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Implementation of the international drug control treaties: changes in the scope of control of substances

Changes in the scope of control of substances under the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

Note by the Secretariat

Summary

The present document contains information and recommendations for consideration by the Commission on Narcotic Drugs pursuant to the international drug control treaties.

Pursuant to article 12, paragraph 13, of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, the Commission is to review periodically the adequacy and propriety of Table I and Table II of the Convention. Accordingly, the Commission will have before it, for review, the information transmitted by the International Narcotics Control Board pursuant to article 12, paragraph 4, of the 1988 Convention, with regard to the assessments of "3,4-MDP-2-P methyl glycidate" ("PMK glycidate"), 3,4-MDP-2-P methyl glycidic acid ("PMK glycidic acid"), *alpha*-phenylacetoacetamide (APAA) and hydriodic acid, and, for consideration, the recommendation of the Board that "PMK glycidate", "PMK glycidic acid" and APAA be included in Table I of the 1988 Convention.

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I. Introduction

1. The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, in its article 12, paragraph 2, provides as follows:

> If a Party or the Board has information which in its opinion may require the inclusion of a substance in Table I or Table II, it shall notify the Secretary-General and furnish him with the information in support of that notification. The procedure described in paragraphs 2 to 7 of this article shall also apply when a Party or the Board has information justifying the deletion of a substance from Table I or Table II, or the transfer of a substance from one Table to the other.

2. On 4 December 2017, the Government of Argentina submitted a notification to the Secretary-General, pursuant to article 12, paragraph 2, of the 1988 Convention, proposing that three amphetamine-type stimulant precursors, *alpha*-phenylacetoacetamide (APAA), "3,4-MDP-2-P methyl glycidate" ("PMK glycidate") and hydriodic acid, should be included in the tables of that Convention.

3. In accordance with the provisions of article 12, paragraph 3, of the 1988 Convention, the Secretary-General transmitted, by a note verbale dated 12 January 2018, the notification by the Government of Argentina to all Governments and the International Narcotics Control Board (INCB). Also in that note, three questionnaires (on APAA, on "PMK glycidate" and on hydriodic acid) were sent to Governments, requesting them to submit their comments regarding the notification and any supplementary information that might assist INCB in establishing an assessment.

4. As at 30 June 2018, 51 Governments and the European Commission had responded to the questionnaire sent out by the Secretary-General on APAA and 50 Governments and the European Commission had responded to the questionnaires sent out by the Secretary-General on "PMK glycidate" and on hydriodic acid, respectively.

5. On 21 August 2018, INCB submitted a notification to the Secretary-General, pursuant to article 12, paragraph 2, of the 1988 Convention, proposing that 3,4-MDP-2-P methyl glycidic acid ("PMK glycidic acid") should be included in the tables of that Convention. In that notification, INCB indicated that the notification was to be considered in conjunction with the notification of the Government of Argentina, concerning the request for inclusion of "PMK glycidate" in the tables of the 1988 Convention.

6. In accordance with the provisions of article 12, paragraph 3, of the 1988 Convention, the Secretary-General transmitted, by a note verbale dated 31 August 2018, the notification by INCB to all Governments. Also in that note, Governments were requested to submit their comments regarding the notification and any supplementary information that might assist INCB in establishing an assessment.

7. As at 9 November 2018, 16 Governments, and the European Commission, had submitted their comments or supplementary information on the notification regarding "PMK glycidic acid". A question to this effect was already included in the questionnaire to Governments on "PMK glycidate" mentioned above in paragraph 3. Given that the scope of substances in the tables of the 1988 Convention automatically extends to salts whenever the existence of salts is possible, Governments were requested to comment on the possibility of scheduling the corresponding substance, "PMK glycidic acid". A total of 32 Governments had responded to that request.

II. Notification from the International Narcotics Control Board concerning scheduling under the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

8. On 16 November 2018, in accordance with article 12, paragraph 4, of the 1988 Convention, the President of INCB notified the Chair of the Commission on Narcotic Drugs that the Board had completed its assessments of “PMK glycidate”, “PMK glycidic acid”, APAA and hydriodic acid, for possible inclusion in the tables of the 1988 Convention.

