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 the ethyl ester of 3,4-MDP-2-P methyl glycidic acid (“PMK ethyl glycidate”) and of six additional esters of 3,4-MDP-2-P methyl glycidic acid 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.

V.23-23561 (E)

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 the ethyl ester of 3,4-MDP-2-P methyl glycidic acid (“PMK ethyl glycidate”) and of six additional esters of 3,4-MDP-2-P methyl glycidic acid 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 the ethyl ester of 3,4-MDP-2-P methyl glycidic acid (“PMK ethyl glycidate”) as well as of six additional esters, namely the propyl, isopropyl, butyl, isobutyl, *sec*-butyl, and *tert*-butyl ester of 3,4-MDP-2-P methyl glycidic acid, for possible inclusion in the Tables of the 1988 Convention.

The Board finds that the ethyl ester of 3,4-MDP-2-P methyl glycidic acid is frequently used in the illicit manufacture of amphetamine-type stimulants, namely MDMA and related “ecstasy”-type substances, and that the volume and extent of the illicit manufacture of amphetamine-type stimulants pose serious public health or social problems so as to warrant international action. The Board is therefore recommending that the ethyl ester of 3,4-MDP-2-P methyl glycidic acid (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 propyl, isopropyl, butyl, isobutyl, *sec*-butyl, and *tert*-butyl esters of 3,4-MDP-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 ethyl ester and the other six esters be included as a footnote to 3,4-MDP-2-P methyl glycidic acid.

The assessment, findings and recommendations of the Board in respect of the substance are attached hereto, and have been prepared for submission to the Commission at its sixty-seventh session. Information about the ethyl ester of 3,4-MDP-2-P methyl glycidic acid esters has also been published since 2022 in the reports[1] 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 2022 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 the ethyl ester of 3,4-MDP-2-P methyl glycidic acid (“PMK ethyl glycidate”) and six additional esters of 3,4-MDP-2-P methyl glycidic acid pursuant to article 12, paragraph 4, for inclusion in the Tables of the 1988 Convention

A. Background

1. At is 137th session in May 2023, concerned over the increasing number of incidents involving the ethyl ester of 3,4-MDP-2-P methyl glycidic acid, the Board decided to initiate and pursue the scheduling process for the substance, as well as for six additional esters of 3,4-MDP-2-P methyl glycidol acid, so as to prevent an instant shift to them following the scheduling of the ethyl 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.8/2023), 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 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, 58 Governments and the European Commission had responded

to the questionnaire sent out by the Secretary-General.[2] All Governments stated either direct support for, or registered no objection to, the scheduling of the ethyl ester of 3,4-MDP-2-P methyl glycidic acid; all Governments that responded also registered no objection to the scheduling of the additional six esters. The European Commission conveyed the non-objection to the proposals of five 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) The ethyl ester of 3,4-MDP-2-P methyl glycidic acid [chemical name: Ethyl 3-(benzo[d][1,3]dioxol-5-yl)-2-methyloxirane-2-carboxylate] is an immediate precursor of 3,4-methylenedioxyphenyl-2-propanone (3,4-MDP-2-P), a substance listed in Table I of the 1988 Convention. It is used in the illicit manufacture of MDMA and related substances which, together with their salts and optical isomers, are included in Schedule I of the 1971 Convention;

(b) Similarly, the following six esters of 3,4-MDP-2-P methyl glycidic acid are immediate precursors of 3,4-MDP-2-P and pre-precursors of MDMA and related substances:

(i) 3,4-MDP-2-P methyl glycidic acid, propyl ester | Propyl 3-(benzo[d][1,3]dioxol-5-yl)-2-methyloxirane-2-carboxylate;

(ii) 3,4-MDP-2-P methyl glycidic acid, isopropyl ester | Isopropyl 3-(benzo[d][1,3]dioxol-5-yl)-2-methyloxirane-2-carboxylate;

(iii) 3,4-MDP-2-P methyl glycidic acid, butyl ester | Butyl 3-(benzo[d][1,3]dioxol-5-yl)-2-methyloxirane-2-carboxylate;

(iv) 3,4-MDP-2-P methyl glycidic acid, isobutyl ester | Isobutyl 3-(benzo[d][1,3]dioxol-5-yl)-2-methyloxirane-2-carboxylate;

