



LAWS AND REGULATIONS

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

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

SPAIN

Communicated by the Government of Spain

NOTE BY THE SECRETARIAT

- (a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [] have been added or changed by the Secretariat.
- (b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

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MINISTRY OF HEALTH AND CONSUMER AFFAIRS

Order of 6 October 1987 to include specified active substances
in the Schedules attached to the Convention on Psychotropic
Substances, done in Vienna on 21 February 1971 and ratified
by Spain

In view of decisions 1 (XXXII) to 5 (XXXII), adopted by the United Nations Commission on Narcotic Drugs at its 32nd session, held in Vienna on 2 February 1987 and communicated by the Secretary-General of the United Nations on 23 March 1987, in accordance with the reports and recommendations received from the World Health Organization, to include the substances listed below in the Schedules attached to the Convention on Psychotropic Substances, done in Vienna on 21 February 1971 and published in the Official Gazette No. 218 of 10 September 1976,

In view of the provisions of Article 2, paragraph 7, of the aforementioned Convention, which has been ratified by Spain, and by virtue of the powers conferred by the final provision of Royal Decree No. 2829 of 6 October 1977 1/ under which psychotropic medicinal substances and preparations are regulated,

The Ministry of Health and Consumer Affairs has decided to provide as follows:

First. 1. To include the following substance 2/ in Schedule III of Annex I to Royal Decree No. 2829 of 6 October 1977:

Butalbital.

2. To include the following substances in Schedule IV of Annex I to Royal Decree No. 2829 of 6 October 1977:

Allobarbital;

Butobarbital;

Secbutabarbital;

Vinylbital.

Second. Within a period of 30 days from the date on which the present ministerial Order enters into force, establishments manufacturing, importing or exporting, distributing or dispensing the substances listed in provision 1 of this Order shall modify their procedures to conform with the legal requirements prescribed in Royal Decree No. 2829/1977 and in the Order of 14 January 1981 for the psychotropic products included in Schedules III and IV of Annex I to the aforementioned Royal Decree. 3/

Third. Those laboratories that are registered as licensed to produce pharmaceutical specialities containing the substances listed in provision 1 of this Order shall modify their material and equipment for processing these specialities within a period of 90 days.

Fourth. The manufacture, distribution, prescription and dispensation of these pharmaceutical specialities, as well as the control of the stocks thereof, shall be carried out in conformity with the provisions of Royal Decree No. 2829 of 6 October 1977.

Madrid, 6 October 1987.

GARCIA VARGAS
To the Director-General for Pharmacy
and Health Products

MINISTRY OF HEALTH AND CONSUMER AFFAIRS

Order of 14 January 1988 providing for financial assistance to non-profit-making bodies associated with the State, which are carrying out regional programmes in accordance with the priorities of the National Drugs Plan for 1988

Royal Decree No. 1677 of 11 September 1985 concerning interdepartmental co-ordination for the carrying out of the National Drugs Plan, in setting forth the reasons for the Decree, points to the need for conducting co-ordinated activities, with the participation of the public departments, social institutions and the citizens in general in order to deal with the problems arising from traffic in and consumption of drugs.

For this purpose, the aforesaid Decree establishes, on the one hand, an interdepartmental group, consisting of the Ministers of Health and Consumer Affairs, Labour and Social Security, Justice and the Interior, which is responsible for taking and, where appropriate, proposing to the Government measures and action for dealing with this matter; and, on the other, the Special Commission for the National Drugs Plan, attached to the Ministry of Health and Consumer Affairs, to be the body specifically responsible for arranging and promoting the required co-ordination.

The Finance Act approving the General State Budget for 1988, in its turn, under programme 313 G, "National Drugs Plan", included appropriations (classification No. 26.10.481) "To non-profit-making institutions associated with the State, conducting programmes for the prevention and treatment of drug addiction and the social rehabilitation of addicts" for supplying financial assistance for these purposes.

The aforementioned goal of securing co-ordinated action among the different sectors involved, and the fact that the necessary technical and financial instruments to make such action possible exist, now render it advisable to establish the standard framework for a system of subventions to help in financing regional programmes concerning the prevention of drug-dependency and the treatment and social rehabilitation of persons affected by drug-dependency, promoted and carried out by non-profit-making bodies associated with the State in accordance with the priorities of the National Drugs Plan for 1988.

