# Proposal for a Regulation of the European Parliament and of the Council on drug precursors

(2003/C 20 E/15)

**(Text with EEA relevance)**

*COM(2002) 494 final — 2002/0217(COD)*

*(Submitted by the Commission on 10 September 2002)*

## EXPLANATORY MEMORANDUM

### 1. Introduction

An effective control of the chemicals used in the illegal production of narcotic drugs and psychotropic substances has proved to be one of the most efficient weapons against drug trafficking. As is very often said: there are no drugs without precursors. However, in the majority of cases, precursors are chemical products that also have legal and legitimate uses. Legitimate trade of these substances should therefore be recognised and protected.

In this context, the European Community has adopted two legal instruments laying down the measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances. Council Regulation (EEC) No 3677/90 ([1]) aims at surveillance of the trade in precursors between the Member States and third countries while Directive 92/109/EEC ([2]) does the same regarding the internal market.

In January 1998 the Commission adopted a proposal for the amendment ([3]) of Directive 92/109/EEC, hereinafter referred to as 'the Directive'. In its first reading, Parliament supported the Commission initiative and proposed five amendments ([4]). The Commission reacted to the Parliament's opinion (first reading) by adopting an amended proposal ([5]). The Council has not yet taken any decision on the proposal.

### 2. Objectives of the Commission proposal

Article 12 of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna Convention) provides for control measures for trade in twenty-three substances which, while also having numerous licit uses, are frequently diverted for use in the clandestine manufacture of narcotic drugs and psychotropic substances. In accordance with the Convention, the manufacture and placing on the Community market of such substances are subject to strict surveillance, in particular pursuant to Directive 92/109/EEC.

By transforming the current Directive into a Regulation the Commission aims mainly at simplifying the legislation and thus making it more user-friendly. This becomes especially important in the context of the on-going process of enlargement of the European Union where each modification of the Directive and its annexes would have triggered national implementation measures in some twenty-five Member States.

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([1]) OJ L 357, 20.12.1990, p. 1, as last amended by Council Regulation (EC) No 1116/2001 (OJ L 153, 8.6.2001, p. 4).

([2]) OJ L 370, 19.12.1992, p. 76.

([3]) Document COM(1998) 22 final (OJ C 108, 7.4.1998, p. 41).

([4]) Document PE 273.796/1.

([5]) Document COM(1999) 202 final (OJ C 162, 9.6.1999, p. 9).

Furthermore, it should be stressed that the above-mentioned Regulation (EEC) No 3677/90 has the same basic objectives as the Directive. Whereas the Regulation concerns the trade of substances between the European Community and third countries, the Directive deals with drug precursors in the Internal Market. This results in an uneven application of the two instruments because a modification of the Regulation's annexes will be applicable simultaneously in all Member States within a few days from publication ([1]), while the corresponding modification of the Directive's annexes is subject to a transposition period that most Member States are unable to meet ([2]). In practice, delays of up to forty-two months have occurred in the past before the modifying directives were fully transposed into national law. The result is that the controls on newly identified drug precursors in the Internal Market lacked efficiency. A continuation of this situation cannot be justified and a uniform application of Community law in this area is needed to avoid any diversion of drug precursors into the production of illegal drugs.

The Commission has therefore decided to withdraw the proposal for an amendment of Directive 92/109/EEC. The Regulation now proposed would better ensure that the provisions are directly applied by economic operators and that harmonised measures are implemented in all Member States at the same time. It would permit the legitimate use of the affected chemical substances to be monitored and would avoid their diversion to the manufacture of illegal drugs. It will also ensure that the implementation of this new instrument is as rapid as that of Regulation 3677/90.

## 3. **Content of the Commission proposal**

The aim of the new Regulation is to establish harmonised measures of control and monitoring of certain chemical substances frequently used in the manufacture of illegal narcotic drugs. The new Regulation will prevent barriers to the free trade of these substances between Member States. In order to achieve this aim, the proposed Regulation contains rules on licensing, customer declarations, labelling and a monitoring procedure.

In addition, the Commission proposes that the new Regulation should take account of the changeable nature of the illicit manufacture of narcotic drugs and to align it with the already published amendments to Regulation (EEC) No 3677/90.

