

28 November 2023

English only

Commission on Narcotic Drugs

Reconvened sixty-sixth session

Vienna, 7 and 8 December 2023

Agenda item 5(a)

Implementation of the international drug control treaties: changes in the scope of control of substances

Notification from the President of the International Narcotics Control Board to the Chair of the Commission on Narcotic Drugs on its sixty-seventh session concerning the scheduling of P-2-P methyl glycidic acid (“BMK glycidic acid”) and its methyl, ethyl, propyl, isopropyl, butyl, isobutyl, *sec*-butyl, and *tert*-butyl esters under the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988*

* The present document is reproduced in the form in which it was received.



Notification from the President of the International Narcotics Control Board to the Chair of the Commission on Narcotic Drugs on its sixty-seventh session concerning the scheduling of P-2-P methyl glycidic acid (“BMK glycidic acid”) and its methyl, ethyl, propyl, isopropyl, butyl, isobutyl, *sec*-butyl, and *tert*-butyl esters under the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

The President of the International Narcotics Control Board presents his compliments to the Chair of the Commission on Narcotic Drugs and has the honour to inform him that the Board, in conformity with article 12, paragraphs 4 and 5, of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (hereafter referred to as the 1988 Convention), has completed its assessment of P-2-P methyl glycidic acid (“BMK glycidic acid”) and its methyl ester, as well as of seven additional esters, namely the ethyl, propyl, isopropyl, butyl, isobutyl, *sec*-butyl, and *tert*-butyl ester of P-2-P methyl glycidic acid, for possible inclusion in the Tables of the 1988 Convention.

The Board finds that P-2-P methyl glycidic acid and its methyl ester are frequently used in the illicit manufacture of amphetamine and methamphetamine, and that the volume and extent of the illicit manufacture of these amphetamine-type stimulants pose serious public health or social problems so as to warrant international action. The Board is therefore recommending that P-2-P methyl glycidic acid (all stereoisomers) and its methyl ester (all stereoisomers) be included in Table I of the 1988 Convention. Further, in line with Commission resolution 65/3 of March 2022, to prevent an instant shift to other esters, the Board is also recommending that the ethyl, propyl, isopropyl, butyl, isobutyl, *sec*-butyl, and *tert*-butyl esters of P-2-P methyl glycidic acid (all stereoisomers of each ester) be also included in Table I of the 1988 Convention. The Board further proposes that the esters be included as a footnote to P-2-P methyl glycidic acid.

The assessment, findings and recommendations of the Board in respect of the substances are attached hereto, and have been prepared for submission to the Commission at its sixty-seventh session. Information about P-2-P methyl glycidic acid and its esters has also been published since 2013 in the reports¹ of the Board on the implementation of article 12 of the 1988 Convention, pursuant to paragraph 13 of that article.

Vienna, 23 November 2023

¹ *Precursors and Chemicals Frequently Used in the Illicit Manufacture of Narcotic Drugs and Psychotropic Substances: Report of the International Narcotics Control Board for 2013 on the Implementation of Article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988* (United Nations publication, Sales No. E.10.XI.4), and subsequent years. The 2023 report on precursors will be launched on 5 March 2024.

Annex: Assessment of P-2-P methyl glycidic acid (“BMK glycidic acid”), its methyl ester and seven additional esters of P-2-P methyl glycidic acid pursuant to article 12, paragraph 4, for inclusion in the Tables of the 1988 Convention

A. Background

1. At its 137th session, in May 2023, concerned over the increasing number of incidents involving P-2-P methyl glycidic acid (including in the form of its sodium salt)² and its methyl ester, the Board decided to initiate and pursue the scheduling process for the two substances, as well as for seven additional esters of P-2-P methyl glycidic acid, so as to prevent an instant shift to them following the scheduling of the acid and methyl ester. Therefore, on 16 June 2023, the Board transmitted to the Secretary-General of the United Nations a corresponding notification containing the relevant information at its disposal.

2. In accordance with the provisions of article 12, paragraph 3, the Secretary-General transmitted the information contained in that notification to all Parties and to other countries in the form of a questionnaire (NAR/C.L.7/2023), requesting their comments concerning the notification and all supplementary information that might assist the Board in carrying out its assessments. The questionnaire was sent to Governments on 17 July 2023 with the request to submit any comments on the proposal before 29 September 2023. A reminder was circulated to Governments on 27 September 2023.

