



UNITED NATIONS

E/NL 1952/68
4 August 1952

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE
CONVENTION OF 13 JULY 1931 FOR LIMITING THE MANUFACTURE
AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS, AS
AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946

BELGIUM

COMMUNICATED BY THE GOVERNMENT OF
BELGIUM

NOTE BY THE SECRETARY-GENERAL

In accordance with Article 21 of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol of 11 December 1946, the Secretary-General has the honour to communicate the following legislative text.

New York, 1952

ROYAL ORDER OF 31 DECEMBER 1930
as amended by the Royal Order of 20 September 1951*

Article 1. - This Order shall apply to the following substances and all preparations containing them:

- ✓ (1) coca leaf;
- ✓ (2) raw cocaine, ecgonine and its derivatives, cocaine and its salts, all esters of ecgonine and their salts;
- ✓ (3) raw opium, medicinal opium, prepared opium (including the dross and all residue of opium after smoking);
- ✓ (4) morphine and its salts;
- ✓ (5) diacetylmorphine and its salts and the other esters (ether salts) of morphine and their salts; ethers of morphine such as benzylmorphine and its salts, except methylmorphine and ethylmorphine and their salts^{1/}, which are dealt with in article 1 bis;
- ✓ (6) dihydromorphine, dihydromorphinone, methyldihydromorphinone, dihydrocodeinone, dihydrooxycodine, acetyldihydrocodeinone, or acetyldemethyldihydrothebaine, thebaine, their esters and the salts of any of these substances or their esters, except dihydrocodeine and acetyldihydrocodeine and their salts, which are dealt with in article 1 bis;
- ✓ (7) morphine-N-oxide and its compounds, as well as the other pentavalent nitrogen morphine compounds and their salts;
- ✓ (8) dihydrodesoxymorphine (desomorphine) and its salts^{2/};
- ✓ (9) the ethyl ester of 1 methyl-4 phenylpiperidine-4 carboxylic acid and its salts^{3/};
- ✓ (10) the ethyl ester of 1 methyl-4 methahydroxyphenylpiperidine-4 carboxylic acid and its salts;
- ✓ (11) 1 methyl-4 (3 hydroxyphenyl)-4 ethylketone piperidine, and its salts;
- ✓ (12) α -1.3 dimethyl-4 phenyl-4 propionoxypiperidine, and its salts;
- ✓ (13) β -1.3 dimethyl-4 phenyl-4 propionoxypiperidine, and its salts;
- ✓ (14) 4.4 diphenyl-6 dimethylaminoheptanone-3 and its salts;
- ✓ (15) 6 morpholino-4.4 diphenylheptanone-3, and its salts;
- ✓ (16) 4.4 diphenyl-5 methyl-6 dimethylaminohexanone-3, and its salts;
- ✓ (17) 6 dimethylamino-4.4 diphenylheptanol-3, and its salts;
- ✓ (18) 6 dimethylamino-4.4 diphenyl-3 acetoxypentane, and its salts;
- ✓ (19) Indian hemp, its resin, preparations having the resin as a base (hashish, esrar, chira, djamba), extract and tincture of Indian hemp.

This Order shall not apply to the following:

- (1) preparations containing extract or tincture of Indian hemp for external use;
- (2) when in finished form, caustic pastes for nerves used in dentistry and known as devitalizing pastes, prepared with the amount of creosote or phenol necessary to give them the consistency of a paste and containing, besides salts of

* Words in italics supersede or amend earlier wording.

1/ Dealt with in the Royal Order of 20 October 1933.

2/ Classified as a narcotic drug by the Regent's Order of 9 March 1949.

3/ Classified as a narcotic drug by the Regent's Order of 9 March 1948.

cocaine or morphine or both, at least 25 per cent of arsenic acid or arsenious acid (anhydrous arsenic), either free or in combination.

Article 1 bis.

1. This decree shall apply to:

- (1) methylmorphine and its salts;
- (2) ethylmorphine and its salts;
- (3) dihydrocodeine and its salts;
- (4) acetyldihydrocodeine and its salts;

their manufacture, import, possession, export, sale or offer for sale, transport, transfer with or without consideration, and wholesale trade up to and including purchase by the pharmacist^{1/}.

