COMMISSION REGULATION (EC) No 1232/2002

of 9 July 2002

replacing the Annex to Council Regulation (EEC) No 3677/90 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances and amending Regulation (EEC) No 3769/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3677/90 of 13 December 1990 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances [1], as amended by Regulation (EC) No 988/2002 [2], and in particular Article 9a thereof,

Having regard to Commission Regulation (EEC) No 3769/92 of 21 December 1992 implementing and amending Council Regulation (EEC) No 3677/90 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances [3], as last amended by Regulation (EC) No 1251/2001 [4],

Whereas:

(1) It is necessary to give effect to the decision taken by the United Nations Commission on Narcotic Drugs in March 2001 to add acetic anhydride and potassium permanganate to Table I of the Annex to the 1988 United Nations Convention.

(2) It is necessary to amend the Annex to Regulation (EEC) No 3677/90 to comply with this decision. The amendment may be made by the Commission pursuant to Article 9a(e) of the Regulation.

(3) Regulation (EEC) No 3769/92 must be amended to take account of the changes of Regulation (EEC) No 3677/90 separating the provisions on export authorisation from those on pre-export notification for the scheduled substances listed in Category 1 of the Annex.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Committee set up pursuant to Article 10 of Regulation (EEC) No 3677/90,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 3677/90 is replaced by Annex 1 of this Regulation.

Article 2

Regulation (EEC) No 3769/92 is amended as follows:

1. Article 2 is replaced by the following text:

'*Article 2*

Specific export requirements for scheduled substances listed in Category 2

Pursuant to Article 5(2) of the basic Regulation, exports of scheduled substances listed in Category 2 are subject *mutatis mutandis* to the provisions of Articles 4 and 4a of the basic Regulation whenever they are intended for an operator established in a country which is listed and published in the *Official Journal of the European Communities* C series. These lists shall be regularly updated by the European Commission.';

2. Article 3 is replaced by the following text:

'*Article 3*

Specific export requirements for scheduled substances listed in Category 3

Without prejudice to more specific requirements to be determined on the basis of agreements with the countries concerned, exports of scheduled substances in Category 3 are subject, pursuant to Article 5a(2) of the basic Regulation, to the provisions of Article 4 and 4a of the basic Regulation whenever they are intended for an operator established in a country which is included in the list published in the *Official Journal of the European Communities* C series and an open individual authorisation cannot be granted pursuant to paragraph 3 of that Article. These lists shall be regularly updated by the European Commission.';

3. Annex I is replaced by Annex 2 to this Regulation.

Article 3

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

[1] OJ L 357, 20.12.1990, p. 1.
[2] OJ L 151, 11.6.2002, p. 1.
[3] OJ L 383, 29.12.1992, p. 17.
[4] OJ L 173, 27.6.2001, p. 26.

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

Done at Brussels, 9 July 2002.

For the Commission
Frederik BOLKESTEIN
Member of the Commission