A further improvement to the current situation will be to oblige the Member States to distribute to economic operators information on how to recognise and notify suspect transactions so that economic operators inform the competent authorities of suspect transactions involving substances not currently mentioned in the Directive but which are nevertheless frequently used to manufacture synthetic drugs. This co-operative approach has already been tried and tested in a number of Member States (France, Germany, Austria, United Kingdom, The Netherlands). The Commission, assisted by the Committee referred to in Article 15 of the new Regulation, will be responsible for drawing up and constantly updating the lists of products which are to be subject to such surveillance. These lists will be distributed to economic operators by the Member States.

The Commission takes this opportunity to define more clearly what it means by a 'scheduled substance', since the measures applicable to Sassafras Oil are currently interpreted in different ways in the Community. In some Member States it is regarded as a mixture containing Safrole, and is therefore controlled, while other Member States regard it as a natural product not subject to controls. Inserting a reference to natural products in the definition of 'scheduled substance' resolves this discrepancy and therefore allows controls to be applied to Sassafras Oil; only natural products from which scheduled substances can be easily extracted are covered by the definition.

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([1]) See Commission Regulation (EC) No 260/2001 (OJ L 39, 9.2.2001, p. 11) which entered into force nineteen days after the publication in the Official Journal, on 1 March 2001.

([2]) See Commission Directive 2001/8/EC (OJ L 39, 9.2.2001, p. 31) whose transposition has not yet been completed in all Member States.

The Commission also proposes to define 'non-scheduled substances' in conformity with Article 12(12)(b) of the United Nations Convention.

As a final point, the Commission considers this a good opportunity to take into account the revision of the classification for Potassium Permanganate. The Committee referred to in Article 15 of the new Regulation, has considered that this chemical gives rise to particular concern. The Committee has recommended the classification of Potassium Permanganate in category 2 of Annex I. Thresholds have been set up for Potassium Permanganate as well as for Acetic Anhydride to ensure that internal trade of these products will not be negatively affected.

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

(1) The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted in Vienna on 19 December 1988, hereinafter referred to as the 'United Nations Convention', was approved by the Community, with respect to matters within its competence, by Council Decision 90/611/EEC of 22 October 1990 [1].

(2) The requirements of Article 12 of the United Nations Convention, in respect of trade in precursors, (i.e. substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances), are implemented as far as trade between the Community and third countries is concerned by Regulation (EEC) No 3677/90 of 13 December 1990 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances [2].

(3) Article 12 of the United Nations Convention envisages adoption of appropriate measures to monitor manufacture and distribution of precursors. This requires the adoption of measures relating to the trade of precursors among Member States. Such measures were introduced by 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. To better ensure that harmonised rules are applied at the same time in all Member States a Regulation is deemed to be more adequate than the current Directive.

(4) By decisions taken at its thirty-fifth session, 1992, the United Nations Commission on Narcotic Drugs included additional substances in the tables of the Annex to the Convention. Corresponding provisions should be laid down in this Regulation in order to detect possible cases of illicit diversion of drugs in the Community and to ensure that common monitoring rules are applied in the Community market.

(5) The provisions of Article 12 of the United Nations Convention are based on a system of monitoring trade in the substances in question. Most trade in these substances is entirely lawful. The documentation of consignments and labelling of these substances must be sufficiently explicit. It is furthermore important, whilst providing competent authorities with the necessary means of action, to develop within the spirit of the United Nations Convention mechanisms based on close co-operation with the operators concerned and on the development of intelligence gathering.

(6) The measures applicable to Sassafras Oil are currently interpreted in different ways in the Community, since it is regarded as a mixture containing Safrole and is therefore controlled in some Member States, while other Member States regard it as a natural product not subject to controls. Inserting a reference to natural products in the definition of 'scheduled substance' resolves this discrepancy and therefore allows controls to be applied to Sassafras Oil; only natural products from which scheduled substances can be easily extracted are covered by the definition.

[1] OJ L 326, 24.11.1990, p. 56, Council Decision 90/611/EEC of 22 October 1990 concerning the conclusion, on behalf of the European Economic Community, of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

[2] OJ L 357, 20.12.1990, p. 1, as last amended by Council Regulation (EC) No 1116/2001 (OJ L 153, 8.6.2001, p. 4).

