COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 07.10.2003
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2002/0217 (COD)

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT

pursuant to the second subparagraph of Article 251 (2) of the EC Treaty

concerning the

common position of the Council on the adoption of a European Parliament and Council Regulation on drug precursors

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1- BACKGROUND

Date of transmission of the proposal to the EP and the Council (document COM(2002)494 final – 2002/0217 (COD):	10 September 2002.
Date of the opinion of the European Economic and Social Committee:	26 February 2003.
Date of the opinion of the European Parliament, first reading:	11 March 2003.
Date of transmission of the amended proposal:	28 May 2003.
Date of adoption of the common position:	29 September 2003.

2- OBJECTIVE OF THE COMMISSION PROPOSAL

The aim of the proposal is to transform current Directive 92/109/EEC into a Regulation, thus simplifying and harmonizing the system of control of drug precursors within the European Union. The harmonization of the measures applicable throughout the Community will also protect the legitimate and legal trade in these chemicals, making sure that equal conditions are applied to operators in all Member States.

3- COMMENTS ON THE COMMON POSITION

3.1 General

The Common Position follows the general lines of the Commission's amended proposal. It incorporates certain measures deemed necessary to take account of the direct applicability of the Regulation to operators and Competent Authorities.

3.2 The fate of the EP amendments

Of the three amendments adopted by the Parliament, one has been fully accepted, one has been rejected and the third one has been partially accepted.

3.2.1 Amendment 1 of the European Parliament

This amendment proposes the inclusion of a new recital making explicit the importance of the new instrument in the context of an EU that will comprise, from next year, 25 Member States. It has been accepted and incorporated as recital 4.

3.2.2 Amendment 2 of the European Parliament

This amendment would require a yearly updating of the list of non-scheduled substances subject to voluntary monitoring measures by operators. This list is currently reviewed and, if necessary, modified at each meeting of the Committee referred to in Art.15, which meets four times per year. The proposed amendment therefore entails no improvement to the system. It has been therefore rejected.

3.2.3 Amendment 3 of the European Parliament

Amendment number 3 includes in fact two different ones. The first part would oblige Member States to send an annual report to the Commission on implementing measures, although the Regulation will only be implemented once by each Member State. It has been rejected because it did not improve the Commission's proposal.

The second part of the amended has been accepted. It requires the Commission to evaluate the functioning of the Regulation three years after its entering into force. This is included now in the second paragraph of Article 16.

3.3 The Common Position of the Council

In addition to the accepted amendments, the new text includes certain modifications to take account of the direct applicability of the new Regulation. These modifications intend to include in the text of the legal instrument some implementation procedures. They harmonize throughout all Member States the way in which the system is being applied, which is, as stated above, the main aim of the Commission's proposal.

4- CONCLUSION

The Commission supports the Common Position because it is in line with the objectives of its proposals.