2. With respect to foreign trade this Order shall apply to preparations containing one or more of the substances listed in the preceding paragraph in quantity exceeding:

- (1) 10 per cent in mixtures or solutions;
- (2) 0.1 g. in each pill, granule, lozenge, tablet, cachet, etc.

(Royal Order, 20 September 1951)

Article 2. - For the purposes of this Order "narcotic drugs" means one or more of the substances or preparations dealt with in article 1; "Narcotics Service" means the section of the public health department (Ministry of the Interior and of Health)^{2/} charged with enforcing the provisions of the Act of 24 February 1921 and of the Royal Orders made under it; and the term "competent officer" shall mean a representative of the Narcotics Service.

Chapter I: Foreign trade

Article 3 - The importation of narcotic drugs is subject to previous authorization by the Minister of the Interior and of Health^{3/}.

The import authorization shall be issued on a written request covering one consignment only and stating the nature, quantity, and alkaloid content of the drugs to be imported, the names and addresses of the importer and exporter, and the time of importation.

Together with the import authorization, an import certificate shall also be issued, to be sent to the foreign exporter. In addition the importer shall receive address labels to be affixed by the foreign exporter to the consignment proposed to be imported into Belgium.

The importer may take possession of the drugs only upon presentation of the import authorization and after verification by a competent officer, who may take samples. This officer shall return the authorization to the Narcotics Service, which shall inform the government of the exporting country that the importation has been completed, stating the quantities actually imported.

Article 4. - If an imported consignment is to be stored in a customs warehouse, the request, the import authorization, the import certificate and the notification to the government of the exporting country shall each contain an express statement to that effect.

Narcotic drugs stored in a customs warehouse may not be withdrawn therefrom for return to the exporting country or for shipment to another country except on presentation of the export authorization provided for in article 5 hereof and an import certificate.

^{1/} The words here given in italics should be compared with the earlier wording, which retained the phrase "sale to the pharmacist" in place of "purchase by the pharmacist".

^{2/} Now the Ministry of Public Health and the Family.

^{3/} Now Minister of Public Health and the Family

The owner of drugs so stored may not withdraw them for consumption in Belgium except by special authorization of the Narcotics Service.

Narcotic drugs stored in a warehouse may not be subjected to any operation which might change their nature. Wrappings may be altered only with the previous permission of the Narcotics Service.

Article 5. - The exportation of narcotic drugs is subject to a previous authorization by the Minister of the Interior and of Health^{1/}.

This authorization shall be issued on a written request covering one consignment only and containing all the information required by article 3 for the import authorization, and shall be accompanied by an import certificate issued by the government of the country of destination and attesting that importation is approved.

The export authorization shall give the number and date of issue of the import certificate, the authority issuing it, and the time limit for exportation.

A copy of the export authorization shall also be delivered to the exporter, and shall accompany the consignment and be presented to the customs at the time of exportation. A further copy shall be sent by the Narcotics Service to the government of the country of destination, which will return it upon completion of the importation, stating the quantities actually imported.

Where narcotic drugs are to be stored in a customs warehouse in the country of destination, the export authorization shall contain a statement to that effect.

[Except for Belgian-made products where the request for an export authorization is submitted by the manufacturer, the authorization is granted only for the exportation of officinal or non-officinal preparations covered by this Order or of narcotic alkaloids exported in normal quantities as part of a supply of medicaments. In exceptional cases it may be issued in order to allow dealers established in Belgium to return narcotic drugs to the foreign firm supplying them. The restrictions set forth in this paragraph shall not apply to products stored in a customs warehouse. Persons authorized by the Narcotics Service to warehouse drugs may be required to furnish a special bond in an amount to be determined by the Minister of the Interior and of Health^{1/}.]

(Royal Order of 11 May 1933)

Article 5 bis. - The exportation of diacetylmorphine or its salts, or of preparations containing diacetylmorphine or its salts, is prohibited; provided that, at the request of the government of a country which does not manufacture the drug, the Narcotics Service may authorize exportation to that country on condition that the request shall be accompanied by an import certificate and the consignment addressed to the department of government named in that certificate.

