



**CODE OF GOOD PRACTICE
EXPLOSIVES PRECURSORS
DRUGS PRECURSORS**



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Auguste Reyerslaan, 80
B-1030 Brussels

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1. INTRODUCTION.

- This Code of Good Practice was drawn by the BACD to increase awareness among the personnel of companies in the chemical distribution sector that sell substances that are subject to trade controls and to encourage them to take care with trade transactions involving drugs precursors and explosives precursors.
- The products for dual use, as well as the precursors for chemical weapons, do not fall within the scope of this document.
- This brochure will elaborate in more detail on the obligations of the companies, but also and more particularly on the different measures that can be taken to avoid such precursors falling into the hands of criminals and being misused to manufacture drugs and explosives.
- At the end of the brochure, a summary is also given of the primary European and national legislation concerning precursors.

2. WHAT IS MANDATORY AND WHAT IS PROHIBITED FOR COMPANIES?

- **Prohibited.**
 - **Explosives precursors.**
It is prohibited to offer a specific group of explosives precursors above a defined concentration limit to private individuals, namely for substances that are subject to a restriction.
- **Mandatory.**
 - **Explosives precursors.**
There is a **reporting obligation** to the national contact point of the federal judicial police for suspicious transactions, disappearances and theft from all explosives precursors summarised in appendices I and II.

NATIONAL CONTACT POINT

Federal judicial police

Central Directorate of the fight against Serious and Organized Crime Terrorism Service

telephone: +32 (0)2 642 63 20

email: explosiveprecursor@police.belgium.eu

Open 24 hours a day, seven days a week – Dutch, French and English

- **Drugs precursors.**
European regulations provide for the **mandatory reporting** of suspicious orders and transactions of 29 substances that are subdivided into three categories.

CENTRAL REPORTING POINT FOR PRECURSORS

Federal Agency for Medicines and Health Products (FAGG)

Precursors cell

Eurostation block II-6th floor

Victor Hortaplein 40 box 40

1060 Brussels

Belgium

tel. +32-2-528 43 12 (NL) and +32-2-528 4242 (FR)

Fax +32-2-528 43 19

Email: drugprecursor@fagg-afmps.be

- **Recommended.**
 - **All chemical products.**
It is strongly recommended to report every suspicious transaction, disappearance or theft of all chemical products to one of the reporting points indicated above.

3. TYPES OF PRODUCTS.

3.1. Explosives precursors.

3.1.1. Products for which the sale to private individuals is prohibited.

The precursors that are subject to a restriction are the precursors that may not be offered to a private individual above a particular limit value.

See appendix I.

3.1.2. Products that may be sold to private individuals but for which there is a reporting obligation.

See appendix II.

There is a reporting obligation for all substances in appendices I and II in the event of theft, suspicious transactions or disappearances.

3.2. Drugs precursors.

There are four categories with regulatory restrictions:

3.2.1. Category 1 - The most important substances for the drugs production process.

Economic operators and users must hold a permit allowing them to have these substances in their possession or for performing transactions with them.

The economic operators must report every suspicious transaction of these substances to the competent authorities.

See appendix III.

3.2.2. Category 2a – Basic raw materials for the production process of drugs.

It is mandatory to register these products with the public authorities and economic operators only deliver to other economic operators or users that are themselves a holder of such a registration.

Category 2b – Basic raw materials for the production process of drugs.

An end-user declaration must be submitted for transactions with these products.

See appendix IV.

3.2.3. Category 3 – Solvents and other with applications in the production process of drugs.

Economic operators and users must hold a permit if it is intended for export.

See appendix V

3.2.4. Category 4 – Medicinal products based on ephedrine or pseudoephedrine.

An export licence is essential for the export of these products.

3.2.5. Legal end-user declarations for drugs precursors.

An established economic operator that supplies a category 1 or 2 registered substance must receive an **end-user declaration** from the recipient containing a specification of the purposes of use of the registered substance. The economic operator must obtain a separate declaration for each registered substance.

For category 2, several transactions may also be included in the end-user declaration.

