

Illicit Drugs Precursors Act

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Borut Pahor

ILLICIT DRUG PRECURSORS ACT

Official Consolidated Version

(IDPA-OCV1)

General Provisions

1. Article 1

(the purpose of the Act)

This Act shall govern the production of, trade in, and use as well as the control over substances that can serve as precursors for illicit drug production (hereinafter referred to as precursors), in order to prevent their abuse or use for illicit purposes.

2. Article 2

(definitions)

For the purpose of this Act, the following definitions shall apply:

Precursor shall mean any chemical substance from the list of precursors, including mixtures containing such substances. This shall exclude medicines and other preparations containing the relevant substances that are compounded in such a way that the substances cannot be easily recovered and used for illicit drug production.

Illicit drugs shall be deemed to be plants or substances of a natural or synthetic origin, having psychotropic effects and the potential of influencing physical or mental health or jeopardizing the social welfare of humans, and are laid down in a special Act.

Production shall mean extraction, manufacturing and after-treatment, processing, remaking, mixing into semi-manufacture and final products by means of chemical, physical and biological processes and procedures, as well as transportation within the production unit.

Trade in precursor substance shall mean its import, export, transit, storage, supply, purchase, sale, purchase or sale mediation, transfer to third parties and advertising.

Utilization shall mean use, preparation for use, purchase for personal use and storage.

Import shall mean any entry of goods into the customs territory of the Republic of Slovenia, irrespective of the type of use that has been approved for these goods in accordance with customs provisions, with the exception of entry for transit.

Export shall mean any departure of goods from the customs territory of the Republic of Slovenia, including re-export and temporary export.

Transit of precursor shall mean any transit of the relevant substance through the customs territory, or from one place to another in the customs territory of the Republic of Slovenia, under customs control.

CAS number is a characteristic code attributed to already detected substances by the international Chemical Abstract Service system.

Natural person shall mean an individual - sole proprietor and an individual pursuing an activity on the basis of a concession.

The expressions that are used in the Act in the masculine grammatical form shall be used as neutral, for either feminine or masculine gender.

3. Article 3

(Commission for Precursors)

To discuss any technical questions related to this Act and prepare expert opinions, the minister responsible for chemicals (hereinafter referred to as "Minister") shall designate a commission for precursors (hereinafter referred to as "Commission") consisting of representatives of the authority competent for chemicals, Ministry of the Interior, Ministry of Finance, Chamber of Industry and Commerce of Slovenia as well as experts in the field of chemistry, pharmacology and medicine, or any other experts when necessary.

A detailed composition and tasks of the Commission shall be determined by the Minister. The Commission shall adopt its rules of procedure regarding its work.

Manufacturing industries and trade

4. Article 4

(classification of precursors)

The precursors from the list are classified into groups 1,2 and 3, the group 1 comprising precursors that are used as primary raw materials in the manufacture of illicit drugs and are essential for production process, group 2 comprising precursors used as other ingredients in the manufacture of illicit drugs, and group 3 comprising precursors that are used as other ingredients in the manufacture of illicit drugs and can be substituted with other substances.

The list of precursors and their classification into groups shall be determined by the Minister on a proposal from the Commission.

5. Article 5

(production of and trade in precursors)

Based on the permission of the authority competent for chemicals, a legal or natural person may be authorized for the production of and trade in group 1 precursors, provided that he fulfils the following conditions:

- that he has a license for the production of or trade in medications, or for the production of or trade in hazardous chemicals;
- that he appoints a person, responsible for implementation of the provisions of this Act.

A natural or legal person may be authorized for the production of and trade in precursors group 2 and 3, provided that he fulfils the following conditions:

- that he registers his activity at the authority competent for chemicals, providing information on the address of business location, the person responsible for the implementation of the provisions of this Act, and the list of precursors that are subject of the business operations;
- that he appoints a person responsible for implementation of the provisions of this Act.

Registration referred to in the preceding paragraph is not obligatory if the quantities of imported or exported group 3 precursors do not exceed the yearly quotas determined by the Minister.

6. Article 6

(trade in group 1 and 2 precursors)

Any legal or natural person providing a customer with a group 1 or 2 precursor should obtain from the customer a statement on the intended use of the precursor.

A statement on the intended use of group 2 substance can be valid for a period of 12 months, provided that the substance has been delivered to the customer at least three times during the past 12 months, and that the quantities are in accordance with regular annual demands of the

purchaser (consumer).

