

TOPIC NO. 5
EU LEGISLATION ON PRECURSOR CHEMICALS :
'EU GUIDELINES FOR THE CHEMICAL TRADE'

DURATION OF SESSION:	1 HOUR
SUGGESTED METHOD:	LECTURE
TRAINING AIDS:	OHP, POWERPOINT PRESENTATION

AIMS OF THE SESSION:

The session would explain the precursor control mechanisms in place in the European Union and the approach adopted therein with regard to different categories of precursor chemicals.

OBJECTIVE OF THE SESSION:

At the end of the session, in the backdrop of system of control in Europe, each participant should be in a better position to appreciate the precursor control system operating in his country.

POINTS TO BE COVERED:

- Study of EU legislation on precursor control provides a useful perspective to appreciate the systems of control over precursors that are obtaining in the SAARC Region.
- EU legislation consists of Council Regulation No. 3677/90 of December 13, 1990, amended by Council Regulation No.900/92 of March 31, 1992 and implemented by Commission Regulation No.3769/92 of December 21, 1992.
- EU Regulation No.3677/90 calls the precursor chemicals as 'scheduled substances'.
- EU regulation divides the 23 substances into Category 1, Category 2 and Category 3.
- Each category has different focus and emphasis with regard to the control to be exercised.
- Division of 23 substances into these categories is as under:

CATEGORY 1

- Ephedrine
- Ergometrine
- Ergotamine
- Lysergic acid

- 1-phenyl-2-propanone
- Pseudoephedrine
- N-acetyl anthranilic acid
- 3,4 Methylenedioxy-phenylpropane-2-one
- Norephedrine
- Isosafrole (cis+trans)
- Piperonal
- Safrole

The salts of the substances listed in this category whenever the existence of such salts is possible.

CATEGORY 2

- Acetic anhydride
- Anthranilic acid
- Phenylacetic acid
- Potassium permanganate
- Piperidine

The salts of the substances listed in this category whenever the existence of such salts is possible.

CATEGORY 3

- Acetone
- Ethyl ether
- Methyl ethyl ketone (MEK)
- Toluene
- Sulphuric acid
- Hydrochloric acid

The salts of the substances listed in this category except for sulphuric acid and hydrochloric acid whenever the existence of such salts is possible.

- EU regulations provide for regulation of precursors both within the European Union and also when they are traded with third countries.
- EU legislation regulates the trade in precursors between European Community and third countries through the instrumentality of:
 - (a) Maintenance of proper documentation, records and labelling;
 - (b) Licensing of operators trading in category 1 substances;
 - (c) Notification by operators of suspicious transaction in precursors;
 - (d) Issue of export authorisation for Category 1 substances
 - (e) Request for PEN from third countries to the Community;

- (f) Issue of open authorisation (covering several transactions) for Category 2 substances;
 - (g) Specific means to control Category 3 substances;
 - (h) Concept of competent authorities and
 - (i) Stronger controls over precursors in free trade zones/free ports;
- EC regulations also require that member states of EC should determine penalties to be applied for infringement of provisions of the Regulations.
 - There is also provision in the EU regulation for periodic meetings of a committee of experts, which is responsible for monitoring the regulations.