

The limited international special surveillance list of non-scheduled substances (ISSL)

1. Some of the substances used in illicit drug manufacture that are listed in Tables I and II of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988 Convention) have become difficult for traffickers to obtain as more and more States have implemented the provisions of that Convention. Traffickers have therefore sought to obtain chemicals that may be used as substitutes for those that are more closely monitored. This has led to calls for the establishment of a limited international special surveillance list of the substitute and “new” chemicals for which substantial information exists of their use in illicit drug manufacture, with a view to taking appropriate action to prevent their diversion for use by traffickers in illicit drug manufacture.

2. In 1998, pursuant to resolution 1996/29 of the Economic and Social Council, INCB established the limited international special surveillance list of non-scheduled substances to meet the need for flexible, complementary approaches.¹ The list, together with the recommended actions associated with it, enables Governments, in cooperation with the industries concerned, to establish uniform procedures and a common approach to preventing the diversion of non-scheduled chemicals.

3. The list currently contains 55 individual substances. In 2013, in response to the proliferation of designer precursors, INCB expanded the list in a generic manner. This meant that, instead of merely listing individual substances, the Board introduced extended (‘generic’) definitions that capture common derivatives, intermediates and other substances with chemical structures closely related to substances listed in Table I or Table II of the 1988 Convention and that can be converted into a controlled precursor by readily applicable means. More recently, in May 2019, the limited international special surveillance list of non-scheduled substances was further updated to:

- Include a non-scheduled fentanyl pre-precursor and two amphetamine or methamphetamine pre-precursors;
- Expand on the extended definitions and provide examples of chemicals that fall under those definitions and are already being used in the illicit manufacture of amphetamine-type stimulants, fentanyl and fentanyl-related substances; and
- Highlight those chemicals which do not have any known legitimate uses.

4. The ISSL is accompanied by an outline of recommended actions to be taken by national competent authorities in approaching industry. The special surveillance list, and the accompanying recommendations for action, are aimed jointly at industry, and regulatory and law enforcement authorities, with prime responsibility on industry and law enforcement.

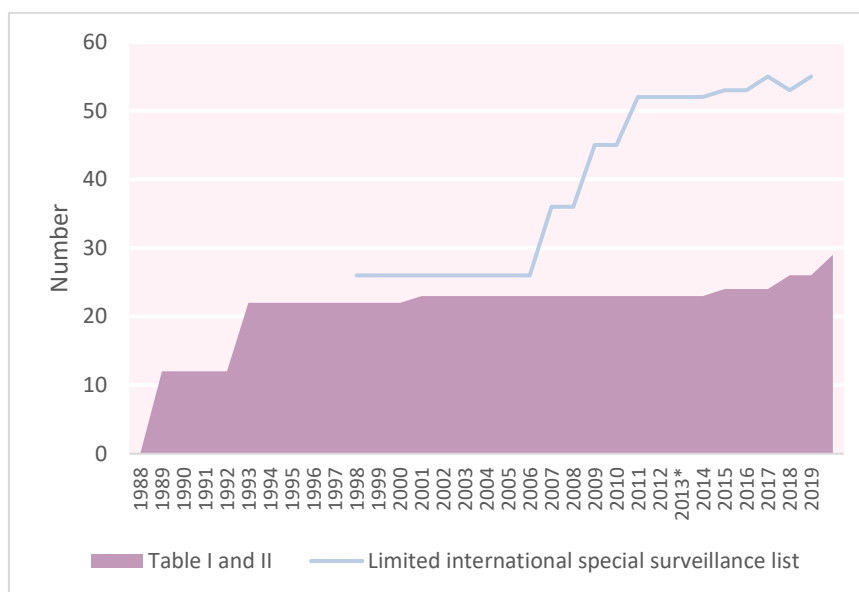
5. Considering the latest trends in the sourcing and use of alternate or substitute chemicals for illicit drug manufacture, all sectors of industry, including manufacturers, importers, exporters, distributors and other traders, such as online traders and platforms, should be involved. Additionally, Governments should ensure that their efforts are not limited to the chemical industry in the narrow sense but extend also to the fine and speciality chemical industry, such as the flavour and fragrance industry. They should also consider including companies specialized in made-to-order syntheses (customized syntheses). Such companies should be made aware of the suspicious nature of requests for large-scale syntheses of substances that have no established legitimate use, especially if they can be converted into scheduled substances by readily applicable means.

6. The actions proposed envisage a system of informal and voluntary, but active, cooperation between industry and national authorities, whereby industry should notify the relevant authorities of suspicious inquiries and orders involving substances on the list. In this way, so-called “company-shopping” - a shift from one company to another - can be prevented. If the information is shared internationally, with INCB (through the respective national authorities), the authorities of other countries can be alerted, thus helping to prevent traffickers from placing the same order elsewhere.

¹ The Board circulates the limited international special surveillance list of non-scheduled substances to competent national authorities once a year. The latest version is available from the Board’s secure web page. The list is also available on request.

7. The limited international special surveillance list and similar national and regional monitoring lists therefore provide, in principle, also the flexibility necessary to proactively address series of chemically related substances including designer precursors. However, the use of those lists is not legally binding and depends on both the level and the reach of voluntary cooperation between authorities and industries. Governments should therefore also make better use of the relevant provisions of the 1988 Convention, namely article 13 in combination with article 3, and establish as criminal offences the manufacture, transport and distribution, as well as possession, of non-scheduled chemicals. A comprehensive account of the matter was made available in the Board's 2018 report on precursors.

Figure 1. Numbers of chemicals in Table I and Table II of the 1988 Convention and on the limited international special surveillance list of INCB, 1988–2019



8. The Board hopes that the information provided in this brief account will help Governments to further advance their capacity to address the challenges posed by emerging and non-scheduled substances used in the illicit manufacture of drugs. INCB encourages Governments to consider all available options and to work with the Board to make the framework for international precursor control more responsive to current challenges.

INCB is the independent, quasi-judicial body charged with promoting and monitoring Government compliance with the three international drug control conventions: the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

* * * * *

For further information, please contact: INCB Secretariat at Tel: (+43-1) 26060 4163
Email: incb.secretariat@un.org, Website: www.incb.org