9. The Board, having taken into account the extent, importance and diversity of their licit use, recommends that “PMK glycidate”, “PMK glycidic acid” and APAA be included in Table I of the 1988 Convention. Furthermore, it recommends that hydriodic acid should not be placed under control in the 1988 Convention.

10. The notification from the President of INCB and the assessments, findings and recommendations of the Board in respect of the four substances are contained in the annexes to the present document, for consideration by the Commission at its sixty-second session.

III. Action to be taken by the Commission on Narcotic Drugs

11. In accordance with article 12, paragraph 5, of the 1988 Convention, the Commission, taking into account the comments submitted by the parties and the comments and recommendations of the Board, whose assessment shall be determinative as to scientific matters, and also taking into due consideration any other relevant factors, may decide by a two-thirds majority of its members to place a substance in Table I or Table II of the Convention. From a practical point of view, this means that, for a decision to be adopted, an affirmative vote of at least 35 members of the Commission is required.

12. The Commission should therefore decide:

(a) Whether it wishes to place “PMK glycidate” in Table I of the 1988 Convention or, if not, what other action, if any, might be required;

(b) Whether it wishes to place “PMK glycidic acid” in Table I of the 1988 Convention or, if not, what other action, if any, might be required;

(c) Whether it wishes to place APAA in Table I of the 1988 Convention or, if not, what other action, if any, might be required;

(d) Whether it wishes to place hydriodic acid in one of the tables of the 1988 Convention or, if not, what other action, if any, might be required.

Annex I

Notification dated 16 November 2018 from the President of the International Narcotics Control Board to the Chair of the Commission on Narcotic Drugs at its sixty-second session concerning the scheduling of “3,4-MDP-2-P methyl glycidate” under the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

1. 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 “3,4-MDP-2-P methyl glycidate” (“PMK glycidate”) for possible inclusion in the tables of the 1988 Convention.

2. The Board finds that “3,4-MDP-2-P methyl glycidate” is frequently used in the illicit manufacture of amphetamine-type stimulants, namely, MDMA and related 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 “3,4-MDP-2-P methyl glycidate” (all stereoisomers) be included in Table I of the 1988 Convention.

3. 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-second session. Information about “3,4-MDP-2-P methyl glycidate” has also been published since 2010 in the reports[1] of the Board on the implementation of article 12 of the 1988 Convention, pursuant to paragraph 13 of that article.

[1] *Precursors and Chemicals Frequently Used in the Illicit Manufacture of Narcotic Drugs and Psychotropic Substances: Report of the International Narcotics Control Board for 2017 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.18.XI.4), and previous years.

Appendix

Assessment of "3,4-MDP-2-P methyl glycidate" pursuant to article 12, paragraph 4, for inclusion in the tables of the 1988 Convention

A. Background

1. In December 2017, the Government of Argentina submitted a notification to the Secretary-General, pursuant to article 12, paragraph 2, of the 1988 Convention, proposing that three amphetamine-type stimulant precursors, *alpha*-phenylacetoacetamide (APAA), "3,4-MDP-2-P methyl glycidate" (i.e., the methyl ester of 3,4-MDP-2-P methyl glycidic acid) and hydriodic acid, should be included in the tables of that Convention.

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/CL.5/2017), requesting their comments concerning the notification and all supplementary information that might assist the Board in carrying out its assessment. The questionnaire was sent to Governments on 12 January 2018 with the request to submit any comments on the proposal before 12 March 2018. A reminder was circulated to Governments on 1 March 2018, which extended the deadline to 12 April 2018.

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 the notification of the Government of Argentina to the Secretary-General, as well as the comments and supplementary information received from Governments pursuant to article 12, paragraph 3. As at 30 June 2018, 50 Governments and the European Commission had responded to the questionnaire sent out by the Secretary-General in January 2018. All 50 Governments stated either direct support for, or registered no objection to, the scheduling of "3,4-MDP-2-P methyl glycidate".

