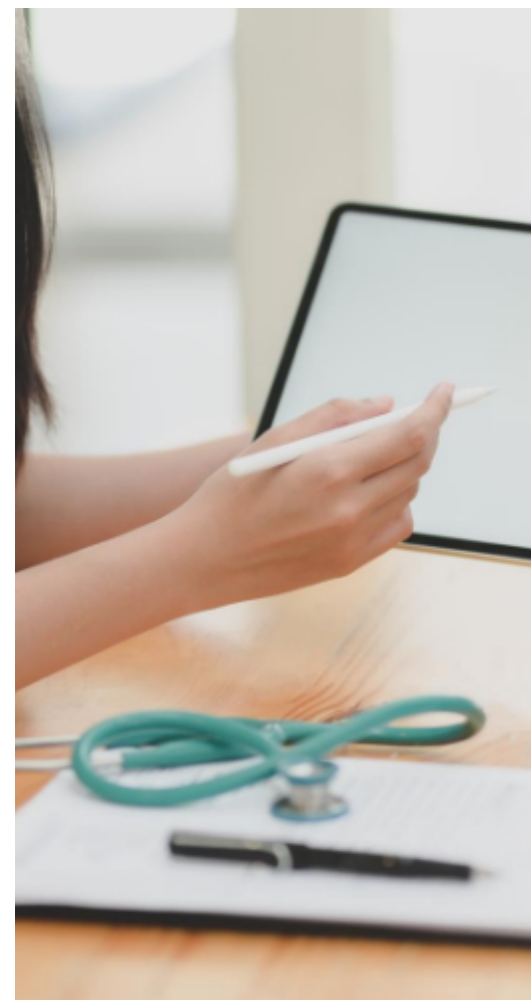
This community is created for better control of membership and applying harm reduction in a safe environment. It also makes people stay in the headquarters for a while, which allows the CSC to monitor and educate members on cannabis use. It also promotes the sharing of experiences that are exchanged naturally among the members.

Therapeutic services

Cannabis has therapeutic properties, but it is not a panacea. Authorities have to develop specific regulatory models for accessing cannabis for medicinal and possible therapeutic purposes. In the meanwhile, the associations can contribute to social empathy by allowing the substance to anyone who needs it for therapeutic reasons, under the principle of compassion.

Associations can accept therapeutic users through a doctor's prescription. Of course, the CSC can have a doctor of trust who takes care of the necessary formalities. It goes without saying that cannabis for medical purposes has to be of the highest and purest quality, and analysed for components and contaminants.

Therapeutic users may also seek other things in a CSC such as mutual support, a place to share experiences, a place to socialise. There has always been a lot of sympathy for users that use cannabis for therapeutic purposes in cannabis culture.



Research

Due to its functional capability, a CSC is generating real-world data. It can give researchers, experts and academics the landscape to make inquiries about cannabis, its real effects and other related issues. This would increase the knowledge that humanity has about the substance and its consumption, simultaneously evolving drugs policy.



We see the CSCs as a place for research on medical sciences. There are particular statistics typically collected by harm reduction entities (Reitox Network), such as the prevalence of consumption, the morbidity, index of problematic use, etc. The CSC, together with harm reduction entities, could contribute to data collection and monitoring of cannabis consumption.

It could also be valuable for social sciences and developing better models of drug control. There could be inquiries about models of cannabis regulation, how it affects the illicit markets, etc. or other anthropological and social issues, such as gender equality or the culture of drug use. Research of agricultural technology and sustainable cultivation practices ensures the safety and the quality of the substance.

In conclusion, several sectors of research could be interested in that inquiry aspect of CSCs. It is an opportunity for many stakeholders involved in drug issues such as anthropology, sociology, politology, economic sciences, etc. Disciplines such as medicine, pharmacology, biology or agronomy can also use the CSC as a field for research. CSCs should encourage collaboration with these sectors.

Sustainability

A common issue that all societies face is the reduction of the environmental impacts of human activity on the planet. The promotion of sustainable habits of life is essential to go forward with the ecological transition. Ecology is an essential point in the political agenda of the next decades, and cannabis regulatory models should be adapted to such changes, contributing to the global transformation to a more sustainable and ecological world.

