Council of the European Union

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**CORDROGUE 15**

**LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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| Subject: | COUNCIL DECISION on the position to be taken, on behalf of the European Union, in the 65th session of the Commission on Narcotic Drugs as regards the addition of three substances to the list of substances in Table I of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances |

**COUNCIL DECISION (EU) 2022/…**

**of …**

**on the position to be taken, on behalf of the European Union,**
**in the 65th session of the Commission on Narcotic Drugs**
**as regards the addition of three substances to the list of substances in Table I**
**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(4), first subparagraph, 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') was concluded by the Union by means of Council Decision 90/611/EEC[1] and entered into force on 11 November 1990.

(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) During its 65th session, which is due to take place in Vienna from 14 to 18 March 2022, the Commission on Narcotic Drugs is to adopt a decision on the addition of three substances to Table I of the Convention.

(4) According to the assessment of the International Narcotics Control Board, three substances, namely 4-AP, 1-boc-4-AP and norfentanyl, are frequently used in the illicit manufacture of fentanyl and are highly suitable for the illicit manufacture of fentanyl and a number of fentanyl analogues, which are highly potent synthetic opioids. There is evidence that the volume and the extent of the illicit manufacture of fentanyl and fentanyl analogues pose serious public health and social problems. The placing of 4-AP, 1-boc-4-AP and norfentanyl under international control is therefore warranted.

[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).

(5) On 2 February 2022 the International Narcotics Control Board recommended that the Commission on Narcotic Drugs add 4-AP, 1-boc-4-AP and norfentanyl to Table I of the Convention.

(6) Illicitly manufactured fentanyl and fentanyl analogues have caused significant public health and social problems in certain Member States.

(7) The decision on the addition of substances to Table I of the Convention falls under the exclusive competence of the Union. The Union has observer status in the Commission on Narcotic Drugs, of which 12 Member States of the Union are members with the right to vote.

(8) It is appropriate to establish the position to be taken on behalf of the Union in the Commission on Narcotic Drugs, as the decision of that Commission will be binding on the Union and capable of decisively influencing the content of Union law, namely Regulation (EC) No 273/2004 of the European Parliament and of the Council[1] and Council Regulation (EC) No 111/2005[2].

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[1] 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).

[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).

(9) The Union's position should be expressed by the Member States of the Union that are members of the Commission on Narcotic Drugs, acting jointly in the interest of the Union.

(10) The position to be taken on behalf of the Union in the Commission on Narcotic Drugs should be to add 4-AP, 1-boc-4-AP and norfentanyl to Table I of the Convention,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be taken on behalf of the Union in the 65th session of the Commission on Narcotic Drugs from 14 to 18 March 2022 shall be to add the following substances to Table I of the Convention:

(a) 4-AP;

(b) 1-boc-4-AP; and

(c) norfentanyl.

*Article 2*

The position set out in Article 1 shall be expressed by the Member States of the Union that are members of the Commission on Narcotic Drugs, acting jointly in the interest of the Union.

*Article 3*

This Decision shall enter into force on the date of its adoption.

Done at …,

*For the Council*
*The President*