For these reasons, on the recommendation of the Special Commission for the National Drugs Plan, I have decided to provide as follows:

Article 1. Object. The object of the present Order is to establish the rules to govern the grant of financial assistance to non-profit-making bodies associated with the State, which are carrying out regional programmes concerned with the prevention of drug-dependency and the treatment and social rehabilitation of drug-dependent persons.

Article 2. Activities eligible for financing. Application may be made for the assistance available in accordance with the rules laid down in the present Order for the purpose of financing activities falling within the areas approved by the interdepartmental group as priority areas in the National Drugs Plan for 1988. The following activities are accordingly considered to be eligible for financial assistance:

Support for associations. Application may be made for assistance under this group of activities for meeting the overhead costs resulting from the operation of the bodies concerned.

Applied research and training programmes concerned with the prevention of drug-dependency and the treatment and social rehabilitation of drug-dependent persons, carried out by professional associations and trade unions, provided that such programmes are related to the sphere of action of the bodies concerned.

Programmes concerned with applied research, staff training and the conduct of technical studies on the prevention of drug-dependency and the treatment and social rehabilitation of persons suffering from drug-dependency, carried out by non-profit-making bodies.

Article 3. Applicants. Applications for the financial assistance governed by the present Order may be made by such legally constituted non-profit-making foundations, institutions and bodies associated with the State as are carrying out regional programmes concerned with the prevention of drug-dependency and the treatment and social rehabilitation of persons affected by drug-dependency.

Article 4. Supporting documents required. Applications for the financial assistance governed by the provisions contained herein should be accompanied by the following supporting documents:

1. A formal application drafted in conformity with the model appended to the present Order. Such application shall be signed by the authorized representative of the institution or its accredited agent. For this purpose, authentic evidence of such authorization or accreditation shall be supplied.

2. A certified copy of the Constitution, in which the field of activity of the body concerned, and the fact that the purposes of the institution applying do not include the pursuit of profit, shall be explicitly stated.

3. A document attesting that the body is entered in the Ministry of the Interior's National Register of Associations, under the terms of Law No. 191 of 24 December 1964, in cases where the body concerned is of this type.

4. A copy of the taxation particulars of the body and of its latest taxation discharge receipt.

5. A statement of the activities carried out by the body during 1987, listing the assistance which was available to it for carrying out those activities.

6. Balance sheet for the 1987 financial year.

7. Description of the programme in respect of which the application is made, setting forth its:

(a) Objects;

(b) Content and phases of the programme;

(c) Methods to be used and, where appropriate, technical materials to be employed;

(d) Time scheduled for carrying out the programme and timetable of activities.

8. Detailed budget for the project.

9. Organization chart and staff establishment for the project, and a list of persons working in it, giving their personal data, qualifications, experience and connection with the body concerned.

10. Documents attesting that the body is up to date with its social security contributions or, if appropriate, that it has secured an extension of time for payment.

Should the body have no salaried personnel on its staff, it shall submit an affidavit to this effect.

11. Documents attesting that the body applying is up to date in the discharge of its taxation obligations under the terms of the Order of the Ministry of Finance and Economic Affairs of 28 April 1986 (Official Gazette of 30 April 1986) and the provisions for its application.

In the case of bodies enjoying exemption from taxation, documentary evidence that such exemption has in fact been granted shall be presented.

12. A certificate from the legal representative of the body, attesting that none of the persons who will be taking part in the conduct of the programme falls within the categories of incompatibility laid down in Law No. 53 of 26 December 1984 concerning incompatibility in respect of service in the public departments, and in Law No. 25 of 26 December 1983 concerning incompatibility of high offices.

Should it be intended that staff employed by the public departments are to be remunerated for their collaboration, formal authorization for such staff, issued by the competent organization, shall be supplied.

13. An undertaking by the body that it will contribute the difference between the total cost of the project and the financial assistance granted to it.

14. An undertaking by the body that it will draw up a full evaluation report on the performance of each and every one of the items listed in the description of the programme.

(...)

FINAL PROVISION

This Order shall come into force from the day following its publication in the Official Gazette.

Communicated for information and action.