(Royal Order of 20 October 1933)^{2/}

Article 6. - Consignments of narcotic drugs may only be moved from one part of the country to another directly by rail, via customs stations to be determined by the Minister of the Interior and of Health^{1/}, accompanied by the copy of the export authorization issued by the exporting country. The said copy shall be stamped by the stations of arrival and departure or by the customs offices of the ports of unloading and loading, as the case may be. Such stations or ports shall notify the Narcotics Service of the arrival and departure of the consignment on a form to be drawn up by the Minister of the Interior and of Health^{1/}.

^{1/} Now Minister of Public Health and the Family

^{2/} Two Royal Orders were issued on 20 October 1933, only one of which, that limiting and regulating the distribution of narcotic drugs, was superseded by the Royal Order of 20 September 1951. To avoid any confusion it should be remembered that the decree relating to foreign trade issued on the same date is still in force. This explains why article 5 bis is retained.

A consignment may not be diverted to a station not indicated on the copy of the export authorization unless the diversion is authorized by a special diversion certificate bearing the official stamp of the diverting station. The Narcotics Service shall be notified of such diversion by that station on a form to be drawn up by the Minister of the Interior and of Health^{1/}.

Where a consignment of narcotic drugs imported for direct transit by rail enters or leaves the country or is diverted by ship, the customs office of the port shall affix the stamp and notify the Narcotics Service as provided in the preceding paragraphs.

The special diversion certificate shall be issued by the government of the exporting country. Diversion may also be authorized by the Narcotics Service on presentation of an import certificate issued by the country to which the consignment is to be diverted. In that case the Narcotics Service shall inform the government of the exporting country of the diversion, and the original export authorization (or the diversion certificate) shall be returned to that government.

Article 7. - Unused import, export, warehousing and diversion authorizations shall be returned to the Narcotics Service.

Article 8. - Imports and exports of narcotic drugs by mail are prohibited. (As amended by the Regent's Order of 10 March 1949.)

Article 9. - The customs offices which may control imports, exports, direct transit by rail and warehousing shall be determined by the Minister of Finance with the agreement of the Minister of the Interior and of Health^{1/}.

Article 10. - Persons authorized to import narcotic drugs shall indicate before 1 October of each year the approximate amount of their requirements for the following year of each of the substances dealt with in this Order, and shall at the request of the Narcotics Service give the names of the foreign firms which are to supply them. They shall send to the Narcotics Service not later than 1 February of each year a statement of the stocks in their possession on 1 January.

Chapter II: Domestic trade

Article 10 bis. - It is forbidden to trade in or manufacture for trade any product derived from one of the phenanthrene alkaloids of opium or of the ecgonine alkaloids of coca leaf which at the date of this Order is not being used for medical or scientific purposes and the medical or scientific value of which has not been conclusively established to the satisfaction of the Narcotics Service.

(Royal Order of 20 September 1951, article 3.)^{2/}

Article 11. - No person may manufacture, possess, sell, offer for sale, deliver or acquire narcotic drugs with or without consideration unless he has first obtained an authorization therefor from the Minister of the Interior and of Health^{1/}. Such an authorization shall not be transferable and shall be valid for one year only; it may be withdrawn at any time and may be issued subject to a bond to be determined by the Minister of the Interior and of Health^{1/}. It shall indicate the place where the holder is to carry out the operations mentioned.

Pharmacists keeping dispensaries, open to the public, and physicians and veterinary surgeons authorized to keep a stock of medicaments, shall be hereby authorized as aforesaid to the extent of the requirements of their dispensaries or stocks; physicians and veterinary surgeons not keeping stocks shall also be so authorized within the limits of their professional requirements as laid down hereinafter in article 22.

The first paragraph shall not apply to acquisition or possession by virtue of a medical prescription.

