

2 March 2023

English only

Commission on Narcotic Drugs
Sixty-sixth session
Vienna, 13–17 March 2023
Item 5 (a) of the provisional agenda*
Implementation of the international drug control
treaties: changes in the scope of control of
substances

Changes in the scope of control of substances: proposed scheduling recommendations by the World Health Organization,****

Note by the Secretariat

1. In accordance with article 3 of the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol (1961 Convention), the Commission will have before it for consideration recommendations by the World Health Organization (WHO) to place 2-methyl-AP-237, etazene, etonitazepine and protonitazene in Schedule I of the 1961 Convention. Further, pursuant to article 2 of the Convention on Psychotropic Substances of 1971 (1971 Convention), the Commission will have before it for consideration recommendations by the WHO to add ADB-BUTINACA, *alpha*-PiHP and 3-methylmethcathinone to Schedule II of the 1971 Convention.
2. In accordance with article 3, paragraphs 1 and 3, of the 1961 Convention, and article 2, paragraphs 1 and 4, of the 1971 Convention, the Director-General of WHO, in the correspondence dated 24 November 2022, notified the Secretary-General of these recommendations.
3. Pursuant to article 3, paragraph 2, of the 1961 Convention, and article 2, paragraph 2, of the 1971 Convention, the notification and the information submitted by WHO in support of its recommendations were transmitted to all States parties to the 1961 Convention and the 1971 Convention in annex to a note verbale dated 12 December 2022.
4. As of 2 March 2023, the Governments of the following 19 States parties had provided comments on the WHO recommendations under the 1961 Convention and the 1971 Convention: Algeria, Australia, Belarus, Brazil, Canada, the Dominican Republic, Egypt, El Salvador, Jordan, Kuwait, Kyrgyzstan, Panama, Peru, Poland, the Republic of Moldova, the Russian Federation, Serbia, Spain and Switzerland.

* E/CN.7/2023/1.

** This conference room paper is to be read in conjunction with document E/CN.7/2023/8.

*** This document has not been edited.



5. The Government of Algeria stated that the substances recommended for inclusion in Table I of the Convention of 1961 and Schedule II of the 1971 Convention were new synthetic drugs, were often manufactured in clandestine laboratories, carried a high risk of addiction and had no medical interest or therapeutic use. The Government stated that the inclusion of these substances under international control, would inevitably help to limit their consumption and to reduce the associated risks.

6. The Government of Australia stated that the following substances were already controlled for import and export in Australia:

- Etonitazepyne – controlled for import and export under the Customs (Prohibited Imports) Regulations 1956 (PI Regulations) and the Customs (Prohibited Exports) Regulations 1958 (PE Regulations), as an etonitazene derivative,
- *alpha*-PiHP – controlled for import and export under the PI and PE Regulations as Pyrovalerone, and
- 3-Methylmethcathinone – controlled for import under the PI Regulations as 3-methylmethcathinone (otherwise known as 3-MMC)

Further, the Government advised that the following substances had currently no legitimate medical or industrial use in Australia: 2-methyl-AP-237, etazene, etonitazepyne, protonitazene, ADB-BUTINACA, *alpha*-PiHP and 3-methylmethcathinone.

7. The Government of Belarus stated its support for the above-mentioned recommendations. The Government further informed that ADB-BUTINACA and 3-methylmethcathinone were already under State control and were included as psychotropic substances in list I of narcotic drugs and psychotropic substances not used for medical purposes, the Republican List of Narcotic Drugs, Psychotropic Substances and Their Precursors Subject to State Control.

8. The Government of Brazil stated that it was in accordance with all above-mentioned recommendations.

9. The Government of Canada reported that 2-methyl-AP-237 was not controlled in Canada, and that it had been identified 30 times since 2019. Etazene (identified 479 times since 2019), etonitazepyne (identified 179 times since 2019) and protonitazene (identified 532 times since 2019) were controlled under schedule I item 13 in Canada. ADB-BUTINACA (identified twice since 2019) was controlled under Schedule II item 2, *alpha*-PiHP (identified 21 times since 2019) under Schedule item 17.1 and 3-methylmethcathinone (identified 46 times since 2019) under schedule I item 19. Regarding etazene, etonitazepyne, protonitazene, ADB-BUTINACA, *alpha*-PiHP and 3-methylmethcathinone, the Government of Canada informed that it had authorized import and export permits for small quantities, and the import of these substances into Canada was for laboratory and research purposes.