All the trade in substances from groups 1 and 2 should be documented in such a way as to allow authentication of the data on the name of precursor, its quantity and content, in the case of mixture, the names and quantities of precursors in the mixture, the names and addresses of providers, distributors and recipients, and information on the intended use of the precursor.

The requirement referred to in the first paragraph of this article shall not be deemed obligatory for precursors in the quantities determined by the Minister.

7. Article 7

(import and export license)

Import and export of precursors may be carried out on the basis of a license issued by the authority competent for chemicals.

In order to obtain a license referred to in the preceding paragraph, a legal or natural person shall lodge with the authority competent for chemicals an application comprising data on the name of precursor together with Combined Nomenclature subheading and CAS number, as well as data on the quantity and content of the precursor, foreign importer or exporter, intended use, means of transport, destination and competent customs office where the customs clearance of the consignment is to be performed.

The authority competent for chemicals shall issue the license not later than within 15 days of submission of the complete application.

A license for export or import shall be issued in three copies. The authority competent for chemicals shall keep one copy, another one shall be attached to the customs clearance declaration and one copy shall remain with the legal or natural person - the license holder.

8. Article 8

(license for import and export of group 1 precursors)

In order to obtain a license for export of group 1 precursors, the application referred to in the second paragraph of the preceding article should be accompanied by a corresponding import license issued by the competent authority of the country of import.

A group 1 precursor may be exported or imported only on the basis of a license for each individual consignment.

9. Article 9

(import and export of groups 2 and 3 precursors)

A group 2 and 3 precursor may be imported or exported on the basis of a license applicable to several consignments and issued for a period up to 12 months.

10. Article 10

(special conditions)

Legal and natural persons involved in the production of and trade in precursors or using them shall notify the authority competent for chemicals immediately of any unusual orders or transactions involving precursors or other substances not yet listed among precursors.

11. Article 11

(specific provisions on export)

In order to obtain a license for export of group 2 and 3 precursors into the countries, where those substances are known to be used for the production of illicit drugs, it is also necessary to submit an import license issued by the competent authority of the country of import.

In the case that an import license referred to in the article 8 or in the first paragraph of this article is not among the attached documentation or cannot be obtained, the authority competent for chemicals shall forward an advance notice about the intended export of precursor to the competent authority of the country of import. The export shall be approved on receiving the assent from the importing country.

The list of precursors and countries referred to in the first paragraph of this article shall be determined by the Minister in agreement with the Minister of Interior.

A license for export of precursors into the countries referred to in the first paragraph of this article shall be issued for an individual consignment.

12. Article 12

(labelling of packaging)

Packaging, containing a precursor that is put into circulation, should be labelled with the data on the manufacturer, name from the list of precursors and the quantity of the precursor, and in the case of a mixture, name and content of each individual precursor in the mixture. Packaging should be labelled in compliance with the rules governing the classification and labelling of dangerous chemicals.

13. Article 13

(records keeping)

A legal or natural person involved in the production of or trade in precursors shall keep records, which must contain the following particulars:

- name from the list with a CAS number; in the case of a mixture, name and quantity of precursor in the mixture with CAS numbers;
- quantities obtained, with particulars of the provider;
- quantities provided, with particulars of the recipient (purchaser);
- quantities held in stock.

The records on the production of and trade in precursors shall be kept for at least three years from the end of the calendar year in which the relevant activity was carried out.

14. Article 14

(termination of license validity)

License referred to in Article 5 of this Act shall be cancelled or withdrawn:

- at the request of a legal or natural person who is the titular holder of the license;
- ex officio, if it is found that the legal or natural person should cease to fulfill the conditions imposed.

Inspection

15. Article 15

(inspections)

Inspections regarding the implementation of this Act and relevant implementing regulations shall be carried out by inspectors competent for chemicals.

Control over the export, import and transit of precursors in the customs territory of the Republic of Slovenia, as well as during the procedures for confirming customs-approved use of precursors, shall be carried out by the customs authorities.

16. Article 16

(rights and obligations of inspectors)

In addition to the powers conferred on him by inspection regulations, an inspector has the right to:

- examine the documentation on the powers of persons in charge, and
- examine the precursor stocks situation.

17. Article 17

(reports by the authority competent for chemicals)

The authority competent for chemicals shall report to the Minister on the situation established by inspection.

