

## V. Conclusions and recommendations

210. The present chapter contains broad conclusions and provides recommendations to Governments with a view to preventing trafficking in precursors and strengthening the functioning of the precursor control system at the national, regional and international levels. Specific recommendations and conclusions are also incorporated in the preceding chapters of the report, presented in bold text.

211. Once again, during the reporting period, many of the Board's earlier observations were confirmed, such as the significance of trafficking in non-scheduled alternative chemicals compared with the traditional, controlled precursors, including some of the recently scheduled precursors. It also confirmed the continued significance of the diversion of pharmaceutical preparations containing ephedrine, in particular pseudoephedrine.

212. Global efforts and cooperation continue to be critical to address the diversion of non-scheduled chemicals frequently used in the illicit manufacture of drugs and the proliferation of designer precursors, as recommended in Commission on Narcotic Drugs resolution 65/3. This includes the application of the concept of group scheduling both at the domestic level, as has already been done by a number of countries, and at the international level, as reflected in the proposal by INCB for the initiation of the scheduling process for two series of chemically related P-2-P and 3,4-MDP-2-P methyl glycidic acid derivatives. It also includes the engagement of an extended range of industries that manufacture, trade in or deal in one way or another with the non-scheduled chemicals concerned and are not registered as precursor operators, as well as international cooperation to investigate trafficking cases involving these chemicals, which may be controlled differently in different countries or not controlled at all. Such international cooperation will also require enhanced awareness among judges and prosecutors of precursor control, the dual use of chemicals and the specificities of non-scheduled chemicals and designer precursors, so as to ensure the successful conclusion of criminal cases that act as a sufficient deterrent to organized criminal groups. **The Board commends those Governments that have already made progress in this regard, and encourages all other Governments to revisit the Board's guidance materials and relevant resolutions, compiled on the INCB website, to make full use of all available tools, including the limited international special surveillance list, and to continue to cooperate with each other and the Board in order to deny traffickers access to the chemicals and equipment needed for illicit drug and precursor manufacture.**

213. To support Governments in securing international trade in chemicals that are not controlled internationally but that have been found to be trafficked for use in illicit drug manufacture, the Board launched the PEN Online Light system in October 2022. Of the 169 users of the PEN Online system that have automatically been granted access to the PEN Online Light system, 25 are using the system actively to pre-notify planned shipments and/or acknowledge them. During the reporting period, the system already helped to stop significant amounts of GBL from being shipped to countries not aware of such trade or not having authorized particular imports for other reasons. **INCB commends all efforts that contribute to preventing chemicals not in Table I or Table II of the 1988 Convention from reaching illicit laboratories. This includes alerting importing countries of planned exports of such chemicals to their territory, so that action may be taken by an importing Government prior to the arrival of an unwanted/unauthorized shipment, thus preventing its possible diversion. The PEN Online Light system provides a simple, easy-to-use, global platform for the exchange of such information in a systematic manner. INCB encourages all Governments to make use of the PEN Online Light system and consider registering additional users from relevant agencies and ministries in charge of the non-scheduled chemicals concerned for access to the system exclusively.**

214. Cooperation with industry remains a key pillar of effective and sustainable strategies to prevent precursors and other chemicals from being diverted into illicit channels. The Board has, over the years, supported Governments in their efforts to establish and implement such cooperation mechanisms and has, to this end, developed and disseminated a number of normative and operational tools and resources and also made them available on the INCB website. They include a set of guidance materials on a voluntary code of practice for the chemical industry, the limited international special surveillance list, a compilation of various national practices related to public-private partnerships in the area of drug precursors and non-scheduled chemicals, and a global review of categories of industries involved in the manufacture and distribution of and trade in chemicals used in the illicit manufacture of drugs, which highlights the fact that beyond the chemical and pharmaceutical industry, other categories of industry might – often unknowingly – be targeted by traffickers to obtain chemicals for illicit drug manufacture. These resources are also aimed at providing guidance to Governments in mapping their national industry landscapes. **The Board encourages Governments to map their national industry landscape with the aim of aiding understanding of which categories are available in their territories and raising awareness among all industries concerned. Furthermore, the Board recommends that**

**Governments make greater use of the available INCB resources and materials developed for this purpose.**

215. During the reporting period, seizures of pharmaceutical preparations for illicit methamphetamine manufacture remained high. More countries than before reported seizures of such preparations, with several countries reporting them for the very first time. In addition, a major criminal network in Europe that had relied on pharmaceutical preparations of ephedrine and pseudoephedrine for the manufacture of and trafficking in methamphetamine in the region was disrupted. This follows the trend noted in 2021, when several suspicious shipments of preparations of pseudoephedrine were notified through the PEN Online system. These developments underscore the need for continued vigilance and monitoring, including the closing of any regulatory loopholes that may exist, in relation to preparations of ephedrine and pseudoephedrine, even though such preparations are not under international control. The estimation by a country of its annual legitimate requirements of such preparations for import and the systematic pre-notification of importing countries of such shipments by exporting countries would go a long way in preventing such preparations from falling into the hands of criminal networks. **The Board, accordingly, urges Governments to control pharmaceutical preparations containing ephedrine and pseudoephedrine in the same way as they control the substances themselves, to use the PEN Online system to pre-notify exports, to make realistic and justified estimates of the annual legitimate requirements for imports of such substances and communicate changes in a timely manner to the Board for global dissemination.**

