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CORDROGUE 37
SAN 124
JAI 363
ENFOPOL 183

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	10996/17, 11589/17, 14729/17, 15875/17, 5392/18
Subject:	Draft Council implementing decision on subjecting 1-(4-cyanobutyl)- <i>N</i> -(2-phenylpropan-2-yl)-1 <i>H</i> -indazole-3-carboxamide (CUMYL-4CN-BINACA) to control measures

1. On the basis of the risk assessment on 1-(4-cyanobutyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide (CUMYL-4CN-BINACA) provided by EMCDDA's extended Scientific Committee, the Commission presented on 19 December 2017 in accordance with Article 8(3) of Council Decision 2005/387/JHA, a proposal for a Council implementing decision on subjecting 1-(4-cyanobutyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide (CUMYL-4CN-BINACA) to control measures.
2. At its meeting of 15-16 January 2017, the Horizontal Drugs Group discussed the text outlined in doc. 15875/17 CORDROGUE 168 SAN 473 ENFOPOL 630 and endorsed the proposal.

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 (doc. 5392/2018 CORDROGUE 9 SAN 22 ENFOPOL 21).
4. As a consequence, COREPER is requested to invite the Council:
- to adopt the proposal for a Council implementing decision on subjecting 1-(4-cyanobutyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide (CUMYL-4CN-BINACA) 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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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.