COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23.06.1999
COM(1999) 307 final

Proposal for a

COUNCIL DECISION

defining 4-MTA as a new synthetic drug which is to be made subject to control measures and criminal provisions

(presented by the Commission)

EXPLANATORY MEMORANDUM

I. INTRODUCTION

The European Commission welcomes the report on the risk assessment of 4-MTA carried out in the framework of the Joint Action of 16 June 1997 (97/396/JHA) on new synthetic drugs (OJ No L 167, 25.6.1997, p. 1) which was requested by the Presidency in February 1999.

The risks of 4-MTA (P-Methylthioamphetamine or 4-Methylthioamphetamine) assessed by the special meeting convened by the EMCDDA under the auspices of its Scientific Committee (Lisbon, 18-19 May 1999) constitute the second example of risk assessment made under Article 4 of the Joint Action.

4-MTA was first identified in 1997 in the Netherlands and the United Kingdom. At present, it is subject to control in two Member States. It is not currently listed in any of the Schedules to the 1971 United Nations Convention on Psychotropic Substances. 4-MTA has no actual industrial use. Its precursors are commercially available and do not seem to have psychoactive effects.

II. RISKS POSED BY 4-MTA

The Commission has carefully considered the conclusions of the risk assessment report on 4-MTA, which indicate that it is a potent psychoactive agent with no apparent therapeutic value. It has been associated with five deaths in the EU and ten non-fatal cases requiring hospitalisation. Respiratory collapse has been reported in some cases. A delayed onset of action, tempting users to take several tablets, apparently increases the risk of overdose. Combination with alcohol, MDMA, amphetamines or ephedrine also appears to increase the risk. A serious interaction with certain foods could occur. Compared to MDMA, 4-MTA appears to be associated with a higher risk of acute effects including adverse reaction and overdosage.

As to the criminological aspects, three Member States (Belgium, United Kingdom and the Netherlands) have seized considerable amounts of 4-MTA tablets. Germany seized small quantities. In two Member States, trafficking of 4-MTA was found in combination with other illegal substances. According to some reports, this is a growing tendency.

III. PROPOSED DECISION BY THE COUNCIL

Taking these elements into consideration, the Commission concludes that it is necessary to present an initiative to the Council to propose that 4-MTA be submitted to control measures and criminal penalties at EU level, as provided for in the third subparagraph of Article 5(1) of the Joint Action of 16 June 1997 (97/396/JHA) on new synthetic drugs.

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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 adopted by the Council on the basis of Article K.3 of the Treaty on European Union 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 report was drawn up, on the basis of Article 4(3) of Joint Action 97/396/JHA, by the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) on the risk assessment of 4-MTA (P-Methylthioamphetamine or 4-Methylthioamphetamine).

(2) 4-MTA is an amphetamine derivative which appears to carry a higher risk of acute effects than MDMA (3,4-methylenedioxymethamphetamine) including adverse reactions and overdosage. In the European Union, it has been associated with a number of deaths and non-fatal cases requiring hospitalisation.

(3) 4-MTA has been identified as constituting a public health risk in several Member States. It is at the moment subject to control in two Member States.

(4) 4-MTA is a potent psychoactive agent not currently listed in any of the Schedules to the 1971 United Nations Convention on Psychotropic Substances which poses a serious threat to public health, comparable to the substances listed in Schedules I and II thereto and has no apparent therapeutic value.

(5) In some Member States, the trafficking of 4-MTA in combination with other illegal substances has been discovered.

(6) 4-MTA 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 and II thereto,

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[1] OJ L 167, 25.6.1997, p. 1.

HAS DECIDED AS FOLLOWS:

Article 1

Member States shall take the necessary measures, in accordance with their national law, to submit 4-MTA (P-Methylthioamphetamine or 4-Methylthioamphetamine) 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 and 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.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

It shall take effect on the day following that of its publication.

Done at Brussels,

For the Council
The President