

Organization of American States (OAS)
Inter-American Drug Abuse Control Commission (CICAD)

***CICAD'S MODEL REGULATIONS
FOR THE CONTROL OF CHEMICAL
SUBSTANCES USED IN THE ILLICIT
MANUFACTURE OF NARCOTIC
DRUGS AND PSYCHOTROPIC
SUBSTANCES***



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Part I.

Purpose and Scope of Application

Article 1

The purpose of these Model Regulations is to monitor and control the manufacture, preparation, processing, storage, import, export, selling, distribution, formulation, packaging, transportation, possession, use, recovery, recycling, destruction, final disposition or any other type of domestic or international operation, act, or transaction involving chemical substances that can be used in or intended, directly or indirectly, for the illicit manufacture, preparation or extraction of narcotic drugs or psychotropic substances, as well as to prevent and penalize the diversion and illegal manufacture of these chemical substances.

Article 2

The chemical substances of these Model Regulations shall correspond, as a minimum, to the chemical substances included in Tables I and II of the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. The chemical substances included in the present Model Regulations will be automatically updated in accordance with the modification of Tables I and II of the Convention. In addition, other chemical substances may be included in accordance with national requirements or regional concerns.

Article 3

The provisions for the control of chemicals substance used in the illicit manufacture of narcotic drugs, psychotropic substances, and chemical substances shall apply in all areas of national jurisdiction.

Part II.

Definitions

Article 4

The definitions of these Model Regulations shall be subject to the provisions of the domestic law of the member states. Except where otherwise expressly indicated or where the context otherwise requires, the following definitions shall be applicable throughout the text of these Model Regulations:

- **Selling:** Any transaction, direct or indirect, among operators or brokers involving the transfer of ownership of chemical substances that can be used in the manufacture of other chemical substances, narcotic drugs, or psychotropic substances.
- **Operator:** Any natural person, or entity, that engages in or intends to perform operations, acts or transactions with chemical substances.
- **Broker:** A natural person or entity that assists in arranging or executing a transaction involving a chemical substance by: a) Negotiating contracts; b) Serving as an agent or intermediary; or c) Bringing together a buyer and a seller, a buyer and a transporter, or a seller and a transporter.
- **Entity:** Should be understood as any “community” considered as a unit, taken as a public or private legal entity. It may include, but is not limited to being, a corporation, company, partnership, firm, trust, unincorporated association, society, or other organization that conducts operations, acts or transactions with chemical substances, no matter how it is constituted.
- **Distribution:** Process of supplying, selling, transferring, or otherwise making available chemical substances through one or more Parties, that are involved in the various stages of delivering chemical substances to the final user or consumer.
- **Manufacture:** Any form or stage of preparation, processing or acquisition, directly or indirectly, of narcotic drugs, psychotropic substances or chemical substances, either by extraction, preparation, formulation, purification, processing, refinement, chemical synthesis or other treatment of raw materials.
- **Import and Export:** In their respective connotations, entry into or exit from one country or territory to another, including temporary customs jurisdiction.
- **Mixture:** Any combination or aggregation of one or more chemical substances in the Tables I, II or III of these Model Regulations among themselves or with another chemical or chemicals, and that can be used in the illicit manufacture, preparation or extraction of narcotic drugs, psychotropic substances, or chemical substances.

- Preparation: The means needed for manufacturing or packaging a substance in whatever physical state; either in pure, bulk or dosage form, containing one or more narcotic drugs, psychotropic substances or chemical substances mixed or not mixed with other non-controlled components.
- Processing: The means of changing the structure of a chemical to convert it to a new chemical.
- Storage: To store, under the control of an operator, chemical substances in bulk or separate containers, in either a closed or open space.
- Transportation: To take chemical substances from one place to another using any means within a country or territory or from one country or territory to another.
- Possession: Having chemical substances, tools, materials or equipment to manufacture narcotic drugs, psychotropic substances or other chemical substances.
- Chemical substance: Chemical compound or product that can be used directly or indirectly in the manufacture of narcotic drugs, psychotropic substances, or other chemical substances. The term chemical precursor will be considered synonymous with chemical substance, unless the national regulation considers another definition.