Madrid, 14 January 1988

GARCIA VARGAS

To the Under-Secretary and Government Commissioner
for the National Drugs Plan

E/NL.1988/23

MINISTRY OF HEALTH AND CONSUMER AFFAIRS

Order of 20 December 1988 to include specified active substances in
Schedules I and IV attached to the Single Convention
on Narcotic Drugs, 1961

In view of decisions 1 (S-X), 2 (S-X), 3 (S-X), 4 (S-X) and 5 (S-X) adopted by the United Nations Commission on Narcotic Drugs at its 994th meeting, held on 8 February 1988, and communicated by the Secretary-General of the United Nations on 15 April 1988, in accordance with the reports and recommendations received from the World Health Organization, to include the substances listed below in the Schedules attached to the Single Convention on Narcotic Drugs, drawn up by the United Nations Conference held at the Headquarters of the United Nations from 24 January to 25 March 1961, and ratified by Spain by the Instrument dated 3 February 1966 published in the Official Gazette of 22 April 1966, and subsequently amended by the Protocol of 25 March 1972, ratified by Spain by the Instrument of 15 December 1976, published in the Official Gazette of 15 February 1977,

Bearing in mind the provisions of Article 3, paragraphs 3 (iii) and 5, of the aforesaid Single Convention and by virtue of the powers conferred by Chapter I, Article 2, paragraphs 1 and 2, of Law No. 17 of 8 April 1967 concerning narcotic drugs, 4/

The Ministry of Health and Consumer Affairs has decided to provide as follows:

First. To include the following substances 2/ in Schedules I and IV attached to the Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol:

Acetyl-alpha-methylfentanyl;

Alpha-methylfentanyl;

3-methylfentanyl in its two isomeric forms;

PEPAP;

MPPP.

Second. The production, manufacture, export and import of, trade in, possession or use of the five substances listed above, and of any salts thereof the existence of which may be possible, is prohibited, except for amounts which may be necessary for medical and scientific research, including clinical trials therewith to be conducted under the supervision and control of the Directorate General for Pharmacy and Health Products.

Third. Establishments possessing, importing or manufacturing the aforesaid substances shall proceed, as soon as this Order comes into force, to declare and surrender them to the Directorate General for Pharmacy and Health Products.

Fourth. The present ministerial Order shall enter into force on the day following its publication in the Official Gazette.

Madrid, 20 December 1988

GARCIA VARGAS
To the Director-General for Pharmacy
and Health Products

E/NL.1988/24

MINISTRY OF HEALTH AND CONSUMER AFFAIRS

Order of 20 December 1988 to include specified active substances
in Schedule II attached to the Convention on
Psychotropic Substances, 1971

In view of decisions 6 (S-X) and 7 (S-X), adopted by the United Nations Commission on Narcotic Drugs at its 994th meeting, held in Vienna on 8 February 1988, and communicated by the Secretary-General of the United Nations on 15 April 1988, in accordance with the reports and recommendations received from the World Health Organization, to include the substances listed below in the Schedules attached to the Convention on Psychotropic Substances, done in Vienna on 21 February 1971 and published in the Official Gazette, No. 218 of 10 September 1976,

In view of the provisions of Article 2, paragraph 7, of the aforementioned Convention, which has been ratified by Spain, and by virtue of the powers conferred by the final provision of Royal Decree No. 2829 of 6 October 1977, 1/ under which psychotropic medicinal substances and products are regulated,

The Ministry of Health and Consumer Affairs has decided to provide as follows:

First. To include the following substances in Schedule II of Annex I to Royal Decree No. 2829 of 6 October 1977:

Secobarbital;

Methamphetamine racemate.

Second. Within a period of 30 days from the date on which the present ministerial Order enters into force, establishments manufacturing, importing or exporting, distributing or dispensing the substances listed in provision 1 of this Order shall modify their procedures to conform with the legal requirements prescribed in Royal Decree No. 2829/1977 and in the Order of 14 January 1981 3/ for the psychotropic products included in Schedule II of Annex I to the aforementioned Royal Decree.

Third. Those laboratories that are registered as licensed to produce pharmaceutical specialities containing the substances listed in provision 1 of this Order shall modify their material and equipment for processing these specialities within a period of 90 days.

Fourth. The manufacture, distribution, prescription and dispensation of these pharmaceutical specialities, as well as the control of the stocks thereof, shall be carried out in conformity with the provisions of Royal Decree No. 2829 of 6 October 1977.

Fifth. The present ministerial Order shall enter into force on the day following its publication in the Official Gazette.

Madrid, 20 December 1988.

GARCIA VARGAS
To the Director-General for Pharmacy
and Health Products

Notes by the Secretariat

1/ E/NL.1978/59.

2/ Chemical names were given in the text for the substances listed. These names were identical to those which appear in the international drug control treaties and are accordingly not reproduced.

3/ E/NL.1981/51.

4/ E/NL.1967/43.