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"I/A" ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	10012/15, 9679/15, 13590/13, 13265/13, 11782/13, 8693/13, 5038/13, 17791/12
No. Cion doc.:	11782/13
Subject:	Draft Council Implementing Decision on subjecting 5-(2-aminopropyl)indole to control measures

1. On 7 October 2013 the Council adopted the Council Implementing Decision 2013/496/EU on subjecting 5-(2-aminopropyl)indole to control measures on the base of Article 8(3) of Council Decision 2005/387/JHA¹, which was annulled by the Court of Justice of the European Union ('the Court') by its judgment of 16 April 2015 in Case C-679/13. In that judgment, the Court maintained the effects of Decision 2013/496/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.

¹ Council Implementing Decision (2013/496/EU) of 7 October 2013 on subjecting 5-(2-aminopropyl)indole to control measures (OJ L 272, 12.10.2013, p. 44).

3. Taking into consideration this ruling, a revised version of the proposal for a Council Implementing Decision on subjecting 5-(2-aminopropyl)indole to control measures was prepared (doc. 9679/15 CORDROGUE 43) 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. 10012/15 CORDROGUE 51).
5. As a consequence, COREPER is requested to invite the Council:
 - to adopt the proposal for a Council Implementing Decision on subjecting 5-(2-aminopropyl)indole 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.
