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LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF
THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS

NETHERLANDS

Communicated by the Government of the Netherlands

NOTE BY THE SECRETARY-GENERAL - In accordance with the relevant Articles of the International Treaties on Narcotic Drugs, the Secretary-General has the honour to communicate the following legislative texts.

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OPIUM ACT E/NL.1974/41

Implementation provisions (CIL-5)

NARCOTIC SUBSTANCES PRESCRIPTION ORDER

Order No. 122604 of 15 December 1971 made by the Minister of Public Health and Environmental Hygiene, G.M.B. Division, Stcrt.252, containing regulations for the prescribing and the dispensing on prescription of narcotic drugs, as most recently amended by Order No. 93815 of 5 July 1973, Stcrt.136.

The Minister of Public Health and Environmental Hygiene,

Having regard to article 4, first and second paragraphs, and article 6, second and third paragraphs, of the Opium Act (Stb.1928, 167),1/

Hereby orders as follows:

Article 1

For the purposes of the provisions of this order, the following definitions shall apply:

(a) "Narcotic substance" means a substance referred to in article 2 of the Opium Act (Stb.1928, 167);

(b) "Preparation" means a solid or liquid mixture that comprises or includes one or more narcotic substances.

1/ Note by the Secretariat: The text of this principle law is with the Secretariat.

Article 2

1. A preparation may be prescribed only if the following particulars are mentioned in the prescription:

(a) if the prescription enjoins delivery of a preparation to a person for whose use it has been prescribed or to the owner or keeper of an animal for the use of which it has been prescribed:

(i) the surname and initials, complete address and telephone number of the prescriber;

(ii) the date on which the preparation was prescribed;

(iii) the name of the preparation and the quantity prescribed, fully written out in words;

(iv) the surname, initials and complete address of the person for whose use the preparation has been prescribed or of the owner or keeper of the animal (to be indicated), for the use of which the preparation has been prescribed;

(v) a clear description of the mode of use, including the maximum dosage per 24 hours, with the proviso that expressions such as "usual dose", "as before" and the like shall not be regarded as indicating the mode of use;

(vi) where appropriate, the number of repetitions permitted, fully written out in words;

(b) if a preparation is prescribed for the use of a person or animal but is to be delivered through the intermediary of the prescriber:

(i) the particulars referred to under (a), (i) - (iv);

(ii) the words "in manu medici" or an indication of like meaning;

(c) if a preparation is intended for administration in the prescriber's practice:

(i) the particulars referred to under (a), (i) - (iii);

(ii) the words "for use in medical practice", "for use in dental practice" or "for use in veterinary practice";

(d) if a preparation is intended for delivery to a hospital or to a works medical service:

(i) the particulars referred to under (a), (i) - (iii);

(ii) the words "for medical use in the hospital" or "for the use of the works medical service", together with the name and address of the hospital or address of the works medical service.

2. A prescription within the meaning of paragraph 1 must be written out in indelible ink by the person prescribing the preparation and bear his complete signature.

3. A prescription within the meaning of paragraph 1 may not relate to more than one preparation or to any substance other than that preparation.

4. If a medical practitioner having a pharmaceutical establishment makes use of a prescription form for ordering drugs that serves for the dispensing of drugs to more than one patient, the particulars referred to in paragraph 1, under (a), (i), need appear only once on such a form.

Article 3

1. Established pharmacists may not dispense preparations except against a prescription issued by a medical, dental or veterinary practitioner that complies with the provisions of article 2. A quantity ordered on a prescription may be dispensed only to the extent and the number of times specified in the prescription.

2. Paragraph 1 shall not apply in cases of emergency, where the established pharmacist can reasonably assume that there is no danger of abuse.

3. Similarly, medical practitioners having pharmaceutical establishments may not dispense preparations for the use of patients belonging to their medical practices except against a prescription that complies with the provisions of article 2.

Article 4 a/

1. Articles 2 and 3, paragraphs 1 and 3, shall not apply as regards the preparations mentioned below, which, to the extent that the Decree concerning independent activities (Stcrt.1970, 35) is not applicable, may be dispensed by established pharmacists and medical practitioners having pharmaceutical establishments only against a written and signed application, stating the applicant's name and residential address and the purpose for which the preparation is to be used:

(a) Codeine and its salts in solid preparations having a content of the substance of not more than 15 mg per dosage unit, up to a maximum of 300 mg per delivery, calculated as a base;

(b) Codeine and its salts in a concentration of not more than 15 mg/ml in liquid preparations up to a maximum of 300 mg per delivery, calculated as a base;

(c) "Pulvis opii compositus" in solid preparations having a content of the substance of not more than 250 mg per dosage unit, up to a maximum of 5g per delivery.

