## Basic information

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|---|---|
| **2014/0340(NLE)**<br><br>NLE - Non-legislative enactments | Procedure completed |
| Subjecting 4-methyl-5-(4-methylphenyl)-4,5-dihydrooxazol-2-amine (4,4'-DMAR) and 1 cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45) to control measures<br><br>See also Decision 2005/387/JHA 2003/0215(CNS)<br><br>**Subject**<br><br>7.30.30.04 Action to combat drugs and drug-trafficking | |

## Key players

**European Parliament**

| Committee responsible | Rapporteur | Appointed |
|---|---|---|
| LIBE Civil Liberties, Justice and Home Affairs | BONI Michał (PPE) | 03/09/2015 |

| Committee for opinion | Rapporteur for opinion | Appointed |
|---|---|---|
| ENVI Environment, Public Health and Food Safety | The committee decided not to give an opinion. | |

**Council of the European Union**

**European Commission**

| Commission DG | Commissioner |
|---|---|
| Justice and Consumers | JOUROVÁ Věra |

## Key events

| Date | Event | Reference | Summary |
|---|---|---|---|
| 01/12/2014 | Initial legislative proposal published | COM(2014)0716 | |
| 30/06/2015 | Legislative proposal published | 10009/2015 | Summary |
| 09/07/2015 | Committee referral announced in Parliament | | |
| 22/09/2015 | Vote in committee | | |
| 28/09/2015 | Committee report tabled for plenary, 1st reading/single reading | A8-0262/2015 | Summary |
| 06/10/2015 | Decision by Parliament | T8-0329/2015 | Summary |
| 06/10/2015 | Results of vote in Parliament | | |
| 08/10/2015 | Act adopted by Council after consultation of Parliament | | |

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|---|---|---|---|
| 08/10/2015 | End of procedure in Parliament | | |
| 20/10/2015 | Final act published in Official Journal | | |

## Technical information

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| **Procedure reference** | 2014/0340(NLE) |
| **Procedure type** | NLE - Non-legislative enactments |
| **Procedure subtype** | Consultation of Parliament |
| **Amendments and repeals** | See also Decision 2005/387/JHA 2003/0215(CNS) |
| **Legal basis** | EC Treaty (after Amsterdam) EC 039 |
| **Other legal basis** | Rules of Procedure EP 165 |
| **Stage reached in procedure** | Procedure completed |
| **Committee dossier** | LIBE/8/03851 |

## Documentation gateway

**European Parliament**

| Document type | Committee | Reference | Date | Summary |
|---|---|---|---|---|
| Committee draft report | | PE564.979 | 01/09/2015 | |
| Committee report tabled for plenary, 1st reading/single reading | | A8-0262/2015 | 28/09/2015 | Summary |
| Text adopted by Parliament, 1st reading/single reading | | T8-0329/2015 | 06/10/2015 | Summary |

**Council of the EU**

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Legislative proposal | 10009/2015 | 30/06/2015 | Summary |

**European Commission**

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Commission document (COM) | COM(2014)0716 | 01/12/2014 | |

## Additional information

| Source | Document | Date |
|---|---|---|
| European Commission | EUR-Lex | |

## Final act

Decision 2015/1873
OJ L 275 20.10.2015, p. 0032 Summary

# Subjecting 4-methyl-5-(4-methylphenyl)-4,5-dihydrooxazol-2-amine (4,4'-DMAR) and 1 cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45) to control measures

2014/0340(NLE) - 30/06/2015 - Legislative proposal

PURPOSE: to subject 4-methyl-5-(4methylphenyl)-4,5-dihydrooxazol-2-amine (4,4'-DMAR) and 1-cyclohexyl-4(1,2-diphenylethyl)piperazine (MT-45) to control measures.

PROPOSED ACT: Implementing Council 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: in compliance with Council Decision 2005/387/JHA on the information exchange, risk-assessment and control of new psychoactive substances, the Scientific Committee of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) assessed the risks on the new psychoactive substance **4,4'-DMAR and MT-45**. The risk assessment reports were submitted to the Commission and to the Council on 19 September 2014.

**(1) 4,4'-DMAR** is a synthetic substituted oxazoline derivative. It is a derivative of aminorex and 4-methylaminorex (4-MAR), two synthetic stimulants controlled under the 1971 United Nations Convention on Psychotropic Substances.

4,4'-DMAR has been available on the drugs market in the Union since at least December 2012 and was notified to the Early Warning System in December 2012. Nine Member States have reported detections. It emerged on the new psychoactive substances market as a 'research chemical' sold by internet retailers, and it is now available on the street market. 4,4'-DMAR is being sold and consumed as a substance on its own, but it has also been mis-sold on the illicit market as ecstasy and amphetamines.

There have been **31 deaths** associated with 4,4'-DMAR registered in three Member States, between June 2013 and June 2014.

Three Member States control 4,4'-DMAR under national legislation and five Member States use other legislative measures to control it.

(**2) MT-45** is one of a series of 1-(1,2-diphenylethyl)piperazine analgesics invented in the early 1970s. It has been present on the drugs market in the Union since October 2013, where it is sold as a 'research chemical', mostly on the internet.

One Member State controls MT-45 under national legislation and seven Member States use other legislative measures to control it. A total of **28 fatalities** occurring between November 2013 and July 2014 have been reported by one Member State. There are several studies in animals indicating that the acute toxicity of MT-45 is several fold higher than that of morphine. The substance appears to be mostly used in the home environment either by users willing to try a new substance or by opioid dependent users with no access to heroin or any other opioid.

