

## II

(Non-legislative acts)

## REGULATIONS

## COMMISSION DELEGATED REGULATION (EU) 2022/1518

of 29 March 2022

**amending Regulation (EC) No 273/2004 of the European Parliament and of the Council and Council Regulation (EC) No 111/2005 as regards the inclusion of certain drug precursors in the list of scheduled substances**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors <sup>(1)</sup>, and in particular Article 15 thereof,

Having regard to Council Regulation (EC) No 111/2005 of 22 December 2004 laying down rules for the monitoring of trade between the Union and third countries in drug precursors <sup>(2)</sup>, and in particular Article 30a thereof,

Whereas:

- (1) Regulation (EC) No 273/2004 lays down measures for monitoring trade in drug precursors within the Union, while Regulation (EC) No 111/2005 governs trade in drug precursors between the Union and third countries. Annex I to Regulation (EC) No 273/2004 and the Annex to Regulation (EC) No 111/2005 each contain a list of scheduled substances, which are subject to a number of harmonised control and monitoring measures provided for by those Regulations.
- (2) National competent authorities have reported the seizure of ethyl alpha-phenylacetoacetate (EAPA) and methyl 3-oxo-2-(3,4-methylenedioxyphenyl)butanoate (MAMDPA) in the context of illicit manufacture of narcotic drugs.
- (3) EAPA is used to produce 1-Phenyl-2-propanone (P-2-P), also known as benzyl methyl ketone (BMK). BMK is a precursor of amphetamine and methamphetamine.
- (4) MAMDPA is used to produce 3,4-Methylenedioxyphenylpropan-2-one (PMK), which, in turn, is a precursor of 3,4-methylenedioxymethamphetamine (MDMA), commonly known as 'ecstasy'.
- (5) Amphetamine, methamphetamine and MDMA are some of the most common drugs illicitly produced in the Union. They have severe consequences for human health and are causing serious social and public health problems in some regions of the Union.
- (6) Therefore, EAPA and MAMDPA should be scheduled at Union level to reinforce their control and monitoring.

<sup>(1)</sup> OJ L 47, 18.2.2004, p. 1.

<sup>(2)</sup> OJ L 22, 26.1.2005, p. 1.

- (7) The scheduled substances listed in Annex I to Regulation (EC) No 273/2004 and in the Annex to Regulation (EC) No 111/2005 are divided into categories for which different measures apply, so as to achieve a proportionate balance between the level of threat posed by each specific substance and the burden on licit trade. The strictest control and monitoring measures apply to substances of Category 1.
- (8) EAPA and MAMDPA, as precursors to amphetamine, methamphetamine and MDMA, pose significant social and public health threats in the Union. They have no known licit production, trade or use, except for research purposes. Therefore, including them in Category 1 in Annex I to Regulation (EC) No 273/2004 and in Category 1 in the Annex to Regulation (EC) No 111/2005 would be an adequate response to avoid their use in the illicit manufacture of narcotic drugs and, at the same time, would not entail any significant extra administrative burden for economic operators and competent authorities in the Union.
- (9) Regulations (EC) No 273/2004 and (EC) No 111/2005 should therefore be amended accordingly.
- (10) Regulations (EC) No 273/2004 and (EC) No 111/2005 jointly implement certain provisions of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, done at Vienna on 20 December 1988 and approved by Council Decision 90/611/EEC <sup>(3)</sup>. In view of the close substantive link between the empowerment contained in those Regulations, it is appropriate to adopt the amendments by way of one single delegated act,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Amendments to Regulation (EC) No 273/2004**

Annex I to Regulation (EC) No 273/2004 is amended in accordance with Annex I to this Regulation.

*Article 2*

**Amendments to Regulation (EC) No 111/2005**

The Annex to Regulation (EC) No 111/2005 is amended in accordance with Annex II to this Regulation.

*Article 3*

**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 Union*.

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

Done at Brussels, 29 March 2022.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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<sup>(3)</sup> 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 (OJ L 326, 24.11.1990, p. 56).

## ANNEX I

In Regulation (EC) No 273/2004, in Annex I, in the table for Category 1, the following entries are inserted in the list of substances in the appropriate place sequentially according to the CN Code:

Substance	CN designation (if different)	CN Code	CAS No
'ethyl alpha-phenylacetoacetate (EAPA) (*)		Ex 2918 30 00	5413-05-8
methyl 3-oxo-2-(3,4-methylenedioxyphenyl)butanoate (MAMDPA) (**)	methyl 3-oxo-2-(3,4-methylenedioxyphenyl)butanoate	Ex 2932 99 00	1369021-80-6

(\*) also known as ethyl 3-oxo-2-phenylbutanoate, according to IUPAC (The International Union of Pure and Applied Chemistry).

(\*\*) also known as methyl 2-(2H-1,3-benzodioxol-5-yl)-3-oxobutanoate, according to IUPAC.:

## ANNEX II

In Regulation (EC) No 111/2005, in the Annex, in the table for Category 1, the following entries are inserted in the list of substances in the appropriate place sequentially according to the CN Code:

Substance	CN designation (if different)	CN Code	CAS No
'ethyl alpha-phenylacetoacetate (EAPA) (*)		Ex 2918 30 00	5413-05-8
methyl 3-oxo-2-(3,4-methylenedioxyphenyl)butanoate (MAMDPA) (**)	methyl 3-oxo-2-(3,4-methylenedioxyphenyl)butanoate	Ex 2932 99 00	1369021-80-6

(\*) also known as ethyl 3-oxo-2-phenylbutanoate, according to IUPAC (The International Union of Pure and Applied Chemistry).

(\*\*) also known as methyl 2-(2H-1,3-benzodioxol-5-yl)-3-oxobutanoate, according to IUPAC.