Drug Precursor Control Screening

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Drug Precursor Control in the Community

1. Background
2. Community legislation
3. Principle requirements
4. Challenges
5. Operational side
6. Future developments

1. Background

- UNODC World Drugs' Report 2005: EC remains the most important XTC source
- 10.000 XTC tablets = 1 liter 3,4 MDP-2-P
- 3,4 Methylenedioxyphenyl-2-propanone (or "PMK")= Category 1 drug precursor and the key substance used in the XTC manufacture
- **PMK** has also licit uses: used to obtain components of parfume
- No prohibition – but control

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- **Ephedrine/pseudo-ephedrine** = cold medicine versus methamphetamine
- **Acetic Anhydride**= Asperin versus Heroin
- **Potassium Permangante:** Purifying of Water versus Cocaine

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- United Nations Convention against illicit traffic in narcotic drugs and psychotropic substances of 1988
- Article 12 of the 1988 Convention
- To focus on « supply side » : « Without Chemicals no Drugs »
- EC participated in the negotiations of Article 12 and implemented the requirements in 1990 and 1992

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- Original intention: contribution by industrialised countries to the efforts requested from the drug producing countries
- Control of domestic distribution and exports
- Community used to be a producer and exporter only
- Today: Community has also become a place of illicit (synthetic) drug manufacture and has also become an importer of drug precursors

2. Community legislation

- Since **18th August 2005**: New Community legislation

- External trade:

  Council Regulation (EC) No 111/2005 of 22 December 2004 laying down rules for the monitoring of trade between the Community and third countries in drug precursors
  OJ L 22 of 26 January 2005

  Replaced Council Regulation (EC) No 3677/90

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- Intra-Community trade:

  Regulation (EC) No 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors
  OJ L 47 of 18 February 2004

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- Joint Implementing Regulation:

  New **Commission Regulation (EC) No 1277/2005** laying down implementing rules for Regulation (EC) No 273/2004 and Regulation (EC) No 111/2005
  OJ L 202 3rd August 2005, p. 7

  Partly replaced Commission Regulation (EC) No 3769/92

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- **Bilateral agreements with the main players**
  - **Andean Countries (1995)**
    - **OJ L 324 of 30/12/1995**
  - **Mexico (1997)**
    - **OJ L 77 of 19/3/1997, p. 22**
  - **United States (1997)**
    - **OJ L 164 of 21/6/1997 p. 22**
  - **Chile (1998)**
    - **OJ L 336 of 11/12/1998 p. 46**
  - **Turkish Republic (2003)**

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- Agreement between the European Community and the Turkish Republic (OJ L 64 of 2.3.2003 p. 28 – entry into force 1st August 2004)
  - ➔ Aim: to foster co-operation
  - ➔ However: Community regulations are the legal instruments relevant for accession and must be applied **not** the provisions of the bilateral agreement!

3. Principle requirements

- Concerns trade between the Community and third countries
- Council Regulation (EC) No 111/2005 and Commission Regulation (EC) No 1277/2005
- Basic pattern remains diversion from legal trade
- Main aim: to monitor trade + to prevent diversion

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- **Chemicals:**
  - 23 scheduled substances
  - 3 Categories
  - includes: pure substance, mixtures, natural products
  - principally excludes: medicinal products, pharmaceutical preparations - EC has strong controls over distribution of medecinal products
- **EC Voluntary Monitoring List**

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- **Documentation**
- **Labelling**
- **Record keeping**
- **Authorisation of Operators**
  - Licensing
  - Registration

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- **Monitoring of exports**
  - Pre-export notifications (MCRN)
  - Individual export authorisations
  - Simplified export autorisation procedures
- **General focus on the "Key substances"**
- **Monitoring of imports**
  - Individual import authorisations for the most sensitive drug precursors
  - General monitoring of transshipment movements

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- **Co-operation with Industry**
  - Basic pattern remains diversion from licit trade
  - First line of defense in seeing suspicious orders
  - To inform about suspicious transactions
  - « Reporting» obligations
  - To foster « preventive approach »
  - Voluntary co-operation/flexibility

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- **EC Voluntary Monitoring List**
- **Industry Guidelines**
  - Effective tool of « co-operation »
  - Required through the legislation
  - To facilitate the application of the legal provisions
  - To make industry aware of its obligations

4. Challenges

- New patterns of diversion
- Tremendous turnover of goods
- Place of illicit synthetic drug manufacture – need to source required precursors outside EC
- EC still produces and/or exports drug precursors

5. The operational side

- Project "**COHESION**", Project "**PRISM**"
- Need to enhance precursor specific border controls in all transport vectors (import + transshipment + export)
- Need to develop + to apply criteria to target consignments
- Backtracking: Identifying the sources to effectively cut down supply

6. Future Developments

- Natural Products (safrole rich oils – ephedra etc.)
- Methamphetamine/diversion of pharmaceutical preparations in the Community ?
- Strengthened co-operation with China
- Increased customs controls

Thank you for listening !

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