**The Risk Assessment Report**s reveal that there is limited scientific evidence available on 4,4'-DMAR and MT-45 and pointed out that further research would be needed to determine the health and social risks that they pose.

However, the evidence and information currently available provides sufficient grounds for subjecting MT-45 to control measures across the Union. As a result of the health risks that it poses, as documented by its detection in several fatalities, and of the lack of medical value of this substance, MT-45 should be subjected to control measures.

CONTENT: this proposal aims to invite the Member States to **subject 4,4'-DMAR and MT-45 to control measures across the Union**.

By one year from the date of publication of this Decision, Member States shall take the necessary measures, in accordance with their national law, to subject the new psychoactive substances to **control measures and criminal penalties**, as provided for under their legislation complying with their obligations under the 1961 United Nations Single Convention on Narcotic Drugs and/or under the 1971 United Nations Convention on Psychotropic Substances.

The United Kingdom shall not take part in the adoption of this Decision and is not bound by it or subject to its application.

# Subjecting 4-methyl-5-(4-methylphenyl)-4,5-dihydrooxazol-2-amine (4,4'-DMAR) and 1 cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45) to control measures

2014/0340(NLE) - 06/10/2015 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 650 votes to 5, with 33 abstentions, a legislative resolution on the draft Council implementing decision on subjecting 4-methyl-5-(4methylphenyl)-4,5-dihydrooxazol-2-amine (4,4'-DMAR) and 1-cyclohexyl-4(1,2-diphenylethyl)piperazine (MT-45) to control measures.

In line with the Committee on Civil Liberties, Justice and Home Affairs, the European Parliament **approved the Council draft** aiming to subject **4,4'-DMAR and MT-45** to control measures.

# Subjecting 4-methyl-5-(4-methylphenyl)-4,5-dihydrooxazol-2-amine (4,4'-DMAR) and 1 cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45) to control measures

2014/0340(NLE) - 28/09/2015 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Michał BONI (EPP, PL) on the draft Council implementing decision on subjecting 4-methyl-5-(4methylphenyl)-4,5-dihydrooxazol-2-amine (4,4'-DMAR) and 1-cyclohexyl-4(1,2-diphenylethyl)piperazine (MT-45) to control measures.

The committee **approved the Council draft** which seeks to invite the Member States to subject **4,4'-DMAR and MT-45** to control measures.

In compliance with Council Decision 2005/387/JHA on the information exchange, risk-assessment and control of new psychoactive substances, the Scientific Committee of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) assessed the risks on the new psychoactive substances. The risk assessment report was subsequently submitted to the Commission and to the Council on 19 September 2014.

# Subjecting 4-methyl-5-(4-methylphenyl)-4,5-dihydrooxazol-2-amine (4,4'-DMAR) and 1 cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45) to control measures

2014/0340(NLE) - 08/10/2015 - Final act

PURPOSE: to subject 4-methyl-5-(4methylphenyl)-4,5-dihydrooxazol-2-amine (4,4'-DMAR) and 1-cyclohexyl-4(1,2-diphenylethyl)piperazine (MT-45) to control measures.

NON-LEGISLATIVE ACT: Council Implementing Decision (EU) 2015/1873 on subjecting 4-methyl-5-(4-methylphenyl)-4,5-dihydrooxazol-2-amine (4,4′-DMAR) and 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45) to control measures.

CONTENT: the Council adopted an **implementing decision** on subjecting the new psychoactive substance 4-methyl-5-(4methylphenyl)-4,5-dihydrooxazol-2-amine (4,4'-DMAR) and 1-cyclohexyl-4(1,2-diphenylethyl)piperazine (MT-45) to control measures across the Union:

- **4,4′-DMAR**, a synthetic substituted oxazoline derivative, sold and consumed as a substance on its own, but it has also been mis-sold on the illicit market as ecstasy and amphetamines;
- **MT-45** is one of a series of 1-(1,2-diphenylethyl)piperazine analgesics invented in the early 1970s and has been present on the drugs market in the Union since October 2013.

The implementing Decision implements Decision 2005/387/JHA that confers upon the Council implementing powers with a view to giving a quick and expertise-based response at Union level to the emergence of new psychoactive substances detected and reported by the Member States, by subjecting those substances to control measures across the Union.

A risk assessment report on the new psychoactive substance 4-methyl-5-(4-methylphenyl)-4,5-dihydrooxazol-2-amine (4,4′-DMAR) was drawn up in accordance with Decision 2005/387/JHA by a special session of the extended Scientific Committee of the **European Monitoring Centre for Drugs and Drug Addiction** (EMCDDA).

As a result of the **health risks** that it poses, as documented by its detection in several reported fatalities, of the fact that users may unknowingly consume it, and of the lack of medical value or use, 5-(2-aminopropyl)indole should be subjected to control measures across the Union.

**By 21 October 2016**, Member States shall take the necessary measures, in accordance with their national law, to subject the new psychoactive substances referred to in Article 1 to control measures and criminal penalties, as provided for under their legislation complying with their obligations under the 1961 United Nations Single Convention on Narcotic Drugs and/or under the 1971 United Nations Convention on Psychotropic Substances.

The United Kingdom is not bound by Decision 2005/387/JHA and is therefore not taking part in the adoption of this Decision, which implements Decision 2005/387/JHA, and is not bound by it or subject to its application.

ENTRY INTO FORCE: 21.10.2015.