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Item 5 (a) of the provisional agenda*
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: (a) P-2-P methyl glycidic acid ("BMK glycidic acid") and its methyl, ethyl, propyl, isopropyl, butyl, isobutyl, *sec*-butyl and *tert*-butyl esters; and (b) the ethyl ester of 3,4-MDP-2-P methyl glycidic acid ("PMK ethyl glycidate") and six additional esters of 3,4-MDP-2-P methyl glycidic acid

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.

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 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 with regard to the assessments of P-2-P methyl glycidic acid ("BMK glycidic acid") and its methyl, ethyl, propyl, isopropyl, butyl, isobutyl, *sec*-butyl and *tert*-butyl esters and, for consideration, the recommendation of the Board that P-2-P methyl glycidic acid (all stereoisomers) and its methyl ester (all stereoisomers) be included in Table I of the 1988 Convention, and that the ethyl, propyl, isopropyl, butyl, isobutyl, *sec*-butyl and *tert*-butyl esters of P-2-P methyl glycidic acid (all stereoisomers of each ester) also be included in Table I of the 1988 Convention.

Furthermore, the Commission will also have before it, for review, the Board's assessment of the ethyl ester of 3,4-MDP-2-P methyl glycidic acid ("PMK ethyl glycidate") and of six additional esters of 3,4-MDP-2-P methyl glycidic acid and, for consideration, the recommendation of the Board that the ethyl ester of 3,4-MDP-2-P

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methyl glycidic acid (all stereoisomers) be included in Table I of the 1988 Convention, and that the propyl, isopropyl, butyl, isobutyl, *sec*-butyl and *tert*-butyl esters of 3,4-MDP-2-P methyl glycidic acid (all stereoisomers of each ester) also be included in Table I of the 1988 Convention.

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.

II. P-2-P methyl glycidic acid (“BMK glycidic acid”) and its methyl, ethyl, propyl, isopropyl, butyl, isobutyl, *sec*-butyl and *tert*-butyl esters

2. On 16 June 2023, the International Narcotics Control Board (INCB) submitted a notification to the Secretary-General, in accordance with the provisions of article 12, paragraph 2, of the 1988 Convention, informing him that that it was of the opinion that P-2-P methyl glycidic acid (“BMK glycidic acid”) and its methyl ester should be included in one of the tables of the 1988 Convention. The Board also proposed the scheduling of seven additional esters of P-2-P methyl glycidic acid, in line with Commission on Narcotic Drugs resolution 65/3 of March 2022, and proposed that those esters also be included in one of the tables of the 1988 Convention, That could possibly be done by listing the esters concerned in a footnote to P-2-P methyl glycidic acid, if the Commission decided in favour of scheduling the latter.

3. In accordance with the provisions of article 12, paragraph 3, of the 1988 Convention, the notification and relevant information submitted by INCB to the Secretary-General in support of its recommendations were transmitted, by a note verbale dated 17 July 2023, to all parties to the 1988 Convention. Also in that note, a questionnaire on P-2-P methyl glycidic acid, its methyl ester and seven other selected esters of P-2-P methyl glycidic acid (namely, its ethyl, propyl, isopropyl, butyl, isobutyl, *sec*-butyl and *tert*-butyl esters) was sent to Governments, requesting them to submit, before 29 September 2023, their comments regarding the notification and any supplementary information that might assist INCB in establishing an assessment. A reminder was circulated to Governments on 27 September 2023.

4. In response to that note, as at 10 November 2023, 55 Governments (see annex I, appendix, para. 4) and the European Commission had responded to the questionnaire. Four additional responses[1] were received after that date (as at 3 January 2024).