2. Established pharmacists and medical practitioners having pharmaceutical establishments are required to preserve the applications referred to in paragraph 1 in a place apart in the pharmacy for not less than six years, filed under the name of the applicant, and to hold these applications at the disposal of the regional drugs inspector at all times during the said period.

Article 5

1. Established pharmacists are required to preserve the prescriptions on which a preparation has been ordered in a place apart in the pharmacy for not less than six years, filed under the name of the prescriber and under the name of the narcotic substance contained in the preparation, in chronological order of delivery dates. If a preparation contains more than one narcotic substance, the requirements laid down in the first sentence shall be met by producing a sufficient number of copies of the prescription to be filed under the name of each of the narcotic substances.

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a/ As amended by Order No. 73721 of 29 March 1972, Stcrt.66 (entered into force on 1 April 1972).

2. Paragraph 1 is not applicable to prescriptions whereby a preparation is ordered that contains any narcotic substances other than the following:

Acetyldihydrocodeine and its salts,
Codeine and its salts,
Dihydrocodeine and its salts,
Ethylmorphine and its salts,
Norcodeine and its salts,
Pholcodine[1/] and its salts,
"Pulvis opii compositus",
Nicocodine and its salts,
Diphenoxylate, to the extent that, per dosage unit, the preparation contains not more than 2.5 mg of this substance.b/

3. Established pharmacists must at all times hold the prescriptions referred to in paragraph 1 at the disposal of the regional drugs inspector during the period referred to in that paragraph.

4. On the first day of every quarter, established pharmacists are required to forward to the chief drugs inspector copies of the prescriptions referred to in paragraph 1 which relate to the cases referred to in article 2, paragraph 1, under (b), (c) and (d).

5. Medical practitioners having pharmaceutical establishments are required to keep records, maintained and kept up to date to the satisfaction of the regional drugs inspector, of the preparations dispensed by them, other than those mentioned in paragraph 2, which show what preparations they have delivered and to whom delivery has been made. The documents relating to the records referred to in the first sentence, and the prescriptions whereby the preparations referred to in that sentence have been ordered, shall be preserved by the medical practitioners having pharmaceutical establishments for not less than six years and, during that period, must at all times be held at the disposal of the regional drugs inspector.

Article 5 (a)c/

Article 2, paragraph 1 (a) and paragraphs 2 - 4, article 3, paragraph 3, article 4 and article 5, paragraph 5 are applicable mutatis mutandis with respect to medical practitioners to whom a licence has been granted within the meaning of article 6, paragraph 5, of the Medical Supplies Act (Stb.1958 408).

1/ Note by the Secretariat: International non-proprietary names of drugs are underlined.

b/ Added by Order No. 73721 of 28 March 1972, Stcrt.66 (entered into force on 1 April 1972).

c/ Inserted by Order No. 93815 of 5 July 1973, Stcrt.136 (entered into force on 1 August 1973).

Article 6 d/

1. An established pharmacist or medical practitioner having a pharmaceutical establishment is required, on the occasion of each delivery received by him of a quantity of a preparation or narcotic substance, other than those referred to in article 5, paragraph 2, to issue a receipt signed by himself, to the person having made the delivery, and to keep a copy thereof. Each receipt must record the name and address of the person accepting delivery, the date of delivery, the name and address of the person delivering the preparation or narcotic substance together with the name and quantity of the preparation or narcotic substance and the pharmaceutical form of the preparation.

2. Established pharmacists and medical practitioners having pharmaceutical establishments are required to preserve the copies mentioned in paragraph 1 in a place apart, filed under the name of the narcotic substance, or of the narcotic substance contained in the preparation, in chronological order of dates of delivery, for not less than six years and to hold these copies at the disposal of the regional drugs inspector at all times during that period.

Article 7

Established pharmacists and medical practitioners having pharmaceutical establishments are required to make a report, on a special form forwarded to them for that purpose by the regional drugs inspector, of the stocks of preparations or narcotic substances, other than those preparations referred to in article 5, paragraph 2, in their possession on 1 January of each year. They are required to return the form, duly completed and signed by them in ink, to the aforesaid inspector not later than 15 January of the calendar year to which the report relates.

