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CORDROGUE 67
SAN 262
ENFOPOL 439

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	15952/17; 15951/17; 16014/17; 7488/18; 7489/18; 8654/18; 9420/18
Subject:	Draft Council Implementing Decision on subjecting the new psychoactive substances <i>N</i> -phenyl- <i>N</i> -[1-(2-phenylethyl)piperidin-4-yl]cyclopropanecarboxamide ('cyclopropylfentanyl') and 2-methoxy- <i>N</i> -phenyl- <i>N</i> -[1-(2-phenylethyl)piperidin-4-yl]acetamide ('methoxyacetylfentanyl') to control measures

1. On the basis of the risk assessment reports on
N-phenyl-*N*-[1-(2-phenylethyl)piperidin-4-yl]cyclopropanecarboxamide ('cyclopropylfentanyl') and
2-methoxy-*N*-phenyl-*N*-[1-(2-phenylethyl)piperidin-4-yl]acetamide ('methoxyacetylfentanyl') provided by EMCDDA's extended Scientific Committee, the Commission presented on 30 April 2018 in accordance with Article 8 of Council Decision 2005/387/JHA, a proposal for a Council implementing decision on subjecting *N*-phenyl-*N*-[1-(2-phenylethyl)piperidin-4-yl]cyclopropanecarboxamide ('cyclopropylfentanyl') and 2-methoxy-*N*-phenyl-*N*-[1-(2-phenylethyl)piperidin-4-yl]acetamide ('methoxyacetylfentanyl') to control measures.

2. At its meeting of 17-18 April 2018, the Horizontal Drugs Group discussed the text outlined in 8654/18 CORDROGUE 43 SAN 132 ENFOPOL 215 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 (9420/18 CORDROGUE 52 SAN 165 ENFOPOL 285).
4. As a consequence, COREPER is requested to invite the Council:
 - to adopt the proposal for a Council implementing decision on subjecting *N*-phenyl-*N*-[1-(2-phenylethyl)piperidin-4-yl]cyclopropanecarboxamide ('cyclopropylfentanyl') and 2-methoxy-*N*-phenyl-*N*-[1-(2-phenylethyl)piperidin-4-yl]acetamide ('methoxyacetylfentanyl') 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.

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.