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**COVER NOTE**

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From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 9 February 2026

To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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No. Cion doc.: C(2026) 689 final

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Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 9.2.2026 amending Regulation (EC) No 273/2004 of the European Parliament and of the Council and Council Regulation (EC) No 111/2005 as regards the inclusion of certain precursors of synthetic cathinone and amphetamine in the list of scheduled substances

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Delegations will find attached document C(2026) 689 final.

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Encl.: C(2026) 689 final



Brussels, 9.2.2026  
C(2026) 689 final

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of 9.2.2026**

**amending Regulation (EC) No 273/2004 of the European Parliament and of the Council  
and Council Regulation (EC) No 111/2005 as regards the inclusion of certain precursors  
of synthetic cathinone and amphetamine in the list of scheduled substances**

(Text with EEA relevance)

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE DELEGATED ACT

Drug precursors are chemicals which may be used for the illicit manufacture of narcotic drugs or psychotropic substances. Regulation (EC) No 273/2004 of the European Parliament and of the Council<sup>1</sup> lays down measures for monitoring trade in drug precursors within the EU, while Council Regulation (EC) No 111/2005<sup>2</sup> governs trade in drug precursors between the EU and third countries. Drug precursors may be scheduled substances (listed in the Annexes to the Regulations) or non-scheduled substances. The two Regulations jointly implement the measures envisaged by Article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 19 December 1988<sup>3</sup> (the '1988 UN Convention').

At the request of a Member State, the Commission mandated the European Drugs Agency (EUDA) to assess the licit and illicit uses of the following nine non-scheduled substances: 3'-chloropropiophenone, 2-bromo-3'-chloropropiophenone, 3'-methylpropopiophenone, 2-bromo-3'-methylpropopiophenone, 4'-methylpropopiophenone, 2-bromo-4'-methylpropopiophenone, 4'-chloropropiophenone, 2-bromo-4'-chloropropiophenone and phenyl-2-nitropropene.

The EUDA confirmed that all these precursors may be used in the illicit production of synthetic cathinone drugs and amphetamine, through straightforward and scalable methods, needing only basic equipment and minimal technical proficiency to be executed. The seizures of these precursors increased in the recent years in the Union and there is evidence that they are used in illicit drug production. Nevertheless, some of these precursors also have legitimate uses in the production of medicines marketed in the EU. 3'-Chloropropiophenone is used in production of bupropion, a medicine intended for the treatment of depression and as an aid to smoking cessation. 2-Bromo-3'-chloropropiophenone is an intermediate in the manufacture of bupropion. 4'-Methylpropopiophenone is used in production of tolperisone, a muscle-relaxant authorised for the treatment of muscle spasms and spasticity caused by different conditions. Phenyl-2-nitropropene may be used in the production of amphetamine-based medicines. In addition, all these precursors are used as reference standards in analytical laboratories.

Given that the nine substances can be easily used to produce illicit drugs, the Commission should amend Regulation (EC) No 273/2004 and Regulation (EC) No 111/2005 and add them in Category 1, as they pose the greatest risk when diverted towards illicit production. As a result, the trade and use of the substances will be subject to the strictest control and monitoring measures: operators and users need to hold a licence, import and export are subject to authorisation and the substances are to be stored in secured premises. While such measures will lead to compliance costs in particular for medicine producers using the precursors and their suppliers, these costs are justified by the need to avoid the diversion of these substances towards the illicit production of drugs.

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> OJ L 326, 24.11.1990, p. 56.

## **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

In accordance with the Interinstitutional Agreement on Better Law-Making of 13 April 2016<sup>4</sup>, appropriate and transparent consultations, including at expert level, have been carried out in the preparation of this delegated act. The Group of Experts on Drug Precursors has discussed the proposal in detail during its meeting on 2-3 April 2025 and a final written consultation took place in December 2025. Member States generally supported the scheduling of the nine substances.

The draft has been published for feedback on ‘Have-your-say’ portal. Two contributions were submitted: one microenterprise supported the initiative, and one citizen opposed to it considering that such decisions should be taken at national level only. However, the rules on controlling and monitoring drug precursors are harmonised at EU level since 1990 and the Commission is empowered by the European Parliament and the Council to adopt delegated acts updating the list of substances placed under control.

The draft has been notified based on Article 2(9)(2) of the Agreement on Technical Barriers to Trade and no comments have been received.

## **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

Based on Article 15 of Regulation (EC) No 273/2004 and Article 30a of Regulation (EC) No 111/2005, the Commission is empowered to adopt delegated acts in order to adapt the Annexes to new trends in diversion of drug precursors.

Regulation (EC) No 273/2004 and Regulation (EC) No 111/2005 are closely linked. They jointly implement the measures envisaged by Article 12 of the 1988 UN Convention. Therefore, the bundling of two empowerments based on different basic legislative acts into one single delegated act is justified by the close material link between the empowerments in question.

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<sup>4</sup> OJ L 123, 12.5.2016, p. 1.

