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**Commission on Narcotic Drugs**

**Fifty-sixth session**

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Item 4 (d) of the provisional agenda\*

**Implementation of the international drug control treaties:**

**Other matters arising from the international drug  
control treaties**

**Note by the Secretariat on other matters arising from the  
international drug control treaties**

*Summary*

The present conference room paper contains information on action taken by the Secretary-General pursuant to article 3, paragraph 3, of the Convention on Psychotropic Substances, 1971 and pursuant to article 12, paragraph 10(a), and article 24 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988.

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\* E/CN.7/2013/1.



# **I. Relevant notifications by the Secretary-General of the United Nations to Member States sent in 2012/2013 pursuant to article 3, paragraph 3, of the Convention on Psychotropic Substances**

## **A. Notification NAR/CL.3/2012**

1. On 14 August 2012, through note verbale NAR/CL.3/2012, the Secretary-General of the United Nations informed Governments that he had received a notification from the Government of Ukraine pursuant to article 3, paragraph 3, of the Convention on Psychotropic Substances, 1971, concerning the decision to exempt twelve preparations<sup>1</sup> (Barboval, Corvaldin, Corvalol, Corvaltab, Darvilol, Pentalgin, Pyatirchatka, Sedalgin-neo, Sedal-m, Tetralgin, T-fedrine, Valocordin) containing phenobarbital, a psychotropic substance included in Schedule IV of the Convention on Psychotropic Substances, 1971, from licensing by the competent authority for the control of narcotic drugs, psychotropic substances and precursors as far as domestic trade and distribution are concerned, with the exception of licensing related to the manufacture of the given preparations.

2. The Government of Ukraine informed the Secretary-General that it confirmed, however, that it would apply to the exempt preparations the mandatory measures of control required by article 3, paragraph 3, of that Convention.

3. The attention of Governments was drawn to article 3, paragraph 4, of the 1971 Convention which stipulates that:

“If a Party or the World Health Organization has information regarding a preparation exempted pursuant to paragraph 3 which in its opinion may require the termination, in whole or in part, of the exemption, it shall notify the Secretary-General and furnish him with the information in support of the notification. The Secretary-General shall transmit such notification, and any information which he considers relevant, to the Parties, to the Commission and, when the notification is made by a Party, to the World Health Organization. The World Health Organization shall communicate to the Commission an assessment of the preparation in relation to the matters specified in paragraph 2, together with a recommendation of the control measures, if any, from which the preparation should cease to be exempted. The Commission, taking into account the communication from the World Health Organization, whose assessment shall be determinative as to medical and scientific matters, and bearing in mind the economic, social, legal, administrative and other factors it may consider relevant, may decide to terminate the exemption of the preparation from any or all control measures. Any decision of the Commission taken pursuant to this paragraph shall be communicated by the Secretary-General to all States Members of the United Nations, to non-member States Parties to this Convention, to the World Health Organization and to the Board. All Parties shall take measures to terminate the

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<sup>1</sup> The chemical composition of the exempt preparations had been annexed to note verbale NAR/CL.3/2012.

exemption from the control measure or measures in question within 180 days of the date of the Secretary-General's communication."

4. Replies from the Governments of Cambodia and Mexico were addressed to the Secretary-General, containing comments on the exemption measures established by the Government of Ukraine, pursuant to article 3, paragraph 4.
5. Cambodia stated that: "consistent with the Cambodian Law on the Control of Drugs, the Royal Government of Cambodia is unable to agree with the decision of Ukraine to exempt twelve preparations containing phenobarbital, a psychotropic substances included in Schedule IV of the Convention on Psychotropic Substances, 1971".
6. Mexico indicated that: "the Mexican Federal Commission for the Protection against Sanitary Risks (COFEPRIS) has emphasized that Mexican health regulation provides that the export of any raw material or medicine consisting of or containing phenobarbital requires an import permit from the country of destination or a letter of no objection to entry into that country. Mexico will therefore continue to request such a permit or letter for phenobarbital, but it will not interfere in the decision by the Government of Ukraine to exempt a number of preparations from the licensing regime. The Permanent Mission would also like to state that the competent authorities in Mexico have confirmed that none of the preparations on the list concerned have been introduced into Mexico and therefore have no information that might prompt an objection to the exemption of the 12 preparations in question."
7. Pursuant to article 3, paragraph 3, the Secretary-General also informed the Director-General of the World Health Organization and the President of the International Narcotics Control Board of the notification received from the Government of Ukraine.

## **B. NAR/CL.4/2012**

8. On 15 October 2012, through note verbale NAR/CL.4/2012, the Secretary-General of the United Nations informed the Governments that he had received a notification from the Government of the Russian Federation pursuant to article 3, paragraph 3, of the Convention on Psychotropic Substances, 1971 concerning the decision to exempt twelve preparations<sup>2</sup> (Barboval drops, Corvaldin drops, Corvalol drops, Corvalol tablets, Pyralgin tablets, Quintalgin tablets, Santoperalgin tablets, Santotitalgin tablets, Sedalgin-Neo tablets, Sedal-M tablets, Tetralgin tablets, Valocordin drops) containing phenobarbital, a psychotropic substance included in Schedule IV of the Convention on Psychotropic Substances, 1971, with respect to the licensing of import trade.
9. The Government of the Russian Federation had informed the Secretary-General that it confirmed, however, that it would apply to the exempt preparations the mandatory measures of control required by article 3, paragraph 3, of that Convention.