5. In conducting the assessment, the Board has taken the following factors into consideration:

(a) "3,4-MDP-2-P methyl glycidate" [chemical name: 2-oxiranecarboxylic acid, 3-(1,3-benzodioxol-5-yl)-2-methyl-, methyl ester] is an immediate precursor of 3,4-methylenedioxy-2-propanone (3,4-MDP-2-P), a substance in Table I of the

1988 Convention that 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) "3,4-MDP-2-P methyl glycidate" has no known legitimate use, except in small amounts for research, development and laboratory analytical purposes; there are no known industrial applications in which "3,4-MDP-2-P methyl glycidate" is used as a starting material and there is no documented regular legitimate commerce and trade in "3,4-MDP-2-P methyl glycidate" other than small amounts for research purposes;

(c) The emergence and current increase in the frequency of "3,4-MDP-2-P methyl glycidate" seizures and the amounts seized relate to the need by traffickers to find an alternate precursor to circumvent controls over the primary precursors, namely, 3,4-MDP-2-P, safrole and isosafrole, all of which are listed in Table I of the 1988 Convention and hence are less easily available to traffickers.

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 are issues that warrant international action, in particular, due to the increase in MDMA dosage in "ecstasy" pills, which can lead to serious health consequences, including hospitalization and occasional death of users;

(b) "3,4-MDP-2-P methyl glycidate" is a substance which is 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 "3,4-MDP-2-P methyl glycidate" have been known since 2010, with increasing frequency and amounts reported since 2016, so far exclusively in Europe. However, given the ease and efficacy of the illicit manufacturing process, the extent of illicit use of "3,4-MDP-2-P methyl glycidate" may further spread to other regions;

(c) There is no known legitimate manufacture of and trade in "3,4-MDP-2-P methyl glycidate" other than very small amounts for research and development purposes;

(d) No Government foresaw difficulties in supporting the scheduling of "3,4-MDP-2-P methyl glycidate" under the 1988 Convention. The availability of "3,4-MDP-2-P methyl glycidate" 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 "3,4-MDP-2-P methyl glycidate" for relevant legitimate uses;

(e) Scheduling of "3,4-MDP-2-P methyl glycidate" under the 1988 Convention would have no adverse effects on the availability of the substance for relevant legitimate purposes.

D. Recommendations

7. The Board is of the opinion that the international control of "3,4-MDP-2-P methyl glycidate" is required to limit its availability for illicit drug manufacture and subsequently reduce the quantity of MDMA and related substances manufactured illicitly from that substance. Those controls would have no adverse effect on its availability for any of the known research and development purposes, given the very limited legitimate market for, and trade in, the substance. In view of the above, the Board recommends that "3,4-MDP-2-P methyl glycidate" be placed under control of the 1988 Convention.

8. 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. As

“3,4-MDP-2-P methyl glycidate” is often sourced in a region different from where illicit manufacture of MDMA and related substances takes place, the scheduling of “3,4-MDP-2-P methyl glycidate” in Table I of the 1988 Convention would 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.

9. In light of the above, and considering that “3,4-MDP-2-P methyl glycidate” exists in the form of four stereoisomers, which are equally suitable for conversion into 3,4-MDP-2-P, the Board recommends placing “3,4-MDP-2-P methyl glycidate” (all four stereoisomers) in Table I of the 1988 Convention.

Annex II

Notification dated 16 November 2018 from the President of the International Narcotics Control Board to the Chair of the Commission on Narcotic Drugs at its sixty-second session concerning the scheduling 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

1. 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 3,4-MDP-2-P methyl glycidic acid ("PMK glycidic acid") for possible inclusion in the tables of the 1988 Convention.

2. The Board finds that the sodium salt of 3,4-MDP-2-P methyl glycidic acid is frequently used in the illicit manufacture of amphetamine-type stimulants, namely, MDMA and related 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. Since the 1988 Convention foresees that the scope of control regarding substances listed in Table I and Table II automatically extends to the salts of the listed substances whenever the existence of such salts is possible, the Board is therefore recommending that the corresponding acid, 3,4-MDP-2-P methyl glycidic acid (all stereoisomers), be included in Table I of the 1988 Convention.

3. 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-second session. Information about the sodium salt of 3,4-MDP-2-P methyl glycidic acid has also been published since 2010 in the reports[1] of the Board on the implementation of article 12 of the 1988 Convention, pursuant to paragraph 13 of that article.

[1] *Precursors and Chemicals Frequently Used in the Illicit Manufacture of Narcotic Drugs and Psychotropic Substances: Report of the International Narcotics Control Board for 2017 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.18.XI.4), and previous years.

