SCHEDULES AND CONTROL REGIMES OF THE SINGLE CONVENTION ON NARCOTIC DRUGS OF 1961, AS AMENDED BY THE 1972 PROTOCOL, AND THE CONVENTION ON PSYCHOTROPIC SUBSTANCES OF 1971

BACKGROUND MATERIAL FOR THE COMMISSION ON NARCOTIC DRUGS AT ITS 61ST SESSION

2018

UNODC
United Nations Office on Drugs and Crime

I. Changes in the scope of control of substances

Pursuant to article 3, paragraphs 1 and 3, of the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol and article 2, paragraphs 1 and 4, of the Convention on Psychotropic Substances of 1971 , the Director-General of the World Health Organization (WHO) notified the Secretary-General in his communication of 27 November 2017 of the following recommendations:

(a) Carfentanil should be placed in Schedules I and IV of the 1961 Convention as amended;

(b) Ocfentanil should be placed in Schedule I of the 1961 Convention as amended;

(c) Furanylfentanyl should be placed in Schedule I of the 1961 Convention as amended;

(d) Acryloylfentanyl (acrylfentanyl) should be placed in Schedule I of the 1961 Convention as amended;

(e) 4-Fluoroisobutyrfentanyl (4-FIBF, pFIBF) should be placed in Schedule I of the 1961 Convention as amended;

(f) Tetrahydrofuranylfentanyl (THF-F) should be placed in Schedule I of the 1961 Convention as amended;

(g) AB-CHMINACA should be placed in Schedule II of the 1971 Convention;

(h) 5F-MDMB-PINACA (5F-ADB) should be placed in Schedule II of the 1971 Convention;

(i) AB-PINACA should be placed in Schedule II of the 1971 Convention;

(j) UR-144 should be placed in Schedule II of the 1971 Convention;

(k) 5F-PB-22 should be placed in Schedule II of the 1971 Convention;

(l) 4-Fluoroamphetamine (4-FA) should be placed in Schedule II of the 1971 Convention.

The Commission will have before it a note by the Secretariat on the scope of control of substances (E/CN.7/2018/10 and E/CN.7/2018/10/Add.1), containing relevant extracts of the report on the thirty-ninth meeting of the WHO Expert Committee on Drug Dependence, the Committee's recommendations and the assessments and findings on which those recommendations were based. The note also contains the comments received from Governments on the proposed international scheduling of carfentanil, ocfentanil, furanylfentanyl, acryloylfentanyl (acrylfentanyl), 4-fluoroisobutyrfentanyl (4-FIBF, pFIBF), tetrahydrofuranylfentanyl (THF-F), AB-CHMINACA, 5F-MDMB-PINACA (5F-ADB), AB-PINACA, UR-144, 5F-PB-22 and 4-fluoroamphetamine (4-FA).

The current document provides an overview of the control measures associated with the schedules of the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol, and the Convention on Psychotropic Substances of 1971.

II. Definition of the Schedules of the 1961 Convention

SCHEDULE I

Substances liable to similar abuse and productive of similar ill effects as drugs in schedule I, or convertible into a drug

(e.g. heroin, cannabis, cocaine)

SCHEDULE II

Substances liable to similar abuse and productive of similar ill effects as drugs in schedule II (to a lesser extent than drugs in Schedule I) or convertible into a drug

(e.g codeine and its derivatives)

SCHEDULE III

Preparations which, because of the substances they contain, are not liable to abuse and cannot produce ill-effects, and in which the drugs therein cannot be readily recovered
(e.g preparations of codeine, dihydro-codeine)

SCHEDULE IV

Drugs listed in Schedule I that are particularly liable to abuse and to produce ill effects and whose liability to abuse is not offset by substantial therapeutic advantages

(e.g cannabis and heroin)