^{1/} Now Minister of Public Health and the Family

^{2/} As amended by the Royal Decree of 20 October 1933, article 4

Article 11 bis. - Persons authorized to manufacture narcotic drugs may not produce, in quantities exceeding those to be communicated to them not before 10 November of each year by the Narcotics Service, the substances listed below and defined in article 1 (3) of the Geneva Convention of 13 July 1931^{1/}:

Group I. - Sub-group (a)

(1) Morphine and its salts, and officinal or non-officinal preparations having raw or medicinal opium as their base and containing more than 20 per cent of morphine;

(2) Diacetylmorphine and the other esters (ether salts) or morphine, and their salts;

(3) Cocaine and its salts, officinal or non-officinal preparations having coca leaf as their base and containing more than 0.1 per cent of cocaine, all the esters of ecgonine and their salts;

(4) Dihydrooxycodine, dihydrocodeinone, dihydromorphine, acetyldihydrocodeinone or acetyldemethylodihydrothebaine, dihydromorphine, their esters, and the salts of any of these substances or their esters, morphine-N-oxide and its compounds and other pentavalent nitrogen morphine compounds.

Sub-group (b)

Ecgonine, thebaine and their salts, the ethers of morphine, such as benzylmorphine, and their salts, with the exception of methylmorphine, ethylmorphine and their salts.

Group II

Methylmorphine, ethylmorphine and their salts.

This Order shall apply to the substances mentioned above even if synthetically produced.

(Royal Order of 20 September 1951, article 4.)

Article 12. - Persons possessing narcotic drugs for sale or supply shall store them in a locked cabinet or room reserved for that purpose only. Access to this cabinet or room shall be allowed exclusively for the purpose of checking or dispensing drugs. A key kept in a sealed envelope shall be held at all times at the disposal of officers bound to enforce this Order.

Pharmacists keeping dispensaries open to the public, and physicians and veterinary surgeons authorized to keep a stock of medicaments, may keep narcotic drugs in their poisons cabinets.

Article 13. - With the exception of raw opium and coca leaf, narcotic drugs may not be possessed, supplied, imported, exported, transported or caused to be transported except in glass or metal containers bearing in legible characters the name of the substance or preparation as listed in article 1 of this Order.

Such containers shall also carry a special orange-red label bearing a death's-head and the words "POISON--VERGIFT" printed in conspicuous black characters.

No person may transport or cause to be transported narcotic drugs except in containers conspicuously and legibly marked with the names and addresses of the sender and the recipient.

Article 14. - It is forbidden to transport narcotic drugs on behalf of a person not authorized under this Order.

Article 15. - It is forbidden to sell, offer for sale or deliver narcotic drugs to persons other than those authorized in accordance with article 11.

^{1/} As amended by the Royal Order of 20 October 1933, article 3 (the wording is different).

No person other than a pharmacist keeping a dispensary open to the public may sell, offer for sale or supply narcotic drugs, with or without consideration, to a physician or veterinary surgeon whether keeping a stock or not.

Article 16. - Deliveries of narcotic drugs may be made only upon presentation of an order dated and signed by the authorized purchaser.

The form of the pharmacist's order shall be determined by the Minister of the Interior and of Health^{1/}. Each pharmacist shall procure books of such order forms from the Narcotics Service. No other form of order may be used.

Dealers authorized to supply narcotic drugs to pharmacists shall remit each month to the Narcotics Service the "C" stubs of the orders they have filled during the past month.

Article 17. - All persons possessing narcotic drugs shall record in a special register, the pages of which shall be previously numbered and initialed by the burgo-master or the chief of police, the quantities of each drug in their possession.

They shall enter daily in this register, without blank spaces or interlineation, the quantities acquired, sold or used in preparations or manufacture. A separate page shall be devoted to each product; the amounts received and expended shall be totalled at the end of each month. Any loss resulting from theft or breakage shall be reported immediately to the Narcotics Service and to the competent inspector of pharmacies.

Pharmacists keeping dispensaries open to the public shall be authorized, for the purpose of sale on prescription, to record in the special register only the monthly total drugs dispensed and recorded in detail for the corresponding month in the prescriptions book.

The special register, invoices, written requests and other relevant documents shall be held for ten years at the disposal of the judicial authorities and the officers bound to enforce the Act of 24 February 1921.