5. On 23 November 2023, the President of INCB notified the Chair of the Commission on Narcotic Drugs that the Board had completed its assessment of P-2-P methyl glycidic acid and its methyl ester, as well as of seven additional esters, namely, the ethyl, propyl, isopropyl, butyl, isobutyl, *sec*-butyl and *tert*-butyl esters of P-2-P methyl glycidic acid. The Board recommended that P-2-P methyl glycidic acid (all stereoisomers) and its methyl ester (all stereoisomers) be included in Table I of the 1988 Convention. Further, in line with Commission resolution 65/3 of March 2022, to prevent an instant shift to use of other esters, the Board also recommended that the ethyl, propyl, isopropyl, butyl, isobutyl, *sec*-butyl and *tert*-butyl esters of P-2-P methyl glycidic acid (all stereoisomers of each ester) also be included in Table I of the 1988 Convention. The Board further proposed that the eight named esters be included as a footnote to P-2-P methyl glycidic acid.

[1] From Cyprus, Iraq, Italy and the Republic of Korea.

6. The notification from the President of INCB to the Chair of the Commission on Narcotic Drugs and the assessment, findings and recommendations of the Board in respect of P-2-P methyl glycidic acid and its methyl ester, as well as of seven additional esters, namely, the ethyl, propyl, isopropyl, butyl, isobutyl, *sec*-butyl and *tert*-butyl esters of P-2-P methyl glycidic acid, are contained in annex I to the present document, for consideration by the Commission at its sixty-seventh session.

Action to be taken by the Commission on Narcotic Drugs

7. 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.

8. From a practical point of view, this means that, for a decision to be adopted, an affirmative vote of at least 36 members of the Commission is required.

9. The Commission should therefore decide:

(a) Whether it wishes to include P-2-P methyl glycidic acid ("BMK glycidic acid") (all stereoisomers) in Table I of the 1988 Convention;

(b) Whether it wishes to include the methyl ester of P-2-P methyl glycidic acid (all stereoisomers) in Table I of the 1988 Convention;

(c) Whether it wishes to include the ethyl ester of P-2-P methyl glycidic acid (all stereoisomers) in Table I of the 1988 Convention;

(d) Whether it wishes to include the propyl ester of P-2-P methyl glycidic acid (all stereoisomers) in Table I of the 1988 Convention;

(e) Whether it wishes to include the isopropyl ester of P-2-P methyl glycidic acid (all stereoisomers) in Table I of the 1988 Convention;

(f) Whether it wishes to include the butyl ester of P-2-P methyl glycidic acid (all stereoisomers) in Table I of the 1988 Convention;

(g) Whether it wishes to include the isobutyl ester of P-2-P methyl glycidic acid (all stereoisomers) in Table I of the 1988 Convention;

(h) Whether it wishes to include the *sec*-butyl ester of P-2-P methyl glycidic acid (all stereoisomers) in Table I of the 1988 Convention;

(i) Whether it wishes to include the *tert*-butyl ester of P-2-P methyl glycidic acid (all stereoisomers) in Table I of the 1988 Convention,

or, if not, what other action, if any, might be required. Reference is made to the proposal made by the Board that the eight named esters be included as a footnote to P-2-P methyl glycidic acid.

III. Ethyl ester of 3,4-MDP-2-P methyl glycidic acid ("PMK ethyl glycidate") and six additional esters of 3,4-MDP-2-P methyl glycidic acid, namely, the propyl, isopropyl, butyl, isobutyl, *sec*-butyl and *tert*-butyl esters

10. On 16 June 2023, INCB submitted a notification to the Secretary-General, in accordance with the provisions of article 12, paragraph 2, of the 1988 Convention, informing him that it was of the opinion that the ethyl ester of 3,4-MDP-2-P methyl glycidic acid ("PMK ethyl glycidate") should be included in one of the tables of the 1988 Convention. The Board also proposed the scheduling of six additional esters of 3,4-MDP-2-P methyl glycidic acid, in line with Commission on Narcotic Drugs resolution 65/3 of March 2022, and proposed that those esters also be included in one

of the tables of the 1988 Convention, The Board further proposed that the ethyl ester and the other six esters be included as a footnote to 3,4-MDP-2-P methyl glycidic acid, which had been included in Table I of the 1988 Convention since November 2019.

