

COUNCIL DECISION
of 28 February 2002
concerning control measures and criminal sanctions in respect of the new synthetic drug PMMA

(2002/188/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union,

Having regard to Joint Action 97/396/JHA of 16 June 1997 concerning the information exchange, risk assessment and the control of new synthetic drugs ⁽¹⁾, and in particular Article 5(1) thereof,

Having regard to the initiative of the Commission,

Whereas:

- (1) A risk assessment report on PMMA (paramethoxy-methylamphetamine or N-methyl-1-(4-methoxy-phenyl)-2-aminopropane) was drawn up, on the basis of Article 4(3) of Joint Action 97/396/JHA, at a meeting convened under the auspices of the Scientific Committee of the European Monitoring Centre for Drugs and Drug Addiction.
- (2) At present, PMMA is controlled under the national drugs legislation in four Member States.
- (3) PMMA is not currently listed in any of the Schedules to the 1971 United Nations Convention on Psychotropic Substances. PMMA poses health risks for individuals and could pose a threat to public health. PMMA is an amphetamine analogue very close to PMA which is included in Schedule I to the 1971 United Nations Convention. PMMA has no therapeutic value.
- (4) Within the European Union, PMMA has always been consumed with PMA in tablets taken as 'ecstasy' (MDMA). There is no explicit consumer market for either PMMA or PMA.
- (5) PMMA has been associated in combination with PMA with three deaths within the European Community. Experiments on animals indicate that there is a narrow margin between the behaviourally active and lethal dose of PMMA and therefore a high risk of acute toxicity exists. PMMA seems to have a similar toxicity to PMA and MDMA.
- (6) Trafficking and distribution of PMMA have taken place in four Member States and three of these have information on the role of organised crime in the trafficking of PMMA/PMA. 18 870 tablets containing PMMA have been seized in 29 incidents. Large scale production of

PMMA does not take place in the European Union. Two laboratories have been seized in countries of Eastern Europe and production is believed to continue there.

- (7) PMMA should be subjected by the Member States to control measures and criminal penalties, as provided for under their legislation complying with their obligations under the 1971 United Nations Convention on Psychotropic Substances with respect to substances listed in Schedules I or II thereto,

HAS DECIDED AS FOLLOWS:

Article 1

Member States shall take the necessary measures, in accordance with their national law, to submit PMMA (paramethoxy-methylamphetamine or N-methyl-1-(4-methoxy-phenyl)-2-aminopropane), to control measures and criminal penalties, as provided for under their legislation complying with their obligations under the 1971 United Nations Convention on Psychotropic Substances with respect to substances listed in Schedules I or II thereto.

Article 2

Member States shall, in accordance with the third subparagraph of Article 5(1) of Joint Action 97/396/JHA, take the measures referred to in Article 1 within three months of the date on which this Decision takes effect. Within six months of the date on which this Decision takes effect, Member States shall inform the Secretariat General of the Council and the Commission of the measures they have taken.

Article 3

This Decision shall be published in the Official Journal. It shall take effect on the day following its publication.

Done at Brussels, 28 February 2002.

For the Council

The President

A. ACEBES PANIAGUA

⁽¹⁾ OJ L 167, 25.6.1997, p. 1.