

WRITTEN QUESTION E-2018/00  
by Jan-Kees Wiebenga (ELDR)  
to the Commission

Subject: Unintentional legalisation of trafficking in PMK and XTC

In the Dutch version of Annex I to Commission Directive 93/46/EEC<sup>1</sup> of 22 June 1993 replacing and modifying the Annexes to Council Directive 92/109/EEC<sup>2</sup> on the manufacture and placing on the market of certain substances used in the illicit manufacture of narcotic drugs and psychotropic substances, the word '3,4-methylenedioxyphenyl propan-2-one' is replaced with the word '3,4-(methylenedioxy)phenylpropane'. 3,4 methylenedioxyphenyl propan-2-one and 3,4 (methylenedioxy)phenylpropane are not one and the same substance. 3,4 methylenedioxyphenyl propan-2-one, also known as PMK, is the base material for the hard drug XTC. Details are given on pages 1068-1069 of the Nederlands Juristen Blad of 26 May 2000, and in an article in De Telegraaf of 29 May 2000.

1. Why was the word '3,4 methylenedioxyphenyl propan-2-one' replaced with the word '3,4 (methylenedioxy)phenylpropane' in Annex I to Commission Directive 93/46/EEC of 22 June 1993?
2. Is it true that, as a result of the abovementioned amendment, PMK is no longer included on the list of prohibited substances and hence has in fact been legalised since 22 June 1993?
3. If so, does this mean that production of and trafficking in PMK, and hence also XTC, has not been a punishable offence since 22 June 1993?
4. Could this mean that, in many cases, there will be no legal basis for prosecution, which will result in the termination of pre-trial detention and, possibly, in claims for damages being filed against the authorities?
5. Could it also mean that many of those who are serving prison sentences were wrongly convicted?
6. What action does the Commission intend to take to remedy this unintended but potentially serious situation?

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<sup>1</sup> OJ L 159, 1.07.1993, p. 134

<sup>2</sup> OJ L 370, 19.12.1992, p. 76