

Reference: INCB 114 (1-1) CND

**Notification from the President of the International Narcotics Control Board to the Chair of the Commission on Narcotic Drugs on its sixtieth session concerning the scheduling of 4-anilino-*N*-phenethylpiperidine (ANPP) and *N*-phenethyl-4-piperidone (NPP) 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 her 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 assessments of two fentanyl precursors, 4-anilino-*N*-phenethylpiperidine (ANPP) and *N*-phenethyl-4-piperidone (NPP), for possible inclusion in the Tables of the 1988 Convention.

The Board finds that both substances are frequently used in the illicit manufacture of fentanyl and are highly suitable for the illicit manufacture of a number of fentanyl analogues, and that the volume and extent of the illicit manufacture of fentanyl and fentanyl analogues pose serious public health or social problems so as to warrant international action. The Board, having taken into account the extent, importance and diversity of the licit use of the substances, is therefore recommending that ANPP and NPP be included in Table I of the 1988 Convention.

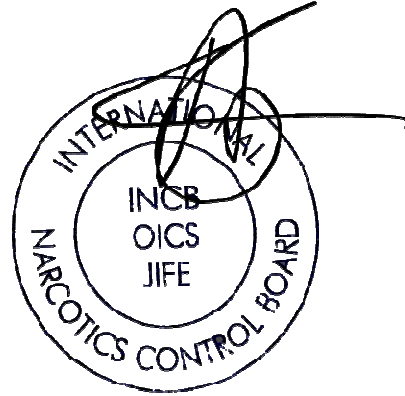
The assessment, findings and recommendations of the Board in respect of the two substances are attached hereto, and have been prepared for submission to the Commission at its sixtieth session. Information about ANPP and NPP is also included in the 2016<sup>1</sup> report of

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<sup>1</sup> *Precursors and Chemicals Frequently Used in the Illicit Manufacture of Narcotic Drugs and Psychotropic Substances: Report of the International Narcotics Control Board for 2006 on the Implementation of Article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988* (United Nations publication, Sales No. E.17.XI.4).

the Board on the implementation of article 12 of the 1988 Convention, pursuant to paragraph 13 of that article. The 2016 report on precursors will be launched on 2 March 2017.

Vienna, 1 February 2017



Annex enclosed

## Annex

### Assessment of 4-anilino-*N*-phenethylpiperidine (ANPP) and *N*-phenethyl-4-piperidone (NPP) pursuant to article 12, paragraph 4, for inclusion in the Tables of the 1988 Convention

#### A. Background

1. In October 2016, in the light of an epidemic of overdose deaths linked to opioids, including fentanyl-laced heroin and other forms of illicitly manufactured fentanyl and fentanyl analogues, the Government of the United States of America transmitted to the Secretary-General of the United Nations a notification containing the relevant information at its disposal and requesting the initiation of the scheduling process for two fentanyl precursors, namely 4-anilino-*N*-phenethylpiperidine (ANPP) and *N*-phenethyl-4-piperidone (NPP).

2. In accordance with the provisions of article 12, paragraph 3, of the 1988 Convention, 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.5/2016), 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 25 October 2016 with the request to submit any comments on the proposal before 22 December 2016. The responses to the Secretary-General's questionnaire supplied by governments are examined in section B of this document.

#### B. Assessment

3. Article 12, paragraph 4, of the 1988 Convention stipulates the elements that the Board is to consider when assessing a substance for possible inclusion in one of the Tables of the Convention, as follows:

“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 psychotropic 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 the notification of the Government of the United States to the Secretary-General, as well as the comments and supplementary information received from Governments pursuant to article 12, paragraph 3. As at 30 January 2017, 50 Governments had responded to the questionnaire on ANPP sent out by the Secretary-General on 25 October 2016, and 49 Governments had responded to the questionnaire on NPP sent to Governments by the Secretary-General on the same date. All Governments, including 24 states members of the European Union who are members of the United Nations, supported, or recorded no objection, to the proposals to schedule NPP and ANPP. The European Commission conveyed the non-objection to both proposals of four

additional states members of the European Union, which did not submit individual responses to the questionnaires. It also indicated that one state member of the European Union was not in favour of scheduling NPP and ANPP.