(7) Substances commonly used in the illicit manufacture of narcotic drugs and psychotropic substances should be listed in an Annex.

(8) It should be ensured that the manufacture or use of certain scheduled substances listed in the Annex is subject to possession of a licence. The supply of such substances should in addition be permitted only where the persons to whom they are to be supplied are either holders of a licence or have signed a customer declaration. The detailed rules concerning the customer declaration should be laid down in Annex III.

(9) Measures should be adopted to encourage operators to notify suspicious transactions involving substances listed in Annex I to the competent authorities.

(10) Measures should be adopted in order to guarantee better control of intra-community trade of scheduled substances listed in Annex I.

(11) All transactions leading to the placing on the market of scheduled substances in categories 1 and 2 of Annex I should be properly documented. Operators shall notify the Competent Authorities of any suspect transactions involving the substances listed in Annex I. However, exemptions should apply to transactions concerning substances in category 2 of Annex I where the quantities involved do not exceed those indicated in Annex II.

(12) A significant number of other substances, many of them traded legally in large quantities, have been identified as precursors to the illicit manufacture of synthetic drugs. To subject these substances to the same strict controls as those listed in the Annex would present an unnecessary obstacle to trade involving licences to operate and documentation of transactions. Therefore, a more flexible mechanism at Community level should be established whereby the competent authorities in the Member States are notified of such transactions.

(13) The introduction of a cooperation procedure is provided for in the European Union Action Plan against drugs approved by the European Council of Santa Maria da Feira on 19 and 20 June 2000. In order to support co-operation between the Member State administrations and the chemicals industry, in particularly with regard to substances which, though not referred to in this regulation, may be used in the illicit manufacture of synthetic drugs, guidelines should be drawn up aimed at helping this industry.

(14) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission [1].

(15) Since the objectives of the proposed action, the harmonised monitoring of the trade in drug precursors and the avoidance of its diversion to the illegal production of narcotic drugs, cannot be sufficiently achieved by the Member States, and can therefore, by reason of its international and changeable nature, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

(16) Council Directive 92/109/EEC of 14 December 1992 [2], Commission Directives 93/46/EEC of 22 June 1993 [3] and 2001/8/EC of 8 February 2001 [4], and Commission Regulations (EC) No 1485/96 of 26 July 1996 [5] and (EC) No 1533/2000 of 13 July 2000 [6] should be repealed,

HAVE ADOPTED THIS REGULATION:

*Article 1*

**Scope and objectives**

This Regulation establishes harmonised measures for the control and monitoring of certain substances frequently used for the illicit manufacture of narcotic drugs and psychotropic substances with a view to preventing the diversion of such substances.

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[1] OJ L 184, 17.7.1999, p. 23.

[2] OJ L 370, 19.12.1992, p. 76, Council Directive 92/109/EEC of 14 December 1992 on the manufacture and the placing on the market of certain substances used in the illicit manufacture of narcotic drugs and psychotropic substances.

[3] OJ L 159, 1.7.1993, p. 134, Directive 93/46/EEC of 22 June 1993 replacing and modifying the Annexes to 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.

[4] OJ L 39, 9.2.2001, p. 31, Directive 2001/8/EC of 8 February 2001 replacing Annex I to 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.

[5] OJ L 188, 27.7.1996, p. 28, Regulation (EC) No 1485/96 of 26 July 1996 laying down detailed rules for the application of Council Directive 92/109/EEC, as regards customer declarations of specific use relating to certain substances used in the illicit manufacture of narcotic drugs and psychotropic substances.

[6] OJ L 175, 14.7.2000, p. 75, Commission Regulation (EC) No 1533/2000 of 13 July 2000 amending Regulation (EC) No 1485/96 laying down detailed rules for the application of Council Directive 92/109/EEC, as regards customer declarations of specific use relating to certain substances used in the illicit manufacture of narcotic drugs and psychotropic substances.