Appendix

Assessment 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. In December 2017, the Government of Argentina submitted a notification to the Secretary-General, pursuant to article 12, paragraph 2, of the 1988 Convention, proposing that three amphetamine-type stimulant precursors, *alpha*-phenylacetoacetamide (APAA), "3,4-MDP-2-P methyl glycidate" (i.e., the methyl ester of 3,4-MDP-2-P methyl glycidic acid) and hydriodic acid, should be included in the tables of that Convention.

2. During the assessment of "3,4-MDP-2-P methyl glycidate", the Board noted that the sodium salt of 3,4-MDP-2-P methyl glycidic acid had also been, and continues to be, seized in significant quantities, including in clandestine laboratories. Given that the properties of the sodium salt of 3,4-MDP-2-P methyl glycidic acid with regard to the synthesis of MDMA and related substances are very comparable to those of the methyl ester of the same acid, the Board noted the risk that scheduling of "3,4-MDP-2-P methyl glycidate" (the substance proposed for scheduling by the Government of Argentina) alone would be insufficient, as it would likely result in a mere shift and increased use of the sodium salt, and possibly other salts of the same acid.

3. Taking into account that the scope of control regarding substances in Table I and Table II of the 1988 Convention automatically extends to "the salts of the substances listed […] whenever the existence of such salts is possible", the Board decided to initiate and pursue the scheduling process for 3,4-MDP-2-P methyl glycidic acid. A corresponding notification containing the relevant information at the Board's disposal was transmitted to the Secretary-General of the United Nations on 21 August 2018.

4. 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 (NAR/CL.6/2018), explaining that the Board's notification was to be considered in conjunction with the notification submitted by the Government of Argentina in December 2017. The note verbale was sent to Governments on 31 August 2018 with the request to submit any relevant supplementary comments on the Board's proposal before 5 October 2018.

B. Assessment

5. 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.

6. In making its assessment, in accordance with article 12, paragraph 4, of the 1988 Convention, the Board had at its disposal the information gathered in connection with the notification of the Government of Argentina, as well as the supplementary comments and information received from Governments pursuant to article 12, paragraph 3. As at 9 November 2018, 16 Governments and the European Commission had provided supplementary comments. All available responses stated either direct support for, or registered no objection to, the scheduling of 3,4-MDP-2-P methyl glycidic acid.

7. In conducting the assessment, the Board has taken the following factors into consideration:

(a) Derivatives of 3,4-MDP-2-P methyl glycidic acid [chemical name: 2-oxiranecarboxylic acid, 3-(1,3-benzodioxol-5-yl)-2-methyl-] are very suitable precursors for the illicit manufacture of 3,4-MDP-2-P and subsequently MDMA and related substances. One such derivative, namely the methyl ester of that substance, was proposed for scheduling by the Government of Argentina. However, available information suggests that the salts of the same acid are equally suitable for the illicit manufacture of 3,4-MDP-2-P and subsequently MDMA and related substances. Incidents of actual use of the sodium salt in illicit manufacture have already occurred;

(b) The proposed scheduling of the methyl ester alone would therefore be insufficient. However, the additional scheduling of the sodium salt alone would also not be sufficiently effective as it is easily substituted by other salts;

(c) Given that the scope of substances scheduled in the tables of the 1988 Convention automatically extends to the salts of the listed substances whenever the existence of such salts is possible, the substance contributing to an effective control at the international level if included in the tables of the 1988 Convention is 3,4-MDP-2-P methyl glycidic acid (i.e., the acid form).

C. Findings

8. 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 are issues that warrant international action, in particular, due to the increase in MDMA dosage in “ecstasy” pills, which can lead to serious health consequences, including hospitalization and occasional death of users;

(b) The sodium salt of 3,4-MDP-2-P methyl glycidic acid is a very suitable precursor for the illicit manufacture of MDMA and related substances. Incidents (e.g., illicit manufacture and trafficking) involving the sodium salt of 3,4-MDP-2-P methyl glycidic acid have been known since 2013, about the same time as seizures of “3,4-MDP-2-P methyl glycidate” (the substance proposed for scheduling by the Government of Argentina) began occurring. The quantities seized have also been comparable to those involving “3,4-MDP-2-P methyl glycidate”;