11. In accordance with the provisions of article 12, paragraph 3, of the 1988 Convention, the notification and relevant information submitted by INCB to the Secretary-General in support of its recommendations were transmitted, by a note verbale dated 17 July 2023, to all parties to the 1988 Convention. Also in that note, a questionnaire on the ethyl ester of 3,4-MDP-2-P methyl glycidic acid and six additional esters of 3,4-MDP-2-P methyl glycidic acid was sent to Governments, requesting them to submit, before 29 September 2023, their comments regarding the notification and any supplementary information that might assist INCB in establishing an assessment. A reminder was circulated to Governments on 27 September 2023.

12. In response to that note, as at 10 November 2023, 58 Governments (see annex II, appendix, para. 4) and the European Commission had provided comments or responded to the questionnaire. Four additional responses[2] were received after that date (as at 3 January 2024).

13. On 23 November 2023, the President of INCB notified the Chair of the Commission on Narcotic Drugs that the Board had completed its assessment of the ethyl ester of 3,4-MDP-2-P methyl glycidic acid, as well as of six additional esters, namely, the propyl, isopropyl, butyl, isobutyl, *sec*-butyl and *tert*-butyl esters of 3,4-MDP-2-P methyl glycidic acid. The Board recommended that the ethyl ester of 3,4-MDP-2-P methyl glycidic acid (all stereoisomers) be included in Table I of the 1988 Convention. Further, in line with Commission resolution 65/3 of March 2022, to prevent an instant shift to use of other esters, the Board also recommended that the propyl, isopropyl, butyl, isobutyl, *sec*-butyl and *tert*-butyl esters of 3,4-MDP-2-P methyl glycidic acid (all stereoisomers of each ester) also be included in Table I of the 1988 Convention. The Board further proposed that the ethyl ester and the other six esters be included as a footnote to 3,4-MDP-2-P methyl glycidic acid.

14. The notification from the President of INCB and the assessment, findings and recommendations of the Board in respect of the ethyl ester of 3,4-MDP-2-P methyl glycidic acid and six additional esters of 3,4-MDP-2-P methyl glycidic acid are contained in annex II to the present document, for consideration by the Commission at its sixty-seventh session.

Action to be taken by the Commission on Narcotic Drugs

15. 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.

16. From a practical point of view, this means that, for a decision to be adopted, an affirmative vote of at least 36 members of the Commission is required.

17. The Commission should therefore decide:

(a) Whether it wishes to include the ethyl ester of 3,4-MDP-2-P methyl glycidic acid (“PMK ethyl glycidate”) (all stereoisomers) in Table I of the 1988 Convention;

(b) Whether it wishes to include the propyl ester of 3,4-MDP-2-P methyl glycidic acid (all stereoisomers) in Table I of the 1988 Convention;

[2] From Cyprus, Greece, Iraq and Italy.

(c) Whether it wishes to include the isopropyl ester of 3,4-MDP-2-P methyl glycidic acid (all stereoisomers) in Table I of the 1988 Convention;

(d) Whether it wishes to include the butyl ester of 3,4-MDP-2-P methyl glycidic acid (all stereoisomers) in Table I of the 1988 Convention;

(e) Whether it wishes to include the isobutyl ester of 3,4-MDP-2-P methyl glycidic acid (all stereoisomers) in Table I of the 1988 Convention;

(f) Whether it wishes to include the *sec*-butyl ester of 3,4-MDP-2-P methyl glycidic acid (all stereoisomers) in Table I of the 1988 Convention;

(g) Whether it wishes to include the *tert*-butyl ester of 3,4-MDP-2-P methyl glycidic acid (all stereoisomers) in Table I of the 1988 Convention,

or, if not, what other action, if any, might be required. Reference is made to the proposal made by the Board that the ethyl ester and the other six esters be included as a footnote to 3,4-MDP-2-P methyl glycidic acid.

