



Council of the  
European Union

Brussels, 5 October 2015  
(OR. en)

12638/15

---

---

**Interinstitutional File:**  
**2014/0340 (NLE)**

---

---

**CORDROGUE 78**  
**SAN 319**

**"I/A" ITEM NOTE**

---

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	10009/15, 9668/15 + REV 1, 5542/15, 16240/14, 14029/14 + ADD 1, 13500/14, 12869/1/14 REV 1, 10613/14, 11380/14, 9750/14
No. Cion doc.:	16240/14
Subject:	Draft Council Implementing Decision on subjecting 4-methyl-5-(4-methylphenyl)-4,5-dihydrooxazol-2-amine (4,4'-DMAR) and 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45) to control measures

---

1. On the basis of the risk assessments on 4-methyl-5-(4-methylphenyl)-4,5-dihydrooxazol-2-amine (4,4'-DMAR) and 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45) provided by EMCDDA's extended Scientific Committee, the Commission presented on 2 December 2014 in accordance with Article 8(1) of Council Decision 2005/387/JHA, a proposal for a Council decision on subjecting 4-methyl-5-(4-methylphenyl)-4,5-dihydrooxazol-2-amine (4,4'-DMAR) and 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45) to control measures. Subsequently, the proposal was discussed and amended by the Horizontal Working Party on Drugs (doc. 5542/14 CORDROGUE 2).

2. In its judgment of 16 April 2015 in Joined Cases C-317/13 and C-679/13<sup>1</sup>, the Court of Justice of the European Union held that prior to adopting an implementing decision on the basis of Article 8(3) of Decision 2005/387/JHA, the Council should consult the European Parliament.
3. Taking into consideration this ruling, a revised version of the proposal for a Council Implementing Decision on subjecting 4-methyl-5-(4-methylphenyl)-4,5-dihydrooxazol-2-amine (4,4'-DMAR) and 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45) to control measures was prepared (doc. 9668/15 CORDROGUE 42) and endorsed by the Horizontal Working Party on Drugs on 16 June 2015 through a written procedure with some amendments outlined in doc. 9668/1/15 REV 1 CORDROGUE 42.
4. The European Parliament was consulted on the proposal as verified by the jurist-linguists (doc. 10009/15 CORDROGUE 48).
5. As a consequence, COREPER is requested to invite the Council:
  - to adopt the proposal for a Council Implementing Decision on subjecting 4-methyl-5-(4-methylphenyl)-4,5-dihydrooxazol-2-amine (4,4'-DMAR) and 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45) 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.

---

<sup>1</sup> 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.