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

(d) As regards support for the scheduling of the sodium (and other) salts, a question to this effect was already included in the questionnaire to Governments on “3,4-MDP-2-P methyl glycidate” (NAR/CL.5/2017). Specifically, and given that the scope of substances in Table I and Table II of the 1988 Convention automatically extends to salts whenever the existence of salts is possible, Governments were asked to comment on the possibility to schedule the corresponding 3,4-MDP-2-P methyl glycidic acid. All 32 Governments that responded to this question explicitly supported the proposal or recorded no difficulty. Similarly, all 16 Governments that responded to the note verbale circulated on 31 August 2018 dedicated to 3,4-MDP-2-P methyl

glycidic acid also explicitly supported its scheduling or recorded no difficulty in this regard, as outlined in paragraph 6 above;

(e) Scheduling of 3,4-MDP-2-P methyl glycidic acid under the 1988 Convention would have no adverse effects on the availability of the substance for relevant legitimate purposes.

D. Recommendations

9. Bearing in mind that the scope of control regarding substances listed in the tables of the 1988 Convention automatically extends to the salts of the listed substances whenever the existence of such salts is possible, the Board is of the opinion that including 3,4-MDP-2-P methyl glycidic acid (i.e., the acid form) in the tables of the 1988 Convention is required to limit the availability of the sodium salt and other salts for illicit drug manufacture and subsequently reduce the quantity of MDMA and related substances manufactured illicitly from these substances. Those controls would have no adverse effect on their availability for any of the known research and development purposes, given the very limited legitimate market for, and trade in, the substances. In view of the above, the Board recommends that 3,4-MDP-2-P methyl glycidic acid be placed under control of the 1988 Convention.

10. 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. As the sodium salt of 3,4-MDP-2-P methyl glycidic acid is often sourced in a region different from where illicit manufacture of MDMA and related substances takes place, the scheduling of 3,4-MDP-2-P methyl glycidic acid in Table I of the 1988 Convention would 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.

11. In light of the above, and considering that 3,4-MDP-2-P methyl glycidic acid exists in the form of four stereoisomers, which are equally suitable for conversion into 3,4-MDP-2-P, the Board recommends placing 3,4-MDP-2-P methyl glycidic acid (all four stereoisomers) in Table I of the 1988 Convention.

Annex III

Notification dated 16 November 2018 from the President of the International Narcotics Control Board to the Chair of the Commission on Narcotic Drugs at its sixty-second session concerning the scheduling of *alpha*-phenylacetoacetamide under the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

1. 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 *alpha*-phenylacetoacetamide (APAA) for possible inclusion in the tables of the 1988 Convention.

2. The Board finds that APAA is frequently used in the illicit manufacture of amphetamine-type stimulants, namely amphetamine, 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 APAA, including its optical isomers, be included in Table I of the 1988 Convention.

3. 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-second session. Information about APAA has also been published in the 2014[1], 2016[2] and 2017[3] reports of the Board on the implementation of article 12 of the 1988 Convention, pursuant to paragraph 13 of that article.

[1] *Precursors and Chemicals Frequently Used in the Illicit Manufacture of Narcotic Drugs and Psychotropic Substances: Report of the International Narcotics Control Board for 2014 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.15.XI.4).

[2] *Precursors and Chemicals Frequently Used in the Illicit Manufacture of Narcotic Drugs and Psychotropic Substances: Report of the International Narcotics Control Board for 2016 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.17.XI.4).

[3] *Precursors and Chemicals Frequently Used in the Illicit Manufacture of Narcotic Drugs and Psychotropic Substances: Report of the International Narcotics Control Board for 2017 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.18.XI.4).

Appendix

Assessment of *alpha*-phenylacetoacetamide pursuant to article 12, paragraph 4, for inclusion in the tables of the 1988 Convention

A. Background

1. In December 2017, the Government of Argentina submitted a notification to the Secretary-General, pursuant to article 12, paragraph 2, of the 1988 Convention, proposing that three amphetamine-type stimulant precursors, *alpha*-phenylacetoacetamide (APAA), "3,4-MDP-2-P methyl glycidate" (i.e. the methyl ester of 3,4-MDP-2-P methyl glycidic acid) and hydriodic acid, should be included in the tables of that Convention.