Annex I

Notification dated 23 November 2023 from the President of the International Narcotics Control Board to the Chair of the Commission on Narcotic Drugs at its sixty-seventh session concerning the scheduling of P-2-P methyl glycidic acid (“BMK glycidic acid”) and its methyl, ethyl, propyl, isopropyl, butyl, isobutyl, *sec*-butyl and *tert*-butyl esters 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, has completed its assessment of P-2-P methyl glycidic acid (“BMK glycidic acid”) and its methyl ester, as well as of seven additional esters, namely, the ethyl, propyl, isopropyl, butyl, isobutyl, *sec*-butyl and *tert*-butyl esters of P-2-P methyl glycidic acid, for possible inclusion in the tables of the 1988 Convention.

2. The Board finds that P-2-P methyl glycidic acid and its methyl ester are frequently used in the illicit manufacture of amphetamine and methamphetamine, and that the volume and extent of the illicit manufacture of these amphetamine-type stimulants pose serious public health or social problems so as to warrant international action. The Board therefore recommends that P-2-P methyl glycidic acid (all stereoisomers) and its methyl ester (all stereoisomers) be included in Table I of the 1988 Convention. Further, in line with Commission resolution 65/3 of March 2022, to prevent an instant shift to other esters, the Board also recommends that the ethyl, propyl, isopropyl, butyl, isobutyl, *sec*-butyl and *tert*-butyl esters of P-2-P methyl glycidic acid (all stereoisomers of each ester) also be included in Table I of the 1988 Convention. The Board further proposes that the esters be included as a footnote to P-2-P methyl glycidic acid.

3. The assessment, findings and recommendations of the Board in respect of the substances are attached hereto and have been prepared for submission to the Commission at its sixty-seventh session. Information about P-2-P methyl glycidic acid and its esters has also been published since 2013 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 2013 on the Implementation of Article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988* (E/INCB/2013/4) and the corresponding reports for subsequent years. The 2023 report on precursors will be launched on 5 March 2024.

Appendix

Assessment of P-2-P methyl glycidic acid (“BMK glycidic acid”), its methyl ester and seven additional esters of P-2-P methyl glycidic acid pursuant to article 12, paragraph 4, for inclusion in the tables of the 1988 Convention

A. Background

1. At its 137th session, in May 2023, concerned over the increasing number of incidents involving P-2-P methyl glycidic acid (“BMK glycidic acid”) (including in the form of its sodium salt)[1] and its methyl ester, the Board decided to initiate and pursue the scheduling process for the two substances, as well as for seven additional esters of P-2-P methyl glycidic acid, so as to prevent an instant shift to them following the scheduling of the acid and the methyl ester. Therefore, on 16 June 2023, the Board transmitted to the Secretary-General of the United Nations a corresponding notification containing the relevant information at its disposal.

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, along with a questionnaire (NAR/CL.7/2023), 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 17 July 2023 with the request to submit any comments on the proposal by 29 September 2023. A reminder was circulated to Governments on 27 September 2023.

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 its notification to the Secretary-General, as well as the comments and supplementary information received from Governments pursuant to article 12, paragraph 3. As at 10 November 2023, 55 Governments and the European Commission had responded

[1] Since the 1988 Convention provides 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, placing P-2-P methyl glycidic acid under the control of that Convention would also cover the sodium and other salts.

to the questionnaire sent out by the Secretary-General.[2] All Governments stated either direct support for, or registered no objection to, the scheduling of P-2-P methyl glycidic acid and its methyl ester; all Governments that responded also registered no objection to the scheduling of the additional seven esters. The European Commission conveyed the non-objection to the proposals of four additional States members of the European Union, which did not submit individual responses to the questionnaires.