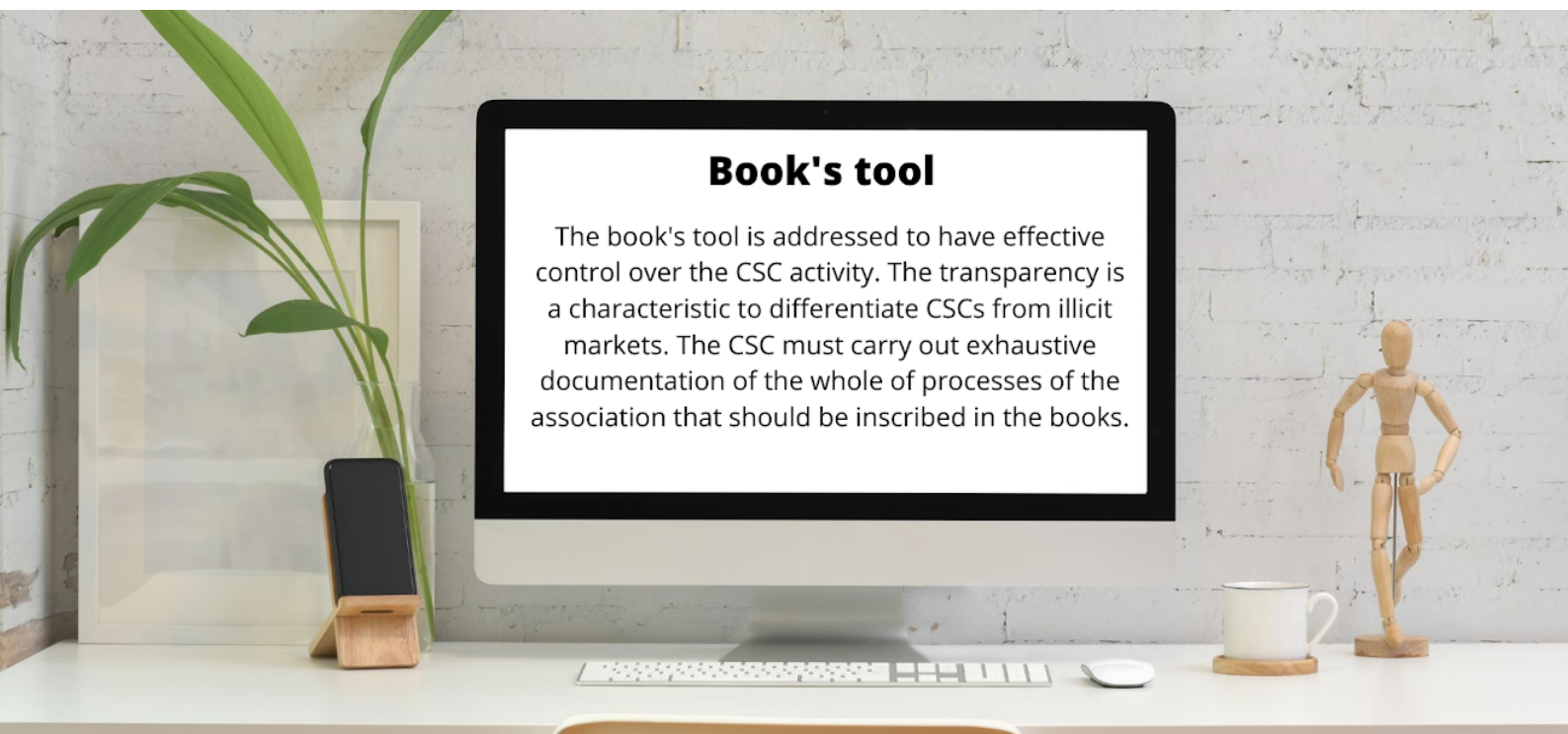
Ethics and social compromise

The CSC is a model adapting its management to the needs of cannabis users in the context of human rights, public health and substance control. The work of the CSCs should be an example of ethics and social responsibility. The association has an undeniable social responsibility towards the community and society. It seeks general well-being over particular interests. It includes gender equality, equity and justice. The CSC has to keep good neighbourhood relations.