End-user declaration models have been defined by law:

- **See appendix VI:**
Model for a declaration for separate transactions (category 1 or 2).
- **See appendix VII:**
Model for a declaration for more transactions (category 2).

4. RECOMMENDATIONS

4.1. Voluntary end-user declaration.

- For the delivery of explosives precursors and for category 3 drugs precursors, it is important to obtain a picture of the end user of your goods and in particular as regards the final specific use of the substance supplied.
- To this end, the BACD recommends to have a recipient sign a voluntary end-user declaration for these products, in which he describes the specific use of the requested substance.

This end-user declaration contains the following information:

- the name and address of the customer
 - the name and address of the supplier
 - the name of the substance in question
 - the specific use
 - the expected annual consumption of the substance
 - the date, name, position and signature of a responsible person.
- This end-user declaration should be assessed by the distributor and will be kept up to date in a designated file.
 - **Example model of a voluntary end-user declaration.** (for categories other than category 1 and 2 of the drugs precursors):

See appendix VIII.

4.2. Central contact point.

- For optimal operation, the company allocates a central contact person who is responsible for the internal and external affairs in connection with precursors.
- The most important tasks of the central contact person may include:
 - The implementation of the procedures for precursors at the company.
 - Ensuring that the applicable legislation related to precursors is observed.
 - Setting up internal procedures for identifying suspicious transactions.
 - The management of end-user declarations.
 - Central contact point for the public authorities.
 - Personnel training.
 - Coordination and reporting of actions that have been taken in connection with precursors.

4.3. System of suspicious transactions.

- Procedures must be in place at the company to make it possible to trace suspicious transactions, such as:
 - A definition of the criteria to verify whether a particular transaction is suspicious.
 - Triggers in the order process system that indicate that there is a precursor, whereby supplementary checks are done.
 - Negotiation procedures to negotiate with customers ordering precursors.
 - New customers demand special attention.
- It should be verified on a case-by-case basis whether a transaction is suspicious. The following list of indicators may be seen as a reference list that can help to identify suspicious transactions, but it is certainly not exhaustive. It is therefore important that not all indicators need to be verified and answered positively. In some cases, one indicator will suffice to sound an alarm.
- This list can help to identify suspicious transactions:
The purchaser / client:
 - tries to order as little as possible in writing and wants to arrange everything by telephone.
 - is nervous and avoids questions, or is not the usual type of client.
 - attempts to purchase an unusual quantity or unusual mixtures of the substance.
 - has no idea of the common use of the substance, or how it should be dealt with.
 - does not want to inform the reason for using the substance(s).
 - insists on paying cash, certainly if large sums of money are concerned.
 - does not want to make his identity or place of residence known when asked.
 - claims to work at the request of a foreign military or governmental client without any reasonable indications for this.
 - makes use of intermediaries.
 - puts a private address or PO box address as a delivery address on the order form.
 - requests confidentiality of the transaction:
 - wants to explicitly waive quality guarantees, technical advice with processing the product, or contractual agreements.
 - places the order in different phases, with different quantities of the same substance.
 - offers an abnormally high price for the product's quick delivery.
 - changes the delivery conditions without good reason.
 - poses unusual questions about the transportation, the shipment and labelling of the freight.

4.4. Training.

- Procedures must be in place at the company to coordinate the information concerning illegal transactions with precursors, as well as to monitor new government guidelines and legislation.
- Refreshment training programmes for the personnel concerned should be organised on a regular basis. Government information can also be used for this.
- Periodic internal audits for the continuous improvement of the procedures in connection with precursors.

5. Legislation.

- The most important European and national legislation in connection with precursors is summarised as an attachment.

See appendix IX.

Disclaimer

The document 'Code of Good Practice Precursors' was drawn up to the best of our ability based on the available information at the date of publication.

It continues to be the responsibility of the individual companies to comply with the applicable legislation.

