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Item 5 (a) of the provisional agenda*

**Implementation of the international drug control
treaties: changes in the scope of control of
substances****Changes in the scope of control of substances under the
United Nations Convention against Illicit Traffic in
Narcotic Drugs and Psychotropic Substances of 1988****Note by the Secretariat***Summary*

The present document contains information and recommendations for consideration by the Commission on Narcotic Drugs pursuant to the international drug control treaties.

Pursuant to article 12, paragraph 13, of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, the Commission is to review periodically the adequacy and propriety of Table I and Table II of the Convention. Accordingly, the Commission has before it, for review, the information transmitted by the International Narcotics Control Board pursuant to article 12, paragraph 4, of the 1988 Convention, with regard to the assessment of methyl *alpha*-phenylacetoacetate (MAPA) and, for consideration, the recommendation of the Board that MAPA be included in Table I of the 1988 Convention.

* E/CN.7/2020/1.



I. Introduction

1. The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, in its article 12, paragraph 2, provides as follows:

If a Party or the Board has information which in its opinion may require the inclusion of a substance in Table I or Table II, it shall notify the Secretary-General and furnish him with the information in support of that notification. The procedure described in paragraphs 2 to 7 of this article shall also apply when a Party or the Board has information justifying the deletion of a substance from Table I or Table II, or the transfer of a substance from one Table to the other.

2. On 29 May 2019, the International Narcotics Control Board (INCB) submitted a notification to the Secretary-General, pursuant to article 12, paragraph 2, of the 1988 Convention, proposing that methyl *alpha*-phenylacetoacetate (MAPA) be included in the tables of that Convention.

3. In accordance with the provisions of article 12, paragraph 3, of the 1988 Convention, the Secretary-General transmitted, by a note verbale dated 28 June 2019, the notification from INCB to all Governments. A questionnaire was sent to Governments in that note, requesting them to submit their comments regarding the notification and any supplementary information that might assist INCB in establishing an assessment and the Commission in reaching a decision.

4. By 8 November 2019, 50 Governments had responded to the questionnaire sent out by the Secretary-General. Responses from the Governments of Armenia, Burkina Faso, Egypt, Guatemala, Montenegro, Myanmar, Qatar and Viet Nam were also subsequently received.

II. Notification from the International Narcotics Control Board concerning scheduling under the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

5. On 12 November 2019, in accordance with article 12, paragraph 4, of the 1988 Convention, the President of the International Narcotics Control Board notified the Chair of the Commission on Narcotic Drugs that the Board had completed its assessment of methyl *alpha*-phenylacetoacetate (MAPA) for possible inclusion in the tables of the 1988 Convention.

6. The Board, having taken into account the extent, importance and diversity of its licit use, recommends that methyl *alpha*-phenylacetoacetate (MAPA) be included in Table I of the 1988 Convention.

7. The notification from the President of the International Narcotics Control Board and the assessment, findings and recommendations of the Board are contained in the annex to the present document, for consideration by the Commission at its sixty-third session.

III. Action to be taken by the Commission on Narcotic Drugs

8. In accordance with article 12, paragraph 5, of the 1988 Convention, the Commission, taking into account the comments submitted by the parties and the comments and recommendations of the Board, whose assessment shall be determinative as to scientific matters, and also taking into due consideration any other relevant factors, may decide by a two-thirds majority of its members to place a substance in Table I or Table II of the Convention. From a practical point of view, this

means that, for a decision to be adopted, an affirmative vote of at least 36 members of the Commission is required.

9. The Commission should therefore decide whether it wishes to place methyl *alpha*-phenylacetoacetate (MAPA) in Table I of the 1988 Convention or, if not, what other action, if any, might be required.

Annex

Notification dated 12 November 2019 from the President of the International Narcotics Control Board to the Chair of the Commission on Narcotic Drugs at its sixty-third session concerning the scheduling of methyl *alpha*-phenylacetoacetate (MAPA) under the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

The President of the International Narcotics Control Board presents his compliments to the Chair of the Commission on Narcotic Drugs and has the honour to inform him that the Board, in conformity with article 12, paragraphs 4 and 5, of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (hereafter referred to as the 1988 Convention), has completed its assessment of methyl *alpha*-phenylacetoacetate (MAPA) for possible inclusion in the tables of the 1988 Convention.

The Board finds that MAPA is frequently used in the illicit manufacture of amphetamine-type stimulants, namely amphetamine, and that the volume and extent of the illicit manufacture of amphetamine-type stimulants pose serious public health or social problems so as to warrant international action. The Board is therefore recommending that MAPA, including its optical isomers, be included in Table I of the 1988 Convention.

The assessment, findings and recommendations of the Board in respect of the substance are attached hereto, and have been prepared for submission to the Commission at its sixty-third session. Information about MAPA has also been published in the 2018 report of the Board on the implementation of article 12 of the 1988 Convention,¹ pursuant to paragraph 13 of that article.

¹ E/INCB/2018/4.