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/CL.5/2017), requesting their comments concerning the notification and all supplementary information that might assist the Board in carrying out its assessment. The questionnaire was sent to Governments on 12 January 2018 with the request to submit any comments on the proposal before 12 March 2018. A reminder was circulated to Governments on 1 March 2018, which extended the deadline to 12 April 2018.

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 the notification of the Government of Argentina to the Secretary-General, as well as the comments and supplementary information received from Governments pursuant to article 12, paragraph 3. As at 30 June 2018, 51 Governments and the European Commission had responded to the questionnaire sent out by the Secretary-General in January 2018. All 51 Governments stated either direct support for, or registered no objection to, the scheduling of APAA.

5. In conducting the assessment, the Board has taken the following factors into consideration:

(a) APAA [chemical name: Benzeneacetamide, α-acetyl-] is an immediate precursor of 1-phenyl-2-propanone (P-2-P), a substance listed in Table I of the 1988 Convention that is used in the illicit manufacture of amphetamine and

methamphetamine which, together with their salts and optical isomers, are included in Schedule II of the 1971 Convention;

(b) APAA has no known legitimate use, except in small amounts for research, development and laboratory analytical purposes; there are no known industrial applications in which APAA is used as a starting material and there is no documented regular legitimate commerce and trade in APAA other than small amounts for research purposes;

(c) The current increase in the frequency of APAA seizures and in the amounts seized relate to the need by traffickers to find an alternate precursor following the international scheduling of *alpha*-phenylacetoacetonitrile (APAAN) in 2014, which resulted in a notable decrease in seizures and in the subsequent use of APAAN as a precursor in the illicit manufacture of amphetamine and methamphetamine. APAAN itself had newly emerged as a precursor when traffickers started to resort to the substance, because the implementation of controls over P-2-P and phenylacetic acid, but also ephedrine and pseudoephedrine, had improved. All of the aforementioned substances are currently listed in Table I of the 1988 Convention.

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 amphetamine and methamphetamine remain issues that warrant international action;

(b) APAA is a substance which is highly suitable for the illicit manufacture of P-2-P and, subsequently, amphetamine and methamphetamine. Incidents (e.g., illicit manufacture and trafficking) involving APAA have been known since 2013, with increasing frequency and amounts reported since 2015, primarily in Europe, although countries in other regions are also known to have been affected. Given the ease of the illicit manufacturing process, the extent of illicit use may spread further to other regions. However, alternate substances have also already been encountered in illicit drug manufacture;

(c) There is no known legitimate manufacture of and trade in APAA as a final commodity, although it is an in-process intermediate in the legitimate manufacture of P-2-P. However, there is no evidence of this intermediate being isolated and hence licitly traded other than in very small amounts for research and development purposes;

(d) No Government foresaw difficulties in supporting the scheduling of APAA under the 1988 Convention. The availability of APAA 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 APAA for relevant legitimate uses;

(e) Scheduling of APAA under the 1988 Convention would have no adverse effects on the availability of the substance for relevant legitimate purposes.

D. Recommendations

7. The Board is of the opinion that the international control of APAA is required to limit its availability for illicit drug manufacture and subsequently reduce the quantity of amphetamine and methamphetamine manufactured illicitly from that substance. Those controls would have no adverse effect on its availability for any of the known research and development purposes, given the very limited legitimate market for, and trade in, the substance. In view of the above, the Board recommends that APAA be placed under control of the 1988 Convention.

8. 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. As APAA

is often sourced in a region different from where illicit manufacture of methamphetamine and amphetamine takes place, the scheduling of APAA in Table I of the 1988 Convention would 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.

9. In light of the above, and considering that APAA exists in the form of two optical isomers, which are equally suitable for conversion into P-2-P, the Board recommends placing *alpha*-phenylacetoacetamide (APAA) and its optical isomers in Table I of the 1988 Convention.

Annex IV

Notification dated 16 November 2018 from the President of the International Narcotics Control Board to the Chair of the Commission on Narcotic Drugs at its sixty-second session concerning the scheduling of hydriodic acid under the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

1. 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 hydriodic acid for possible inclusion in the tables of the 1988 Convention.