*Article 2*

**Definitions**

For the purposes of this Regulation the following definitions shall apply:

(a) scheduled substance means any substance listed in Annex I, including mixtures and natural products containing such substances. This excludes medicinal products (as defined by Directive 2001/83/EC [1]), pharmaceutical preparations, mixtures, natural products and other preparations containing scheduled substances that are compounded in such a way that such substances cannot be easily used or extracted by readily applicable or economically viable means;

(b) non scheduled substance means any substance not included in Annex I but which is identified as having been used in illicit manufacture of narcotic drugs or psychotropic substances;

(c) placing on the market means any supply, whether in return of payment or free of charge, of scheduled substances; or the storage, manufacture, production, trade, distribution or brokering of these substances for the purpose of supply;

(d) operator means any natural or legal person engaged in the placing on the market of scheduled substances in the Community;

(e) International Narcotics Control Board means the Board established by the Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol.

*Article 3*

**Requirements for the manufacture and placing on the market of scheduled substances**

1. Operators shall possess a licence issued by the competent authorities before they place on the market in the Community scheduled substances in category 1 of Annex I.

2. In considering whether to grant a licence, the competent authorities shall take into account in particular the competence and integrity of the applicant. The licence may be suspended or revoked by the competent authorities whenever there are reasonable grounds for belief that the holder is no longer a fit and proper person to hold a licence, or that the conditions under which the licence was issued are no longer fulfilled.

3. Operators engaged in the placing on the market of scheduled substances in category 2 of Annex I shall be required to register and update with the competent authorities the addresses of the premises from which they manufacture or trade in these substances.

[1] OJ L 311, 28.11.2001, p. 67.

*Article 4*

**Customer declaration and authorization**

1. Any operator established within the Community who supplies a customer with a scheduled substance in categories 1 or 2 of Annex I to this Regulation shall obtain a declaration from the customer which shows the specific use or uses of the scheduled substances. A separate declaration shall be required for each scheduled substance. This declaration shall conform to the model set out in point 1 of Annex III to this Regulation. In the case of legal persons, the declaration shall be made on headed notepaper.

2. As an alternative to the above declaration for an individual transaction, an operator who regularly supplies a customer with a scheduled substance in category 2 of Annex I to this Regulation may accept a single declaration in respect of a number of transactions over a period of one year maximum provided that the operator is satisfied the following criteria have been met:

(a) the customer is one to whom he has supplied the substance on at least three occasions in the preceding twelve months;

(b) the operator has no reason to suppose that the substance will be used for illicit purposes;

(c) the quantities ordered are consistent with the usual consumption for that customer.

This declaration shall conform to the model set out in point 2 of Annex III to this Regulation. In the case of legal persons, the declaration shall be made on headed notepaper.

3. Any operator holding the licence referred to in Article 3 shall supply scheduled substances specified in category 1 of Annex I only to persons holding a licence in the sense of Article 3 or having signed a customer declaration in the sense of paragraphs 1 and 2 above.

4. An operator supplying substances specified in category 1 of Annex I shall stamp and date a copy of the customer declaration, thereby certifying that it corresponds to the original. This document must always accompany category 1 substances being moved within the Community and must be presented on request to the authorities responsible for checking vehicle contents during transport operations.

*Article 5*

**Documentation**

1. Operators shall ensure that all transactions leading to the placing on the market of scheduled substances in categories 1 and 2 of Annex I are properly documented in accordance with paragraphs 2 to 5.

2. Commercial documents such as invoices, cargo manifests, administrative documents, transport and other shipping documents shall contain sufficient information to identify positively:

(a) the name of the scheduled substance as given in categories 1 and 2 of Annex I;

(b) the quantity and weight of the scheduled substance and, where a mixture is concerned, the quantity and weight, if available, of the mixture as well as the quantity and weight, or the percentage by weight, of any substance or substances specified in categories 1 and 2 of Annex I which are contained in the mixture;

(c) the name and address of the supplier, distributor and of the consignee.

3. The documentation must furthermore contain a customer declaration as referred to in Article 4.

4. Operators shall keep detailed records of their activities as are required to comply with their obligations under paragraph 1.

5. The documentation and records referred to in paragraphs 1 to 4 above shall be kept for a period of not less than three years from the end of the calendar year in which the transaction referred to in paragraph 1 took place, and must be readily available for inspection by the competent authorities upon request.

