



Council of the
European Union

Brussels, 28 February 2019
(OR. en)

6558/19

Interinstitutional File:
2019/0037 (NLE)

UD 62
CORDROGUE 6

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be adopted, on behalf of the European Union, in the sixty-second session of the Commission on Narcotic Drugs on the addition to the list of substances in the Tables of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances

COUNCIL DECISION (EU) 2019/...

of ...

**on the position to be adopted, on behalf of the European Union,
in the sixty-second session of the Commission on Narcotic Drugs
on the addition to the list of substances
in the Tables of the United Nations Convention
against Illicit Traffic in Narcotic Drugs and Psychotropic Substances**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 ('the Convention') entered into force on 11 November 1990 and was concluded on behalf of the European Economic Community by Council Decision 90/611/EEC¹.
- (2) Pursuant to Article 12(2) to (7) of the Convention, substances may be added to the Tables of the Convention in which drug precursors are listed.
- (3) The Commission on Narcotic Drugs should, during its sixty-second session from 14 to 22 March 2019 in Vienna, take a decision on the addition of four new substances to the Tables of the Convention.
- (4) It is appropriate to establish the position to be taken on the Union's behalf in the Commission on Narcotic Drugs should, during its sixty-second session from 14 to 22 March 2019 in Vienna, as the decisions will be binding on the Union and capable of decisively influencing the content of Union law, namely Council Regulation (EC) No 111/2005² and Regulation (EC) No 273/2004 of the European Parliament and of the Council³.

¹ Council Decision 90/611/EEC of 22 October 1990 concerning the conclusion, on behalf of the European Economic Community, of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (OJ L 326, 24.11.1990, p. 56).

² Council Regulation (EC) No 111/2005 of 22 December 2004 laying down rules for the monitoring of trade between the Union and third countries in drug precursors (OJ L 22, 26.1.2005, p. 1).

³ Regulation (EC) No 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors (OJ L 47, 18.2.2004, p. 1).

- (5) According to the assessment of the International Narcotics Control Board, three substances, 3,4-MDP-2-P methyl glycidate ('PMK glycidate'), 3,4-MDP-2-P methyl glycidic acid ('PMK glycidic acid') and alpha-phenylacetamide (APAA) are frequently used in the illicit manufacture of, respectively, MDMA and related substances; of 3,4-MDP-2-P and subsequently MDMA and related substances; and amphetamine and methamphetamine. There is evidence that the volume and extent of the illicit manufacture of these narcotic drugs and psychotropic substances poses serious public health or social problems so as to warrant the placing of these substances under international control. As to the fourth substance, namely hydriodic acid, the International Narcotics Control Board is of the view that international control would not be effective in reducing the availability of illicitly manufactured methamphetamine and amphetamine. Illegal manufacture of MDMA, and related substances, and methamphetamine and amphetamine is a serious problem in the Union. These illegally manufactured narcotic drugs and psychotropic substances cause significant public health and social problems in the Union. Additionally, organised crime groups in the Union are also illegally exporting these narcotic drugs and psychotropic substances to third countries.
- (6) The Union's position is to be expressed by the Member States of the Union that are members of the Commission on Narcotic Drugs,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the sixty-second session of the Commission on Narcotic Drugs shall be the following:

- 3,4-MDP-2-P methyl glycidate ('PMK glycidate'), 3,4-MDP-2-P methyl glycidic acid ('PMK glycidic acid') and alpha-phenylacetoacetamide (APAA) are to be included in Table I of the Convention;
- hydriodic acid is not to be placed under control of the Convention.

Article 2

The position referred to in Article 1 shall be expressed by the Member States of the Union that are members of the Commission on Narcotic Drugs.

Article 3

This Decision is addressed to the Member States.

Done ...,

For the Council

The President