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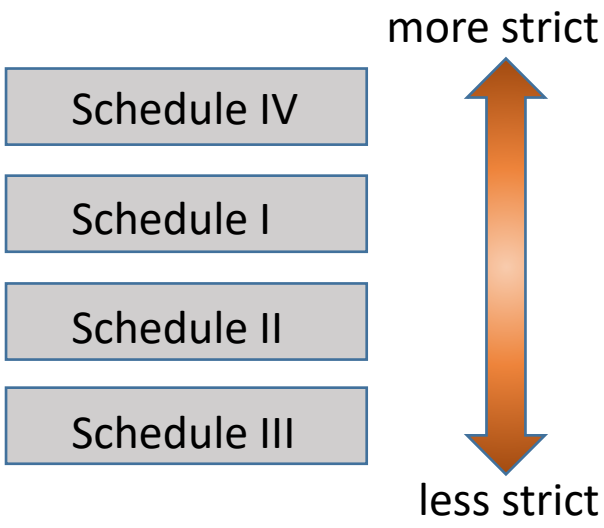
III. Level of strictness of the Schedules of the 1961 Convention



UNODC, 2018

IV. Definition of the Schedules of the 1971 Convention[1]

SCHEDULE I	SCHEDULE II	SCHEDULE III	SCHEDULE IV
Substances whose liability to abuse constitutes an especially serious risk to public health and which have very limited, if any, therapeutic usefulness *(e.g. LSD, MDMA ["ecstasy"], mescaline)*	Substances whose liability to abuse constitutes a substantial risk to public health and which have little to moderate therapeutic usefulness *(e.g. amphetamine and amphetamine-type stimulants)*	Substances whose liability to abuse constitutes a substantial risk to public health and which have moderate to great therapeutic usefulness *(e.g. barbiturates, including amobarbital, buprenorphine)*	Substances whose liability to abuse constitutes a smaller but still significant risk to public health and which have a therapeutic usefulness from little to great *(e.g. sedative /hypnotics and stimulants including allobarbital, diazepam, aminorex, pyrovalerone)*

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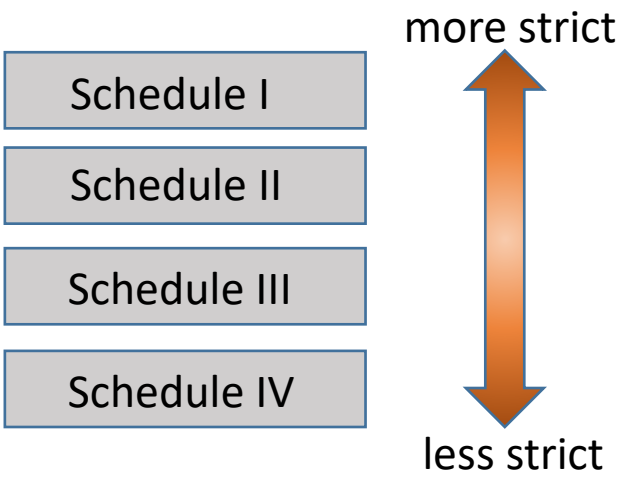
V. Level of strictness of the Schedules of the 1971 Convention



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[1] WHO, Guidance on the WHO review of psychoactive substances for international control, 2010, p. 17-18, available from: http://www.who.int/medicines/areas/quality_safety/GLS_WHORev_PsychoactSubst_IntC_2010.pdf

Annex I

Control regimes for the Schedules of the 1961 Convention

Control measures and exceptions	Schedule I	Schedule II	Schedule III	Schedule IV
Limitation to medical and scientific purposes The production, manufacture, export, import, distribution of, trade, use and possession[2] have to be limited exclusively to medical and scientific purposes.	√	√	√	√
Licences and authorisations Governmental licensing is required for participation in any phase of the narcotics trade, namely for manufacture of drugs[3]; for trade and distribution of drugs[4]. Licensed persons and enterprises as well as the modalities of manufacture, trade and distribution of international trade are to be controlled.	√	√	√	√
Import and export authorisations are required for each individual international transaction[5].	√	√		√
Exceptions for all preparations (listed or not listed in Schedule III) For licensed manufacturers of preparations, a periodical permit specifying the kinds and amounts of drugs which they shall be entitled to manufacture, need not be required[6]. For the establishments and premises in which trade or distribution of preparations takes place, licensing need not be required[7].			√	
Control and inspection Governments must quite generally control all persons and enterprises carrying on or engaged in the manufacture, the trade in or distribution of all drugs, including drugs in Schedule II and III and the retail trade and distribution.	√	√	√	√
Balance between supply and demand Estimates have to be furnished of future drug requirements for all drugs of the 1961 Convention[8], namely in respect of the quantities of drugs to be consumed for medical and scientific purposes; quantities of drugs to be utilized for the manufacture of other drugs, of preparations in Schedule III, and of substances not covered by this Convention; stocks of drugs to which the estimates relate; quantities of drugs necessary for addition to special stocks; the number of industrial establishments	√	√	√	√

