1979. évi 25. törvényerejű rendelet

a pszichotrop anyagokról szóló, Bécsben, az 1971. évi február hó 21. napján aláírt egyezmény kihirdetéséről[1]

Hatályos: 2007. 01. 01. –

(A Magyar Népköztársaság[2] megerősítő okiratának letétele az Egyesült Nemzetek Főtitkáránál New Yorkban, 1979. július hó 19. napján megtörtént. Az egyezmény a Magyar Népköztársaság vonatkozásában az 1979. évi október hó 17. napján lép hatályba.)

1. § A Magyar Népköztársaság Elnöki Tanácsa[3] a pszichotrop anyagokról szóló, Bécsben 1971. évi február hó 21. napján kelt egyezményt e törvényerejű rendelettel kihirdeti.

2. §[4] Az Egyezmény angol szövege és hivatalos magyar nyelvű fordítása a következő:[5]

»Convention on psychotropic substances

Preamble

The Parties,

Being concerned with the health and welfare of mankind,

Noting with concern the public health and social problems resulting from the abuse of certain psychotropic substances,

Determined to prevent and combat abuse of such substances and the illicit traffic to which it gives rise,

Considering that rigorous measures are necessary to restrict the use of such substances to legitimate purposes,

Recognizing that the use of psychotropic substances for medical and scientific purposes is indispensable and that their availability for such purposes should not be unduly restricted,

Believing that effective measures against abuse of such substances require co-ordination and universal action,

Acknowledging the competence of the United Nations in the field of control of psychotropic substances and desirous that the international organs concerned should be within the framework of that Organization,

Recognizing that an international convention is necessary to achieve these purposes,

Agree as follows:

Article 1

Use of terms

Except where otherwise expressly indicated, or where the context otherwise requires, the following terms in this Convention have the meanings given below:

a) „Council” means the Economic and Social Council of the United Nations.

b) „Commission” means the Commission on Narcotic Drugs of the Council.

c) „Board” means the International Narcotics Control Board provided for in the Single Convention on Narcotic Drugs, 1961.

d) „Secretary-General” means the Secretary-General of the United Nations.

e) „Psychotropic substance” means any substance, natural or synthetic, or any natural material in Schedule I, II, III or IV.

f) „Preparation” means:

(i) Any solution or mixture, in whatever physical state, containing one or more psychotropic substances, or

(ii) One or more psychotropic substances in dosage form.

g) „Schedule I”, „Schedule II”, „Schedule III” and „Schedule IV” mean the correspondingly numbered lists of psychotropic substances annexed to this Convention, as altered in accordance with article 2.

h) „Export” and „import” mean in their respective connotations the physical transfer of a psychotropic substance from one State to another State.

i) „Manufacture” means all processes by which psychotropic substances may be obtained, and includes refining as well as the transformation of psychotropic substances into other psychotropic substances. The term also includes the making of preparations other than those made on prescription in pharmacies.

j) „Illicit traffic” means manufacture of or trafficking in psychotropic substances contrary to the provisions of this Convention.

k) „Region” means any part of a State which, pursuant to article 28, is treated as a separate entity for the purposes of this Convention.

l) „Premises” means buildings or parts of buildings, including the appertaining land.

Article 2

Scope of control of substances

1. If a Party or the World Health Organization has information relating to a substance not yet under international control which in its opinion may require the addition of that substance to any of the Schedules of this Convention, it shall notify the Secretary-General and furnish him with the information in support of that notification. The foregoing procedure shall also apply when a Party or the World Health Organization has information justifying the transfer of a substance from one Schedule to another among those Schedules, or the deletion of a substance from the Schedules.

2. The Secretary-General shall transmit such notification, and any information which he considers relevant, to the Parties, to the Commission and, when the notification is made by a Party, to the World Health Organization.

3. If the information transmitted with such a notification indicates that the substance is suitable for inclusion in Schedule I or Schedule II pursuant to paragraph 4, the Parties shall examine, in the light of all information available to them, the possibility of the provisional application to the substance of all measures of control applicable to substances in Schedule I or Schedule II, as appropriate.

