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

COUNCIL REGULATION (EC) No 111/2005

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laying down rules for the monitoring of trade between the [F1Union] and third countries in drug precursors

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances adopted in Vienna on 19 December 1988, hereinafter referred to as the 'United Nations Convention', is part of the worldwide effort to combat illegal drugs. Within its sphere of competence, the Community participated in the negotiation and concluded the Convention on behalf of the Community by means of Council Decision 90/611/EEC[(1)].

(2) Article 12 of the United Nations Convention concerns trade in substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances. As provisions on trade in drug precursors affect Community rules in customs matters, it is appropriate to lay down Community rules on trade between the Community and third countries.

(3) Article 12 of the United Nations Convention requires a system to monitor international trade in drug precursors, taking account of the fact that, in principle, trade in these substances is lawful. Consequently, measures have been taken to strike an appropriate balance between the desire to exploit all possible means to prevent drug precursors reaching illicit drug manufacturers and the commercial needs of the chemical industry and other operators.

(4) To implement the requirements of Article 12 of the United Nations Convention and, taking account of the report of the Chemical Action Task Force created by the Houston Economic Summit (G-7) on 10 July 1990, Council Regulation (EEC) No 3677/90 of 13 December 1990 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances[(2)], established a system for reporting suspicious transactions. This system, which is based on close cooperation with operators, is reinforced through measures such as documentation and labelling, licensing and registration of operators as well as procedures and requirements governing exports.

(5) Following the European Union Action Plan on Drugs 2000 to 2004, endorsed by the European Council at Feira in June 2000, the Commission organised an assessment of the Community control system of trade in drug precursors to draw conclusions from the implementation of Community legislation in this field.

(6) According to that assessment and in order to improve the control mechanisms aiming at preventing diversion of drug precursors, it is necessary to extend monitoring requirements with regard to operators based within the Community facilitating trade between third countries, to introduce a Community approach with regard to procedures for granting licences and to strengthen monitoring requirements governing suspensive customs procedures.

(7) Procedures and requirements for exports should be further intensified to target and concentrate controls on the most sensitive drug precursors, whilst reducing excessive administrative burden through simplified procedures for exports of high volume substances. While the effectiveness and practicability of pre-export notifications is fully recognised, a strategy should be developed striving to exploit the system to the fullest extent possible.

(8) In order to address the heightened concern about the production of amphetamine-type stimulants, import control mechanisms for the main synthetic drug precursors should be further strengthened through common procedures and requirements allowing individual consignment-based controls to be carried out.

(9) So as to allow operators to fulfil these requirements, provisions governing external trade in drug precursors should, to the extent possible, be aligned with the provisions governing intra-Community trade in drug precursors wholly obtained or produced, or released for free circulation, in the Community.

(10) Taking account of the requirements of the internal market, and in the interests of this Regulation's effectiveness, uniform application of the provisions should be ensured through adoption of comparable and converging means of action by Member States.

(11) Mutual assistance between the Member States and between the Member States and the Commission should be reinforced, in particular by recourse to Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters[(3)].

(12) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objective of preventing the diversion of drug precursors for the illicit manufacture of narcotic drugs or psychotropic substances to lay down rules for the thorough monitoring of trade between the Community and third countries of these substances. This Regulation does not go beyond what is necessary in order to achieve the objectives pursued, in accordance with the third paragraph of Article 5 of the Treaty.

(13) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission[(4)].

(14) Regulation (EEC) No 3677/90 should therefore be repealed.

(15) This Regulation respects the fundamental rights and observes the principles recognised, in particular, by the Charter of Fundamental Rights of the European Union,

HAS ADOPTED THIS REGULATION:

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.

(**1**) OJ L 326, 24.11.1990, p. 56.

(**2**) OJ L 357, 20.12.1990, p. 1. Regulation as last amended by Commission Regulation (EC) No 1232/2002 (OJ L 180, 10.7.2002, p. 5).

(**3**) OJ L 82, 22.3.1997, p. 1. Regulation as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

(**4**) OJ L 184, 17.7.1999, p. 23.

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)