Procedure file

Basic information

NLE - Non-legislative enactments	2017/0073(NLE)	Procedure completed
Subjecting N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryloylfentanyl) to control measures Subject 4.20.03 Drug addiction, alcoholism, smoking 7.30.30.04 Action to combat drugs and drug-trafficking		

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs		29/06/2017
		epp HORTEFEUX Brice	
	Committee for opinion	Rapporteur for opinion	Appointed
	ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
Council of the European Union			
European Commission	Commission DG	Commissioner	
	Migration and Home Affairs	AVRAMOPOULOS Dimitris	

Key events

06/04/2017	Initial legislative proposal published	COM(2017)0161	Summary
30/05/2017	Legislative proposal published	08858/2017	Summary
15/06/2017	Committee referral announced in Parliament		
04/09/2017	Vote in committee		
07/09/2017	Committee report tabled for plenary, 1st reading/single reading	A8-0284/2017	Summary
13/09/2017	Results of vote in Parliament		
13/09/2017	Decision by Parliament	T8-0333/2017	Summary
25/09/2017	Act adopted by Council after consultation of Parliament		
25/09/2017	End of procedure in Parliament		
29/09/2017	Final act published in Official Journal		

Technical information

Procedure reference	2017/0073(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament

Legal basis	Treaty on the European Union (after Amsterdam) M 039-p1
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/10203

Documentation gateway

Initial legislative proposal		COM(2017)0161	06/04/2017	EC	Summary
Legislative proposal		08858/2017	30/05/2017	CSL	Summary
Committee draft report		PE607.861	07/07/2017	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0284/2017	07/09/2017	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0333/2017	13/09/2017	EP	Summary

Final act

Decision 2017/1774
OJ L 251 29.09.2017, p. 0021 Summary

Subjecting N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryloylfentanyl) to control measures

PURPOSE: to subject N-(1-phenethylpiperidin-4-yl)-Nphenylacrylamide (acryloylfentanyl) to control measures.

PROPOSED ACT: Council implementing decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

BACKGROUND: on 23 January 2017, following the request made by the Commission and 11 Member States and pursuant to Council Decision 2005/387/JHA on the information exchange, risk-assessment and control of new psychoactive substances, the Council requested an assessment of the risks caused by the use, manufacture and trafficking of the new psychoactive substance acryloylfentanyl.

The main results of the risk assessment carried out by the Scientific Committee of the European Monitoring Centre for Drugs and Drug Addition (EMCDDA) are the following:

acryloylfentanyl is a synthetic opioid available in the Union in Union since at least April 2016 and has been detected in 6 Member States. It is sold as "research chemical", typically as powder and as ready-to-use nasal sprays, in small and wholesale amounts;

47 deaths associated with acryloylfentanyl have been reported by 3 Member States. In at least 40 deaths acryloylfentanyl was the cause of death or is likely to have contributed to death. In addition, more than 20 acute intoxications suspected to be due to acryloylfentanyl have been reported.

Acryloylfentanyl has no established or acknowledged human or veterinary medical use. It is not listed for control under the 1961 United Nations Single Convention on Narcotic Drugs or under the 1971 United Nations Convention on Psychotropic Substances. The substance is not currently under assessment by the United Nations system.

There is no information to suggest the involvement of organised crime in the manufacture, distribution, trafficking or supply of acryloylfentanyl within the Union.

Although the risk assessment report revealed that there is limited scientific evidence available on acryloylfentanyl, the Commission considered that the available evidence and information on the health and social risks that the substance poses provide sufficient grounds for subjecting acryloylfentanyl to control measures across the Union.

Only nine Member States control acryloylfentanyl under national drug control legislation, while two other Member States use other legislative measures to control it. Therefore, subjecting this substance to control measures across the Union would help avoid the emergence of obstacles in cross-border law enforcement and judicial cooperation, and would help protect from the risks that its availability and use could pose.

CONTENT: the objective of this proposal for a Council Implementing Decision is to call upon the Member States to subject acryloylfentanyl to control measures and criminal penalties as provided under their legislation by virtue of their obligations under the 1971 United Nations Convention on Psychotropic Substances.

Subjecting N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryloylfentanyl) to control measures

PURPOSE: to subject N-(1-phenethylpiperidin-4-yl)-Nphenylacrylamide (acryloylfentanyl) to control measures.

PROPOSED ACT: Council implementing decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

BACKGROUND: acryloylfentanyl is a synthetic opioid which according to available data is a potent and long-lasting antinociceptive agent acting on the opioid system.

