Subjecting N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryloylfentanyl) to control measures

2017/0073(NLE) - 06/04/2017 - Initial legislative proposal

PURPOSE: to subject N-(1-phenethylpiperidin-4-yl)-Nphenylacrylamide (acryloylfentanyl) to control measures.

PROPOSED ACT: Council implementing decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

BACKGROUND: on 23 January 2017, following the request made by the Commission and 11 Member States and pursuant to Council Decision 2005/387/JHA on the information exchange, risk-assessment and control of new psychoactive substances, the Council requested an assessment of the risks caused by the use, manufacture and trafficking of the new psychoactive substance **acryloylfentanyl**.

The **main results** of the risk assessment carried out by the Scientific Committee of the European Monitoring Centre for Drugs and Drug Addition (EMCDDA) are the following:

acryloylfentanyl is a **synthetic opioid** available in the Union in Union since at least April 2016 and has been detected in 6 Member States. It is sold as "research chemical", typically as powder and as ready-to-use nasal sprays, in small and wholesale amounts;

47 deaths associated with acryloylfentanyl have been reported by **3 Member States**. In at least 40 deaths acryloylfentanyl was the cause of death or is likely to have contributed to death. In addition, more than 20 acute intoxications suspected to be due to acryloylfentanyl have been reported.

Acryloylfentanyl has no established or acknowledged human or veterinary medical use. It is not listed for control under the 1961 United Nations Single Convention on Narcotic Drugs or under the 1971 United Nations Convention on Psychotropic Substances. The substance is not currently under assessment by the United Nations system.

There is no information to suggest the involvement of organised crime in the manufacture, distribution, trafficking or supply of acryloylfentanyl within the Union.

Although the risk assessment report revealed that there is limited scientific evidence available on acryloylfentanyl, the Commission considered that the available evidence and information on the health and social risks that the substance poses provide **sufficient grounds for subjecting acryloylfentanyl to control measures** across the Union.

Only nine Member States control acryloylfentanyl under national drug control legislation, while two other Member States use other legislative measures to control it. Therefore, subjecting this substance to control measures across the Union would help avoid the emergence of obstacles in cross-border law enforcement and judicial cooperation, and would help protect from the risks that its availability and use could pose.

CONTENT: the objective of this proposal for a Council Implementing Decision is to call upon the Member States to **subject acryloylfentanyl to control measures** and criminal penalties as provided under their legislation by virtue of their obligations under the 1971 United Nations Convention on Psychotropic Substances.