(v) 3,4-MDP-2-P methyl glycidic acid, *sec*-butyl ester | *sec*-Butyl 3-(benzo[d][1,3]dioxol-5-yl)-2-methyloxirane-2-carboxylate;

(vi) 3,4-MDP-2-P methyl glycidic acid, *tert*-butyl ester | *tert*-Butyl 3-(benzo[d][1,3]dioxol-5-yl)-2-methyloxirane-2-carboxylate;

(c) The ethyl ester and the other six esters of 3,4-MDP-2-P methyl glycidic acid have no known legitimate use except – in small amounts – for research, development and laboratory analytical purposes; there are no known industrial applications in which the esters are used as a starting material and there is no documented regular legitimate commerce and trade in them other than small amounts for research purposes;

(d) The current increase in the frequency of seizures of the ethyl ester of 3,4-MDP-2-P methyl glycidic acid and in the amounts seized relates to the need by traffickers to find an alternate precursor following the international scheduling of 3,4-MDP-2-P methyl glycidic acid and its methyl ester in 2019, which resulted in a notable decrease in seizures and in the subsequent use of the two substances as precursors in the illicit manufacture of MDMA and related substances. 3,4-MDP-2-P methyl glycidic acid and its methyl ester are currently listed in Table I of the 1988 Convention and hence are less easily available to traffickers;

[2] Australia, Austria, Azerbaijan, 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, Guatemala, Holy See, Hungary, Ireland, Japan, Jordan, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Mexico, Montenegro, Morocco, Myanmar, Netherlands (Kingdom of the), Panama, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Serbia, Singapore, Slovenia, Spain, Sweden, Syrian Arab Republic, Tajikistan, Thailand, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Uruguay.

(e) While no seizures of any of the other six esters (propyl, isopropyl, butyl, isobutyl, *sec*-butyl, and *tert*-butyl) of 3,4-MDP-2-P methyl glycidic acid have yet been brought to INCB's attention, they are direct substitutes for the ethyl ester and can be converted to 3,4-MDP-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 MDMA remain issues that warrant international action;

(b) The ethyl ester of 3,4-MDP-2-P methyl glycidic acid and the other six esters are substances which are highly suitable for the illicit manufacture of 3,4-MDP-2-P and, subsequently, MDMA and related substances. Incidents (e.g. illicit manufacture and trafficking) involving the ethyl ester have been known since 2021, with a major increase in frequency and amounts reported since the end of 2022. Europe and North America are the regions known to have been most affected. Given the ease of the illicit manufacturing process, the extent of illicit use may spread further to other regions and to the other six esters of 3,4-MDP-2-P methyl glycidic acid. However, alternate, chemically unrelated substances have also already been encountered in illicit drug manufacture;

(c) There is no known legitimate manufacture of and trade in the ethyl ester and the other six esters of 3,4-MDP-2-P methyl glycidic acid other than in very small amounts for research and development purposes;

(d) No Government foresaw difficulties in supporting the scheduling of the ethyl ester and the other six esters of 3,4-MDP-2-P methyl glycidic acid under the 1988 Convention. The availability of the seven 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 the seven esters for relevant legitimate uses;

(e) Scheduling of the seven esters of 3,4-MDP-2-P methyl glycidic acid 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 the ethyl ester of 3,4-MDP-2-P methyl glycidic acid is required to limit its availability for illicit drug manufacture and subsequently reduce the quantity of MDMA manufactured illicitly from that substance. In addition, and bearing CND resolution 65/3 in mind, the scheduling of six additional esters (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 ethyl ester.

8. The controls of the seven 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 the seven esters of 3,4-MDP-2-P methyl glycidic acid 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 the seven esters of 3,4-MDP-2-P methyl glycidic acid 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 the seven esters of 3,4-MDP-2-P methyl glycidic acid, each, exists in different stereochemical variants, which are equally suitable for conversion into 3,4-MDP-2-P, the Board recommends placing the ethyl, propyl, isopropyl, butyl, isobutyl, *sec*-butyl and *tert*-butyl esters of 3,4-MDP-2-P methyl glycidic acid (all stereoisomers of each substance) in Table I of the 1988 Convention.

11. The Board further proposes that the seven named esters be included as a footnote to 3,4-MDP-2-P methyl glycidic acid.