

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

2002/0217(COD) - 27/07/2005 - Implementing legislative act

LEGISLATIVE ACT: Commission Regulation 1277/2005/EC laying down implementing rules for Regulation 273/2004/EC of the European Parliament and of the Council on drug precursors and for Council Regulation 111/2005/EC laying down rules for the monitoring of trade between the Community and third countries in drug precursors.

CONTENT: Regulation 273/2004/EC on drug precursors harmonises the provisions concerning the placing on the market of certain substances used in the illicit manufacture of narcotic drugs and psychotropic substances within the Community. In order to enhance the smooth operation of the internal market, for the trade in drug precursors, the provisions for the application for a licence, the granting or refusal of the granting of a licence, its suspension or revocation, are harmonised at Community level. This Regulation lays down rules for the implementation of Regulations 273/2004/EC and 111/2005/EC as regards the responsible officer, the licensing and registration of operators, the provision of information, pre-export notifications and authorisation of exports and imports in the field of drug precursors.

The following points should be noted:

-Since it is important to avoid the unauthorised removal of Category 1 substances, the business premises where these substances are stored or used must be secured against unauthorised removal.

-The competent authority must take a decision on the application for licences within 60 working days from the date of receipt of that application. In the case of a renewal of a licence, the decision shall be taken within 30 working days. There is a model licence set out in Annex I.

-The Regulation contains provisions on the types of operators engaged in intra-Community trade who may benefit from special licences and special registrations. It sets out the cases where operators engaged in trade between the Community and third countries may be exempted from the licensing and registration requirement.

-The provisions governing the licence conditions and the notification obligations of operators engaged in intra-Community trade and trade between the Community and third countries will, to the extent possible, be identical.

-The Regulation contains provisions allowing the verification of the licit purposes of all drug precursor consignments entering the Community customs territory, including, in particular, transit and transshipment consignments and sensitive areas such as Community free zones.

-Specific import authorisation procedures are set out to monitor individual import consignments of Category 1 substances in order to prevent diversion at an early stage and in particular to address the growing problem of amphetamine-type stimulants.

- Detailed rules concerning pre-export notification should allow it to adapt the information transfer and the necessary type of response to the sensitivity of the export consignment. In order to fully exploit the pre-export notification and export authorisation system, efforts should in principle target high risk

consignments. Detailed rules on the simplified use of pre-export notifications and the granting of export authorisations by simplified procedure should allow the easing of the administrative burden for mass chemicals with common licit uses.

-In view of an efficient monitoring of trade Member States must enable the competent authorities to exchange information.

-To improve the coordination of the monitoring of drug precursors Member States must provide the Commission regularly with information on the prevention of the diversion of drug precursors.

ENTRY INTO FORCE: 03/08/2005

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