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

(a) P-2-P methyl glycidic acid (chemical name: 2-methyl-3-phenyloxirane-2-carboxylic acid) and its methyl ester (chemical name: methyl 2-methyl-3-phenyl-2-oxiranecarboxylate) are immediate precursors of 1-phenyl-2-propanone (P-2-P), a substance listed in Table I of the 1988 Convention, and alternative chemicals for several other precursors under international control, such as *alpha*-phenylacetoacetonitrile (APAAN), *alpha*-phenylacetoacetamide (APAA) and methyl *alpha*-phenylacetoacetate (MAPA). They are all used in the illicit manufacture of amphetamine and methamphetamine, which, together with their salts and optical isomers, are included in Schedule II of the Convention on Psychotropic Substances of 1971;

(b) Similarly, the following seven esters of P-2-P methyl glycidic acid are immediate precursors of P-2-P and pre-precursors of amphetamine and methamphetamine:

(i) P-2-P methyl glycidic acid, ethyl ester (ethyl 2-methyl-3-phenyl-2-oxiranecarboxylate);

(ii) P-2-P methyl glycidic acid, propyl ester (propyl 2-methyl-3-phenyl-2-oxiranecarboxylate);

(iii) P-2-P methyl glycidic acid, isopropyl ester (isopropyl 2-methyl-3-phenyl-2-oxiranecarboxylate);

(iv) P-2-P methyl glycidic acid, butyl ester (butyl 2-methyl-3-phenyl-2-oxiranecarboxylate);

(v) P-2-P methyl glycidic acid, isobutyl ester (isobutyl 2-methyl-3-phenyl-2-oxiranecarboxylate);

(vi) P-2-P methyl glycidic acid, *sec*-butyl ester (*sec*-butyl 2-methyl-3-phenyl-2-oxiranecarboxylate);

(vii) P-2-P methyl glycidic acid, *tert*-butyl ester (*tert*-butyl 2-methyl-3-phenyl-2-oxiranecarboxylate);

(c) P-2-P methyl glycidic acid, its methyl ester and the other seven esters have no known legitimate use, except – in small amounts – for research, development and laboratory analytical purposes; there are no known industrial applications in which P-2-P methyl glycidic acid and its eight esters are used as a starting material and there is no documented regular legitimate commerce and trade in P-2-P methyl glycidic acid and its eight esters other than small amounts for research purposes;

(d) The current increase in the frequency of seizures of P-2-P methyl glycidic acid and its methyl ester and in the amounts seized relate to the need by traffickers to find alternate precursors following the international scheduling of APAAN in 2014, APAA in 2019 and MAPA in 2020, which resulted in a notable decrease in seizures and in the subsequent use of the three chemicals as precursors in the illicit

[2] Australia, Austria, Belarus, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Canada, Costa Rica, Côte d'Ivoire, Czechia, Denmark, Egypt, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Holy See, Hungary, Ireland, Japan, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Mexico, Montenegro, Morocco, Netherlands (Kingdom of the), North Macedonia, Norway, Panama, Poland, Portugal, Romania, Russian Federation, Serbia, Singapore, Slovenia, Spain, Sweden, Tajikistan, Thailand, Turkmenistan, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay.

manufacture of amphetamine and methamphetamine. APAAN, APAA and MAPA are currently listed in Table I of the 1988 Convention and hence are less easily available to traffickers;

(e) Following the initiation of the scheduling process, a seizure of the ethyl ester was reported in August 2023, indicating how quickly traffickers are changing to closely related substances, and supporting a more holistic scheduling approach. While no seizures of the other six esters (the propyl, isopropyl, butyl, isobutyl, *sec*-butyl and *tert*-butyl esters) of P-2-P methyl glycidic acid have yet been brought to the Board's attention, they are direct substitutes for the methyl and ethyl esters and can be converted to P-2-P using the same technology and processes.