When it is suspected that an abuse of precursors has occurred, the authority competent for

chemicals shall also notify about that the police without delay.

18. Article 18

(analysis of inspection samples)

Analyses of inspection samples shall be performed by laboratories meeting the conditions laid down in regulations governing the field of chemicals.

Data and reporting

19. Article 19

(databases)

The authority competent for chemicals shall manage the database on precursors, which shall be made available exclusively to authorized bodies, institutions and individuals.

20. Article 20

(reports)

At the request of the authority competent for chemicals, a legal or natural person involved in the production of or trade in precursors shall submit a report on provided, manufactured, received or consumed quantities, as well as on the quantities of individual precursors in stock.

21. Article 21

(reporting to international organizations)

The authority competent for chemicals shall have responsibility for drafting the reports, which the minister of health shall forward to international organizations on the basis of obligations arising from the international treaties or agreements in the field of precursors.

Penal Provisions

22. Article 22

A legal person or an individual - sole proprietor shall be liable to a monetary fine of between SIT 300,000 and 9,000,000 if:

1. involved in the production of and trade in group 1 precursors without a license of the authority competent for chemicals (first paragraph of Article 5);
2. involved in the production of and trade in group 1 precursors contrary to Article 6 of this Act;
3. not keeping evidence on precursors or not maintaining records in the prescribed manner (third paragraph of Article 5, and Article 13);
4. not registering his business in precursors at the authority competent for chemicals (second paragraph of Article 5);
5. exporting and importing precursors without a license of the authority competent for chemicals (first paragraph of Article 7);
6. putting into circulation precursors in a packaging that does not provide all the information required and is not labelled in compliance with the rules governing the classification and labelling of dangerous chemicals (Article 12);
7. failing to provide the authority competent for chemicals with the report required (Article 20);
8. failing to harmonize their organization and activity with the provisions of this Act within six months from its entry into force (Article 26).

The responsible person of a legal entity or an individual - sole proprietor shall be liable to a monetary fine of between SIT 100,000 and SIT 500,000 for committing offences specified in the preceding paragraph.

23. Article 23

(mandated penalties)

Inspector shall impose a monetary fine of SIT 300,000 that is recovered on the spot of offence on

a legal of natural person failing to appoint the person responsible for the implementation of the provisions of this Act (first and second paragraph of Article 5).

Illicit Drug Precursors Act - IDP A (Uradni list RS, ¶ t.81. 22/2000)¹ comprises the following transitional and final provisions:

Transitional and Final Provisions

24. Article 24

The Minister shall nominate a commission for precursors referred to in Article 3 of this Act within six months from its entry into force.

The Minister shall designate accredited laboratories referred to in Article 18 of this Act within one year from its entry into force.

25. Article 25

The Minister shall issue the implementation rules referred to in this Act within six months from its entry into force.

26. Article 26

Legal and natural persons involved in the production of and trade in precursors shall harmonize their organization and activities with articles 5, 12 and 13 of this Act within six months from its entry into force.

27. Article 27

This Act shall enter into force on the fifteenth day following publication in the Official Gazette of the Republic of Slovenia.

Act Amending the Illicit Drug Precursors Act - IDP A-A (Uradni list RS, ¶ t. 65/2003) comprises the following transitional and final provisions:

28. Article 28

The criteria referred to in Article 4 of the Act as well as the authorization of the Minister and the authorization of the commission referred to in Article 4 of the Act shall expire on the day of accession of the Republic of Slovenia to the European Union.

29. Article 29

Until 1 January 2005, monetary fines for offences specified in Article 19 of this Act (amended Article 22) shall be as follows: a legal person shall be liable to a monetary fine of between SIT 500,000 and 10,000,000, a responsible person of a legal entity shall be liable to a monetary fine between SIT 50,000 and 500,000, and an individual person committing the offence specified in Article 19 of this Act (amended Article 22) in connection with independent pursuit of the activity shall be liable to a monetary fine between SIT 100,000 and 5,000,000.

Until 1 January 2005, for offences referred to in Article 20 of this Act (amended Article 23 of the Act) a mandated penalty of SIT 300,000 shall be applied.

30. Article 30

This Act shall enter into force on the fifteenth day following publication in the Official Gazette of the Republic of Slovenia.

¹ Note by the Secretariat: [E/NL.2000/5](#)

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