The term includes non-controlled chemical substances designed, modified, and manufactured to be closely related to the chemical substances in Tables I, II and III and can be converted into controlled substances or precursor chemicals by readily applicable means. Unless precluded by national law or constitutional provision, such chemical substances include common derivatives, stable intermediates, and masked chemical substances. In addition, the term also includes other related chemical substances where there is substantial reason to believe that such items may be used, directly or indirectly, for illicit manufacture, formulation, preparation or extraction of narcotic drugs, psychotropic substances or other precursor chemicals that are in turn used for such illicit purposes.

- Transshipment: Under customs control, the transfer of goods from one means of transport to another, within a Customs zone.
- Transit: Under Customs control, the shipment of goods from one Customs zone to another within a country or from one country to another.
- Packaging: Operations necessary to pack, repack, package, repackage, and weigh narcotic drugs, psychotropic substances or chemical substances, or mixtures of one or more of them or of manufactured products.
- Traffic: Actions by individuals or entities to illegally manufacture, market, distribute, import, export, transship, prepare, process, or package narcotic drugs, psychotropic substances, or chemical substances.
- Authorizations: Administrative act that consists of the granting, by the competent authorities, of licenses, registrations, permits or other similar documents to carry out operations with chemical substances.

- Irregular Movements or suspicious transactions: Unusual or unjustified movements or actions related to chemical substances. In context, this refers to activities, that may indicate potential actions that contravene these Model Regulations, as set forth in greater detail in Part IX, Article 34.

Part III.

Tables of Chemical Substances

Article 5

The chemical substances subject to controls established in the provisions of these Model Regulations that are incorporated into domestic law shall be arranged in three tables where Tables I and II contain at least the same chemical substances in Tables I and II of the Annex to the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and Table III is to include the chemical substances referred to in Article 8 of the Model Regulations.

Article 6

Chemical substances shall be identified by the names and corresponding numeric codes under which they are listed in the Harmonized Commodity Description and Coding System (HS) of the World Customs Organization (WCO), and the number assigned by the Chemical Abstracts Service (CAS), if member states consider it appropriate.

These classification systems should also be used in statistical records and in documents pertaining to importation, exportation, transit and transshipment and apply to other customs operations and in free trade zones and free ports.

Article 7

Member states may, through their competent authority or other appropriate body, add, delete, or transfer chemical substances in the pertinent tables under their domestic legal systems, in accordance with national needs and circumstances, respecting the provisions of Article 2.

Member states shall report, through their competent authority or other appropriate body, these decisions to the Executive Secretariat of the Inter-American Drug Abuse Control Commission (CICAD), so that it can inform member states of current dynamics related to the use of chemical substances, in order for them to adopt the relevant control measures.

Part IV.

Chemical Substances Under Surveillance

Article 8

There is hereby established a Table III containing, as a minimum, chemical substances included in the special surveillance list of INCB, which includes chemical substances not found in Tables I and II that, in the experience of some competent authorities of member states, are being diverted to or are being used as substitutes in the illicit manufacture, preparation, or extraction of narcotic drugs, psychotropic substances, or other controlled chemical substances.

In accordance with their respective national legal systems and constitutional principles, member states may, as they deem appropriate, adopt, with respect to chemical substances included in Table III, some of the measures in Parts VI, VII and IX of these Regulations.

Article 9

The competent authority may take the necessary measures to control and monitor suspicious transactions related to chemical substances not included in Tables I, II and III of the Model Regulations, when there is evidence of their use in the illicit manufacture of narcotic drugs, psychotropic substances, and chemical substances.

Part V.

Mixtures

Article 10

Mixtures of chemical substances that can be used in the manufacture of narcotic drugs and psychotropic substances, as well as other chemical substances that are incorporated into domestic law, shall be subject to the control or monitoring measures set out in Parts VI, VII, VIII and IX of these Model Regulations.

In determining the controls or measures of surveillance to be applied, countries shall take into consideration the following:

- a. A mixture that contains one or more substances included in Table I shall be subject to the controls applicable to Table I; in percentage of individual or combined level of concentration, as the case may be, above the percentage determined by the competent authorities shall be subject to the controls applicable to Table I;

- b. A mixture that contains one or more substances included in Table II at an individual or combined level of concentration, as the case may be, above the percentage determined by the competent authorities shall be subject to the controls applicable to Table II;
- c. A mixture that contains one or more substances included in Table III at an individual or combined level of concentration, as the case may be, above the percentage determined by the competent authorities shall be subject to the controls applicable to Table III.