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) P-2-P methyl glycidic acid, its methyl ester and the other seven esters are substances which are highly suitable for the illicit manufacture of P-2-P and, subsequently, amphetamine and methamphetamine. Incidents (e.g. illicit manufacture and trafficking) involving P-2-P methyl glycidic acid have been known since 2012, its methyl ester since 2016 and its ethyl ester since 2023, with increasing frequency and amounts reported since late 2022, 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 P-2-P methyl glycidic acid, its methyl ester and the other seven esters other than in very small amounts for research and development purposes;

(d) No Government foresaw difficulties in supporting the scheduling of P-2-P methyl glycidic acid, its methyl ester and the other seven esters under the 1988 Convention. The availability of P-2-P methyl glycidic acid and its eight esters 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 P-2-P methyl glycidic acid and its eight esters for relevant legitimate uses;

(e) The scheduling of P-2-P methyl glycidic acid and its eight esters under the 1988 Convention would have no adverse effects on the availability of the substances for relevant legitimate purposes.

D. Recommendations

7. The Board is of the opinion that the international control of P-2-P methyl glycidic acid and its methyl ester is required to limit their availability for illicit drug manufacture and to subsequently reduce the quantity of amphetamine and methamphetamine manufactured illicitly from those substances. In addition, and bearing Commission on Narcotic Drugs resolution 65/3 in mind, the scheduling of seven additional esters (the ethyl, propyl, isopropyl, butyl, isobutyl, *sec*-butyl and *tert*-butyl esters) in the tables of the 1988 Convention at the same time would contribute to preventing a shift to these closely related chemicals following the scheduling of the acid and the methyl ester.

8. The control of P-2-P methyl glycidic acid and its eight esters would have no adverse effect on their availability for any of the known research and development

purposes, given the very limited to non-existent legitimate market for and trade in the substances. In view of the above, the Board recommends that P-2-P methyl glycidic acid and its eight esters be placed under control of the 1988 Convention.

9. 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. The inclusion of P-2-P methyl glycidic acid and its eight esters in Table I of the 1988 Convention would therefore provide Governments with the possibility to request pre-export notifications, which would in turn allow the monitoring of manufacture of and trade in the substances.

10. In light of the above, and considering that P-2-P methyl glycidic acid and its eight esters each exist in different stereochemical variants, which are equally suitable for conversion into P-2-P, the Board recommends placing P-2-P methyl glycidic acid and its methyl, ethyl, propyl, isopropyl, butyl, isobutyl, *sec*-butyl and *tert*-butyl esters (all stereoisomers of each substance) in Table I of the 1988 Convention.

11. The Board further proposes that the eight named esters be included as a footnote to P-2-P methyl glycidic acid.

Annex II

Notification dated 23 November 2023 from the President of the International Narcotics Control Board to the Chair of the Commission on Narcotic Drugs at its sixty-seventh session concerning the scheduling of the ethyl ester of 3,4-MDP-2-P methyl glycidic acid (“PMK ethyl glycidate”) and of six additional esters 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, has completed its assessment of the ethyl ester of 3,4-MDP-2-P methyl glycidic acid (“PMK ethyl glycidate”), as well as of six additional esters, namely, the propyl, isopropyl, butyl, isobutyl, *sec*-butyl and *tert*-butyl esters of 3,4-MDP-2-P methyl glycidic acid, for possible inclusion in the tables of the 1988 Convention.

2. The Board finds that the ethyl ester of 3,4-MDP-2-P methyl glycidic acid is frequently used in the illicit manufacture of amphetamine-type stimulants, namely, MDMA and related “ecstasy”-type 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 therefore recommends that the ethyl ester of 3,4-MDP-2-P methyl glycidic acid (all stereoisomers) be included in Table I of the 1988 Convention. Further, in line with Commission resolution 65/3 of March 2022, to prevent an instant shift to other esters, the Board also recommends that the propyl, isopropyl, butyl, isobutyl, *sec*-butyl and *tert*-butyl esters of 3,4-MDP-2-P methyl glycidic acid (all stereoisomers of each ester) also be included in Table I of the 1988 Convention. The Board further proposes that the ethyl ester and the other six esters be included as a footnote to 3,4-MDP-2-P methyl glycidic acid.

