

COMMISSION DIRECTIVE 2003/101/EC
of 3 November 2003

amending Council Directive 92/109/EEC on the manufacture and placing on the market of certain substances used in the illicit manufacture of narcotic drugs and psychotropic substances

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/109/EEC of 14 December 1992 on the manufacture and placing on the market of certain substances used in the illicit manufacture of narcotic drugs and psychotropic substances ⁽¹⁾, as last amended by Commission Directive 2001/8/EC ⁽²⁾, and in particular Article 10(3) thereof,

Whereas:

- (1) With regard to the Community's obligations pursuant to Council Decision 90/611/EEC concerning conclusion, on behalf of the European Economic Community, of the United Nations Convention against illicit traffic in narcotic drugs and psychotropic substances ⁽³⁾, it is necessary to give effect to the decision taken by the United Nations Commission on Narcotic Drugs in March 2001 to add acetic anhydride and potassium permanganate to table 1 of the Annex to the 1988 United Nations Convention.
- (2) It is also appropriate to bring Directive 92/109/EEC in line with Council Regulation (EEC) No 3677/90 of 13 December 1990 laying down measures to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances ⁽⁴⁾, as last amended by Commission Regulation (EC) No 1232/2002 ⁽⁵⁾.
- (3) Potassium permanganate should be included among the substances listed in Category 2 of Annex I to Directive 92/109/EEC and deleted from Category 3 in that Annex.
- (4) In order to ensure that Community trade is not adversely affected, thresholds should be fixed for potassium permanganate as well as for acetic anhydride.
- (5) Directive 92/109/EEC should be amended accordingly.

- (6) The measures provided for in this Directive are in accordance with the opinion of the Committee set up pursuant to Article 10 of Regulation (EEC) No 3677/90,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Annexes I and II to Directive 92/109/EEC shall be replaced by the text in the Annex to this Directive.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 2004 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 3

This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 3 November 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 370, 19.12.1992, p. 76.

⁽²⁾ OJ L 39, 9.2.2001, p. 31.

⁽³⁾ OJ L 326, 24.11.1990, p. 56.

⁽⁴⁾ OJ L 357, 20.12.1990, p. 1.

⁽⁵⁾ OJ L 180, 10.7.2002, p. 5.

ANNEX

'ANNEX I

Scheduled substances within the meaning of Article 1(2)(a)

CATEGORY 1

Substance	CN designation (if different)	CN code ⁽¹⁾	CAS No ⁽²⁾
1-Phenyl-2-propanone	Phenylacetone	2914 31 00	103-79-7
N-acetylanthranilic acid	2-Acetamidobenzoic acid	2924 23 00	89-52-1
Isosafrol (<i>cis</i> + <i>trans</i>)		2932 91 00	120-58-1
3,4-Methylenedioxyphenylpropan-2-one	1-(1,3-Benzodioxol-5-yl)propan-2-one	2932 92 00	4676-39-5
Piperonal		2932 93 00	120-57-0
Safrole		2932 94 00	94-59-7
Ephedrine		2939 41 00	299-42-3
Pseudoephedrine		2939 42 00	90-82-4
Norephedrine		ex 2939 49 00	14838-15-4
Ergometrine		2939 61 00	60-79-7
Ergotamine		2939 62 00	113-15-5
Lysergic acid		2939 63 00	82-58-6

The stereoisomeric forms of the substances listed in this Category not being cathine ⁽³⁾ whenever the existence of such forms is possible.

The salts of the substances listed in this Category whenever the existence of such salts is possible and not being the salts of cathine.

CATEGORY 2

Substance	CN designation (if different)	CN code ⁽¹⁾	CAS No ⁽²⁾
Acetic anhydride		2915 24 00	108-24-7
Phenylacetic acid		2916 34 00	103-82-2
Anthranilic acid		2922 43 00	118-92-3
Piperidine		2933 32 00	110-89-4
Potassium permanganate		2841 61 00	7722-64-7

The salts of the substances listed in this Category whenever the existence of such salts is possible.

CATEGORY 3

Substance	CN designation (if different)	CN code ⁽¹⁾	CAS No ⁽²⁾
Hydrochloric acid	Hydrogen chloride	2806 10 00	7647-01-0
Sulphuric acid		2807 00 10	7664-93-9
Toluene		2902 30 00	108-88-3
Ethyl ether	Diethyl ether	2909 11 00	60-29-7
Acetone		2914 11 00	67-64-1
Methylethylketone	Butanone	2914 12 00	78-93-3

The salts of the substances listed in this Category whenever the existence of such salts is possible and not being the salts of hydrochloric acid and sulphuric acid.

⁽¹⁾ OJ L 290, 28.10.2002, p. 1.

⁽²⁾ The CAS No is the "Chemical Abstract Service Registry Number", which is a unique numeric identifier specific to each substance and its structure. The CAS No is specific to each isomer and to each salt of each isomer. It must be understood that the CAS Nos for the salts of the substances listed above will be different to those given.

⁽³⁾ Also named (+)-norpseudoephedrine, CN code 2939 43 00, CAS No 492-39-7.

ANNEX II

Substance	Threshold
Acetic anhydride	100 l
Potassium permanganate	100 kg
Anthranilic acid and its salts	1 kg
Phenylacetic acid and its salts	1 kg
Piperidine and its salts	0,5 kg'