Article 11

The competent authority shall determine, based on scientific information, which of the mixtures including chemical substances in Tables I, II and III will not be subject to the suggested controls or measures, if it is determined that the mixture is of unfeasible recovery, or that it is unlikely to be used as such for illicit manufacture, preparation or extraction of narcotic drugs, psychotropic substances, or other chemical substances.

Part VI.

Control Measures

A. Authorizations

Article 12

Whosoever manufactures, prepares, processes, stores, imports, exports, markets, distributes, formulates, packages, transports, uses, recovers, recycles, destroys, or engages in final disposition or in any other type of operation, act, or transaction involving substances included in Table I shall be subjected to controls by the competent authority consisting of a permit, licensing, or similar measures.

Article 13

Whosoever manufactures, prepares, processes, stores, imports, exports, markets, distributes, formulates, packages, transports, uses, recovers, recycles, destroys, or engages in final disposition or in any other type of operation, act, or transaction involving substances included in Table II shall, at a minimum, register with the competent authorities so that the scope and nature of the activities they conduct may be known.

Article 14

The competent authorities shall require periodic updates to the authorizations provided in this part. The competent authorities shall maintain a record of all permits, licenses, and registrations, either granted, denied, suspended, or revoked.

Article 15

Competent authorities may stipulate exceptions to the licensing, permit or registration requirements of this Part in accordance with their national needs and circumstances, provided that such exceptions are not inconsistent with the objectives of these Model Regulations. When competent authorities stipulate such exceptions, they shall take into account regulatory needs and differing trafficking trends in neighboring countries, in their respective regions, and in the global context.

Article 16

With respect to the issuance of all forms of government authorizations, in accordance with domestic law, competent authorities should take into account background information relating to the applicant, such as:

1. Evidence of the applicant's ability to maintain effective controls over the chemical substances;
2. The applicant's compliance with applicable national laws for the control of chemical substances, as well as health and environmental laws;
3. The need of the chemical substances in relation to the activities of the company;
4. The existence of formal charges or convictions of an offense relating to illicit trafficking of narcotic drugs and psychotropic substances or diversion of chemical substances, or money laundering and related offenses that have been imposed on administrators, owners or associates;
5. The recurrence of the commission of administrative infractions duly sanctioned, in a certain period of time, or the existence of uncorrected sanctions.

Factors such as the foregoing may be taken into account in order to suspend or revoke an existing license, permit or other authorization.

B. Records

Article 17

The persons referred to in Articles 12 and 13 shall keep, for a period of not less than two years, a complete, accurate and up-to-date record of each of the chemical substances listed in Tables I and II and any other chemical substance specified by the competent authority, including the following information at a minimum:

1. Initial inventory;
2. Amounts received, including any difference from the amount invoiced;
3. Amounts manufactured and packaged;

4. Amounts imported, their origins and destination;
5. Amounts used for any other activities or purposes;
6. Amounts marketed or distributed domestically and their destination;
7. Amounts exported, their originators and their destination;
8. Existing stocks and in the case of chemical constituencies, their status (quarantine, storage, expired, rejected, waste, others);
9. Surplus amounts or amounts lost during operations, acts or transactions; and amounts destroyed or transferred for destruction or final disposal;
10. Amounts lost due to pilferage, theft or other causes unrelated to operations, acts or transactions, with appropriate documentation or report to the competent authorities;
11. Amounts recycled and recovered;
12. Any other movement of the chemical substances, with appropriate documentation to explain it.

Article 18

Records of the amounts of substances referred to in items 2, 4, 6 and 7 of the preceding Article shall include the following information, at a minimum:

1. Date of the issuance and number of the invoice or bill of sale and date of the respective operation, act, or transaction with delivery of chemical substance;
2. Name, address, telephone, e-mail address, as well as authorization number of each and every party involved in the operation, act, or transaction, and those of the final consignee if not one of those parties involved in the operation, act, or transaction;
3. Chemical name, Harmonized System (HS) code, CAS number (if possible) or other form of identification method, physical form, and packaging of the chemical substance (level of detail and nature of the information to be recorded will be defined by the competent authority);
4. Means of transportation, identification of the transport company, route lists, itinerary, origin, destination, and all other documents required related to the transport of the chemical substance.