[2] Article 4 (c) of the 1961 Convention
[3] Article 29; 34 (a) of the 1961 Convention
[4] Article 30 (1) of the 1961 Convention
[5] Article 31 of the 1961 Convention
[6] Article 29, paragraph. 2 of the 1961 Convention
[7] Article 30, paragraph 1 subparagraph b (ii) of the 1961 Convention
[8] Article 19 paragraph 1 of the 1961 Convention

Control measures and exceptions	Schedule I	Schedule II	Schedule III	Schedule IV
which will manufacture synthetic drugs and the quantities of synthetic drugs to be manufactured by each of these establishments; Quantities in manufacture and importation[9], trade and distribution [10] are limited in accordance with the estimates.				
Exception on retail trade With regard to retail trade[11], there is no obligation to prevent the accumulation of Schedule II-drugs and Schedule III-preparations in the possession of retail distributors, in excess of the quantities required for the normal conduct of business.[12]		√	√	
Exception on estimates for preparations (listed or not listed in Schedule III) Estimates shall not be required in the case of preparations in Schedule III, but the estimates of the drug requirements concerning drugs in Schedules I, II and IV must include an estimate of the quantities of drugs to be utilized for the compounding of preparations in Schedule III[13].			√	
Reports Statistical returns have to be furnished to INCB on: (annually): Production or manufacture of drugs; Utilization of drugs for the manufacture of other drugs or preparations; Consumption of drugs; Seizures of drugs; Stocks of drugs; Area of cultivation; (quarterly:) Imports and exports of drugs[14].	√	√		√
The statistical returns (article 20) distinct from those dealing with these drugs shall not be required in the case of such preparations in Schedule III, but the statistical returns for drugs in Schedules I, II and IV must include information on the amounts of drugs actually used for the compounding of Schedule III preparations[15].			√	
Medical prescription A medical prescription is required for the supply or dispensation of drugs to individuals[16]. This requirement does not apply to such drugs that certain individuals may lawfully obtain, use, dispense or administer in connexion with their duly authorized therapeutic functions [17]. Authorized persons engaged in the drug trade and distribution, including manufacturers, wholesale and retail traders, medical practitioners and scientists are entitled to acquire the drugs necessary for the performance of their legal business functions, professions or occupations.	√			√

[9] Article 21; 29 para 3; 31 para 1 b of the 1961 Convention
[10] Article 30 para 2a of the 1961 Convention
[11] Article 2 para. 2 of the 1961 Convention, see also article 30, para 6; Commentary1961 Convention: Art.2 para 2, p. 55 and art.30, p. 338
[12] Article 30, para 2 a of the 1961 Convention
[13] Article 19 para 1 b of the 1961 Convention
[14] Article 20 of the 1961 Convention
[15] Article 20 para 1 b of the 1961 Convention
[16] Article 30 para 2 b of the 1961 Convention
[17] Commentary 1961 Convention: Art 30 para 2, p.338