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-seventh session. Information about the ethyl ester of 3,4-MDP-2-P methyl glycidic acid has also been published since 2022 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 2022 on the Implementation of Article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988* (E/INCB/2022/4) and the corresponding reports for subsequent years. The 2023 report on precursors will be launched on 5 March 2024.

Appendix

Assessment of the ethyl ester of 3,4-MDP-2-P methyl glycidic acid (“PMK ethyl glycidate”) and six additional esters 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. At is 137th session in May 2023, concerned over the increasing number of incidents involving the ethyl ester of 3,4-MDP-2-P methyl glycidic acid (“PMK ethyl glycidate”), the Board decided to initiate and pursue the scheduling process for the substance, as well as for six additional esters of 3,4-MDP-2-P methyl glycidic acid, so as to prevent an instant shift to them following the scheduling of the ethyl ester. Therefore, on 16 June 2023, the Board transmitted to the Secretary-General of the United Nations a corresponding notification containing the relevant information at its disposal.

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, along with a questionnaire (NAR/CL.8/2023), 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 17 July 2023 with the request to submit any comments on the proposal by 29 September 2023. A reminder was circulated to Governments on 27 September 2023.

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 its notification to the Secretary-General, as well as the comments and supplementary information received from Governments pursuant to article 12, paragraph 3. As at 10 November 2023, 58 Governments and the European Commission had responded

to the questionnaire sent out by the Secretary-General.[1] All Governments stated either direct support for, or registered no objection to, the scheduling of the ethyl ester of 3,4-MDP-2-P methyl glycidic acid; all Governments that responded also registered no objection to the scheduling of the additional six esters. The European Commission conveyed the non-objection to the proposals of five additional States members of the European Union, which did not submit individual responses to the questionnaires.

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

(a) The ethyl ester of 3,4-MDP-2-P methyl glycidic acid (chemical name: ethyl 3-(benzo[d][1,3]dioxol-5-yl)-2-methyloxirane-2-carboxylate) is an immediate precursor of 3,4-methylenedioxyphenyl-2-propanone (3,4-MDP-2-P), a substance listed in Table I of the 1988 Convention. It 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 Convention on Psychotropic Substances of 1971;

(b) Similarly, the following six esters of 3,4-MDP-2-P methyl glycidic acid are immediate precursors of 3,4-MDP-2-P and pre-precursors of MDMA and related substances:

(i) 3,4-MDP-2-P methyl glycidic acid, propyl ester (propyl 3-(benzo[d][1,3]dioxol-5-yl)-2-methyloxirane-2-carboxylate);

(ii) 3,4-MDP-2-P methyl glycidic acid, isopropyl ester (isopropyl 3-(benzo[d][1,3]dioxol-5-yl)-2-methyloxirane-2-carboxylate);

(iii) 3,4-MDP-2-P methyl glycidic acid, butyl ester (butyl 3-(benzo[d][1,3]dioxol-5-yl)-2-methyloxirane-2-carboxylate);

(iv) 3,4-MDP-2-P methyl glycidic acid, isobutyl ester (isobutyl 3-(benzo[d][1,3]dioxol-5-yl)-2-methyloxirane-2-carboxylate);

(v) 3,4-MDP-2-P methyl glycidic acid, *sec*-butyl ester (*sec*-butyl 3-(benzo[d][1,3]dioxol-5-yl)-2-methyloxirane-2-carboxylate);

(vi) 3,4-MDP-2-P methyl glycidic acid, *tert*-butyl ester (*tert*-butyl 3-(benzo[d][1,3]dioxol-5-yl)-2-methyloxirane-2-carboxylate);

(c) The ethyl ester and the other six esters of 3,4-MDP-2-P methyl glycidic acid have no known legitimate use, except – in small amounts – for research, development and laboratory analytical purposes; there are no known industrial applications in which the esters are used as a starting material and there is no documented regular legitimate commerce and trade in them other than small amounts for research purposes;