Article 19

Operators shall submit periodic reports on chemical substances based on the records maintained in accordance with Articles 17 and 18. The information to be reported, the form and the frequency will be defined by the competent authority.

Records required by Articles 17 and 18 shall be made available for inspection and provided to the competent authority upon request.

C. Inspections

Article 20

1. The competent authorities may inspect applicant operators or current holders of licenses, registration or permit for the purpose of:
 - a. Verifying the existence, location and legitimacy of the individual or entity and its activities with respect to the use of chemical substances;
 - b. Confirming compliance with applicable laws and regulations including security and internal control measures.
2. The inspections carried out prior to the acquisition of license, registration or permit will include confirmation of the location, provisions for physical security and procedures, physical assets, capacity of the facility, and other relevant elements of the operation.

Article 21

The inspections of operators that already possess licenses, registrations and permits may be carried out on the stocks, security systems, required records, relevant financial/accounting documentation, and computer systems.

The inspections may include non-authorized operators with the aim of preventing operations outside the control system.

The competent authorities may inspect such operators where there is reason to believe they are not authorized to conduct operations, acts or transactions with chemical substances.

The competent authorities may also inspect operators handling chemicals not included in any Table, who are suspected of engaging in conduct that is contrary to these Model Regulations.

Article 22

The competent authority may apply administrative sanctions, if the operators obstruct, prevent, or refuse to allow a regulatory inspection. The administrative authority that carries out inspections and investigations when detecting or verifying irregularities, that in the administrative authority's opinion could constitute a crime, will report the findings to the competent criminal authority, without prejudice to the corresponding administrative measures.

The competent authority may take precautionary or executive measures, as appropriate, on the chemical substances at any stage of the operation, when conduct violates the regulations relating to such operations.

The competent authority and the operators may, as they deem necessary, designate sensitive areas or routes within the national territory, where there is greater incidence of traffic of narcotics drugs, psychotropic substances, or chemical substances, such that greater scrutiny of the route or area is warranted by the competent authorities.

Part VII.

Import, Export, Transit and Transshipment Requirements

Article 23

In addition to the requirements for the authorization, but without prejudice to any other authorizations required by the respective foreign trade system, importers and exporters of the substances listed in Table I shall obtain an import, export, transit, or transshipment permit from the competent authorities.

The competent authorities may subject imports, exports, transit, or transshipment of all or some of the substances listed in Table II to the same system as mentioned above.

Article 24

The competent authorities may also determine which of the substances included in Tables II and III shall be subject to an import, export, transit, or transshipment notification.

Article 25

The competent authority should define a minimum and maximum period of time by which applications for permits and notifications should be submitted prior to the import or export in question.

Article 26

Import or export permits shall expire not later than 180 days to one year after the date of their issue. Such permits shall be issued for a single substance only and may not be used more than once. If the 180-day or one year period has passed and no importation or exportation has occurred, application for a new permit must be made.

Article 27

The application for a permit or notification shall contain the following information, at a minimum:

1. The importer's or exporter's name, address, license, registration or permit number, telephone and e-mail address;
2. The name, address, telephone, and e-mail address of the import or export agent and of the freight forwarder, if applicable;
3. The name and corresponding numeric codes under which each chemical substance is listed in the Harmonized Commodity Description and Coding System (HS Code) of the World Customs Organization (WCO) and CAS number (if possible), as well as the description on the label of drums, barrels or other containers or packaging;
4. Net weight or net volume of the chemical substances in universally accepted units of mass or volume and their fractions, as well as their concentration and density, and other relevant information related to mixtures;
5. Quantity and gross weight of the drums, barrels or other containers or packaging;
6. Identification of drums, barrels or other containers or packaging and their description, if applicable;
7. Scheduled shipping and import or export date, place of origin and the points of shipment, stopover ports, place of entry into the country and final destination;
8. Means of transportation and identification of the carrier;
9. Name, address, telephone, and e-mail address of the supplier or purchaser;
10. Name, address, telephone and e-mail address of the final user or consignee, if known, or ascertainable;
11. If known and applicable, the permit or authorization number or another reference number issued by the competent authority of the other country that can be used to identify the importing or exporting transaction.