Control measures and exceptions	Schedule I	Schedule II	Schedule III	Schedule IV
Exception on medical prescriptions Medical prescriptions for the supply or dispensation to individuals of drugs in Schedules II and III are not obligatory[18]. Such drugs are also exempted from the provision concerning the use of official prescription forms in the shape of counterfoil books issued by the competent governmental authorities or by authorized professional associations[19]. The label under which a drug in Schedules II or III is offered for sale in the retail trade must not show the exact content by weight or percentage[20].		√	√	
Records All participants in the narcotics trade have to keep detailed records of any transactions in drugs[21]. Medical practitioners (physicians, surgeons, veterinarians and dentists) are not obliged to keep records, neither in respect of drugs in Schedule II nor of those in Schedule I because medical practitioners are not considered "traders"[22].	√	√	√	√
Exception on records Pharmacists (retail traders) are not obligated to maintain records of their retail sales of drugs in Schedule II and their preparations[23]. The same applies to all preparations in Schedule III, other than those which contain drugs in Schedule I, which the retail traders did not acquire in ready form from manufacturers. However, it appears to be necessary for purposes of control that the retail traders should keep a record of individual sales of preparations in Schedule III which contain drugs in Schedule I and which they compound themselves. They should also maintain records of all individual acquisitions of all drugs and their preparations, including drugs in Schedule II and their preparations as well as all preparations in Schedule III.		√	√	

[18] Article 30, para. 2 b (i) of the 1961 Convention
[19] Article 30, para. 2. b (ii) of the 1961 Convention
[20] Article 30 para 5 of the 1961 Convention
[21] Article 34 b of the 1961 Convention
[22] Commentary 1961 Convention: Art. 2 para 2, p. 54
[23] Commentary 1961 Convention: Art. 2 para 2, p. 54; art 34 b, p.409

Control regimes for the Schedules of the 1971 Convention

Control measures and exceptions	Schedule I	Schedule II	Schedule III	Schedule IV
Limitation to medical and scientific purposes All categories of substances can be used exclusively for medical and scientific purposes[24]. Substances in Schedule I can be used for scientific and very limited medical purposes only by duly authorised persons.	√	√	√	√
Licences For manufacture, trade, distribution and possession, licences are required for all scheduled drugs. Any person who obtains a licence must be adequately qualified to execute effectively and faithfully the provisions of the domestic laws and regulations. Governments must control all duly authorized persons and enterprises engaged in such operations, as well as the establishments and premises in which manufacture, trade or distribution may take place.	√	√	√	√
A special licence or prior authorization is required for manufacture, trade, distribution and possession, allowing only the very limited use of those substances. The export and import of substances in Schedule I is prohibited except when both the exporter and importer are the competent authorities or agencies of the exporting and importing country, respectively, or when they are other persons or enterprises specifically authorized by the competent authorities of their country for the purpose.	√			
The manufacture of, trade (including export and import trade) in and distribution of can only be conducted under licence or under some similar governmental control measure, in order to ensure that activities involving those substances are limited to what is necessary for medical and scientific purposes.		√	√	√
Records Manufacturers and all other persons authorized to trade in and distribute the substances in Schedule I must keep detailed records of: ○ the quantities manufactured; ○ the quantities held in stock; and ○ the size, date, supplier and recipient of each acquisition and disposal;	√			
Manufacturers, wholesale distributors, retail distributors, institutions for hospitalization and care and scientific institutions, exporters and importers must keep detailed records of: ○ the quantities manufactured; and ○ the size, date, supplier and recipient of each acquisition and disposal.		√		

[24] Article 5, para. 2 of the 1971 Convention

Control measures and exceptions	Schedule I	Schedule II	Schedule III	Schedule IV
Manufacturers, wholesale distributors, exporters and importers must keep detailed records of: ○ the quantities manufactured; and ○ the size, date, supplier and recipient of each acquisition and disposal. As for retail distributors, institutions for hospitalization and care and scientific institutions, information regarding acquisitions and disposals need only be readily available;			√	
The only persons who must keep records are manufacturers, exporters and importers. They must record, as determined by each State party, the total quantities manufactured, exported and imported each year.				√
Exempted preparations (of substances in Schedules II-IV):. Manufacturers must record, with respect to each exempted preparation manufactured: ○ the quantity of each psychotropic substance used in the manufacture of the preparation; ○ the total quantity manufactured; and ○ the nature and initial disposal of the preparation.		√	√	√
Control and Inspection Every State party must maintain a system for the inspection of manufacturers, exporters, importers, wholesale distributors and retail distributors of psychotropic substances and for the inspection of medical and scientific institutions that use such substances. The inspections have to be made as frequently as needed for efficient control and must encompass premises, stocks and records[25].	√	√	√	√
All duly authorized persons and enterprises carrying on or engaged in the manufacture of, trade in, or distribution of those substances as well as the establishments and premises in which such manufacture, trade or distribution may take place; must be controlled [26].		√	√	√
Prescriptions Substances in Schedule I are subject to the more thoroughgoing prohibition against use set forth in article 7 a**.**	√			
Dispensation of these substances requires medical prescription in order to ensure that psychotropic substances are dispensed for use by individuals only in cases of medical need[27].		√	√	√
In exceptional cases, specifically authorized persons may supply small quantities of the substances listed in Schedules III and IV without prescription for medical use by individuals.			√	√