The equity is also a concept we have to keep in mind for the CSC management. The CSC has to be fair and non-discriminative in its treatment to people. It has to treat members regarding the necessities of each one and cannot lead to any kind of discrimination, for sex, race, religion or others.



Accounting and tracking the activity



- **Membership book:** It is a collection of all the membership details. This book is to demonstrate that there is a collectivity behind the association that is supporting the crop. This book contains personal data, so the CSC must comply with the GDPR for the collection and storage of such data.
- **Minutes book:** It is a collection of the minutes of ordinary and extraordinary assemblies with its corresponding agreements in each one. These minutes will be available for all members of the association. It demonstrates that the CSC is managed with internal democracy.
- **Accountability book:** An accounting that allows obtaining a true image of the assets, the result and the financial situation of the entity. It is the record of all economic movements

generated by the association to exercise control over them and have the necessary information to improve the planning of the budget for the next financial year.

- **Forecast of cultivation book:** The CSC must make a collection of all the estimation of consumption of all the members. It demonstrates that there is a group of people that is behind the crop, and they are allowing the association to grow cannabis for them.
- **Withdrawals book:** It is where all the withdrawals of the members are recorded. It must be an accurate record of the withdrawals in a written book. The diligence of a prudent businessman applies here.
- **Growing notebook:** It is a record of the characteristics of the crop. There is a tracking of growers activity, during the period between the planting and harvesting. If there is an agricultural appraisal, this book would not be necessary further than for private information and control.
- **Book of results:**

There should be a detailed register of the crop results. It must include the final dried cannabis, the wasting plant material and its kind of destruction. The annual result should be equal or lower than the forecast of cultivation, and it should coincide with the total shared amount of the withdrawals book.
- **Evaluation:**

This document is a control mechanism comparison of the forecast of cultivation and the book of results. It ensures that the quality and quantity are in compliance. Ideally, it should be done at least once per year.

Cannabis associations must carry out exhaustive control over the substance due to security reasons. These books are summarising the activity of the CSC. They could be used by the overseeing bodies to control the activity of the association. All those books have their equivalent in a digital program. We recommend having these books stored properly under lock. A backup is recommended.

Codes of Conduct

A code of conduct is a set of common rules outlining the social norms, responsibilities and proper practices of the CSCs. It must not be confused with other rules that the CSC has, as the statutes, the house rules or these guidelines. The code of conduct usually is self-imposed by the overseeing body general assembly intending to improve the practices used within the CSCs of a nation or region.

There are different codes of conduct of CSC in the European Union. We would point out some of them. The general one is the European published by ENCOD and can be applied in all the countries where there are CSCs. Then, the Spanish Code of Conduct of ConFAC (Spanish Federation of CSCs) which is adapted to the laws of the country and the one suited to Catalonia is the code of conduct of CatFAC (Catalonian Federation of CSC).



Code of Conduct

It is a document with a set of common rules for a group of CSCs. ENCOD recommends that each overseeing body establishes one for its region or country depending on the necessities of each territory (see the Annex III: Code of Conduct for European Cannabis Social Clubs).

Audits

It is recommended to perform audits regularly. These audits should be done by people not involved in the daily administrative process by trained personnel with the diligence of a prudent auditor. That is an exercise of goodwill by the CSCs. The audits of the CSCs not only focus on the accounting aspect but also include all aspects that make up the activity of the CSCs, from cultivation to distribution, through regulations concerning associations, activities on harm reduction or the degree of transparency of these entities.

To ensure that the economic transactions regarding the membership fees and other running costs (salaries, rent, utilities, etc.) correspond to reality, it is recommended that the association pays it preferably through bank transfers. This increases the level of transparency of these entities and their difference with illicit markets. To comply with the data protection law, the membership number is included in the income concept.

The audit system must be adapted to the legislation related to the right of association of each country and uniform concerning the cultivation and control of the substance. The audits must be carried out by highly qualified personnel for each of the fields in which they are carried out. The creation of an interdisciplinary regulatory body is recommended, which among other functions has the audit power for the CSCs.

