Subjecting the new psychoactive substance N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide (furanylfentanyl) to control measures

2017/0152(NLE) - 05/07/2017 - Initial legislative proposal

PURPOSE: to subject the new psychoactive substance N-phenyl-N-[1-(2-phenylethyl)piperidin-4yl]furan-2-carboxamide (furanylfentanyl) 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 28 February 2017, following the request made by the Commission and 9 Member States and pursuant to Council Decision 2005/387/JHA, the Council requested an assessment of the risks caused by the use, manufacture and trafficking of the new psychoactive substance.

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

Furanylfentanyl is a **synthetic opioid** and is structurally similar to fentanyl, a controlled substance widely used in medicine for general anaesthesia during surgery and for pain management. It has been available in the Union since June 2015 and has been detected in 16 Member States;

23 deaths associated with furanylfentanyl have been reported by five Member States. In at least ten deaths furanylfentanyl was the cause of death or is likely to have contributed to the death. In addition, **11 acute non-fatal intoxications** associated with furanylfentanyl were reported by three Member States.

Furanylfentanyl has no recognised human or veterinary medical use in the Union.

Furanylfentanyl 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 suggesting the involvement of organised crime in the manufacture, distribution (trafficking) and supply of furanylfentanyl within the Union.

Based on the findings of the risk assessment report, the Commission considers that there are grounds for subjecting this substance to control measures across the Union. According to the risk assessment report, the acute toxicity of furanylfentanyl is such that it can cause severe harms to the health of individuals.

CONTENT: the objective of this proposal for a Council Implementing Decision is to call upon the Member States to **subject furanylfentanyl 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.

Given that ten Member States control furanylfentanyl under national drug control legislation and three Member State control furanylfentanyl under other legislation, 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 can pose.