*Article 6*

**Exemptions**

The obligations under Articles 3, 4 and 5 shall not apply to transactions concerning scheduled substances in category 2 of Annex I where the quantities involved do not exceed those indicated in Annex II.

*Article 7*

**Labelling**

Operators shall ensure that labels are affixed to scheduled substances in categories 1 and 2 of Annex I before they are placed on the market. Such labels must show the names of the substances as given in Annex I. Operators may in addition affix their customary labels.

*Article 8*

**Notification of the Competent Authorities regarding scheduled substances**

1. Operators shall notify the competent authorities immediately of any circumstances, such as unusual orders or transactions involving scheduled substances, which suggest that such substances to be placed on the market or manufactured, as the case may be, may be diverted for the illicit manufacture of narcotic drugs or psychotropic substances.

2. Operators shall provide the competent authorities in summary form with such information about their transactions involving scheduled substances as the competent authorities may require.

*Article 9*

**Guidelines**

1. In order to facilitate cooperation between the competent authorities of the Member States, the operators, and the chemical industry, in particular as regards non-scheduled substances commonly used in the illicit manufacture of narcotic drugs or psychotropic substances, the Commission shall, in accordance with the procedure referred to in Article 15(2), draw up and update guidelines to assist the chemical industry.

2. The guidelines shall provide in particular:

(a) information on how to recognise and notify suspect transactions;

(b) a regularly updated list of non-scheduled substances commonly used in the illicit manufacture of narcotic drugs and psychotropic substances to enable industry to monitor on a voluntary basis the trade in such substances;

(c) other information which may be deemed useful.

3. The competent authorities shall ensure that the guidelines and the list referred to in paragraph 2(b) are regularly disseminated in a manner deemed appropriate by the competent authorities in accordance with the objectives of the guidelines.

*Article 10*

**Powers and obligations of Competent Authorities**

In order to ensure the correct application of Articles 3 to 7, each Member State shall adopt, the measures necessary to enable the competent authorities:

(a) to obtain information on any orders for scheduled substances or operations involving scheduled substances;

(b) to enter operators' business premises in order to obtain evidence of irregularities;

(c) to respect confidential business information.

*Article 11*

**Cooperation between the Member States and the Commission**

1. Each Member State shall designate the competent authority or authorities responsible for ensuring the application of this Regulation and inform the Commission thereof.

2. For the purposes of applying this Regulation and without prejudice to Article 15, the provisions of Council Regulation (EEC) No 515/97 [1], and in particular those on confidentiality shall apply *mutatis mutandis*. The competent authorities designated under point 1 shall act as competent authorities within the meaning of Article 2(2) of Regulation (EEC) No 515/97.

*Article 12*

**Penalties**

The Member State shall lay down the rules on penalties applicable for infringement of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be sufficient, proportionate and dissuasive. The Member States shall notify those provisions to the Commission by [eighteen months] at the latest and shall notify it without delay of any subsequent amendment affecting them.

*Article 13*

**Communications from Member States**

1. To permit any necessary adjustments to the arrangements for monitoring trade in scheduled substances and non scheduled substances, the competent authorities in each Member State shall each year communicate to the Commission all relevant information on the implementation of the monitoring measures laid down in this Regulation, in particular as regards substances used for the illicit manufacture of narcotic drugs or psychotropic substances and methods of diversion and illicit manufacture.

2. A summary of the communications made pursuant to paragraph 1, in accordance with Article 12(12) of the United Nations Convention and in consultation with the Member States, shall be submitted by the Commission's services to the International Narcotics Control Board.

*Article 14*

**Implementation procedure**

The following measures necessary for the implementation of this Regulation shall be adopted in accordance with the procedure referred to in Article 15(2).

1. The determination whenever necessary of the conditions which shall apply to the documentation and labelling of mixtures and preparations containing substances listed in category 2 of Annex I, as provided for in Articles 5 and 6.

2. The amendment to the Annexes of the present Regulation, in the event that the tables in the Annex to the United Nations Convention should themselves be amended.

3. The amendments to the thresholds set in Annex II.

4. The customer declaration form referred to in points 1 and 2 of Article 4, as well as the detailed rules concerning its use.