Article 18. - Industrial firms and pharmacists using narcotic drugs for the purpose of extracting their alkaloids or converting them into pharmaceutical preparations shall record such operations in a special manufacturing register.

The following particulars shall be entered in this register: the quantities of raw materials used in the preparation, with the date of their use; the quantities of substances governed by article 1 which are manufactured, with their alkaloid content and the date of despatch; the quantities used in manufacture of preparations not covered by this Order and their alkaloid content; and any losses occurring in manufacture.

Preparations governed by article 1 of this Order shall be placed in containers so marked and numbered as to be immediately identifiable.

Any losses occurring in manufacture or resulting from theft or breakage shall be immediately reported to the Narcotics Service and to the competent inspector of pharmacies.

Manufacturers shall notify the Narcotics Service in quarterly reports of the quantities of raw materials used and the quantities of finished products manufactured and sold.

Manufacturers shall attach to their quarterly reports, for each lot of raw material, a copy of a certified analysis by an expert recognized by the Narcotics Service.

(Royal Order of 20 October 1933.)^{2/}

Article 19. -

1. A pharmacist keeping a dispensary open to the public may dispense narcotic drugs only upon presentation of an original prescription written, dated and signed by a physician, a veterinary surgeon or a *qualified dentist (licencié en science dentaire)*.

^{1/} Now Minister of Public Health and the Family.

^{2/} See note 2, page 4.

The prescription shall contain, legibly written, the full name and address of the signatory and, spelt out in full, the number of ampoules, cachets, tablets, granules, capsules, pills, powders, and the like.

2. The prescription may be renewed only if the practitioner has spelt out therein in full the number of renewals authorized and the intervals between them. The pharmacist shall record each renewal clearly in ink on the prescription form and in the prescriptions book;

Provided that a pharmacist may without medical authorization renew prescriptions for preparations containing less than 0.2 per cent of morphine or its salts. Article 26 governs such renewals. The pharmacist shall record all such transactions on the same day in the prescriptions book, giving the name of the purchaser and the number of the original prescription.

3. Upon receipt of a written, dated and signed request a pharmacist may issue narcotic drugs to the director of a scientific laboratory authorized by the Narcotics Service.

(Amended by the Royal Order of 20 September 1951, article 5.)

Article 20. - A pharmacist may at his discretion supply, by way of exception and as an emergency medicament, tincture of opium, Sydenham's laudanum, and Dover's powder. The quantity supplied in such a case may not exceed 2.5 g. of any of these substances. The pharmacist shall record all such issues on the same day in the register required by article 17 and in the prescriptions book, indicating the name of the purchaser.

No substance or preparation intended for use by a child under three years of age and containing any amount, however small, of any of the substances to which this Order applies may be dispensed without a special medical prescription in each case.

Article 21. - Any person procuring or attempting to procure narcotic drugs by means of a forged prescription, request or signature, or by any other fraudulent means, shall be liable to the penalties prescribed in article 28 hereof.

Article 22. - Physicians and veterinary surgeons, whether or not authorized to to keep a stock of medicaments, may obtain narcotic drugs only by a signed and dated order from a pharmacist established in the province and keeping a dispensary open to the public.

The pharmacist shall keep a separate record of such issues and shall send a true copy of such records each month to the Narcotics Service.

Except for an operation or in an emergency a physician not keeping stocks of medicaments may administer only narcotic drugs specially prescribed for and purchased by the patient.

Any physician or veterinary surgeon who acquires annually a total of more than thirty grammes of morphine, whether alone or in the form of salts or contained in preparations, or thirty grammes of dihydromorphine, dihydromorphinone, hydrocodeinone, dihydrooxycodone or acetyldemethyldihydrothebaine, or ten grammes of cocaine or its salts, or five grammes of diacetylmorphine or its salts, or who procures narcotic drugs from several different pharmacists, shall, if so instructed by the Narcotics Service or the inspector of pharmacies by registered letter, keep the special records provided for in article 17 and include each day the names of the patients.

Article 23. - Any physician, veterinary surgeon or qualified dentist prescribing or acquiring excessive amounts of narcotic drugs may be required to justify their use to a physician representing the competent provincial medical committee, assisted by the inspector of pharmacies.

