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**Interinstitutional File:**  
**2013/0021 (NLE)**

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**CORDROGUE 76**  
**SAN 317**

**"I/A" ITEM NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	10010/15, 9660/15, 6430/13, 5419/13, 17275/12, 13239/12, 13017/12
No. Cion doc.:	5419/13
Subject:	Draft Council Implementing Decision on subjecting 4-methylamphetamine to control measures

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1. On 7 March 2013 the Council adopted the Council Implementing Decision 2013/129/EU on subjecting 4-methylamphetamine to control measures in accordance with Article 8(3) of Council Decision 2005/387/JHA<sup>1</sup>, which was annulled by the Court of Justice of the European Union ('the Court') by its judgment of 16 April 2015 in C-317/13<sup>2</sup>. In that judgment, the Court maintained the effects of Decision 2013/129/EU until the entry into force of new acts intended to replace it.
2. The Court ruled that prior to adopting implementing decisions based on Article 8(3) of Decision 2005/387/JHA, the Council should consult the European Parliament.

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<sup>1</sup> Council Decision 2013/129/EU of 7 March 2013 on subjecting 4-methylamphetamine to control measures (OJ L 72, 15.3.2013, p.11).

<sup>2</sup> Judgment of the Court of Justice of 16 April 2015, Parliament v Council, C-317/13, ECLI:EU:C:2015:223.

3. Taking into consideration this ruling, a revised version of the proposal for a Council Implementing Decision on subjecting 4-methylamphetamine to control measures was prepared (doc. 9660/15 CORDROGUE 40) and endorsed by the Horizontal Working Party on Drugs on 12 June 2015 through a written procedure.
4. The European Parliament was consulted on the proposal as verified by the jurist-linguists (doc. 10010/15 CORDROGUE 49).
5. As a consequence, COREPER is requested to invite the Council:
  - to adopt the proposal for a Council Implementing Decision on subjecting 4-methylamphetamine 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.

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