*Article 15*

**Committee**

1. The Commission shall be assisted by the committee set up by Article 10 of Regulation (EEC) No 3677/90.

2. Where reference is made to this paragraph Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof. The period referred to in Article 4(3) of Decision 1999/468/CE shall be three months.

3. The Committee shall adopt its rules of procedure.

*Article 16*

**Information about measures taken by Member States**

Each Member State shall inform the Commission of the measures it takes pursuant to this Regulation.

The Commission shall communicate this information to the other Member States.

*Article 17*

**Repeal**

1. Council Directive 92/109/EEC, Commission Directives 93/46/EEC and 2001/8/EC, and Commission Regulations (EC) No 1485/96 and (EC) No 1533/2000 are hereby repealed.

2. References to the repealed Directives or Regulations shall be construed as references to the present Regulation.

3. The validity of any licenses granted and any customer declarations issued under the above Directives or Regulations shall not be affected by the fact that these are replaced by the present Regulation.

*Article 18*

**Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

[1] OJ L 82, 22.3.1997, p. 1.

*ANNEX I*

**Category 1**

| Substance | CN designation (if different) | CN code (*) | CAS No |
|---|---|---|---|
| 1-Phenyl-2-propanone | Phenylacetone | 2914 31 00 | 103-79-7 |
| N-acetylanthranilic acid | 2-Acetamidobenzoic acid | 2924 23 00 | 89-52-1 |
| Isosafrol (cis + trans) | | 2932 91 00 | 120-58-1 |
| 3,4-Methylenedioxyphenylpropane-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 | | 2939 49 00 | 154-41-6 |
| Ergometrine | | 2939 61 00 | 60-79-7 |
| Ergotamine | | 2939 62 00 | 113-15-5 |
| Lysergic acid | | 2939 63 00 | 82-58-6 |

(*) OJ L 278, 28.10.1999, p. 1.
The salts of the substances listed in this category whenever the existence of such salts is possible.

**Category 2**

| Substance | CN designation (if different) | CN code (*) | CAS No |
|---|---|---|---|
| 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 |

(*) OJ L 278, 28.10.1999, p. 1.
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 (*) | CAS No |
|---|---|---|---|
| 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 |

(*) OJ L 278, 28.10.1999, p. 1.
(**) The salts of these substances whenever the existence of such salts is possible.

*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 |

*ANNEX III*

1. **Model declaration relating to individual transactions (category 1 or 2)**

CUSTOMER DECLARATION OF SPECIFIC USE(S) OF THE SCHEDULED CATEGORY 1 or 2 SUBSTANCE
(individual transactions)

I/We,

Name: .....

Address: .....

.....

Authorisation/Licence/Registration number of reference: .....
(delete as appropriate)

issued on ..... by .....

.....
(name and address of the authority)

and without time limit/valid until .....
(delete as appropriate)

have ordered from

Name: .....

Address: .....

.....

the following substance

Description: .....

.....

Combined nomenclature code: ..... Quantity: .....

The substance will be used solely for .....

.....

II/We confirm that the substance referred to above will only be re-sold or otherwise supplied to a customer on the condition that the customer will furnish a declaration of use in accordance with this model or, for category 2 substances, a declaration relating to multiple transactions.

Signature: ..... Name: .....
(in block capitals)

Position: ..... Date: .....

2. **Model declaration relating to multiple transactions (category 2)**

CUSTOMER DECLARATION OF SPECIFIC USE(S) OF THE SCHEDULED CATEGORY 2 SUBSTANCE
(multiple transactions)

I/We,

Name: .....

Address: .....

.....

Registration number of reference: .....

issued on by.....by.....

.....
(name and address of the authority)

and without time limit/valid until.....
(delete as appropriate)

intend to order from

Name: .....

Address: .....

.....

the following substance

Description: .....

.....

Combined nomenclature code: ..... Quantity: .....

The substance will be used exclusively for .....

.....

and represents a quantity that is normally considered sufficient for..... months (up to a maximum of twelve months)

I/We hereby certify that the substance referred to above will only be sold on or transferred to another customer subject to the proviso that the latter submits a similar declaration of use or a declaration relating to individual transactions.

Signature: ..... Name: .....
(in block capitals)

Position: ..... Date: .....