[25] Article 1 of the 1971 Convention
[26] Article 8, para. 2 of the 1971 Convention
[27] Article 9 of the 1971 Convention

Control measures and exceptions	Schedule I	Schedule II	Schedule III	Schedule IV
Control of international trade International trade is permitted only when the importer and the exporter are both competent national authorities, or persons or enterprises that are specifically authorized by the competent authorities of their respective countries to trade in those substances.	√			
Prior approval of the competent national authorities, in the form of import and export authorizations, must be obtained for each transaction.	√	√		
The 1971 Convention does not require that import and export transactions of substances in Schedule III be approved by the competent authorities, but the exporting country has to send to the authorities of the importing country a notification of the export (export declaration) which gives certain details of the shipment. As for substances in Schedule IV, neither prior authorizations nor export declarations are required by the Convention. The importer and exporter must merely keep records of transactions and at the end of each year notify their respective national authorities of the total quantities imported and exported.		√	√	
The Economic and Social Council extended the system of import and export authorization required by the 1971 Convention for substances in Schedules I and II to substances in Schedules III and IV[28]. In addition, Governments were requested by the Council to include in their reports on trade in psychotropic substances listed in Schedules III and IV details of the countries of origin of their imports and the countries of destination of their exports[29].				
Prohibition of and restrictions on export and import The 1971 Convention provides a mechanism whereby a country may oblige all other countries not to export unwanted psychotropic substances to it. Under article 13, a State party may notify all the other parties that it prohibits the import into its country of one or more substances in Schedule II, III or IV. The notifying country may subsequently authorize the importation of definite quantities of the substances concerned by issuing a special import licence, which must be transmitted directly to the competent authorities of the exporting country[30].		√	√	√
Simplified estimate system for psychotropic substances ("assessment") When the 1971 Convention was drafted, it was considered that the "estimate system" applied to narcotic drugs under the 1961 Convention was not needed for psychotropic substances[31]. That is why the 1971 Convention itself does not provide for such an estimate system. Consequently, Parties are not legally bound to furnish in advance figures on their needs of psychotropic substances in		√	√	√

[28] ECOSOC Resolutions 1985/15 of 28 May 1985, 1987/30 of 26 May 1987, 1991/44 of 21 June 1991 and 1993/38 of 27 July 1993)
[29] INCB Training Material (2016) N°27.
[30] INCB Training Material (2016) N°34
[31] Commentary 1971 Convention p. 277; INCB Training Material (2016) N°37

Control measures and exceptions	Schedule I	Schedule II	Schedule III	Schedule IV
each year, nor to supply to the Board statistics on consumption, seizures and disposal of seized psychotropic substances, on stocks other than stocks of substances in Schedule I or II held by manufacturers of those substances, and on the use of substances in Schedule IV for the manufacture of exempt preparations. Pursuant to several ECOSOC resolutions (see Annex V) Governments are invited to provide INCB with the assessments of their legitimate medical and scientific requirements for psychotropic substances in Schedules II, III and IV and to develop mechanisms to ensure that exports of psychotropic substances were in line with importing countries' assessments [32]. These assessments of the annual requirements for psychotropic substances are not required from Governments every year and do not have to be approved by the INCB[33]. Governments are requested to furnish quarterly statistics on trade in those substances[34].				

[32] INCB Training Material (2016) N°39
[33] INCB Training Material (2016) N°20
[34] INCB Training Material (2016) N°38