

European Economic and Social Committee

INT/160

Drug precursors

Brussels, 26 February 2003

OPINION

of the European Economic and Social Committee
on the

Proposal for a Regulation of the European Parliament and of the Council

on drug precursors

COM(2002) 494 final – 2002/0217 (COD)

On 14 October 2002 the Council decided to consult the European Economic and Social Committee, under Article 95 of the Treaty establishing the European Community, on the

Proposal for a Regulation of the European Parliament and of the Council on drug precursors

COM 2002 494 final – 2002/0217 (COD).

The Section for the Single Market, Production and Consumption, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 29 January 2003. The rapporteur was **Mrs Le Nouail**.

At its 397th plenary session (meeting of 26 February), the European Economic and Social Committee adopted the following opinion by 106 votes to 2, with 3 abstentions.

1. Introduction

1. Combating organised drug trafficking is a priority for the Member States. Efforts are being made to improve database systems and crime detection techniques, as well as increasing resources in a number of countries. At the same time, international cooperation continues to develop, involving certain international organisations in addition to Interpol and the World Customs Organisation.
2. The production and trafficking of drugs continues to be the main activity of criminal organisations in the EU (Europol 2001/EMCDDA 2002). These criminal organisations take full advantage of the opportunities afforded by the globalisation of the market economy, particularly through the use of the latest technology.
3. Combating the diversion of controlled chemical substances and precursors is an integral part of increased international cooperation. Controls already in force suggest that an estimated 1,500 tonnes of the 2.5 million tonne annual production of acetic anhydride are diverted to the manufacture of heroin. The EU accounts for some 20% of the world's acetic anhydride production.
 1. Measures to prevent the diversion of acetic anhydride aimed at identifying the origin of chemical substances have made it possible to intercept eleven shipments of around 230 tonnes of acetic anhydride, which could have been used to produce between 55 and 230 tonnes of heroin.
4. The international potassium permanganate monitoring programme has led to the seizure of 1,100 tonnes of the substance. Under this programme, the export declarations of the chief exporting countries must be submitted in advance.
 1. The programme has also made it possible to detect the new methods and routes used to divert potassium permanganate for cocaine production without causing excessive delays in legitimate international trade.

2. General comments

1. Legislation:

1. The basis of international law for controls over the 23 precursor chemicals is article 12 of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances to which the Member States and the European Community are parties. The regimes of control provided by the Community legislation implement article 12 of the UN convention and also give effect to recommendations made by the Chemical Action Task Force and

endorsed by the Group of Seven Major Industrialised Nations at their summit in London in 1991.

2. **Operators' obligations are based on two Community regulations covering external trade and a Community Directive and Regulation covering trade within the Community.** These instruments aim to fight precursor diversion by setting out a series of control measures.
3. In addition to the deterrent measures taken by the Member States, the Commission draws up instructions and guidelines concerning the application of the relevant Community legislation¹.
4. Council Regulation (EC) No. 3677/90² aims to monitor the trade in precursors between the Member States and third countries while Directive 92/109/EEC³ seeks to do the same for the internal market.
5. By transforming the current Directive into a Regulation, the Commission hopes to simplify the legislation, making it more user-friendly. This becomes especially important in the context of the ongoing process of enlargement of the European Union, as any amendment to the Directive and its annexes would have entailed national implementation measures in some twenty-five Member States.
6. Thanks to this proposed Regulation, the Commission also hopes to ensure that implementation of Directive 92/109/EEC is as rapid as that of Regulation (EEC) No. 3677/90, as differences in the transposition times have led to non-uniform application of Community legislation.
7. In January 1998, the Commission adopted a proposal for the amendment⁴ of Directive 92/109/EEC. In its first reading, Parliament supported the Commission initiative and proposed five amendments⁵. The Commission reacted to the Parliament's opinion (first reading) by adopting an amended proposal⁶. The Council has not yet taken any decision on the proposal.
8. The Commission therefore decided to withdraw the proposal for an amendment of Directive 92/109/EEC. The proposed Regulation will be a better way of guaranteeing that the provisions are applied directly by economic operators and that harmonised measures are implemented simultaneously in all Member States.
9. **The aim of the new Regulation** is to establish harmonised measures of control and monitoring of certain chemical substances frequently used in the manufacture of illegal narcotic drugs and to align the Regulation with the already published amendments to Regulation (EEC) No. 3677/90. The provisions on trade in the said precursors, which have implications for the EU's customs regulations, are nevertheless an important contribution by the industrialised countries to worldwide efforts to combat drugs.

10. The Commission has also taken this opportunity to define more clearly what it means by "classified substances" and to include a reference to natural products from which classified substances can easily be extracted.

2. Cooperation

1. Close cooperation and exchange of information between the competent authorities and operators (manufacturers, producers, distributors, traders, etc.) are vital and in everybody's interest.
2. Responsible operators have no desire to see their products diverted into illicit drug manufacture.

The EESC endorses the need to draw up and update guidelines to help the chemical industry, particularly with regard to recognising suspect transactions and voluntary controls on the trade of commonly used non-classified substances.

3. The aim of cooperation in this respect is to ensure that operators contact their correspondent in the competent authority immediately to inform of any circumstances which suggest that chemicals may be diverted for the illicit manufacture of narcotic drugs and psychotropic substances.
4. Within EU, the voluntary monitoring of non controlled chemicals has concentrated mainly on those chemicals used in the illicit manufacture of synthetic drugs. At the wider international level, the UNINCB (United Nations International Narcotics Control Board) has also sought to address the problem of proliferation of use of non-controlled chemicals in illicit drug manufacture and an Advisory Expert Group has drawn up a Special Surveillance List of chemicals which are used in the illicit manufacture of heroin and cocaine as well as the synthetic drugs.

3. Conclusion

The Committee endorses these measures and advocates uniform application of Community legislation in this field so as to prevent any diversion of drug precursors for the manufacture of illegal narcotic drugs.

Brussels, 26 February 2003.

The President

The Secretary-General

of the

of the

Roger Briesch

Patrick Venturini

¹ Article 3a of Council Regulation 3677/90.

² OJ L 357, 20.12.1990, last amended by Council Regulation (EC) No 1116/2001 (OJ L 153, 8.6.2001).

³ OJ L 370, 19.12.1992.

⁴ COM(1998) 22 final (OJ C 108, 7.4.1998).

⁵ Document PE 273.796/1.

⁶ COM(1999) 202 final (OJ C 162, 9.6.1999).

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INT/160 - CESE 277/2003 fin – 2002/0217 COD FR/JW/ms

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CESE 277/2003 – 2002/0217 COD FR/JW/ms