10. The Government of the Dominican Republic indicated that it agreed with the above-mentioned recommendations.

11. The Government of Egypt informed that etazene, protonitazene, etonitazepyne, *alpha*-PiHP, 3-methylmethcathinone and ADB-BUTINACA were included in Schedule I, Part 2, of Act No. 182 of 1960 (Counter-Narcotics Act). 2-Methyl-AP-237 was to date not included in the Schedules of the mentioned Act and was recommended to be added to Schedule I of the Act on Combating Narcotic Drugs.

12. The Government of El Salvador reported that it had not identified any economic, social, legal, administrative or other factors that would be affected by the inclusion of the substances in question in the respective schedules. The Government stated that the inclusion would reduce the risks of diversion of those substances for the illicit manufacture of other types of drugs. The Government also informed that to date, in El Salvador there was no known therapeutic use of the substances in question, that

there was no indication of their medical or industrial use, and they were not manufactured or produced in El Salvador.

13. The Government of Jordan informed that ADB-BUTINACA was listed in schedule VI of the Schedules of Narcotic and Psychoactive Substances attached to the Act on Narcotic Drugs and Psychotropic Substances (Act No. 23) of 2016 as amended. 3-Methylmethcathinone, 2-methyl-AP-237, etazene, etonitazepyne, protonitazene and *alpha*-PiHP were not listed in the Schedules of Narcotic and Psychoactive Substances attached to the same Act and did not have any legitimate medical uses in the country, therefore Jordan had no objection to the above-mentioned recommendations.

14. The Government of Kuwait stated its view that 2-methyl-AP-237, etazene, etonitazepyne and protonitazene, which were recommended to be added to Schedule I of the 1961 Convention, were manufactured substances; the Government recommended adding them to Schedule II of the 1971 Convention rather than to Schedule I of the 1961 Convention. The Government also recalled that ADB-BUTINACA, *alpha*-PiHP and 3-methylmethcathinone were recommended to be added to Schedule II of the 1971 Convention, and recommended that their inclusion in that Schedule be approved.

15. The Government of Kyrgyzstan informed that according to Decision No. 543 of 9 November 2007 on narcotic drugs, psychotropic substances and precursors subject to control in the Kyrgyz Republic, the substances recommended to be added to Schedule I of the 1961 Convention and Schedule II of the 1971 Convention were not included under the given names in the schedules of controlled substances. The Government noted that 2-methyl-AP-237 was a methyl derivative of the opioid analgesic AP-237 (or bucinnazine), with effects similar to those of fentanyl, which was listed in Schedule I of the 1961 Convention; etazene was a compound structurally similar to etonitazene and isotonitazene, which were under international control (Schedule I); etonitazepyne was an opioid of the 2-benzylbenzimidazole group, structurally similar to other opioids under international control, namely clonitazene, etonitazene and isotonitazene (Schedule I); protonitazene had a structure similar to that of metonitazene and etonitazene, which were under international control (Schedule I); ADB-BUTINACA was a synthetic cannabinoid related to AB-PINACA, which was listed in Schedule II of the 1971 Convention; *alpha*-PiHP was a synthetic cathinone, comparable to *alpha*-PHP, which was subject to control under Schedule II of the 1971 Convention; and 3-methylmethcathinone, also known as 3-MMC, was a synthetic cathinone that was closely related in structure to 4-methylmethcathinone (mephedrone), a synthetic cathinone listed in Schedule II of the 1971 Convention. If the United Nations Commission on Narcotic Drugs decided to include these substances in the appropriate schedules, the Government indicated it stood ready to initiate the required procedure for their inclusion in the national schedules of controlled substances.

16. The Government of Panama indicated it had no objections to the inclusion of the substances in question to the respective schedules under the international drug control conventions.

17. The Government of Peru indicated its support for the recommendation that 2-methyl-AP-237, etazene, etonitazepyne and protonitazene be included in schedule I of the 1961 Convention, due to the risk posed by these substances to public health and for society based on the possibility of their abuse, and considering the fact that they had no therapeutic use. The Government further indicated its support for the recommendation that ADB-BUTINACA, *ALFA*-PiHP and 3-methylmethcathinone be included in Schedule II of the 1971 Convention, considering their chemical similarity and similarity of effects on the central nervous system compared to those by synthetic drugs and NPS, and the risk posed by these substances to public health and for society based on the possibility of their abuse, and considering the fact that they had no therapeutic use. The Government further

informed that to date there was no indication of clandestine manufacturing of those substances in the country.