**health,
security
&
evidence**

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Annexes

Annex I: Statement to create a CSC

A CITIZENS' INITIATIVE FOR A LEGAL CANNABIS MARKET
ENCOD, 2016

Cannabis Social Clubs are associations of citizens who organise the cultivation of a limited amount of cannabis to satisfy their personal needs. They establish a closed circuit of production, distribution and consumption in agreement with legal standards that are valid in their country.

At the moment, Cannabis Social Clubs are legally operating in Spain and Belgium. There may be possibilities to set up a club in any country where the consumption of cannabis is depenalised. In December 2011, a code of conduct for European Cannabis Social Clubs was elaborated.

International conventions on drugs do not include the obligation for countries to prohibit the consumption and cultivation of cannabis for personal use. Therefore, the signing countries can depenalise consumption and regulate cultivation for personal use without fear of international sanctions. These measures form the fundament of a rational policy, but they are insufficient. Cultivation for personal use cannot supply the huge demand. It does not automatically contain guarantees against all health risks or against diversion to the illicit drug market. To minimise these risks, a more developed system of production and distribution is needed.

The most rational solution is the collectivisation of the cultivation for personal use. Adult consumers who do not want to cultivate themselves can form non-profit associations, Cannabis Social Clubs, with the purpose of obtaining legal, safe and transparent access to cannabis for their members. They do so by implementing a model for a regulated market in which supply is always demand oriented,

i.e. production is limited to an amount established as necessary to satisfy the needs for personal consumption of the members.

THE FOUR STEP APPROACH

When planning to set up a Cannabis Social Club, you need to take into account that any connection to the illegal market should be avoided. A CSC should not only appear to be legal, it should be so and be able to demonstrate it in a court case. Therefore, a rigid discipline in the administration and organisation of the club is necessary.

Every club needs members who participate actively in the organisation in various forms and with different responsibilities. The rules should be clear and simple and monitored democratically. It is a good idea to contact a lawyer who can give advice on the steps to take and eventually prepare the legal defence in case this is necessary.

Before taking the first step, check the legal framework for cannabis consumption in your country. If this consumption is not considered a crime and possession of a minor amount of cannabis for personal consumption do not lead to criminal persecution (see the overview of legal threshold quantities in the EU countries) it should be possible to organise a successful legal defense of a Cannabis Social Club. Based upon the argument that where people have the right to consume, they should be allowed to grow for their own consumption.

STEP ONE. PUBLIC PRESENTATION OF THE INITIATIVE

The first step is the public presentation of the initiative to organise a Cannabis Social Club through a press conference or public action. The best is to involve a well-known personality (try to collaborate with a politician or artist) in order to obtain press coverage and, in case you openly possess seeds, plants or (minor quantities of) cannabis during the presentation, reduce the risk of being persecuted.

In the presentation, it should be made very clear that the sole purpose of the club is to grow for the personal consumption of the adult members and to provide a legal, safe and transparent alternative to the illegal market.

When there is no reaction from legal authorities indicating that the initiative will be prosecuted, it is time for step 2.

STEP TWO. CREATION OF THE CLUB

The next step is the official creation of the Cannabis Social Club, as an association of cannabis consumers and producers who grow collectively the amount of cannabis for personal consumption through a closed circuit. Create an executive committee, including at least a president, secretary and treasurer and install a transparent and democratic decision-making process, so all members are aware of the main steps in the organisation, the establishment of financial arrangements etc.

In the statutes, you should include the purpose of the association: to avoid health-related risks of cannabis consumption that are inherent to the illegal market (like adulteration etc.). You can also refer to the purpose of research of the cannabis plant and the most environmental and health-friendly ways to grow it, as well as the promotion of a social debate on the legal status of cannabis and its consumers. If you wish you can obtain from ENCOD model statutes from already existing clubs in Spain or Belgium.

The statutes should be registered and approved legally by the corresponding authority (local justice department). Start to allow members (make sure they are cannabis consumers already or have a recognised medical condition in which cannabis consumption may not be harmful, and may even be beneficial).

