Council Regulation (EC) No 111/2005 of 22 December 2004 laying down rules for the monitoring of trade between the Union and third countries in drug precursors

CHAPTER II

MONITORING OF TRADE

SECTION 5

Export authorisation

Article 12

1 Exports of scheduled substances that require a customs declaration, including exports of scheduled substances leaving the **[**[F1]customs territory of the Union**]** following their storage in a free zone of control type I or free warehouse for a period of at least 10 days, shall be subject to an export authorisation.

Where scheduled substances are re-exported within 10 days from the date of their placing into a suspensive procedure or under a free zone of control type II, an export authorisation shall not be required.

[[F1]However, exports of scheduled substances listed in Category 3 of the Annex shall only be subject to an export authorisation where pre-export notifications are required.**]**

2 Export authorisations shall be issued by the competent authorities of the Member State where the exporter is established.

Textual Amendments

F1 Substituted by Regulation (EU) No 1259/2013 of the European Parliament and of the Council of 20 November 2013 amending Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Community and third countries in drug precursors.

Article 13

1 The application for export authorisations referred to in Article 12 shall contain at least the following:

a the names and addresses of the exporter, the importer in the third country, any other operator involved in the export operation or shipment, and the ultimate consignee;

b the name of the scheduled substance as stated in the Annex or, in the case of a mixture or a natural product, its name and eight-digit CN code and the name of any scheduled substance, as stated in the Annex, contained in the mixture or in the natural product;

c the quantity and weight of the scheduled substance and, in the case of a mixture or a natural product, the quantity, weight, and, if available, the percentage of any scheduled substance contained therein;

d details of the transport arrangements, such as the expected date of dispatch, method of transport, name of the customs office where the customs declaration is to be made and, where available at this stage, identification of the means of transport, itinerary,

expected point of exit from **[**F1customs territory of the Union**]** and the point of entry into the importing country;

e in the cases referred to in Article 17, a copy of the import authorisation issued by the country of destination; and

f the number of the licence or registration referred to in Articles 6 and 7.

[F2An application for an export authorisation for exports of scheduled substances listed in Category 4 of the Annex shall contain the information set out in points (a) to (e) of the first subparagraph.**]**

2 A decision on the application for an export authorisation shall be taken within a period of 15 working days from the date on which the competent authority considers the file to be complete.

That period shall be extended if, in the cases referred to in Article 17, the competent authorities are obliged to make further enquiries under the second subparagraph of that Article.

Textual Amendments

F1 Substituted by Regulation (EU) No 1259/2013 of the European Parliament and of the Council of 20 November 2013 amending Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Community and third countries in drug precursors.

F2 Inserted by Regulation (EU) No 1259/2013 of the European Parliament and of the Council of 20 November 2013 amending Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Community and third countries in drug precursors.

Article 14

1 If the details of the itinerary and means of transport are not provided in the application, the export authorisation shall state that the operator must supply those details to the customs office of exit or other competent authorities at the point of exit from the **[**F1customs territory of the Union**]** before the physical departure of the consignment. In such cases the export authorisation shall be annotated accordingly at the time of issue.

Where the export authorisation is presented to a customs office in a Member State other than that of the issuing authority, the exporter shall make available any certified translation of parts or all of the information contained on the authorisation, upon request.

2 The export authorisation shall be presented to the customs office when the customs declaration is made, or in the absence of a customs declaration, at the customs office of exit or other competent authorities at the point of exit from the **[**F1customs territory of the Union**]**. The authorisation shall accompany the consignment to the third country of destination.

The customs office of exit or other competent authorities at the point of exit from the **[**F1customs territory of the Union**]** shall insert the necessary details referred to in Article 13(1)(d) in the authorisation and affix its stamp thereon.

Textual Amendments

F1 Substituted by Regulation (EU) No 1259/2013 of the European Parliament and of the Council of 20 November 2013 amending Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Community and third countries in drug precursors.

Article 15

Without prejudice to measures adopted in accordance with Article 26(3), the granting of the export authorisation shall be refused if:

(a) details supplied in accordance with Article 13(1) are incomplete;

(b) there are reasonable grounds for suspecting that the details supplied in accordance with Article 13(1) are false or incorrect;

(c) in the cases referred to in Article 17, it is established that the import of the scheduled substances has not been authorised by the competent authorities of the country of destination, or

(d) there are reasonable grounds for suspecting that the substances in question are intended for the illicit manufacture of narcotic drugs or psychotropic substances.

Article 16

The competent authorities may suspend or revoke an export authorisation whenever there are reasonable grounds for suspecting that the substances are intended for the illicit manufacture of narcotic drugs or psychotropic substances.

Article 17

Whenever, under an agreement between the **[**F1Union**]** and a third country, exports are not to be authorised unless an import authorisation has been issued by the competent authorities of that third country for the substances in question, the Commission shall communicate to the competent authorities of the Member States the name and address of the competent authority of the third country, together with any operational information obtained from it.

The competent authorities in the Member States shall satisfy themselves as to the authenticity of such import authorisation, if necessary by requesting confirmation from the competent authority of the third country.

Textual Amendments

F1 Substituted by Regulation (EU) No 1259/2013 of the European Parliament and of the Council of 20 November 2013 amending Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Community and third countries in drug precursors.

Article 18

The period of validity of the export authorisation within which the goods must have left the **[**F1customs territory of the Union**]** shall not exceed six months from the date of issue of the export authorisation. Under exceptional circumstances, the period of validity may be extended, upon request.

Textual Amendments

F1 Substituted by Regulation (EU) No 1259/2013 of the European Parliament and of the Council of 20 November 2013 amending Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Community and third countries in drug precursors.

[F1 Article 19

Simplified procedures to grant an export authorisation may be applied by the competent authorities where they are satisfied that this will not result in any risk of diversion of scheduled substances. The Commission shall be empowered to adopt delegated acts in accordance with Article 30b to determine such procedures and to establish the common criteria to be applied by the competent authorities.**]**

Textual Amendments

F1 Substituted by Regulation (EU) No 1259/2013 of the European Parliament and of the Council of 20 November 2013 amending Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Community and third countries in drug precursors.

Changes to legislation:
There are outstanding changes not yet made to Council Regulation (EC) No 111/2005. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by S.I. 2019/742 reg. 14(29)
- Art. 2(a) words substituted by S.I. 2019/742 reg. 14(3)(a)
- Art. 2(c) substituted by S.I. 2019/742 reg. 14(3)(b)
- Art. 2(d) substituted by S.I. 2019/742 reg. 14(3)(c)
- Art. 2(e) words substituted by S.I. 2019/742 reg. 14(3)(d)(i)
- Art. 2(e) words substituted by S.I. 2019/742 reg. 14(3)(d)(ii)
- Art. 2(l) inserted by S.I. 2019/742 reg. 14(3)(e)
- Art. 13(1)(d) words substituted by S.I. 2019/742 reg. 14(11)