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**CORDROGUE 15
SAN 57**

'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

No. prev. doc.: 8007/16, 8840/16, 11521/16, 11869/16, 12198/16, 12356/16

Subject: Draft Council implementing decision on subjecting methyl 2-[[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]amino]-3,3-dimethylbutanoate (MDMB-CHMICA) to control measures

1. On the basis of the risk assessment on methyl 2-[[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]amino]-3,3-dimethylbutanoate (MDMB-CHMICA) provided by EMCDDA's extended Scientific Committee, the Commission presented on 31 August 2016 in accordance with Article 8(3) of Council Decision 2005/387/JHA, a proposal for a Council implementing decision on subjecting methyl 2-[[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]amino]-3,3-dimethylbutanoate (MDMB-CHMICA) to control measures.

2. At its meeting of 7 September 2016, the Horizontal Drugs Group discussed the text outlined in doc. 11869/16 CORDROGUE 45 SAN 318 and amendments were proposed. The Horizontal Drugs Group endorsed the document with the above-mentioned amendments contained in doc. 12198/16 CORDROGUE 46 SAN 323 at its meeting on 21-22 September 2016.
3. In line with the judgment of the Court of Justice of the EU of 16 April 2015 in Joined Cases C-317/13 and C-679/13¹, the European Parliament was consulted on the proposal as verified by the jurist-linguists (document 12356/16 CORDROGUE 47 SAN 327).
4. As a consequence, COREPER is requested to invite the Council:
 - to adopt the proposal for a Council implementing decision on subjecting methyl 2-[[1-(cyclohexylmethyl)-1*H*-indole-3-carbonyl]amino]-3,3-dimethylbutanoate (MDMB-CHMICA) to control measures in conformity with Article 8(3) of Council Decision 2005/387/JHA, and
 - to order publication of the decision in the Official Journal.

¹ Judgment of the Court of Justice of 16 April 2015, Parliament v Council, Joined Cases C 317/13 and C-679/13, ECLI:EU:C:2015:223.