18. The Government of Poland stated that adding the mentioned substances to the relevant schedules would result in the need to start legislative work to amend the Regulation of the Minister of Health of 17 August 2018 on the list of psychotropic substances, narcotic drugs and new psychoactive substances (Journal of Laws of 2022, item 1665). Entrepreneurs involved in the production, processing, distribution or wholesale of the above-mentioned substances would be required to obtain the appropriate authorization from the Chief Pharmaceutical Inspector. Import, export, intra-community supply or intra-community acquisition of these narcotic drugs and psychotropic substances could be conducted by entrepreneurs after obtaining a permit from the Chief Pharmaceutical Inspector specifying substances that may be imported, exported, or as part of intra-community supply or intra-Community acquisition, who have the above-mentioned authorization. For each shipment containing the above-mentioned substances imported to Poland or exported from the territory of Poland, permits for import or for intra-community acquisition or export or for intra-community delivery, issued by the Chief Pharmaceutical Inspector, would be required. Export licences or intra-community supply licences issued by the competent authorities of the exporting country and import licences or intra-community acquisition licences issued by the competent authorities of the importing country would also be required. All of this would increase international control over trade in these substances. The Government of Poland further informed that it planned to include *alpha*-PiHP in the lists of psychotropic substances (Schedule II) specified in the regulation of the Minister of Health, and that it did not have knowledge about the possible uses of 2-methyl-AP-237, etazene, etonitazepyne, protonitazene, ADB-BUTINACA, *alpha*-PiHP, and 3-methylmethcathinone by economic entities supervised by the Chief Pharmaceutical Inspector.

19. The Government of the Republic of Moldova stated that 2-methyl-AP-237, etazene and etonitazepyne were not included in the lists of substances currently subject to state control. Protonitazene was a chemical analogue of “etonitazene”, and the latter was included in Government Decision No. 79 of 23.01.2006, Table I of narcotic substances (position 67). ADB-BUTINACA and *alpha*-PiHP were not included in the lists of substances subject to state control. 3-Methylmethcathinone was a synthetic cathinone and included in the Decision Government No. 79 of 23.01.2006, Table II of Psychotropic Substances (position 164) with the name 3-MMC (C₁₁H₁₅NO); Synonym: 3-methyl-N methylmethcathinone 2-(Methylamino)-1-(3-methylphenyl)-1-propanone. The Government stated that the assessment and critical findings issued by the World Health Organization justified the importance of the urgent involvement of all institutions responsible for the safety and health of society. Thus, the Government indicated that the national institutions responsible for amending and/or completing the legislative framework (including Government Decision No. 1088 of 05.10.2004 and Government Decision No. 79 of 23.01.2006) would be informed of the recommendations, which would be taken in consideration when updating the national lists and tables.

20. The Government of the Russian Federation stated that etazene, etonitazepyne, protonitazene, ADB-BUTINACA, *alpha*-PiHP and 3-methylmethcathinone were subject to control in the Russian Federation as derivatives of substances included in Schedule I of the List of Narcotic Drugs, Psychotropic Substances and Their Precursors, which was approved through Decision No. 681 of 30 June 1998 of the Government of the Russian Federation. 2-methyl-AP-237 was included in Schedule II of the same list. The Government informed that it stood ready to support the above-mentioned recommendations.

21. The Government of Serbia, after a risk assessment of the respective substances and in order to protect public health and general safety of society, fully supported the above-mentioned recommendations.

22. The Government of Spain informed that it agreed with the above-mentioned recommendations. The Government had not identified economic, social, legal, administrative or other factors in this regard. With regard to 3-methylmethcathinone, the Government of Spain informed that an order including the substance into List II of Annex 1 of Royal Decree 2829/1977 was pending.

23. The Government of Switzerland informed with regard to 2-methyl-AP-237, etazene, etonitazepine and protonitazene that no medical or industrial use of these substances was known in Switzerland. 2-Methyl-AP-237 and etazene were not yet under control in Switzerland. Etonitazepine and protonitazene were controlled under the group of nitazenes. Switzerland supported the recommendation to add these substances to Schedule I of the 1961 Convention. With regard to ADB-BUTINACA, *alpha*-PiHP, and 3-methylmethcathinone, the Government informed that no medical or industrial use of the three substances was known in Switzerland. All three substances were already under national control in Switzerland. ADB-BUTINACA was covered by the group of synthetic cannabinoids, and *alpha*-PiHP and 3-methylmethcathinone were controlled under the group of cathinones. Switzerland supported the recommendation to add these substances to Schedule II of the 1971 Convention.