4. If the World Health Organization finds:

a) That the substance has the capacity to produce

(i) 1. A state of dependence, and

2. Central nervous system stimulation or depression, resulting in hallucinations or disturbances in motor function or thinking or behaviour or perception or mood, or

(ii) Similar abuse and similar ill effects as a substance in Schedule I, II, III or IV,

and

b) That there is sufficient evidence that the substance is being or is likely to be abused so as to constitute a public health and social problem warranting the placing of the substance under international control, the World Health Organization shall communicate to the Commission an assessment of the substance, including the extent or likelihood of abuse, the degree of seriousness of the public health and social problem and the degree of usefulness of the substance in medical therapy, together with recommendations on control measures, if any, that would be appropriate in the light of its assessment.

5. The Commission, taking into account the communication from the World Health Organization, whose assessments shall be determinative as to medical and scientific matters, and bearing in mind the economic, social, legal, administrative and other factors it may consider relevant, may add the substance to Schedule I, II, III or IV. The Commission may seek further information from the World Health Organization or from other appropriate sources.

6. If a notification under paragraph 1 relates to a substance already listed in one of the Schedules, the World Health Organization shall communicate to the Commission its new findings, any new assessment of the substance it may make in accordance with paragraph 4 and any new recommendations on control measures it may find appropriate in the light of that assessment. The Commission, taking into account the communication from the World Health Organization as under paragraph 5 and bearing in mind the factors referred to in that paragraph, may decide to transfer the substance from one Schedule to another or to delete it from the Schedules.

7. Any decision of the Commission taken pursuant to this article shall be communicated by the Secretary- General to all States Members of the United Nations, to non-member States Parties to this Convention, to the World Health Organization and to the Board. Such decision shall become fully effective with respect to each Party 180 days after the date of such communication, except for any Party which, within that period, in respect of a decision adding a substance to a Schedule, has transmitted to the Secretary-General a written notice that, in view of exceptional circumstances, it is not in a position to give effect with respect to that substance to all of the provisions of the Convention applicable to substances in that Schedule. Such notice shall state the reasons for this exceptional action.

Notwithstanding its notice, each Party shall apply, as a minimum, the control measures listed below:

a) A Party having given such notice with respect to a previously uncontrolled substance added to Schedule I shall take into account, as far as possible, the special control measures enumerated in article 7 and, with respect to that substance, shall:

(i) Require licences for manufacture, trade and distribution as provided in article 8 for substances in Schedule II;

(ii) Require medical prescriptions for supply or dispensing as provided in article 9 for substances in Schedule II;

(iii) Comply with the obligations relating to export and import provided in article 12, except in respect to another Party having given such notice for the substance in question;

(iv) Comply with the obligations provided in article 13 for substances in Schedule II in regard to prohibition of and restrictions on export and import;

(v) Furnish statistical reports to the Board in accordance with paragraph 4 *a)* of article 16;

and

(vi) Adopt measures in accordance with article 22 for the repression of acts contrary to laws or regulations adopted pursuant to the foregoing obligations.

b) A Party having given such notice with regard to a previously uncontrolled substance added to Schedule II shall, with respect to that substance:

(i) Require licences for manufacture, trade and distribution in accordance with article 8;

(ii) Require medical prescriptions for supply or dispensing in accordance with article 9;

(iii) Comply with the obligations relating to export and import provided in Article 12, except in respect to another Party having given such notice for the substance in question;

(iv) Comply with the obligations of article 13 in regard to prohibition of and restrictions on export and import;

(v) Furnish statistical reports to the Board in accordance with paragraphs 4 *a)*, *c)* and *d)* of article 16; and

(vi) Adopt measures in accordance with article 22 for the repression of acts contrary to laws or regulations adopted pursuant to the foregoing obligations.

c) A Party having given such notice with regard to a previously uncontrolled substance added to Schedule III shall, with respect to that substance:

(i) Require licences for manufacture, trade and distribution in accordance with article 8;