Appendix

Assessment of methyl *alpha*-phenylacetoacetate (MAPA) pursuant to article 12, paragraph 4, for inclusion in the tables of the 1988 Convention

A. Background

1. At its 125th session, in May 2019, concerned over the increasing number of incidents involving methyl *alpha*-phenylacetoacetate (MAPA), the Board decided to initiate and pursue the scheduling process for MAPA, and on 29 May 2019 transmitted to the Secretary-General of the United Nations a corresponding notification containing the relevant information at its disposal.
2. In accordance with the provisions of article 12, paragraph 3, the Secretary-General transmitted the information contained in that notification to all parties and to other countries in the form of a questionnaire (NAR/C.L.7/2019), requesting their comments concerning the notification and all supplementary information that might assist the Board in carrying out its assessment. The questionnaire was sent to Governments on 28 June 2019 with the request to submit any comments on the proposal before 30 September 2019. A reminder was circulated to Governments on 9 October 2019, which extended the deadline to 31 October 2019.

B. Assessment

3. Article 12, paragraph 4, of the 1988 Convention stipulates the factors that the Board is to consider when assessing a substance for possible control:

If the Board, taking into account the extent, importance and diversity of the licit use of the substance, and the possibility and ease of using alternate substances both for licit purposes and for the illicit manufacture of narcotic drugs or psychotropic substances, finds:

(a) That the substance is frequently used in the illicit manufacture of a narcotic drug or psychotropic substance;

(b) That the volume and extent of the illicit manufacture of a narcotic drug or psycho-tropic substance creates serious public health or social problems, so as to warrant international action,

it shall communicate to the Commission an assessment of the substance, including the likely effect of adding the substance to either Table I or Table II on both licit use and illicit manufacture, together with recommendations of monitoring measures, if any, that would be appropriate in the light of its assessment.

4. In making its assessment, in accordance with article 12, paragraph 4, of the 1988 Convention, the Board had at its disposal the information contained in its notification to the Secretary-General, as well as the comments and supplementary information received from Governments pursuant to article 12, paragraph 3. As at 8 November 2019, 50 Governments had responded to the questionnaire sent out by the Secretary-General. All 50 Governments stated either direct support for, or registered no objection to, the scheduling of MAPA.
5. In conducting the assessment, the Board has taken the following factors into consideration:
 - (a) MAPA (chemical name: methyl 3-oxo-2-phenylbutanoate) is a substitute chemical for several precursors listed in Table I of the 1988 Convention, such as 1-phenyl-2-propanone (P-2-P), *alpha*-phenylacetoacetonitrile (APAAN) and

alpha-phenylacetoacetamide (APAA).^{*} They are all used in the illicit manufacture of amphetamine and methamphetamine, which, together with their salts and optical isomers, are included in Schedule II of the 1971 Convention;

(b) MAPA has no known legitimate use except – in small amounts – for research, development and laboratory analytical purposes; there are no known industrial applications in which MAPA is used as a starting material and there is no documented regular legitimate commerce of and trade in MAPA other than small amounts for research purposes;

(c) The current increase in the frequency of MAPA seizures and in the amounts seized relate to the need by traffickers to find an alternate precursor following the international scheduling of APAA in 2014 and an increasing scrutiny over APAA in connection with the international scheduling of that substance.

C. Findings

6. In view of the above-mentioned factors, the Board finds that:

(a) The volume and extent of public health or social problems caused by the abuse of illicitly manufactured amphetamine and methamphetamine remain issues that warrant international action;

(b) MAPA is a substance that is highly suitable for the illicit manufacture of amphetamine and methamphetamine. Incidents (e.g., illicit manufacture and trafficking) involving MAPA have been known since 2017, with increasing frequency and amounts reported since 2018, primarily in Europe, although countries in other regions are also known to have been affected. Given the ease of the illicit manufacturing process, the extent of illicit use may spread further to other regions. However, alternate substances, especially other designer precursors that are specifically made for use for illicit purposes, are known to have been used in illicit drug manufacture;

(c) There is no known legitimate manufacture of and trade in MAPA other than in very small amounts for research and development purposes;

(d) No Government foresaw difficulties in supporting the scheduling of MAPA under the 1988 Convention. The availability of MAPA for limited research and development purposes is determined by the controls implemented by Governments at the national level. Those controls should be structured in a manner that ensures the availability and distribution of MAPA for relevant legitimate uses;

(e) Scheduling of MAPA under the 1988 Convention would have no adverse effects on the availability of the substance for relevant legitimate purposes.

D. Recommendations

7. The Board is of the opinion that the international control of MAPA is required to limit its availability for illicit drug manufacture and subsequently reduce the quantity of amphetamine and methamphetamine manufactured illicitly from that substance. Those controls would have no adverse effect on its availability for any of the known research and development purposes, given the very limited legitimate market for, and trade in, the substance. In view of the above, the Board recommends that MAPA be placed under control of the 1988 Convention.

8. Currently, the only difference between Table I and Table II of the 1988 Convention is the possibility for Governments to invoke their right under article 12, subparagraph 10 (a), of that Convention to request pre-export notifications. As MAPA is often sourced in a region different from that where it is used in the illicit manufacture of methamphetamine and amphetamine, the scheduling of MAPA in

^{*} Scheduling effective 19 November 2019.

Table I of the 1988 Convention would provide Governments with the possibility to request pre-export notifications, which would in turn allow the monitoring of, manufacture of and trade in the substance.

9. In light of the above, and considering that MAPA exists in the form of two optical isomers, which are equally suitable for illicit drug manufacture, the Board recommends placing methyl *alpha*-phenylacetoacetate (MAPA) and its optical isomers in Table I of the 1988 Convention.