Article 8 e/

1. If a medical practitioner is unable to satisfy the regional medical inspector and the regional drugs inspector that he needed, within the meaning of article 6, paragraph 3 of the Opium Act, the preparations in the quantities recorded, he will after a joint request to that effect has been made by the chief medical inspector and the chief drugs inspector, be required to enter every administration of a preparation in a register to be kept exclusively for that purpose, maintained and kept up to date to the satisfaction of the aforesaid inspectors, stating:

(a) the name and quantity of the preparation administered: the surname, initials and complete address of the person to whom the preparation has been administered;

(b) the date of administration.

2. The joint request referred to in paragraph 1 must be signed by both the chief inspectors and notified to the medical practitioner by registered letter.

3. The medical practitioner is required to produce the register referred to in paragraph 1 whenever he is requested to do so by the regional inspectors mentioned in that paragraph.

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d/ Article 6, paragraph 1 was re-worded and article 6, paragraph 2 amended by Order No. 73721 of 29 March 1972, Stcrt.66 (entered into force on 1 April 1972).

e/ Article 8, paragraph 1 was amended and article 8, paragraph 3 inserted by Order No. 73721 of 29 March 1972, Stcrt.66 (entered into force on 1 April 1972).

Article 9

The Order of 19 December 1939 (Stcrt.249)2/ made by the Minister of Social Affairs for the implementation of article 6, paragraph 2(a), of the Opium Act is rescinded.

Article 10 f/

This Order which may be cited as the Narcotic Substances Prescription Order, is published in the Official Gazette [Staatscourant] and shall enter into force on 1 April 1972.

The Hague, 15 December 1971

The Minister aforesaid
L.B.J. STUYT

Official Gazette of the Netherlands
Staatscourant No. 40

E/NL.1974/42

Secretary of State for Public Health
and Environmental Hygiene,
Directorate-General of Public Health,
Principal Division G.M.G.

ORDER NO. 121218
CONCERNING THE IMPORT, EXPORT AND TRANSIT
OF NARCOTIC DRUGS

20 February 1974

The Secretary of State for Public Health and Environmental Hygiene,
Under article 5 of the Opium Act (Staatsblad 1928, 167),
Hereby orders as follows:

DEFINITIONS

Article 1

The following definitions shall apply throughout this Order:

(a) "Act" means the Opium Act (Staatsblad 1928, 167);

(b) "Convention" means the Single Convention on Narcotic Drugs (Traktatenblad 1961, 81);

(c) "Narcotic drugs" means the substances mentioned in articles 2 and 3 of the Act;

2/ Note by the Secretariat: Communicated under E/NR.1939-45/2/Add.1.

f/ As amended by Order No. 73721 of 29 March 1972, Stcrt.66 (entered into force on 1 April 1972).

(d) "Preparation" means a mixture, solid or liquid, containing a narcotic drug;

(e) "Import", "Export" and "Transit" have the meanings given to them in the General Customs and Excise Act (Staatsblad 1961, 31);

(f) "Import certificate" and "Export authorization" mean the import certificate and export authorization mentioned in article 31, paragraphs 4 and 5 of the Convention;

(g) "Chief inspector" means the chief inspector of medicaments in the Public Health Department;

(h) "Regional inspector" means a regional inspector of medicaments in the Public Health Department;

(i) "Realm" means the realm in Europe.

IMPORT CERTIFICATE AND EXPORT AUTHORIZATION

Article 2

1. The licence to import or export narcotic drugs other than the preparations listed in Schedule III of the Convention, referred to in article 5 of the Act, shall apply to those substances with respect to which an import certificate or export authorization has been issued by the Chief Inspector.

2. The Chief Inspector may delegate the authority vested in him by paragraph 1 to an inspector in general service designated by him.

3. The licence referred to in article 5 of the Act to import or export the preparations listed in Schedule III of the Convention shall be deemed to be granted to holders of the licence mentioned in article 7, paragraph 1, sub-paragraphs (b) and (e) of the Act.

Article 3

1. An import certificate or export authorization shall be issued only to:

(a) Holders of the licence mentioned in article 7, paragraph 1, sub-paragraphs (b) and (e) of the Act;

(b) The persons mentioned in article 6, paragraph 2 of the Act and holders of the licence mentioned in article 7, paragraph 1, sub-paragraph (a) of the Act.

2. An import certificate or export authorization shall be issued to one of the persons mentioned in paragraph 1, sub-paragraph 2 in special circumstances only.