5. In conducting the assessment, the Board has taken the following factors into consideration:

- (a) ANPP is an immediate precursor of fentanyl and acetyl fentanyl, which are included in Schedule I and Schedule IV of the 1961 Convention, as well as a limited number of fentanyl analogues not currently under international control;
- (b) NPP can either be used as a starting material for ANPP, which can subsequently be synthesized into fentanyls, or be a direct precursor to a number of fentanyl analogues both internationally controlled and non-controlled, without ANPP as an intermediary;
- (c) Fentanyl and fentanyl analogues are very potent narcotic drugs, typically 10-100 times stronger than heroin. Consequently, small amounts of ANPP and NPP (kg range) are sufficient to manufacture millions of doses of end-products (fentanyls). The high potency of the end-products has resulted not only in overdose deaths in users, but also in inadvertent exposure of law enforcement personnel and other personnel along the distribution chain (e.g., employees of courier and postal services); and
- (d) The number, size and frequency of seizures and other incidents involving ANPP and NPP have to be seen in the context of the potency and potential lethality of the end-products.

### **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 illicitly manufactured fentanyl and fentanyl analogues are issues that affect more than one geographical region and warrant international action.
- (b) ANPP and NPP are substances which are highly suitable for the illicit manufacture of fentanyl and a number of fentanyl analogues. Although the number and volume of reported incidents (e.g., seizures, use in illicit manufacture and trafficking) involving ANPP and NPP is small, evidence exists, including from forensic profiling, that most illicitly manufactured fentanyl was manufactured via synthesis methods involving these chemicals. Incidents involving NPP have been reported from North America, Asia and Europe, and those involving ANPP from Europe, North and South America and Asia. Given the small amounts involved in ANPP and NPP incidents and the lack of reference standards for analysis of seized chemicals, the extent of trafficking and illicit use of both chemicals may be larger.
- (c) Legitimate manufacture and uses of ANPP and NPP are limited, both in terms of the number of Governments reporting such activities, and in terms of the range of uses. Use of both substances is limited to the legitimate manufacture of fentanyl and some fentanyl analogues and to the use of small amounts for research, development and quality control purposes. Most governments that responded to the questionnaires indicated that they were unable to identify and quantify legitimate uses of ANPP and NPP, and were unaware of alternative chemicals.
- (d) Trade in ANPP and NPP for legitimate commercial purposes is limited to a small number of countries, commercial operators and transactions. With a few exceptions of trade for pharmaceutical industrial purposes, the majority of transactions involves very small amounts for research, analysis and quality control purposes.

- (e) The pharmaceutical industry using ANPP and NPP largely operates in the already regulated environment of legitimate manufacture of fentanyl (i.e., narcotics drugs).
- (f) No government foresaw difficulties in supporting the scheduling of NPP and ANPP under the 1988 Convention. The availability of ANPP and NPP for legitimate 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 ANPP and NPP for relevant legitimate uses.

#### **D. Recommendation**

7. The Board is of the opinion that the international control of ANPP and NPP is required to limit their availability to traffickers with a view to reducing the quantity of fentanyl, acetyl fentanyl and other fentanyl analogues illicitly manufactured from these substances and trafficked internationally. Given the ease, efficiency and versatility of the NPP/ANPP-based illicit manufacturing processes, placing NPP and ANPP under control of the 1988 Convention may also serve as a preventive measure in the synthesis of existing and potentially new fentanyl analogues (fentanyl-type new psychoactive substances) in the future. Those controls would have no adverse effect on the availability of ANPP and NPP for any of the known legitimate uses. In view of the above, the Board recommends that both ANPP and NPP 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 article 12, paragraph 10 (a), of that Convention to request the issuance of pre-export notifications for substances in Table I. The inclusion of ANPP and NPP in Table I of the 1988 Convention would therefore provide Governments with the possibility to request pre-export notifications, which would in turn allow the monitoring of manufacture of and trade in the substances.

9. In light of the above, the Board recommends that 4-anilino-*N*-phenethylpiperidine (ANPP) and *N*-phenethyl-4-piperidone (NPP) be added to Table I of the 1988 Convention.