Commission Delegated Regulation (EU) 2015/1011 of 24 April 2015 supplementing Regulation (EC) No 273/2004 of the European Parliament and of the Council on drug precursors and Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Union and third countries in drug precursors, and repealing Commission Regulation (EC) No 1277/2005 (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2015/1011

of 24 April 2015

supplementing Regulation (EC) No 273/2004 of the European Parliament and of the Council on drug precursors and Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Union and third countries in drug precursors, and repealing Commission Regulation (EC) No 1277/2005

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors[(1)], and in particular Articles 3(8), 8(3) and 13(2) thereof,

Having regard to 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[(2)], and in particular in the third subparagraph of Article 6(1), the third subparagraph of Article 7(1), Article 8(2), the second subparagraph of Article 9(2), Article 11(1) and (3), Article 19 and Article 32(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 1277/2005[(3)] lays down provisions for the implementation of Regulation (EC) No 273/2004 and Regulation (EC) No 111/2005 in the field of drug precursors. Both Regulation (EC) No 273/2004 and Regulation (EC) No 111/2005 have been amended after the adoption of Regulation (EC) No 1277/2005 so as to include empowerments to adopt delegated and implementing acts pursuant to Articles 290 and 291 of the Treaty. Therefore, new rules should be adopted in accordance with the new empowerments.

(2) Although Regulation (EC) No 273/2004 deals with domestic trade and Regulation (EC) No 111/2005 deals with international trade, many of the provisions are common to both Regulations. In order to ensure coherence, it is justified to adopt a single delegated act covering both Regulations.

(3) In order to ensure legal certainty and a coherent enforcement of the provisions of this Regulation, it is necessary to give a definition of ‘business premises’.

(4) Licences and registrations which are required for operators willing to carry out activities involving certain substances (drug precursors), which can be used for the illicit

manufacture of narcotic drugs or psychotropic substances, should be granted only to reliable operators applying for it. These operators should have taken adequate measures aiming at the secure handling and storage of those drug precursors and should have appointed an identifiable responsible officer able to ensure that activities involving these substances take place in compliance with the pertinent legal provisions.

(5) Certain operators dealing with drug precursors for medical use, such as pharmacies and dispensaries of veterinary medicine, could be exempted from the requirement of having been granted a licence or a registration in order to carry out activities involving such substances. The same could be applicable to certain public authorities.

(6) Operators carrying out activities related to drug precursors which are not intended for the Union market, but have been brought into the customs territory of the Union, should provide information showing that the exportation of those substances was made in compliance with relevant International conventions to demonstrate the licit purposes of the corresponding transaction.

(7) Operators established in the Union should provide certain basic details on the activities they have carried out in order to facilitate the monitoring, by the competent authorities, of trade in drug precursors.

(8) For the purposes of minimising the risk of diversion of certain drug precursors, their exportation should be preceded by a pre-export notification and by an export authorisation.

(9) There are frequent changes in relation to the lists of third countries of destination for exports of scheduled substances of Categories 2 and 3 of the Annex to Regulation (EC) No 111/2005. In order to allow for a swift update of those lists, in accordance with the criteria for those lists determined in this Regulation, these lists should be published on the website of the Commission.

(10) In order to ease the administrative burden for trade in certain categories of drug precursors, a simplified procedure for pre-export notification and for export authorisation should be provided.

(11) To improve the coordination of the implementation of the monitoring measures, it is appropriate that the Member States provide the Commission regularly with information concerning drug precursors seized or detained.

(12) In order to ensure consistency, legislative coherence and legal certainty, this Delegated Regulation should apply from the same date as the Implementing Regulation,

HAS ADOPTED THIS REGULATION:

(**1**) OJ L 47, 18.2.2004, p. 1.

(**2**) OJ L 22, 26.1.2005, p. 1.

(**3**) Commission Regulation (EC) No 1277/2005 of 27 July 2005 laying down implementing rules for Regulation (EC) No 273/2004 of the European Parliament and of the Council on drug precursors and for Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Community and third countries in drug precursors (OJ L 202, 3.8.2005, p. 7).