Article 4

1. An application, which must be dated and signed by the applicant, for an import certificate or export authorization shall be submitted to the Chief Inspector and a copy thereof forwarded simultaneously to the regional inspector in whose district the applicant is established.

2. If the applicant is a corporate body, the application will not be entertained until the Chief Inspector has been furnished with a statement of the person or persons signed by the person or each of the persons authorized to sign the application on behalf of the corporate body.

Article 5

An application for an import certificate shall contain the following data:

(a) name and address of the applicant;

(b) names and quantities of the narcotic drugs to be imported;

(c) name and address of the person abroad from whom the narcotic drugs are to be obtained;

(d) the period within which the narcotic drugs are to be imported;

(e) the type of transport by which the narcotic drugs are to be conveyed to the realm.

Article 6

1. An application for an export authorization shall contain the following data:

(a) name and address of the applicant;

(b) names and quantities of the narcotic drugs to be exported;

(c) name and address of the person abroad who is to import the narcotic drugs into his country or, in the case mentioned in paragraph 3, the name and address of the government authority that is to import the narcotic drugs;

(d) the note "Export to a bonded warehouse", if approval has been granted for storage in a bonded warehouse in the country of destination in the form of an attestation to that effect placed on the import certificate mentioned in paragraph 2 by the competent government authority in the country of destination;

(e) the period within which the narcotic drugs are to be taken out of the realm;

(f) the type of transport by which the narcotic drugs are to be conveyed to the country of destination.

2. The application referred to in paragraph 1 shall be accompanied by an import certificate issued by the competent government authority of the country of destination, if the system of import certificates and export authorizations embodied in article 31 of the Convention applies in that country. If that system does not apply, the application shall be accompanied by a declaration issued by the competent government authority of the country of destination certifying that the person referred to in paragraph 1, sub-paragraph (c), is authorized to import the narcotic drugs that are to be exported.

3. An export authorization for the narcotic drugs mentioned in article 10 will be granted only if, as shown by the import certificate or declaration referred to in the first and second sentences respectively of paragraph 2, the government of a country has requested the despatch of such products.

Article 7

An import certificate or export authorization shall be forwarded to the applicant in duplicate under cover of a signed letter.

REGISTRATION

Article 8

Narcotic drugs entering the realm shall be registered:

(a) on importation;

(b) on entry in transit;

(c) on transfer to a discharge point;

(d) on transfer to bond.

IMPORT

Article 9

The importation of narcotic drugs other than the preparations listed in Schedule III of the Convention shall be permitted only where they are needed for medical or scientific purposes and manufacture in the Netherlands is insufficient to meet the need.

Article 10

Diacetylmorphine (heroin) and its salts, and preparations containing diacetylmorphine or its salts, may be imported only by air and only through Schiphol International Airport.

Article 11

1. Narcotic drugs entering the realm from a country in which the system of import certificates and export authorizations embodied in article 31 of the Convention applies shall be accompanied by a copy of the export authorization from that country.

2. Registration on importation shall take place within the period specified on the import certificate and in accordance with the data included therein.

3. At the time of registration on importation, the copy of the export authorization referred to in paragraph 1 and a copy of the import certificate shall be surrendered by the declarant to the officials of the department of Customs and Excise for cancellation. If the system of import certificates and export authorizations embodied in article 31 of the Convention does not apply in the country of export, the declarant shall surrender for cancellation only the copy of the import certificate, but the Chief Inspector shall then note on that copy that the system does not apply in the country of export.

4. If the quantity of an imported narcotic drug is smaller than that mentioned on the import certificate, the declarant shall inform officials referred to in paragraph 3 of the quantity.

5. Where narcotic drugs to which article 10 applies are imported, the importer is required before customs clearance to notify the regional inspector within whose district he is established of the arrival of the drugs in the Netherlands.

Article 12

1. The importer of narcotic drugs who holds a licence to which article 7, paragraph 1, sub-paragraphs (b) and (e) of the Act applies, shall not later than

one week after the end of each quarter furnish the Chief Inspector with a written statement of the narcotic drugs, other than those listed in Schedule III of the Convention, that he has brought into the realm during the quarter just closed.

2. The statement referred to in paragraph 1 shall give the name and quantity of each of the narcotic drugs brought into the realm, and the numbers of the import certificates relating thereto.

EXPORT

Article 13

1. The export of a consignment of narcotic drugs addressed to a Post Office box number "Poste restante" or to a bank for the account of a party other than the party named in the export authorization is prohibited.