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<sup>2</sup> The chemical composition of the exempt preparations had been annexed to note verbale NAR/CL.4/2012.

10. The attention of Governments was drawn to article 3, paragraph 4, of the 1971 Convention (see para. 3 above).
11. Replies from the Governments of Mexico and Slovakia were addressed to the Secretary-General, containing comments on the exemption measures established by the Government of Ukraine, pursuant to article 3, paragraph 4.
12. Mexico stated that: “The National Center for Planning, Analysis and Information for Combating Crime (CENAPI) of Mexico, through the Attorney-General’s Office (PGR), reported that the Mexican industry does not do business with companies in the Russian Federation in which drugs containing phenobarbital are involved. Therefore, the institution does not have any objection on the exemption from import licence to preparations containing said substance. For its part, the Federal Commission for Protection against Health Risks (COFEPRIS), through the Ministry of Health (SSA), reported that Mexico’s health regulation provides that the export of any raw material or medication that is or contains phenobarbital requires the importer to obtain an import permit or letter of no objection to enter the country of destination, for which reason the Mexican authorities will continue to request such permit or letter — as applicable — without this interfering with the Russian Government’s decision to exempt the various preparations from the licensing of import trade.”
13. Slovakia stated that: “The Slovak Republic has accepted all exemptions of twelve preparations listed in the annex of NAR/CL.4/2012 made by the Russian Federation. Please be informed that all these preparations are still under the control in Slovak Republic. We assume that all exemptions make the identifications of legal flow of the control substances harder.”
14. Pursuant to article 3, paragraph 3, the Secretary-General also informed the Director-General of the World Health Organization and the President of the International Narcotics Control Board of the notification received from the Government of the Russian Federation.

### **C. NAR/CL.1/2013**

15. On 16 January 2013, through note verbale NAR/CL.1/2013, the Secretary-General of the United Nations informed the Governments that he had received a notification from the Government of the Russian Federation pursuant to article 3, paragraph 3, of the Convention on Psychotropic Substances, 1971 concerning the decision to exempt the preparation<sup>3</sup> “Pentabufen tablets” containing phenobarbital, a psychotropic substance included in Schedule IV of the Convention on Psychotropic Substances, 1971, with respect to the licensing of import trade.
16. The Government of the Russian Federation had informed the Secretary-General that it confirmed, however, that it would apply to the exempt preparation the mandatory measures of control required by article 3, paragraph 3, of that Convention.

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<sup>3</sup> The chemical composition of the exempt preparation had been annexed to note verbale NAR/CL.1/2013.

17. The attention of the Governments was drawn to article 3, paragraph 4, of the 1971 Convention (see para. 3 above).

18. A reply was addressed to the Secretary-General by the Government of the Philippines containing comments on the exemption measures established by the Government of the Russian Federation, pursuant to article 3, paragraph 4.

19. The Government of the Philippines indicated that: “Though Pentabufen tablets are not locally available, Philippine regulations do not provide exemption from regulatory control measures of pharmaceutical preparations containing combinations of products of substances listed in the 1961 Convention and the 1971 Convention. Hence, importation as well as exportation will require licensing and permit authorization from the Philippine Drug Enforcement Agency, among other enforced regulatory controls. Mere possession without authority of Pentabufen is prohibited and punishable under Section 11, Article II of Republic Act 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, which is the current Philippine drug law.”

20. Pursuant to article 3, paragraph 3, the Secretary-General also informed the Director-General of the World Health Organization and the President of the International Narcotics Control Board of the notification received from the Government of the Russian Federation.

## **II. Notifications sent in 2012 to Governments pursuant to article 12, paragraph 10(a), and article 24, of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988**

### **A. NAR/CL.5/2012**

21. On 19 October 2012, through note verbale NAR/CL.5/2012, the Secretary-General informed all Governments that the Government of Chile notified him that the provisions of article 12, paragraph 10(a), of the 1988 Convention should apply to all substances listed in the revised Table I annexed to the 1988 Convention, and that those provisions should also be extended to all substances listed in the revised Table II annexed to that Convention. The Government of Chile indicated the competent authority which should be notified in advance of any exportation to its territory of all substances listed in the revised Table I and Table II of the 1988 Convention.

### **B. NAR/CL.8 and NAR/CL.9/2012**

22. On 28 December 2012, through its notes verbales NAR/CL.8/2012 and NAR/CL.9/2012, the Secretary-General informed all Governments that the Government of the People’s Republic of China notified him that, in the Hong Kong Special Administrative Region and the Macao Special Administrative Region, the provisions of article 12, paragraph 10(a), and article 24 of the 1988 Convention should apply to all substances listed in the revised Table I annexed to that Convention and that those provisions should also be extended to all substances

listed in the revised Table II annexed to that Convention. The Government of the People's Republic of China also indicated the competent authority which should be notified in advance of any exportation to the Hong Kong S.A.R and Macao S.A.R. of all substances listed in the revised Table I and Table II of the 1988 Convention.

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