B. Assessment

3. Article 12, paragraph 4, of the 1988 Convention stipulates the factors which the Board is to consider when assessing a substance for possible control:

“If the Board, taking into account the extent, importance and diversity of the licit use of the substance, and the possibility and ease of using alternate substances both for licit purposes and for the illicit manufacture of narcotic drugs or psychotropic substances, finds:

(a) That the substance is frequently used in the illicit manufacture of a narcotic drug or psychotropic substance;

(b) That the volume and extent of the illicit manufacture of a narcotic drug or psychotropic substance creates serious public health or social problems, so as to warrant international action,

it shall communicate to the Commission an assessment of the substance, including the likely effect of adding the substance to either Table I or Table II on both licit use and illicit manufacture, together with recommendations of monitoring measures, if any, that would be appropriate in the light of its assessment.”

4. In making its assessment, in accordance with article 12, paragraph 4, of the 1988 Convention, the Board had at its disposal the information contained in its notification to the Secretary-General, as well as the comments and supplementary information received from Governments pursuant to article 12, paragraph 3. As at 10 November 2023, 55 Governments and the European Commission had responded

² Since the 1988 Convention foresees that the scope of control regarding substances listed in Table I and Table II automatically extends to the salts of the listed substances whenever the existence of such salts is possible, placing P-2-P methyl glycidic acid under control of that Convention covers the sodium and other salts as well.

to the questionnaire sent out by the Secretary-General.³ All Governments stated either direct support for, or registered no objection to, the scheduling of P-2-P methyl glycidic acid and its methyl ester; all Governments that responded also registered no objection to the scheduling of the additional seven esters. The European Commission conveyed the non-objection to the proposals of four additional states members of the European Union, which did not submit individual responses to the questionnaires.

5. In conducting the assessment, the Board has taken the following factors into consideration:

(a) P-2-P methyl glycidic acid [chemical name: 2-methyl-3-phenyloxirane-2-carboxylic acid] and its methyl ester [chemical name: methyl 2-methyl-3-phenyl-2-oxiranecarboxylate] are immediate precursors of 1-phenyl-2-propanone (P-2-P), a substance listed in Table I of the 1988 Convention, and alternative chemicals for several other precursors under international control, such as *alpha*-phenylacetonitrile (APAAN), *alpha*-phenylacetamide (APAA), and methyl *alpha*-phenylacetate (MAPA). They are all used in the illicit manufacture of amphetamine and methamphetamine, which, together with their salts and optical isomers, are included in Schedule II of the 1971 Convention;

(b) Similarly, the following seven esters of P-2-P methyl glycidic acid are immediate precursors of P-2-P and pre-precursors of amphetamine and methamphetamine:

(i) P-2-P methyl glycidic acid, ethyl ester | Ethyl 2-methyl-3-phenyl-2-oxiranecarboxylate;

(ii) P-2-P methyl glycidic acid, propyl ester | Propyl 2-methyl-3-phenyl-2-oxiranecarboxylate;

(iii) P-2-P methyl glycidic acid, isopropyl ester | Isopropyl 2-methyl-3-phenyl-2-oxiranecarboxylate;

(iv) P-2-P methyl glycidic acid, butyl ester | Butyl 2-methyl-3-phenyl-2-oxiranecarboxylate;

(v) P-2-P methyl glycidic acid, isobutyl ester | Isobutyl 2-methyl-3-phenyl-2-oxiranecarboxylate;

(vi) P-2-P methyl glycidic acid, *sec*-butyl ester | *sec*-Butyl 2-methyl-3-phenyl-2-oxiranecarboxylate;

(vii) P-2-P methyl glycidic acid, *tert*-butyl ester | *tert*-Butyl 2-methyl-3-phenyl-2-oxiranecarboxylate;

(c) P-2-P methyl glycidic acid, its methyl ester and the other seven esters have no known legitimate use except – in small amounts – for research, development and laboratory analytical purposes; there are no known industrial applications in which P-2-P methyl glycidic acid and its eight esters are used as a starting material and there is no documented regular legitimate commerce and trade in P-2-P methyl glycidic acid and its eight esters other than small amounts for research purposes;

(d) The current increase in the frequency of seizures of P-2-P methyl glycidic acid and its methyl ester and in the amounts seized relate to the need by traffickers to find alternate precursors following the international scheduling of APAAN in 2014, APAA in 2019 and MAPA in 2020, which resulted in a notable decrease in seizures and in the subsequent use of the three chemicals as precursors in the illicit