(ii) Require medical prescriptions for supply or dispensing in accordance with article 9;

(iii) Comply with the obligations relating to export provided in article 12, except in respect to another Party having given such notice for the substance in question;

(iv) Comply with the obligations of article 13 in regard to prohibition of and restrictions on export and import; and

(v) Adopt measures in accordance with article 22 for the repression of acts contrary to laws or regulations adopted pursuant to the foregoing obligations.

d) A Party having given such notice with regard to a previously uncontrolled substance added to Schedule IV shall, with respect to that substance:

(i) Require licences for manufacture, trade and distribution in accordance with article 8;

(ii) Comply with the obligations of article 13 in regard to prohibition of and restrictions on export and import; and

(iii) Adopt measures in accordance with article 22 for the repression of acts contrary to laws or regulations adopted pursuant to the foregoing obligations.

e) A Party having given such notice with regard to a substance transferred to a Schedule providing stricter controls and obligations shall apply as a minimum all of the provisions of this Convention applicable to the Schedule from which it was transferred.

8. *a)* The decisions of the Commission taken under this article shall be subject to review by the Council upon the request of any Party filed within 180 days from receipt of notification of the decision. The request for review shall be sent to the Secretary-General together with all relevant information upon which the request for review is based.

b) The Secretary-General shall transmit copies of the request for review and the relevant information to the Commission, to the World Health Organization and to all the Parties, inviting them to submit comments within ninety days. All comments received shall be submitted to the Council for consideration.

c) The Council may confirm, alter or reverse the decision of the Commission. Notification of the Council's decision shall be transmitted to all States Members of the United Nations, to non-member States Parties to this Convention, to the Commission, to the World Health Organization and to the Board.

d) During pendency of the review, the original decision of the Commission shall, subject to paragraph 7, remain in effect.

9. The Parties shall use their best endeavours to apply to substances which do not fall under this Convention, but which may be used in the illicit manufacture of psychotropic substances, such measures of supervision as may be practicable.

Article 3

Special provisions regarding the control of preparations

1. Except as provided in the following paragraphs of this article, a preparation is subject to the same measures of control as the psychotropic substance which it contains, and, if it contains more than one such substance, to the measures applicable to the most strictly controlled of those substances.

2. If a preparation containing a psychotropic substance other than a substance in Schedule I is compounded in such a way that it presents no, or a negligible, risk of abuse and the substance cannot be recovered by readily applicable means in a quantity liable to abuse, so that the preparation does not give rise to a public health and social problem, the preparation may be exempted from certain of the measures of control provided in this Convention in accordance with paragraph 3.

3. If a Party makes a finding under the preceding paragraph regarding a preparation, it may decide to exempt the preparation, in its country or in one of its regions, from any or all of the measures of control provided in this Convention except the requirements of:

a) article 8 (licences), as it applies to manufacture;

b) article 11 (records), as it applies to exempt preparations;

c) article 13 (prohibition of and restrictions on export and import);

d) article 15 (inspection), as it applies to manufacture;

e) article 16 (reports to be furnished by the Parties), as it applies to exempt preparations;

and

f) article 22 (penal provisions), to the extent necessary for the repression of acts contrary to laws or regulations adopted pursuant to the foregoing obligations.

A Party shall notify the Secretary-General of any such decision, of the name and composition of the exempt preparation, and of the measures of control from which it is exempted. The Secretary-General shall transmit the notification to the other Parties, to the World Health Organization and to the Board.

4. If a Party or the World Health Organization has information regarding a preparation exempted pursuant to paragraph 3 which in its opinion may require the termination, in whole or in part, of the exemption, it shall notify the Secretary-General and furnish him with the information in support of the notification. The Secretary-General shall transmit such notification, and any information which he considers relevant, to the Parties, to the Commission and, when the notification is made by a Party, to the World Health Organization. The World Health Organization shall communicate to the Commis- sion an assessment of the preparation in relation to the matters specified in paragraph 2, together with a recom- mendation of the control measures, if any, from which the preparation should cease to be exempted. The Commission, taking into account the communication from the World Health Organization, whose assessment shall be determinative as to medical and scientific matters, and bearing in mind the economic, social, legal, administrative and other factors it may consider relevant, may decide to terminate the exemption of the preparation from any or all control measures. Any decision of the Commission taken pursuant to this paragraph shall be communicated by the Secretary-General to all States Members of the United Nations, to non-member States Parties to this Convention, to the World Health Organization and to the Board. All Parties shall take measures to terminate the exemption from the control measure or measures in question within 180 days of the date of the Secretary-General's com- munication.

