Narcotic drugs and psychotropic substances: trade in drug precursors, monitoring and surveillance

2002/0217(COD) - 11/02/2004 - Final act

PURPOSE : To control the sale of drug precursors on the open market.

LEGISLATIVE ACT : Regulation 273/2004/EC of the European Parliament and of the Council on drug precursors.

CONTENT : The stated purpose of this Regulation is to harmonise measures for the intra-Community control and monitoring of certain substances frequently used for the illicit manufacture of narcotic drugs or psychotropic substances. It is an update of existing Directives and has been created in order to simplify the implementation of its provisions following the accession of the new Member States in May 2004.

The Regulation provides a list of definitions including classifications for "scheduled substance", "non-scheduled substance", "placing on the market", "operator" "international Narcotic Control Board", "special license" and "special registration". The substances covered by the provisions of this Regulation are listed in Annex I to the Regulation.

Before substances are allowed onto the market operators must fulfil certain requirements. These include, for example,

- The appointment of special officers;
- Requiring operators to obtain special licenses from competent authorities before scheduled substances can be placed on the market. Special licenses may be granted by the competent authorities to pharmacies, dispensaries of veterinary medicine, certain types of public authorities and the armed forces;
- Prior to granting a license competent authorities must take into account the competence and integrity of the applicant. If there are any grounds for doubting the suitability of the applicant a licence can be refused. Similarly, the licence can be suspended if there are grounds to believe that the holder is no longer fit for holding such a licence;
- In the case of category 2 substances, operators are required to register and update the addresses from which they trade and/or manufacture. Pharmacies, dispensaries of veterinary medicine, certain types of public authorities or the armed forces may be given a special registration.

Other additional measures include:

- A customer declaration stating the use of a substance. A separate declaration is required for each separate substance;
- Proper documentation on the sale of substances;
- Commercial documents must contain information such as the name of the substance, the quantity and weight of the substance and the name/address of the supplier, distributor, consignee etc involved in any transactions;
- Documentation must be kept for at least three years and must be readily available for inspection;
- Operators must ensure that labels are affixed to scheduled substances before they are supplied, and
- Notification to the competent authorities in case of unusual orders or transactions involving scheduled substances.

The Commission will regularly draw up guidelines on how to recognise and notify suspect transactions as well as updated lists of non-scheduled substances. Member States are asked to co-operate closely with each other when applying the Regulation's provisions. They are also responsible for laying down infringement penalties.

Lastly, the competent authorities are obliged to send annual reports to the Commission on theimplementation of the measures outlined above.

ENTRY INTO FORCE: 18/08/2005 (Articles 9, 14 and 15 shall enter into force on 18/02/2004).