216. During the reporting period, PICS continued to be an effective tool for sharing information on trafficking incidents and suspicious shipments related to precursors and equipment. In one case, PICS was used successfully to identify a common supplier of a tableting machine to a country in Africa and of a designer precursor of an amphetamine-type stimulant to a country in Europe. PICS also provided useful information to support the Board's assessment regarding the international scheduling of certain amphetamine-type stimulant precursors. The merits of the sharing by Governments of incidents through PICS, therefore, cannot be overemphasized. However, the Board has noted the reluctance of Governments, at times, to share cases through PICS in order not to compromise ongoing investigations. The Board would like to assure Governments that there are several features in PICS that are aimed precisely at preventing the leakage of sensitive information to ensure that investigations are not affected. **The Board, accordingly, encourages Governments to expand the use of PICS for sharing more incidents related to precursors and equipment on a real-time basis. The sharing of**

**incidents through PICS also enables the identification of similar shipments from the same supplier to other countries or the use of the same *modi operandi*, thereby preventing future trafficking attempts.**

217. FTZs have been extremely successful in providing for faster and hassle-free international trade, and in promoting trade and industry through simplified and reduced taxation. However, the relatively favourable regulatory regime that contributes to the success of such zones also makes them vulnerable to trafficking in drugs and precursor chemicals. The revised Kyoto Convention, which is aimed at facilitating trade by harmonizing and simplifying customs procedures and practices, duly enables customs authorities to examine goods in FTZs. The United Nations drug control conventions advocate for a regime in such zones that is no less stringent than the regime in place in other parts of a country. In fact, because of the propensity of FTZs to be used for illicit purposes, it would be justifiable to use even stricter control measures than are envisaged in the conventions in such zones. During the reporting period, evidence was provided that FTZs are actually being exploited for trafficking in precursors, with the seizure of a substantial amount of pharmaceutical preparations containing pseudoephedrine being linked to one such zone. In order to advance knowledge regarding FTZs and raise awareness among Governments about the need for proper oversight, the Board conducted Operation Insight jointly with WCO and the UNODC-WCO Container Control Programme. The results of the Operation revealed the need for Governments to focus their attention on FTZs with regard to trafficking in precursors. **The Board, accordingly, encourages Governments to ensure that the regulations and procedures put in place for FTZs are no less stringent than those applied in other parts of their territory in order to prevent trafficking in narcotic drugs, psychotropic substances and precursor chemicals. The Board also encourages Governments to make use of the WCO guidance regarding customs procedures to be adopted in such zones.**

218. The use of the Internet (the surface web) for trafficking in precursors and equipment continued to be noted during the reporting period. Suspicious online postings became more refined, with wider use of Chemical Abstracts Service registry numbers as opposed to simply the names of the substances, as was the case in previous years. The Board initiated capacity-building measures to support Governments in investigating suspicious postings relating to precursors and equipment on the Internet, and in developing voluntary cooperation measures with online trading platforms. **The Board encourages Governments to make monitoring and investigation of the Internet an inherent part of their activities related to the regulation and enforcement of precursor control mechanisms. The Board also**

**encourages greater international cooperation, given the cross-border nature of most cybercrime investigations. The Board further encourages Governments to bring experts on cybercrime and open-source intelligence tools that are available in most countries together with enforcement officers involved in investigating cases of precursors and equipment, so that they can mutually benefit from each other's experience.**

219. Conflict and unresolved territorial disputes increase the risk of diversion of chemicals and provide a conducive environment for trafficking in chemicals. Trade in precursors destined for countries of conflict presents a number of challenges for exporting countries, leaving them in a difficult position when deciding whether or not a proposed export can proceed. **INCB commends all efforts that contribute to ensuring the availability of controlled precursors for legitimate purposes in all regions of the world, irrespective of a country's situation or a territory's status, while managing risks of diversion. INCB further invites all Governments to work with the Board to devise appropriate ways and means of monitoring trade pursuant to article 12 of the 1988 Convention and handling pre-export notifications with a view to enabling trade in chemicals to and from high-risk areas in a regulated manner.**

220. Over the years, INCB has reiterated the importance of accurate, complete and timely reporting by Governments as mandated by article 12, paragraph 12, of the 1988 Convention. Such information is critical, as it allows INCB to analyse and identify emerging trends in trafficking in precursors and the illicit manufacture of drugs. Despite the mandatory requirements established by the 1988 Convention, challenges remain in relation to the quantity and quality of the data. Only 60 State parties had submitted form D for 2022 by the due date of 30 June 2023. The number then increased to 113 by the cut-off date of 1 November 2023. In many instances, however, the information submitted was incomplete, lacking details necessary for the Board to analyse and identify weaknesses in precursor control mechanisms and emerging trends in trafficking in precursors and the illicit manufacture of drugs. **The Board therefore urges Governments to make every effort to collect, consolidate and report complete information as mandated pursuant to article 12, paragraph 12, of the 1988 Convention by the deadline. The Board stands ready to assist Governments in meeting their reporting requirements and other aspects of the implementation of the provisions of the 1988 Conventions as they relate to precursors.**