# COMMISSION REGULATION (EC) No 1232/2002

## of 9 July 2002

## replacing the Annex to Council Regulation (EEC) No 3677/90 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances and amending Regulation (EEC) No 3769/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council 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 [1], as amended by Regulation (EC) No 988/2002 [2], and in particular Article 9a thereof,

Having regard to Commission Regulation (EEC) No 3769/92 of 21 December 1992 implementing and amending Council Regulation (EEC) No 3677/90 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances [3], as last amended by Regulation (EC) No 1251/2001 [4],

Whereas:

(1) 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 I of the Annex to the 1988 United Nations Convention.

(2) It is necessary to amend the Annex to Regulation (EEC) No 3677/90 to comply with this decision. The amendment may be made by the Commission pursuant to Article 9a(e) of the Regulation.

(3) Regulation (EEC) No 3769/92 must be amended to take account of the changes of Regulation (EEC) No 3677/90 separating the provisions on export authorisation from those on pre-export notification for the scheduled substances listed in Category 1 of the Annex.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EEC) No 3677/90 is replaced by Annex 1 of this Regulation.

*Article 2*

Regulation (EEC) No 3769/92 is amended as follows:

1. Article 2 is replaced by the following text:

'*Article 2*

**Specific export requirements for scheduled substances listed in Category 2**

Pursuant to Article 5(2) of the basic Regulation, exports of scheduled substances listed in Category 2 are subject *mutatis mutandis* to the provisions of Articles 4 and 4a of the basic Regulation whenever they are intended for an operator established in a country which is listed and published in the *Official Journal of the European Communities* C series. These lists shall be regularly updated by the European Commission.';

2. Article 3 is replaced by the following text:

'*Article 3*

**Specific export requirements for scheduled substances listed in Category 3**

Without prejudice to more specific requirements to be determined on the basis of agreements with the countries concerned, exports of scheduled substances in Category 3 are subject, pursuant to Article 5a(2) of the basic Regulation, to the provisions of Article 4 and 4a of the basic Regulation whenever they are intended for an operator established in a country which is included in the list published in the *Official Journal of the European Communities* C series and an open individual authorisation cannot be granted pursuant to paragraph 3 of that Article. These lists shall be regularly updated by the European Commission.';

3. Annex I is replaced by Annex 2 to this Regulation.

*Article 3*

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

[1] OJ L 357, 20.12.1990, p. 1.
[2] OJ L 151, 11.6.2002, p. 1.
[3] OJ L 383, 29.12.1992, p. 17.
[4] OJ L 173, 27.6.2001, p. 26.

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

Done at Brussels, 9 July 2002.

*For the Commission*
Frederik BOLKESTEIN
*Member of the Commission*

*ANNEX 1*

*'ANNEX*

CATEGORY 1

| Substance | CN denomination (if different) | CN code (1) |
|---|---|---|
| 1-Phenyl-2 propanone | Phenylacetone | 2914 31 00 |
| Acetylanthranilic acid | 2-Acetamidobenzoic acid | 2924 23 00 |
| Isosafrole (cis + trans) | | 2932 91 00 |
| 3,4-Methylenedioxyphenylpropan-2-one | 1-(1,3-Benzodioxole-5-yl)propane-2-one | 2932 92 00 |
| Piperonal | | 2932 93 00 |
| Safrole | | 2932 94 00 |
| Ephedrine | | 2939 41 00 |
| Pseudoephedrine | | 2939 42 00 |
| Norephedrine | | ex 2939 49 00 |
| Ergometrine | | 2939 61 00 |
| Ergotamine | | 2939 62 00 |
| Lysergic acid | | 2939 63 00 |

The salts of the substances listed in this Category whenever the existence of such salts is possible.
(1) OJ L 279, 23.10.2001, p. 1.

CATEGORY 2

| Substance | CN denomination (if different) | CN code (1) |
|---|---|---|
| Potassium permanganate | | 2841 61 00 |
| Acetic anhydride | | 2915 24 00 |
| Phenylacetic acid | | 2916 34 00 |
| Anthranilic acid | | 2922 43 00 |
| Piperidine | | 2933 32 00 |

The salts of the substances listed in this Category whenever the existence of such salts is possible.
(1) OJ L 279, 23.10.2001, p. 1.

CATEGORY 3

| Substance | CN denomination (if different) | CN code (1) |
|---|---|---|
| Hydrochloric acid | Hydrogen chloride | 2806 10 00 |
| Sulphuric acid | | 2807 00 10 |
| Toluene (*) | | 2902 30 00 |
| Ethyl ether (*) | Diethyl ether | 2909 11 00 |
| Acetone (*) | | 2914 11 00 |
| Methylethylketone (MEK) (*) | Butanone | 2914 12 00 |

(*) The salts of the substances listed in this Category whenever the existence of such salts is possible.
(1) OJ L 279, 23.10.2001, p. 1.'

*ANNEX 2*

*'ANNEX I*

| Substance | Quantity |
|---|---|
| Acetone (1) | 50 kg |
| Ethyl ether (1) | 20 kg |
| Methylethylketone (1) | 50 kg |
| Toluene (1) | 50 kg |
| Sulphuric acid | 100 kg |
| Hydrochloric acid | 100 kg |

(1) The salts of these substances whenever the existence of such salts is possible.'