2. Taking into account the extent, importance and diversity of the licit uses of hydriodic acid, and the possibility and ease of using alternate substances for illicit manufacture, the Board finds that international control of hydriodic acid would not be effective in reducing the availability of illicitly manufactured methamphetamine. The Board is therefore recommending that hydriodic acid not be included in the tables of the 1988 Convention.

3. 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-second session.

Appendix

Assessment of hydriodic acid pursuant to article 12, paragraph 4, for inclusion in the tables of the 1988 Convention

A. Background

1. In December 2017, the Government of Argentina submitted a notification to the Secretary-General, pursuant to article 12, paragraph 2, of the 1988 Convention, proposing that three amphetamine-type stimulant precursors, *alpha*-phenylacetoacetamide (APAA), "3,4-MDP-2-P methyl glycidate" (i.e., the methyl ester of 3,4-MDP-2-P methyl glycidic acid) and hydriodic acid, should be included in the tables of that Convention.

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/CL.5/2017), requesting their comments concerning the notification and all supplementary information that might assist the Board in carrying out its assessment. The questionnaire was sent to Governments on 12 January 2018 with the request to submit any comments on the proposal before 12 March 2018. A reminder was circulated to Governments on 1 March 2018, which extended the deadline to 12 April 2018.

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 the notification of the Government of Argentina to the Secretary-General, as well as the comments and supplementary information received from Governments pursuant to article 12, paragraph 3. As at 30 June 2018, 50 Governments and the European Commission had responded to the questionnaire sent out by the Secretary-General in January 2018. A majority of 32 of the responding Governments expressed their reservation in relation to the scheduling of hydriodic acid.

5. In conducting the assessment, the Board has taken the following factors into consideration:

(a) Hydriodic acid is a reducing agent and reagent in both legitimate industry and illicit drug manufacture. It is used in non-negligible amounts for a variety of legitimate purposes;

(b) In illicit drug manufacture, hydriodic acid is used in the synthesis of methamphetamine from ephedrine or pseudoephedrine and can also be used to synthesize amphetamine from norephedrine. Amphetamine and methamphetamine, together with their salts and optical isomers, are included in Schedule II of the 1971 Convention.

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 methamphetamine and amphetamine remain issues that warrant international action;

(b) Hydriodic acid is a reducing agent suitable for the illicit manufacture of methamphetamine and amphetamine. However, other reducing agents or indirect methods of generating hydriodic acid can be and are being used. Incidents (e.g., illicit manufacture and trafficking) involving hydriodic acid have long been known from almost all regions, however, with decreasing frequency and amounts reported in the past decade. In response to the questionnaire, only two Governments reported the use of hydriodic acid in illicit drug manufacture and especially in small-scale laboratories for personal use;

(c) Of the 50 Governments responding to the questionnaire, 15 indicated the legitimate use of hydriodic acid. Required quantities were reported to be variable but overall suggest that non-negligible amounts of the substance are being used legitimately. Legitimate uses of hydriodic acid are numerous and include manufacture of organic and inorganic iodo compounds, preparation of medicinal products, disinfectants, detergents and antiseptics, chemical analysis, as well as other industrial and research uses;

(d) Trade in hydriodic acid for legitimate purposes is limited to a small number of import/export transactions, suggesting that a significant share of hydriodic acid may be manufactured and used domestically (or even in-situ, i.e., by companies internally);

(e) A majority of Governments that responded to the questionnaire expressed their reservation in relation to the scheduling of hydriodic acid.

D. Recommendations

7. The Board is of the opinion that international control of hydriodic acid would not be effective in reducing the availability of illicitly manufactured methamphetamine and amphetamine, based on the following main considerations:

- Limited actual use of hydriodic acid in illicit methamphetamine manufacture
- Availability of more attractive substitutes for hydriodic acid, which are cheaper and easier to use, and are actually used
- Experience from national control showing that scheduling of hydriodic acid together with chemicals required in alternate pathways such as iodine, hypophosphorous acid and red phosphorous, is a preferable approach in addressing the problem of illicit methamphetamine manufacture

8. In view of the above, the Board recommends not to place hydriodic acid under control of the 1988 Convention.