Acryloylfentanyl has been available in the European Union since at least April 2016 and has been detected in 6 Member States. Three Member States have collectively reported 47 deaths associated with acryloylfentanyl.

There is no information to suggest the involvement of organised crime in the manufacture, distribution, trafficking or supply of acryloylfentanyl within the Union. The available data suggest that most of the acryloylfentanyl on the market in Europe has been produced by chemical companies based in China

The substance has no established or acknowledged human or veterinary medical use. It is not currently under assessment by the United Nations system.

Although the risk assessment report reveals that there is limited scientific evidence available on acryloylfentanyl, available evidence and information on the health and social risks that the substance poses provides sufficient ground for subjecting acryloylfentanyl to control measures across the Union.

CONTENT: the objective of this proposal for a Council implementing decision is to subject acryloylfentanyl to control measures in the Union.

By one year from the date this Decision is published at the latest, Member States shall take the necessary measures, in accordance with their national law, to subject the new psychoactive substance 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.

The United Kingdom shall not take part in the adoption of this Decision and shall not bound by it or subject to its application,

For further details, please refer to the summary of the initial legislative proposal dated 06/04/2017.

Subjecting N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryloylfentanyl) to control measures

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Brice HORTEFEUX (EPP, FR) on the draft Council implementing decision on subjecting N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryloylfentanyl) to control measures.

The committee recommended that Parliament approve the Councils draft.

As pointed out in the explanatory memorandum, the risk assessment report jointly drawn up by the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) and Europol, which was published on 17 November 2016, concludes that this psychoactive substance is a synthetic opioid structurally similar to fentanyl, a controlled substance widely used in medicine as an adjunct to general anaesthesia during surgery and for pain management.

The bulk of production takes place in China.

47 deaths associated with the substance have been reported by three Member States, together with 20 acute intoxications apparently due to acryloylfentanyl.

Accordingly, in view of the toxic and hazardous nature of the substance, which represents a health and social risk, it is recommended that the draft Council implementing decision be approved.

Subjecting N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryloylfentanyl) to control measures

The European Parliament adopted by 632 votes to 9, with 33 abstentions, a legislative resolution on the draft Council implementing decision on subjecting N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryloylfentanyl) to control measures.

Following the recommendation of its Committee on Civil Liberties, Justice and Home Affairs, Parliament approved the Councils proposal to subject acryloylfentanyl to control measures throughout the Union.

No later than one year after the date of publication of the Decision, Member States shall subject the new psychoactive substance to the control measures and penal sanctions provided for in their legislation in accordance with their obligations under the United Nations Convention of 1971 on psychotropic substances.

Subjecting N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryloylfentanyl) to control measures

PURPOSE: to subject N-(1-phenethylpiperidin-4-yl)-Nphenylacrylamide (acryloylfentanyl) to control measures.

NON-LEGISLATIVE ACT: Council Implementing Decision (EU) 2017/1774 on subjecting N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryloylfentanyl) to control measures.

CONTENT: the Council Implementing Decision seeks to subject the new psychoactive substance N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryloylfentanyl) to control measures across the Union.

The risk assessment report drawn up by Decision 2005/387/JHA by the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) and sent to the Commission and the Council on 24 February 2017, concluded that this psychoactive substance detected in six Member States is a synthetic opioid whose structure is similar to fentanyl, a controlled substance commonly used in medicine as an adjunct to general anesthesia during surgery and for pain management It is mainly produced in China.

Three Member States have collectively reported 47 deaths associated with acryloylfentanyl and more than 20 acute intoxications suspected to be due to this substance have been reported.

Acryloylfentanyl is sold in small or wholesale amounts as a "research chemical", usually in the form of powder or as ready-to-use nasal. It has no established or acknowledged human or veterinary medical use.

Only nine Member States control acryloylfentanyl under national drug control legislation, while two other Member States use other legislative measures to control it.

The available evidence and information on the health and social risks that the substance poses provide sufficient grounds for subjecting acryloylfentanyl to control measures across the Union.

By 30 September 2018, Member States shall take the necessary measures in accordance with their national law to subject the new psychoactive substance to control measures and criminal penalties, as provided for under their legislation, in compliance with their obligations under the 1971 United Nations Convention on Psychotropic Substances

The United Kingdom shall not participate in the adoption of the Decision and therefore shall not bound by it or subject to its application.

ENTRY INTO FORCE: 30.9.2017.