Article 4

Other special provisions regarding the scope of control

In respect of psychotropic substances other than those in Schedule I, the Parties may permit:

a) The carrying by international travellers of small quantities of preparations for personal use; each Party shall be entitled, however, to satisfy itself that these pre- parations have been lawfully obtained;

b) The use of such substances in industry for the manufacture of non-psychotropic substances or products, subject to the application of the measures of control required by this Convention until the psychotropic substances come to be in such a condition that they will not in practice be abused or recovered;

c) The use of such substances, subject to the application of the measures of control required by this Convention, for the capture of animals by persons specifically authorized by the competent authorities to use such substances for that purpose.

Article 5

Limitation of use to medical and scientific purposes

1. Each Party shall limit the use of substances in Schedule I as provided in article 7.

2. Each Party shall, except as provided in article 4, limit by such measures as it considers appropriate the manufacture, export, import, distribution and stocks of, trade in, and use and possession of, substances in Schedules II, III and IV to medical and scientific purposes.

3. It is desirable that the Parties do not permit the possession of substances in Schedules II, III and IV except under legal authority.

Article 6

Special administration

It is desirable that for the purpose of applying the provisions of this Convention, each Party establish and maintain a special administration, which may with advantage be the same as, or work in close co-operation with, the special administration established pursuant to the provisions of conventions for the control of narcotic drugs.

Article 7

Special provisions regarding substances in Schedule I

In respect of substances in Schedule I, the Parties shall:

a) Prohibit all use except for scientific and very limited medical purposes by duly authorized persons, in medical or scientific establishments which are directly under the control of their Governments or specifically approved by them;

b) Require that manufacture, trade, distribution and possession be under a special licence or prior authori- zation;

c) Provide for close supervision of the activities and acts mentioned in paragraphs *a)* and *b)*;

d) Restrict the amount supplied to a duly authorized person to the quantity required for his authorized purpose;

e) Require that persons performing medical or scientific functions keep records concerning the acquisition of the substances and the details of their use, such records to be preserved for at least two years after the last use recorded therein; and

f) Prohibit export and import except when both the exporter and importer are the competent authorities or agencies of the exporting and importing country or region, respectively, or other persons or enterprises which are specifically authorized by the competent authorities of their country or region for the purpose. The requirements of paragraph 1 of article 12 for export and import authorizations for substances in Schedule II shall also apply to substances in Schedule I.

Article 8

Licences

1. The Parties shall require that the manufacture of, trade (including export and import trade) in, and distribution of substances listed in Schedules II, III and IV be under licence or other similar control measure.

2. The Parties shall:

a) Control all duly authorized persons and enterprises carrying on or engaged in the manufacture of, trade (including export and import trade) in, or distribution of substances referred to in paragraph 1;

b) Control under licence or other similar control measure the establishments and premises in which such manufacture, trade or distribution may take place; and

c) Provide that security measures be taken with regard to such establishments and premises in order to prevent theft or other diversion of stocks.

3. The provisions of paragraphs 1 and 2 of this article relating to licensing or other similar control measures need not apply to persons duly authorized to perform and while performing therapeutic or scientific functions.

4. The Parties shall require that all persons who obtain licences in accordance with this Convention or who are otherwise authorized pursuant to paragraph 1 of this article or sub-paragraph *b)* of article 7 shall be adequately qualified for the effective and faithful execution of the provisions of such laws and regulations as are enacted in pursuance of this Convention.

Article 9

Prescriptions