LAW ON SUBSTANCES USED IN THE ILLICIT MANUFACTURE OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

Bilateral Screening
Chapter 29 – Customs Union
Presentation by Republic of Serbia
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RELEVANT SERBIAN LEGISLATION

• Law on Substances Used in Illicit Manufacture of Narcotic Drugs & Psychotropic Substances (Official Gazette of RS, No. 107/ 2005)

• Regulations on “Scheduled Substances” used in Illicit Manufacture of Narcotic Drugs & Psychotropic Substances (Official Gazette of RS, No. 101/ 2009)

• Rulebook on Form and Content of Authorisation for Import, Export and Transit of Category 1, Category 2, and Category 3 (Official Gazette of RS, No. 101/ 2009)

• Customs Law (Official Gazette of RS, No. 18/2010 and 111/ 2012)

• Decision on determining goods for import, export or transit of which certain documents are required
RELEVANT INTERNATIONAL LEGISLATION

• Single Convention on Narcotic Drugs 1961 (Ratified by RS 1964)
• United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988 (Ratified by RS 1990)
LEVEL OF HARMONISATION WITH EU ACQUIS

• RS Law on substances used in the illicit manufacture of narcotic drugs and psychotropic substances is harmonised with the following regulations:
  – United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna, December 1988)
FURTHER ALIGNMENT REQUIRED IN THE FIELD OF DRUG PRECURSORS

• Operational Plan provides for amendments to RS Law by end 2014

• RS legislation will be harmonised with the following EU regulations:
  – EC/1259/2013 amending EC/111/2005
OBJECTIVES OF LAW ON DRUG PRECURSORS

• Regulation of conditions for production and wholesale distribution of drug-precurors.
• Supervision for the purpose of prevention of abuse of substances or their illicit use
• Creation of preconditions for harmonisation of legislation in this area in the process of accession to the European Union
• Other issues of relevance in the field of drug-precurors, with regard to UN conventions, EU directives and recommendations of other international organisations.
BASIC PRINCIPALS IN DRAFTING LAW

• Balance of all legislation elements
• Make precursors for legal purpose available
• Prevention of abuse
• Introduction of experts’ opinion in drafting legislation
• Comprehensive and complete umbrella law
SCOPE OF LAW ON DRUG PRECURSORS

• Drug precursors mean substances listed in the “Scheduled Substances”; mixtures and natural products containing such substances and which can be used in the illicit manufacture of narcotic drugs and psychotropic substances. The precursors do not include pharmaceuticals and other preparations containing precursors that are compounded in such a way that such substances cannot be easily used or extracted by readily applicable or economically viable means.

• Non-scheduled Substances mean any substance which although not listed in the Scheduled Substances can be used for the illicit manufacture of narcotic drugs or psychotropic substances:
  a. cut products such as caffeine, paracetamol
  b. active pharmaceutical ingredients (API) that can be abused in the manufacture of narcotic drugs, psychotropic substances or precursors
  c. pre-precursors
CONTROL OF SCHEDULED SUBSTANCES

• Drug-precursors are classified into the first, the second and the third category
• Production of or trade in drug-precursors of all three categories can only be performed by legal entities to whom the Ministry of Health has issued:
  – License for manufacture
  – License for trade
• Import, export and transit of drug-precursors of all three categories can be undertaken only with prior presentation of authorisation or approval.
• Export/import authorizations/approval are implemented in the IT system of the Serbian Customs Administration
• The customs authority enters the date and place of clearance on each export/import authorization/approval.
CONTROL OF NON-SCHEDULED SUBSTANCES

• Substances that are not in the list of ‘Scheduled Substances’ are governed by the “Decision on determining goods for import, export or transit of which certain documents are required”

• Import or export can only be carried out with prior presentation of approval

• Export/import approval is implemented in the IT system of the Serbian Customs Administration

• The customs authority enters the date and place of clearance on each export/import approval.
IMPORT & EXPORT AUTHORISATION OF PRECURSORS OF THE FIRST CATEGORY

1. **Name:**
2. **Address:**
3. **Signature:**

1. **Description:**
2. **Address:**
3. **Signature:**
APPROVAL FOR IMPORT & EXPORT OF PRECURSORS - SECOND AND THIRD CATEGORIES

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<tr>
<th>Република Србија</th>
<th>Министарство Здравља</th>
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На основу Одлуке о одређивању робе за чији је увоз, извоз, односно транспорт прописан прибављање одређених нетривала („Службени гласник РС“, бр. 49/2013), а по захтеву:

Министарство Здравља Републике Србије издате:

САГЛАСНОСТ

1. могу да извршам увоз следећих сировина за производњу:

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<th>Речи/бр.</th>
<th>Тарифне групе</th>
<th>Назив и описание сировина</th>
<th>Порезнини дана</th>
<th>Укупна вредност у поводу</th>
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2. Извршио:  
3. Управни број:  
4. Цена: EUR: EUR

Министар Здравља Републике Србије

Проф. др Славица Ћуковић Деваковић
In 2013 the RS Department of Narcotic Drugs and Precursors processed:

- 471 applications for authorisation or approval for export/import of precursors
- 87 applications for approval of export/import of Non-scheduled Substances
- 80 inspections of legal entities involved in trading and using precursors
HUMAN RESOURCES

• The Department for Narcotic Drugs and Precursors falls within the Inspection Operations Sector of the Ministry of Health and has 8 employees

• It is necessary to increase capacity if supervision and regulation is to be effective.

• Ministry of Finance - Customs Administration of Serbia - Tariff Affairs Division has an organisational unit - Department of TARIS, customs and foreign trade protection instruments, VAT and excises, with 3 customs officers
PLANS

• Amendments to the Law on Precursors in accordance with the EU regulations
• Drafting by-laws in line with the EU regulations
• Establishing functional organizational units within the Department for Narcotic Drugs and Precursors in order to fulfil tasks in line with aforementioned regulations and obligations arising from the UN and EU regulations
• The establishment of regular direct cooperation between the relevant parties in the Ministry of Health and the Customs Administrations
• Electronic data exchange