(d) The current increase in the frequency of seizures of the ethyl ester of 3,4-MDP-2-P methyl glycidic acid and in the amounts seized relates to the need by traffickers to find an alternate precursor following the international scheduling of 3,4-MDP-2-P methyl glycidic acid and its methyl ester in 2019, which resulted in a notable decrease in seizures and in the subsequent use of the two substances as precursors in the illicit manufacture of MDMA and related substances. 3,4-MDP-2-P methyl glycidic acid and its methyl ester are currently listed in Table I of the 1988 Convention and hence are less easily available to traffickers;

[1] Australia, Austria, Azerbaijan, Belarus, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Canada, Costa Rica, Côte d'Ivoire, Czechia, Denmark, Egypt, Estonia, Finland, France, Georgia, Germany, Guatemala, Holy See, Hungary, Ireland, Japan, Jordan, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Mexico, Montenegro, Morocco, Myanmar, Netherlands (Kingdom of the), Panama, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Serbia, Singapore, Slovenia, Spain, Sweden, Syrian Arab Republic, Tajikistan, Thailand, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Uruguay.

(e) While no seizures of any of the other six esters (the propyl, isopropyl, butyl, isobutyl, *sec*-butyl and *tert*-butyl esters) of 3,4-MDP-2-P methyl glycidic acid have yet been brought to the Board's attention, they are direct substitutes for the ethyl ester and can be converted to 3,4-MDP-2-P using the same technology and processes.

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 remain issues that warrant international action;

(b) The ethyl ester of 3,4-MDP-2-P methyl glycidic acid and the other six esters are substances which are 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 the ethyl ester have been known since 2021, with a major increase in frequency and amounts reported since the end of 2022. Europe and North America are the regions known to have been most affected. Given the ease of the illicit manufacturing process, the extent of illicit use may spread further to other regions and to the other six esters of 3,4-MDP-2-P methyl glycidic acid. However, alternate, chemically unrelated substances have also already been encountered in illicit drug manufacture;

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

(d) No Government foresaw difficulties in supporting the scheduling of the ethyl ester and the other six esters of 3,4-MDP-2-P methyl glycidic acid under the 1988 Convention. The availability of the seven esters 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 the seven esters for relevant legitimate uses;

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

D. Recommendations

7. The Board is of the opinion that the international control of the ethyl ester of 3,4-MDP-2-P methyl glycidic acid is required to limit its availability for illicit drug manufacture and to subsequently reduce the quantity of MDMA manufactured illicitly from that substance. In addition, and bearing Commission on Narcotic Drugs resolution 65/3 in mind, the scheduling of six additional esters (the propyl, isopropyl, butyl, isobutyl, *sec*-butyl and *tert*-butyl esters) in the tables of the 1988 Convention at the same time would contribute to preventing a shift to these closely related chemicals following the scheduling of the ethyl ester.

8. The control of the seven esters would have no adverse effect on their availability for any of the known research and development purposes, given the very limited to non-existent legitimate market for and trade in the substances. In view of the above, the Board recommends that the seven esters of 3,4-MDP-2-P methyl glycidic acid be placed under control of the 1988 Convention.

9. 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. The inclusion of the seven esters of 3,4-MDP-2-P methyl glycidic acid in Table I of the 1988 Convention would therefore provide Governments with the possibility to

request pre-export notifications, which would in turn allow the monitoring of manufacture of and trade in the substances.

10. In light of the above and considering that each of the seven esters of 3,4-MDP-2-P methyl glycidic acid exists in different stereochemical variants, which are equally suitable for conversion into 3,4-MDP-2-P, the Board recommends placing the ethyl, propyl, isopropyl, butyl, isobutyl, *sec*-butyl and *tert*-butyl esters of 3,4-MDP-2-P methyl glycidic acid (all stereoisomers of each substance) in Table I of the 1988 Convention.

11. The Board further proposes that the seven named esters be included as a footnote to 3,4-MDP-2-P methyl glycidic acid.