APPENDIX I
Explosives precursors

**Products for which the sale to private individuals is prohibited
with a reporting obligation of suspicious transactions**

Hydrogen peroxide CAS RN 7722-84-1	>12% w/w
Nitromethane CAS RN 75-52-5	>30% w/w
Nitric acid CAS RN 7697-37-2	>3% w/w
Potassium chlorate CAS RN 3811-04-9	>40% w/w
Potassium perchlorate CAS RN 7778-74-7	>40% w/w
Sodium chlorate CAS RN 09/09/7775	>40% w/w
Sodium perchlorate CAS RN 7601-89-0	>40% w/w

APPENDIX II
Explosives precursors

**Products that may be sold to private individuals
with a reporting obligation of suspicious transactions**

Potassium nitrate (saltpetre)

CAS RN 7757-79-1

Sodium nitrate

CAS RN 7631-99-4

Calcium nitrate

CAS RN 10124-37-5

Calcium ammonium nitrate

CAS RN 15245-12-2

Ammonium nitrate

CAS RN 6484-52-2

In a concentration of 16% nitrogen or higher

Hexamine

CAS RN 100-97-0

Sulphuric acid

CAS RN 7664-93-9

Acetone

CAS RN 67-64-1

Aluminium powder.

CAS RN 7429-90-5

Magnesium powder.

CAS RN 7439-95-4

Magnesium nitrate hexahydrate.

CAS RN 13446-18-9

APPENDIX III
Drugs precursors

Category 1

The most important substances for the drugs production process.
Permit obligation.

Ephedrine

CAS 299-42-3

Pseudoephedrine

CAS 90-82-4

Ergometrine

CAS 60-79-7

Ergotamine

CAS 113-15-5

Lysergic acid

CAS 82-58-6

1-Phenyl-2-propanone (BMK)

Phenyl acetone

CAS 103-79-7

N-Acetylanthranilic acid

2-Acetamidobenzoic acid

CAS 89-52-1

3,4-Methylenedioxyphenylpropane-2-one (PMK)

1- (1,3-benzodioxol-5-yl) -propane-2-one

CAS 4676-39-5

Isosafrole (cis and trans)

CAS 120-58-1

Piperonal (Heliotropine)

CAS 120-57-0

Safrole

CAS 94-59-7

Sassafras oil

CAS 8006-80-2

Norephedrine

CAS 14838-15-4

Alpha-phenylacetonitrile (APAAN)

CAS 4468-48-8

(1R,2S)-(-)-chloroephedrine

CAS 110925-64-9

(1S,2R)-(+)-chloroephedrine

CAS 1384199-95-4

(1S,2S)-(+)-chloropseudoephedrine

CAS 73393-61-0

(1R,2R)-(-)-chloropseudoephedrine

CAS 771434-80-1

APPENDIX IV
Drugs precursors

Category 2a

Basic raw materials for the production process of drugs.
Registration obligation and end-user declaration essential.

Acetic anhydride
CAS 108-24-7

Category 2b

Basic raw materials for the production process of drugs.
End-user declaration essential.

Potassium permanganate
CAS 7722-64-7

Phenylacetic acid
CAS 103-82-2

Anthranilic acid
CAS 118-92-3

Piperidine
CAS 110-89-4

APPENDIX V
Drugs precursors

Category 3

Solvents and other chemicals with applications in the production process of drugs.

Hydrochloric acid

CAS 7647-01-0

Sulphuric acid

CAS 7664-93-9

Toluene

CAS 108-88-3

Ethyl ether

CAS 60-29-7

Acetone

CAS 67-64-1

Methyl ethyl ketone (MEK)

CAS 78-93-3

APPENDIX VI

Model declaration relating to individual transactions (category 1 or 2)

CUSTOMER DECLARATION OF SPECIFIC USE(S) OF THE SCHEDULED CATEGORY 1 OR 2 SUBSTANCE
(individual transactions)

I/We,

Name:

Address:

.....

Reference number of authorisation/licence/registration:
(delete as appropriate)

issued on..... by
(name and address of the authority)

.....

and without time limit/valid until
(delete as appropriate)

have ordered from

Name:

Address:

.....

the following substance

Description:

.....

Combined nomenclature (CN) code: Quantity:

The substance will be used solely for

.....

I/We hereby certify that the substance referred to above will not be re-sold or otherwise supplied to any other customer unless the latter furnishes a declaration of use in accordance with this model or, for category 2 substances, a declaration relating to multiple transactions.