Start growing! Establish the amount needed for the personal consumption of the members and organise the collective production of this amount in a collective plantation. Make sure the cultivation is organic, that there is a good variety of plants available, so members can always choose between different species and find out which is most convenient to them.

Make sure that people working in this plantation and transporting plants and/or cannabis are always in possession of papers that explain the way the association works and refer to legal antecedents. From these papers, it should result that the cannabis in the collective plantation is grown on behalf of the members who can be referred to with their official information (copies of identity cards for instance). These documents may be crucial to avoid the persecution of the people most involved in the association in case legal authorities decide to intervene.

All depending on the legislation in your country, distribution and consumption of the harvest can take place in the club.

STEP THREE. PROFESSIONALISE THE CLUB

With time, the amount of members will grow and the organisation of production, transport, payments etc. will need to become more professional. In order to enable the association to have control over the plants, it is best to have various small scale plantations.

Every club can have its own rules that can complement the statutes and refer to the use of the club room, payment of membership contributions, cultivation, the good team spirit of the club etc. In these rules, you can include codes of conduct for the members, for instance concerning the sale of cannabis produced by the club to non-members, especially minors.

To avoid problems and misunderstandings it may be best to inform the authorities of the fact that you are growing cannabis collectively. Some clubs have done this in a message to the legal authorities in their region, the closest police office or the municipality, others have just sent a press release.

The fact that you are a non-profit association does not mean that no commercial transactions can take place. To produce good quality cannabis in a safe and healthy way requires hard work, which should be remunerated. To operate as an association, expenses have to be made and people who run it should be remunerated.

The establishment of the price should be done in a transparent and democratic way. The included expenses can be the rent of rooms, water, electricity, materials, wages, office costs, gasoline or general costs of the association. These are divided by the amount of cannabis that is grown by the club resulting in a price per gramme. In Spain and Belgium, it has been possible to arrive at a price of between 3 and 4 euros /gramme. Most clubs work with annual budgets, so this price can be adapted each year. In other cases, this can take place with each harvest (3 to 4 months).

If profits are made, these are used for the association. The first that can happen if more profits are made than necessary for the goals of the association is to reduce the annual membership contribution of the members.

Financial transactions should always be documented (outgoing payments with invoices, incoming payments with receipts). This is important to show in an eventual court case that the club has not been involved in any illegal activity. It also helps to ensure the financial transparency of the organisation. It is a good idea to establish a mechanism for external control of the organisation, by someone who is not a member and has the capacity to judge if the used methods live up to the standards that may be expected.

STEP FOUR. LOBBY FOR A LEGAL REGULATION FOR CANNABIS SOCIAL CLUBS IN YOUR COUNTRY

Once a Cannabis Social Club is functioning properly, what remains is to convince political and legal authorities to install a legal regulatory framework for clubs, concerning licenses, taxes, and external control. In most cases, politicians, legal experts, judges or policemen simply do not know how to start regulating a legal cannabis market. This can actually help the process: when there are no antecedents, the models that are proposed by the consumers themselves can become easier accepted.