COMMISSION DELEGATED REGULATION (EU) .../...

of 9.2.2026

**amending Regulation (EC) No 273/2004 of the European Parliament and of the Council and Council Regulation (EC) No 111/2005 as regards the inclusion of certain precursors of synthetic cathinone and amphetamine in the list of scheduled substances**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors<sup>1</sup>, and in particular Article 15 thereof,

Having regard to 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<sup>2</sup>, and in particular Article 30a thereof,

Whereas:

- (1) Regulation (EC) No 273/2004 lays down measures for monitoring trade in drug precursors within the Union, while Regulation (EC) No 111/2005 governs trade in drug precursors between the Union and third countries. Annex I to Regulation (EC) No 273/2004 and the Annex to Regulation (EC) No 111/2005 each contain a list of scheduled substances, which are subject to a number of harmonised control and monitoring measures provided for by those Regulations.
- (2) National competent authorities indicated an increase in seizures of the following nine non-scheduled substances: (i) 3'-chloropropiophenone; (ii) 2-bromo-3'-chloropropiophenone; (iii) 3'-methylpropiofenone; (iv) 2-bromo-3'-methylpropiofenone; (v) 4'-methylpropiofenone; (vi) 2-bromo-4'-methylpropiofenone; (vii) 4'-chloropropiophenone; (viii) 2-bromo-4'-chloropropiophenone, and (ix) phenyl-2-nitropropene.
- (3) 3'-Chloropropiophenone and 2-bromo-3'-chloropropiophenone are precursors of 3-chloromethcathinone or clophedrone (3-CMC). 3'-Methylpropiofenone and 2-bromo-3'-methylpropiofenone are precursors of 3-methylmethcathinone (3-MMC). 4'-Methylpropiofenone and 2-bromo-4'-methylpropiofenone are precursors of mephedrone (4-methylmethcathinone or 4-MMC). 4'-Chloropropiophenone and 2-bromo-4'-chloropropiophenone are precursors of 4-CMC (clephedrone or 4-chloromethcathinone). Phenyl-2-nitropropene is a precursor of amphetamine.
- (4) 3-CMC, 3-MMC, 4-CMC and 4-MMC are synthetic cathinone stimulant drugs placed under international and European control. Amphetamine is also a controlled drug. These drugs may pose severe public health and social risks at Union level.

<sup>1</sup> OJ L 47, 18.2.2004, p. 1, ELI: <http://data.europa.eu/eli/reg/2004/273/oj>.

<sup>2</sup> OJ L 22, 26.1.2005, p. 1, ELI: <http://data.europa.eu/eli/reg/2005/111/oj>.

- (5) The Commission mandated the European Drugs Agency (EUDA) to assess the nine substances and provide information both on licit and illicit uses<sup>3</sup>. According to the EUDA, the nine substances may be used in the illicit production of drugs through straightforward and scalable methods, needing only basic equipment and minimal technical proficiency to be executed. The seizures of those precursors increased in recent years in the Union. Some of them are used in the production of medicines marketed in the EU: 3'-chloropropiophenone is used in production of bupropion, a medicine intended for the treatment of depression and as an aid to smoking cessation. 2-Bromo-3'-chloropropiophenone is an intermediate in the manufacture of bupropion. 4'-Methylpropiofenone is used in production of tolperisone, a muscle-relaxant authorised for the treatment of muscle spasms and spasticity caused by different conditions. Phenyl-2-nitropropene may be used in the production of amphetamine-based medicines. In addition, the EUDA confirms that all nine substances concerned have legitimate uses as reference standards in analytical laboratories.
- (6) Given that the nine substances can be easily used to produce illicit drugs and there is evidence to that occurring in the Union, Regulations (EC) No 273/2004 and (EC) No 111/2005, respectively should be amended to include those nine substances in the list of scheduled substances of Category 1, as they pose the greatest risk when diverted towards illicit production. To avoid their diversion from licit channels, the trade and use of the substances should be subject to the strictest control and monitoring measures.
- (7) Furthermore, scheduling the nine substances would support national authorities in their fight against the illicit production of drugs since, from the date of entry into force of this Regulation, those substances are to be considered as 'precursors' within the meaning of Article 1, point 2., of Council Framework Decision 2004/757/JHA<sup>4</sup>, for defining the minimum elements of crimes linked to trafficking in precursors.
- (8) Regulations (EC) No 273/2004 and (EC) No 111/2005 should therefore be amended accordingly.
- (9) Regulations (EC) No 273/2004 and (EC) No 111/2005 jointly implement the drug precursors related provisions of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted in Vienna on 19 December 1988 and approved on behalf of the Union by Council Decision 90/611/EEC<sup>5</sup>. In view of the close substantive link between the empowerments contained in those Regulations, it is appropriate to adopt the amendments by way of one single delegated act.
- (10) However, legitimate uses in the production of medicine have been identified for some of the substances concerned, and some commercial laboratories might need to use the other substances as reference standards. Thus, there is a legitimate trade of the nine substances.

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<sup>3</sup> [EUDA home page | www.euda.europa.eu](http://www.euda.europa.eu)

<sup>4</sup> Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking (OJ L 335, 11.11.2004, p. 8, ELI: [http://data.europa.eu/eli/dec\\_framw/2004/757/oj](http://data.europa.eu/eli/dec_framw/2004/757/oj)).

<sup>5</sup> 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, pp. 56, ELI: <http://data.europa.eu/eli/dec/1990/611/oj>).

- (11) Therefore, the application of this Regulation should be deferred to give economic operators enough time to comply with the procedures provided for in Regulations (EC) No 273/2004 and (EC) No 111/2005, in particular, to obtain import or export authorisations and the appropriate licences,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Amendments to Regulation (EC) No 273/2004**

Annex I to Regulation (EC) No 273/2004 is amended in accordance with Annex I to this Regulation.

*Article 2*

**Amendments to Regulation (EC) No 111/2005**

The Annex to Regulation (EC) No 111/2005 is amended in accordance with Annex II to this Regulation.

*Article 3*

**Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from ... [*OP please insert the date = four months after the entry into force of this Regulation*].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 9.2.2026

*For the Commission*

*The President*

*Ursula VON DER LEYEN*