Signature Name:
(in block capitals)

Position: Date:

APPENDIX VII

Model declaration relating to multiple transactions (category 2)

CUSTOMER DECLARATION OF SPECIFIC USE(S) OF THE SCHEDULED CATEGORY 2 SUBSTANCE
(multiple transactions)

I/We,

Name:

Address:

.....

Registration reference number:

issued on..... by

(name and address of the authority)

.....

and without time limit/valid until
(delete as appropriate)

intend to order from

Name:

Address:

.....

the following substance

Description:

.....

Combined nomenclature (CN) code: Quantity:

The substance will be used solely for.....

.....

and represents a quantity that is normally considered sufficient for months

(up to a maximum of 12 months)

I/We hereby certify that the substance referred to above will not be re-sold or supplied to any other customer unless the latter submits a similar declaration of use or a declaration relating to individual transactions.

Signature: Name:

(in block capitals)

Position: Date:

APPENDIX VIII

Voluntary end-user declaration.

END-USER DECLARATION

CUSTOMER DECLARATION CONCERNING THE SPECIFIC USE OF THE SUBSTANCE

Customer

Company

Address
.....

has ordered from supplier

Company

Address
.....

the following substance

Name of the product:

Annual quantity:

The substance will be used exclusively for (describe the specific use)

.....

We declare that the above-mentioned substance will be used for legal purposes and will only be sold or delivered to a customer on the condition that this customer signed the same end-user declaration for a specific use.

Signature

.....

Name (in capitals)

.....

Company position

.....

Date

.....

APPENDIX IX
Legislation on precursors

Explosives precursors.

REGULATION (EU) NO 98/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 January 2013 on the marketing and use of explosives precursors

DELEGATED REGULATION (EU) 2017/214 OF THE COMMISSION of 30 November 2016 amending Regulation (EU) No 98/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, as regards adding aluminium powder to the list of explosives precursors in Annex II.

DELEGATED REGULATION (EU) 2017/215 OF THE COMMISSION of 30 November 2016 amending Regulation (EU) No 98/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, as regards adding magnesium nitrate hexahydrate to the list of explosives precursors in Annex II.

DELEGATED REGULATION (EU) 2017/216 OF THE COMMISSION of 30 November 2016 AMENDING REGULATION (EU) No 98/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, as regards adding magnesium powder to the list of explosives precursors in Annex II.

Drugs precursors.

CONSOLIDATED VERSION OF THE REGULATION (EU) NO. 273.2004(original text) of the European Parliament and the Council of 11 February 2004 regarding drugs precursors (For the EER relevant text).

The regulation defines the measures for the intra-community supervision of certain substances that are often used for the illegal manufacture of narcotic drugs and psychotropic substances, with a view to avoiding the misuse of these substances.

CONSOLIDATED VERSION OF THE REGULATION (EU) NO. 111/2005(original text) of the Council of 22 December 2004 regarding specifications for the supervision and marketing of drugs precursors between the Community and third countries.

This regulation defines specifications for the supervision of trade between the Community and third countries of certain substances that are often used with the illegal manufacture of narcotic drugs or psychotropic substances with a view to avoiding the misuse of these substances; it is applicable to imports, exports and intermediate activities.

DELEGATED REGULATION (EU) 2015/1011 OF THE COMMISSION of 24 April 2015 supplementing Regulation (EC) No 273/2004 of the European Parliament and of the Council on drug precursors and Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Union and third countries in drug precursors, and repealing Commission Regulation (EC) No 1277/2005.

IMPLEMENTING REGULATION (EU) 2015/1013 of the Commission of 25 June 2015 laying down rules in respect of Regulation (EC) No 273/2004 of the European Parliament and of the Council on drug precursors and of Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Union and third countries in drug precursors.

DELEGATED REGULATION (EU) 2016/1443 of the Commission of 29 June 2016 amending Regulation (EC) No 273/2004 of the European Parliament and of the Council and Council Regulation (EC) No 111/2005 as regards the inclusion of certain drug precursors in the list of scheduled substances.