Annex II: Legislation related to the Right of Association

COUNTRY	FREEDOM OF ASSEMBLY AND ASSOCIATION (*)
Austria	<ul style="list-style-type: none"> - Constitution art. 12 - Federal Act on Associations, 2002
Belgium	<ul style="list-style-type: none"> - Constitution art. 26 and 27 - Act of 27 June 1921 on non-profit associations, international non-profit associations and foundations (as amended March 28, 2007).
Bulgaria	<ul style="list-style-type: none"> - Constitution art. 11, 12, 19, 43, 44 and 49 - Act on non-profit corporate bodies (SG No. 81/6.10.2000).
Croatia	<ul style="list-style-type: none"> - Constitution art. 42 and 43 - Associations Act of 18 June 1997 (Text No. 1209).
Cyprus	<ul style="list-style-type: none"> - Constitution art. 21 http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=100212&p_country=CYP&p_count=506&p_classification=02&p_classcount=12
Czech Republic	<ul style="list-style-type: none"> - Constitution art. 5 - Charter of Fundamental Rights and Freedoms art. 19, 20, 22 and 27 - Act No. 83/1990 on freedom of association.
Denmark	<ul style="list-style-type: none"> - Constitutional Act sec. 78, 79, 80 and 85 http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=42498&p_country=DNK&p_count=2058&p_classification=02&p_classcount=39
Estonia	<ul style="list-style-type: none"> - Constitution art. 29, 47 and 48 - Non-profit Associations Act of 6 June 1996 (as amended 2005).
Finland	<ul style="list-style-type: none"> - Constitution sec. 3 - Associations Act (503/1989).
France	<ul style="list-style-type: none"> - Constitution art. 4 - Penal Code art. 431-1 - Law of July 1st, 1901 relating to the contract of association (Consolidated version as of August 05, 2019). https://www.service-public.fr/associations https://www.associations.gouv.fr/
Germany	<ul style="list-style-type: none"> - Basic Law for the Federal Republic art. 8 and 87a - Associations Act 1964 (as amended 2017).
Greece	<ul style="list-style-type: none"> - Constitution art. 11 and 12

Hungary	<ul style="list-style-type: none"> - Fundamental law art. 8 - Act CLXXV of 2011 on the Freedom of Association, Non-profit Status and the Operation and Support of Civil Organizations (Civil Act) (as amended 2015).
Ireland	<ul style="list-style-type: none"> - Constitution art. 40.6.1 and 40.6.2 http://www.ilo.org/dyn/natlex/natlex4.listResults?p_lang=en&p_country=IRL&p_count=746&p_classification=02&p_classcount=36
Italy	<ul style="list-style-type: none"> - Constitution art. 17, 18, 39 and 49 - Legislative Decree No. 117 of July 3, 2017, Code of the Third Sector, Issued in Accordance with Article 1 and 2(b), of Law No. 106 of June 6, 2016 (L.D. No. 117) https://www.loc.gov/law/foreign-news/article/italy-code-to-regulate-nongovernmental-organizations/
Latvia	<ul style="list-style-type: none"> - Constitution art. 102 and 103 http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=41293&p_country=LVA&p_count=474&p_classification=02&p_classcount=14
Lithuania	<ul style="list-style-type: none"> - Constitution art. 35 and 36 - Law No. IX-1969 of 22 January 2004 on Associations (as amended in 2015) - Law No. XII-717 of 19 December 2013 on Development of Non-Governmental Organizations.
Luxembourg	<ul style="list-style-type: none"> - Constitution art. 25 and 26 - Act of April 21, 1928, on non-profit associations and public utility establishments.
Malta	<ul style="list-style-type: none"> - Constitution art. 42 http://www.ilo.org/dyn/natlex/natlex4.listResults?p_lang=en&p_country=MLT&p_count=292&p_classification=02&p_classcount=10
The Netherlands	<ul style="list-style-type: none"> - Statute of the Kingdom. Chapter 1. Art 8 and 9 http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=71659&p_country=NLD&p_count=1785&p_classification=02&p_classcount=57
Poland	<ul style="list-style-type: none"> - Constitution art. 57, 58 and 59 - Act on associations (text No. 104) (as amended 2017)
Portugal	<ul style="list-style-type: none"> - Constitution art. 45 and 46 - Decree-Law No. 594 in which the right of association is recognized and regulated.
Romania	<ul style="list-style-type: none"> - Constitution art. 9, 31, 39 and 40 - Ordinance No. 26 of 30 January 2000 on associations and foundations.
Slovakia	<ul style="list-style-type: none"> - Constitution art. 28, 29 and 37

	- Law of 27 March 1990 Concerning the Right of Association
Slovenia	- Constitution art. 42, 46 and 76 - Act of 30 May 2006 on Associations (Text No. 2567) (as amended 2007)
Spain	- Constitution art. 6, 7, 21, 22 and 28 - Law 1/2002 regulating the Right of Association.
Sweden	- Instrument of Government art. 1 and 14
United Kingdom	- Human Rights Act 1998 art. 11 - Police Reform and Social Responsibility Act 2011 sec. 141

(*) Data from the European Union Agency for Fundamental Rights (FRA) and the International Labour Organisation (ILO). Note: Lands, Federated States, Regions or other subnational jurisdictions can have additional legislation on that topic.