³ Australia, Austria, Belarus, Belgium, Bolivia (Plurinational State of), Bosnia Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Canada, Costa Rica, Cote d'Ivoire, Czechia, Denmark, Egypt, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Holy See, Hungary, Ireland, Japan, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Mexico, Montenegro, Morocco, Netherlands (Kingdom of the), North Macedonia, Norway, Panama, Poland, Portugal, Romania, Russian Federation, Serbia, Singapore, Slovenia, Spain, Sweden, Tajikistan, Thailand, Turkmenistan, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay.

manufacture of amphetamine and methamphetamine. All of the aforementioned substances are currently listed in Table I of the 1988 Convention and hence are less easily available to traffickers;

(e) Following the initiation of the scheduling process, a seizure of the ethyl ester was reported in August 2023, indicating how quickly traffickers are changing to closely related substances and supporting a more holistic scheduling approach. While no seizures of the other six esters (propyl, isopropyl, butyl, isobutyl, *sec*-butyl, and *tert*-butyl) of P-2-P methyl glycidic acid have yet been brought to INCB's attention, they are direct substitutes for the methyl and ethyl esters and can be converted to P-2-P using the same technology and processes.

C. Findings

6. In view of the above-mentioned factors, the Board finds that:

(a) The volume and extent of public health or social problems caused by the abuse of illicitly manufactured amphetamine and methamphetamine remain issues that warrant international action;

(b) P-2-P methyl glycidic acid, its methyl ester and the other seven esters are substances which are highly suitable for the illicit manufacture of P-2-P and, subsequently, amphetamine and methamphetamine. Incidents (e.g., illicit manufacture and trafficking) involving P-2-P methyl glycidic acid have been known since 2012, its methyl ester since 2016, and its ethyl ester since 2023, with increasing frequency and amounts reported since late 2022, primarily in Europe, although countries in other regions are also known to have been affected. Given the ease of the illicit manufacturing process, the extent of illicit use may spread further to other regions. However, alternate substances have also already been encountered in illicit drug manufacture;

(c) There is no known legitimate manufacture of and trade in P-2-P methyl glycidic acid, its methyl ester and the other seven esters other than in very small amounts for research and development purposes;

(d) No Government foresaw difficulties in supporting the scheduling of P-2-P methyl glycidic acid, its methyl ester and the other seven esters under the 1988 Convention. The availability of P-2-P methyl glycidic acid and its eight esters for limited research and development purposes is determined by the controls implemented by Governments at the national level. Those controls should be structured in a manner that ensures the availability and distribution of P-2-P methyl glycidic acid and its eight esters for relevant legitimate uses;

(e) Scheduling of P-2-P methyl glycidic acid and its eight esters under the 1988 Convention would have no adverse effects on the availability of the substances for relevant legitimate purposes.

D. Recommendation

7. The Board is of the opinion that the international control of P-2-P methyl glycidic acid and its methyl ester is required to limit their availability for illicit drug manufacture and subsequently reduce the quantity of amphetamine and methamphetamine manufactured illicitly from those substances. In addition, and bearing CNDR resolution 65/3 in mind, the scheduling of seven additional esters (ethyl, propyl, isopropyl, butyl, isobutyl, *sec*-butyl and *tert*-butyl) in the Tables of the 1988 Convention at the same time, would contribute to preventing a shift to these closely related chemicals following the scheduling of the acid and methyl ester.

8. The controls of P-2-P methyl glycidic acid and its eight esters would have no adverse effect on their availability for any of the known research and development purposes, given the very limited to non-existent legitimate market for, and trade in,

the substances. In view of the above, the Board recommends that P-2-P methyl glycidic acid and its eight esters be placed under control of the 1988 Convention.

9. Currently, the only difference between Table I and Table II of the 1988 Convention is the possibility for Governments to invoke their right under article 12, subparagraph 10 (a) of that Convention to request pre-export notifications. The inclusion of P-2-P methyl glycidic acid and its eight esters in Table I of the 1988 Convention would therefore provide Governments with the possibility to request pre-export notifications, which would in turn allow the monitoring of manufacture of and trade in the substance.

10. In light of the above, and considering that P-2-P methyl glycidic acid and its eight esters, each exist in different stereochemical variants, which are equally suitable for conversion into P-2-P, the Board recommends placing P-2-P methyl glycidic acid and its methyl, ethyl, propyl, isopropyl, butyl, isobutyl, *sec*-butyl and *tert*-butyl esters (all stereoisomers of each substance) in Table I of the 1988 Convention.

11. The Board further proposes that the eight named esters be included as a footnote to P-2-P methyl glycidic acid.
