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From:	Mr. Ivan Rogers, Permanent Representative of the United Kingdom
date of receipt:	17 December 2013
To:	Mr. Dailis Alfonsas Barakauskas and Mr. Juozas Bernatonis, Presidents of the Justice and Home Affairs Council
No. prev. doc.:	13857/13
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on new psychoactive substances - Opt-out of the United Kingdom

Delegations will find attached a letter sent by the Permanent Representative of the United Kingdom to the Council of the European Union¹.

¹ This letter is also being issued as document **18101/13 DROIPEN 169 CORDROGUE 142
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17 December 2013

Mr Dailis Alfonsas Barakauskas and Mr Juozas Bernatonis
Presidents of the Justice and Home Affairs Council
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Rue de la Loi 175
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**Regulation of the European Parliament and of the Council on new
psychoactive substances (COM(2013)619 final)**

AND

**Directive of the European Parliament and of the Council amending
Council Framework Decision 2004/757/JHA of 25 October 2004
laying down minimum provisions on the constituent elements of
criminal acts and penalties in the field of illicit drug trafficking, as
regards the definition of drug (COM(2013)618 final)**

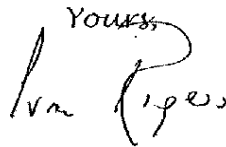
Dear Ministers Bernatonis and Barakauskas,

The purpose of this letter is to communicate the United Kingdom's formal notification, in accordance with Article 5(2) of Protocol (No 19) to the Treaties on the Schengen Acquis integrated into the framework of the European Union, that it does not wish to take part in the proposal for Regulation of the European Parliament and of the Council on new psychoactive substances (COM(2013)619 final) and does not wish to take part in Directive of the European Parliament and of the Council amending Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of

criminal acts and penalties in the field of illicit drug trafficking, as regards the definition of drug (COM(2013)618 final).

For the avoidance of doubt, the United Kingdom is not exercising its right, in accordance with Article 3(1) of the Protocol (No 21) to the Treaties on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, to take part in the adoption and application of the proposal for a Directive of the European Parliament and of the Council amending Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking, as regards the definition of drug (COM(2013)618 final), nor to the proposal for a Regulation of the European Parliament and of the Council on new psychoactive substances (COM(2013)619 final). Accordingly, the United Kingdom will not be taking part in the adoption and application of this Directive or the Regulation.

I am copying this letter to Catherine Day, Secretary General of the Commission and Uwe Corsepius, Secretary General of the Council.

Yours,


IVAN ROGERS