Annex III: Code of Conduct European CSC

EUROPEAN CANNABIS SOCIAL CLUBS: CODE OF CONDUCT

December, 2011

Due to the lack of a legal framework with regards to cannabis cultivation for personal use, we, cannabis consumers throughout Europe have initiated an own model of regulation and control.

This model, called the Cannabis Social Club, aims to prevent cannabis consumers from being involved in illegal activities and assures that certain requirements concerning public health and safety are being fulfilled. Cannabis Social Clubs (CSC) are registered, non-profit associations that are formed by adult people who consume cannabis. They can be set up legally in any country where cultivation of personal amounts of cannabis has been decriminalised. In countries where this is not yet the case, CSC's can operate as an experiment in order to prepare for the moment when the laws on cannabis cultivation for personal use will change. According to article 12 of the Charter of Fundamental Human Rights of the European Union, "everyone has the right to freedom of peaceful assembly and association at all levels".

Cannabis Social Clubs organise the collective cultivation of an amount of cannabis that is exclusively meant for the private consumption of their members. The production capacity of a CSC is based on the expected level of yearly consumption of its members, increased with a reasonable buffer to counter the risk of failed harvest, theft, and provide for 'emergency stash' for people who consume cannabis for medicinal reasons. The internal rules of a CSC include a protocol about the management of this eventual surplus.

Before becoming member of a Cannabis Social Club, the applicant must state that he/she is a user of cannabis, or provide a medical report stating the diagnosis, to check that the person is diagnosed with a disease for which the use of cannabis is indicated, according to the regularly published lists by the International Association for Cannabis as Medicine (IACM).

Cannabis Social Clubs have a protocol for adhesion of new members that includes an explanation on their rights and duties, an indication of the estimated amount of consumption and a private conversation on the history of use. This allows the clubs to recognise problematic consumption (psychopathologies), and to respond to this situation. Cannabis Social Clubs apply an active policy of prevention of harms and risks and promotion of safer methods of consumption of cannabis by its members.

Cannabis Social Clubs take a comprehensive written record of consumption made by their members from collective farming, register in which they shall contain at least a membership number, the amounts withdrawn and the date of withdrawal. In this register personal data protection is ensured at all times. There will be an upper limit on the amounts that members may receive, in order to avoid the possibility of facilitating the use of third parties.

Cannabis Social Clubs take a comprehensive written record of production, in which the association shall certify the dates of the cycle of cultivation, the used methods of cultivation and the amounts collected and suitable for consumption. Inspections are carried out randomly by representatives of the association, to verify the location, safety measures and estimated volume of production.

The methods of cultivation, post-harvest treatment etc. shall meet up to the standards of biological agriculture with sustainable use of natural resources.

Once the harvest has been controlled and the final production volume quantified, the association will issue a written authorization to one of its representatives to proceed to transport the crop product from the place where it is cultivated to the premises where the controlled distribution is carried out.

Cannabis Social Clubs are characterised by transparency, democracy and non-profitability. They function as an association, with complete openness about financial arrangements to their members, so the members can see how the costs are calculated and the money is spent. CSC's organize a general assembly at least once a year, where annual reports are discussed and approved. These reports include a complete balance of incomes and expenses in the past fiscal year, according to the rules established for this purpose.

Cannabis Social Clubs may decide to employ staff members, who can receive reasonable remuneration. Thus they contribute to the creation of employment, economic re-activation and savings on the budget for law enforcement.

Unlike cannabis distributors who operate on the illegal market, Cannabis Social Clubs are willing to enter into dialogue with authorities to provide insight in their working methods, in the framework of the elaboration of a legal regulation of cannabis. Local authorities should have an interest in such a regulation, which will enable them to control the CSC's in order to ensure their transparent and safe way of working. Thus, they create an alternative for the illicit drug market, prevent the access of minors to cannabis, help to reduce public expenditure and generate tax revenue. CSC's have an interest in such a regulation as it will ensure the legal status of their organisation and its activities.