(Amended by Royal Order of 20 September 1951, article 6.)

Any practitioner who needlessly prescribes, administers or procures narcotic drugs in such a manner as to create, perpetuate or aggravate drug addiction shall be liable to the penalties provided by the Act of 24 February 1921, without prejudice to the application of article 402 and succeeding articles of the Penal Code.

Article 24. - Physicians, veterinary surgeons and qualified dentists are forbidden to prescribe or dispense uncompounded morphine, cocaine, diacetylmorphine or their salts.

(Amended by Royal Order of 20 September 1951, article 7.)

Article 25. - It shall be the duty of inspectors of pharmacies and representatives of the provincial medical committee to enforce independently of the judicial police the provisions of the Act of 24 February 1921 and of the orders made thereunder.

They may enter any dispensary, store, shop or other premises used for the sale or supply of narcotic drugs during all hours when such premises are open to the public.

They may also enter a storehouse annexed to any such dispensary, store or shop at the same hours, even if such storehouse is not open to the public.

They may also visit at any time any premises used for the manufacture or preparation of narcotic drugs.

They shall require the authorization prescribed in article 11 of this Order to be produced for inspection. If this authorization is not produced or has expired, the drugs shall be seized. If the authorization is in order, the inspecting officers shall satisfy themselves that the prescribed registers have been properly kept and record the quantities of drugs actually in hand.

They shall take samples for examination of any suspicious products.

Article 26. - Six months after the entry into force of this Order, pharmacists keeping open dispensaries need no longer keep for the purposes of sale on prescription the drug registers prescribed in article 17.

Provided that the Narcotics Service may, on a report from the inspector of pharmacies, continue or reinstate the said duty.

Such decision shall be communicated to the pharmacist by registered letter.

Chapter III. - Penalties

Article 27. - Offences against this Order shall be established by minutes indicating a *prima-facie* case. A copy of such minutes shall be communicated to the defendant.

Article 28. - Offences against this Order shall be punished in accordance with the Act of 24 February 1921, without prejudice to the penalties prescribed by the Penal Code.

Article 29. - The Royal Decree of 6 September 1921 is hereby repealed.

Article 30. - The Minister of the Interior and of Health^{1/} shall enforce this Order.

REGENT'S ORDER OF 11 FEBRUARY 1946

relating to the trade in and sale of certain
particularly toxic substances

(*Moniteur belge*, 21 February 1946)

Article 1. - Article 11 and articles 12 to 26 of the Royal Order of 31 December 1930 relating to the traffic in soporific and narcotic substances shall apply to:

(1) phenylaminopropane;

(2) phenylmethylaminopropane,

and preparations containing them.

(Amended by Royal Order of 20 September 1951, article 8.)

^{1/} Now Minister of Public Health and the Family.

Article 2. - Without prejudice to the duties or powers of the judicial police or to the evidential value given to their minutes by existing statutes or regulations, it shall be the duty of inspectors of pharmacies to enforce the preceding provisions.

Article 3. - Offences against these provisions shall be punished in accordance with the Act of 24 February 1921.

Article 4. - The Minister of Public Health shall enforce this Order, which shall enter into force on 16 February 1946.

Given at Brussels, 11 February 1946.

ENACTMENTS REPEALED

(by the Royal Order of 20 September 1951, article 9)

Article 9. - The following enactments are hereby repealed:

1. The Royal Order of 21 April 1931 amending the Royal Order of 31 December 1930;
2. The Royal Order of 20 October 1933 restricting the manufacture and regulating the distribution of narcotic drugs^{1/};
3. The Regent's Order of 9 March 1948 applying the Geneva Convention of 1925 relating to narcotic drugs;
4. The Regent's Order of 9 March 1949 adding dihydrodesoxymorphine, its salts, and preparations containing it or its salts to the list of narcotic drugs subject to control.

^{1/} Two Royal Orders were issued on 20 October 1933, only one of which, that limiting and regulating the distribution of narcotic drugs, was superseded by the Royal Order of 20 September 1951. To avoid any confusion it should be remembered that the decree relating to foreign trade issued on the same date is still in force.