2. The export of a consignment of narcotic drugs to a bonded warehouse is likewise prohibited unless specifically allowed by the export authorization.

Article 14

1. When narcotic drugs are presented for registration on export, the consignment to be exported shall be accompanied by two copies of the export authorization.

The exporter shall ensure that both copies contain an accurate description of the number, type and markings of the packages containing the narcotic drugs.

2. When leaving Netherlands territory the consignment of narcotic drugs to be exported shall be accompanied by one copy of the export authorization, duly signed by an official as specified in article 11, paragraph 3. The other copy shall be surrendered by the exporter to the official for cancellation.

3. If the quantity of an exported narcotic drug is smaller than that mentioned on the export authorization, the provisions of article 11, paragraph 4 shall apply as appropriate.

Article 15

1. An exporter of narcotic drugs possessing a licence as referred to in article 7, paragraph 1, sub-paragraphs (b) and (e) of the Act shall, not later than one week after the end of each quarter, furnish the Chief Inspector with a written statement of the narcotic drugs, other than those listed in Schedule III of the Convention, that he has sent out of the realm during the quarter just ended.

2. The statement referred to in paragraph 1 shall give the name and quantity of each of the narcotic drugs sent out of the realm, together with the numbers of the export certificates relating thereto.

TRANSIT

Article 16

The licence for the transit of narcotic drugs referred to in Article 5 of the Act shall be deemed to be granted where:

(a) The consignment of narcotic drugs to be shipped in transit, not being preparations listed in Schedule III of the Act, if exported from a country in which the system of import certificates and export authorizations

embodied in Article 31 of the Convention applies, is accompanied by a copy of the export authorization from that country or, if that system does not apply, the name and quantity of the narcotic drugs is stated in the transit register, or if they are sent by post then in the customs declaration, and in the shipping documents;

(b) The preparations are listed in Schedule III of the Convention and their name and quantity are stated in the transit register or, if they are sent by post, in the Customs declaration and the shipping documents;

(c) The consignment of narcotic drugs is kept undivided and intact during transit;

(d) The official seal or fastening applied to the consignment of narcotic drugs to be shipped in transit, or to the place of keeping thereof, is not broken by anyone other than an official appointed for that purpose.

Article 17

1. During the transit of a quantity of narcotic drugs, not being preparations listed in Schedule III of the Convention, any change in the country of destination is prohibited unless, on written application therefor to the Chief Inspector, he has issued an export authorization subject to cancellation of the copy of the export authorization mentioned in Article 16, sub-paragraph (a).

2. The application referred to in paragraph 1 shall:

(a) be dated and signed by the person abroad who has exported the narcotic drugs;

(b) be submitted to the Chief Inspector;

(c) contain the data referred to in Article 6, paragraph 1, sub-paragraphs (a)-(d) and (f);

(d) be accompanied by a certified copy of the import certificate or declaration referred to in Article 6, paragraph 2.

3. No export authorization under paragraph 1 shall be issued for the narcotic drugs mentioned in Article 10.

THE DEPOSIT IN AND REMOVAL FROM BOND

Article 18

1. The transfer to a bonded warehouse of a narcotic drug for which an import certificate or export authorization has been granted by the Chief Inspector is not allowed until a written permit to do so has been obtained from the Chief Inspector. Conditions may be attached to the permit.

The Chief Inspector may grant a permit only:

(a) in special cases;

(b) if there is sufficient certainty that the narcotic drugs will be registered for importation within the period mentioned on the import certificate or will be despatched to the country of destination.

2. The importer or exporter shall give written notice to the Chief Inspector of the removal from bond of narcotic drugs which have been transferred to a bonded warehouse under a permit granted in accordance with paragraph 1.

3. A change in the packaging of narcotic drugs transferred to a bonded warehouse under a permit granted in accordance with paragraph 1 may be allowed during storage in bond only by written permission therefor from the regional inspector in whose district the bonded warehouse is situated.

FINAL PROVISIONS

Article 19

The Decree of 8 December 1933 (Staatscourant 1933, 241) made by the Minister of Social Affairs concerning regulations for the import, export and transit of narcotic drugs is hereby repealed.

Article 20

1. This Order, which shall be inserted in the Nederlandse Staatscourant, may be referred to as the "Import, Export and Transit of Narcotic Drugs Order".

2. This Order shall come into force on 1 March 1974.

Leidschendam, 20 February 1974

The aforesaid Secretary of State,
J.P.M. HENDRIKS