Article 28

As required by the competent authority, within [a period of time defined by the competent authority] after the import or export of all or any part of the chemical substances shipment that were the subject of a permit application, the importer or exporter shall file a declaration with the following information:

1. Date of import, export or border clearance;
2. Quantity and universally accepted unit of measurement;
3. Identification of the chemical substance, HS code and CAS number (if possible);
4. Name of authorized dealer (importer or exporter) and permit number related to the transaction in question;
5. Port of entry or exit;
6. For imports, and where practicable for exports, the name of any known or intended recipients of all or any part of the chemical substance shipment;
7. The authorization number issued by the competent authority of the exporting and importing country (or countries).

Article 29

The competent authorities, in accordance with their domestic law, may deny the permits or authorizations, or suspend a transaction when:

1. They can verify that the competent authority of the other country:
 - a. Has not issued the proper authorization for the transaction, or
 - a. Has not issued the proper authorization to the operator engaging in the transaction.
2. There exists a substantial reason to believe that the chemical substances may be used for illicit manufacture of narcotic drugs, psychotropic substances, or chemical substances.

Member states, through the corresponding customs authority, may deny entry to the destination country or proceed to re-embark or enforce administrative forfeiture, when the circumstances indicated in points 1 and 2 above are met.

If domestic law allows, the competent authority may:

- Suspend an import, export, transshipment, or other transaction involving chemical substances; or

- Seize the chemical substances used or intended to be used in the illicit activities, where there is substantial reason to believe that such chemical substances may be used, directly or indirectly, for illicit manufacture, preparation or extraction of narcotic drugs, psychotropic substances or other precursor chemicals that are in turn used for such illicit purposes.

Part VIII.

Pre-Notification

Article 30

Before exporting a substance included in Table I, a country intending to export such a substance shall provide, through its competent authorities, the information required under Article 27 to the competent authorities of the importing country.

Article 31

The information required by Article 27 may also be applied to all or some substances specified in Tables II and III, where countries participating in the respective transactions so decide, or when the importing country so requires.

Article 32

Within 15 calendar days of receipt of pre-notification by the exporting country, the competent authority of the importing country shall advise the exporting country whether or not the transaction is legitimate. Failure by the competent authority of the importing country to duly advise the exporting country within the above noted timeframe shall signify acceptance of the transaction.

Article 33

Regarding pre-export notifications, as specified in Article 12, paragraph 11 of the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, where a Party furnishes information to another Party in accordance with paragraph 9 and 10 of said article, the Party furnishing such information may require that the Party receiving it keep confidential any trade, business, commercial or professional secrets or trade process.

Part IX.

Reports of Irregular Movements

Article 34

Operators engaged in the manufacture, preparation, formulation, processing, storage, importation, exportation, selling, distribution, packaging, transportation, possession, use, recovery, recycling, destruction, final disposition, or any other type of operation, act, or transaction involving chemical substances listed in Tables I, II, and when applicable also those listed in Table III, shall immediately report to the competent authorities any unusual or unjustified transaction made or proposed to which they are parties, or solicitations concerning an actual or proposed transaction, whether occasional or repeated, when they have reasonable grounds to suspect that such substances may be used in the manufacture, preparation or extraction of narcotic drugs, psychotropic substances or chemical substances.

Operations, acts, or transactions, as well as solicitation concerning actual or proposed transactions, may be considered unusual or unjustified, when:

1. The chemical substances or quantities requested do not coincide with the industrial or commercial activity of the applicant, or if when combined they are part of the manufacturing process of narcotic drugs, psychotropic substances or other chemical substances;
2. The destination to which the merchandise is requested to be sent, or the means used for its transport is strange, abnormal or unusual;
3. The form of payment proposed is suspicious, abnormal or unusual;
4. The prices offered are significantly different from market prices;
5. The characteristics of the applicant are extraordinary or do not coincide with the information registered by the competent authority;
6. The operation is paid in cash, cryptocurrency or any other anonymized payment method, and the applicant requests the omission of tax documentation of the transaction;
7. Any of the data related to the name of the substance, the amount or the recipient of the invoice is falsified;
8. A suspicious, abnormal or unusual increase in orders is verified;
9. Any other circumstances that lead authorities to suspect that the chemical substances could be used for illicit purposes.

If the administrative control authority encounters information indicating irregular movements, it shall promptly notify law enforcement or prosecuting authorities, who shall determine whether and what form of investigation or other appropriate legal process is appropriate.

Article 35

If operators detect losses, or irregular or significant disappearances of chemical substances under their control, they shall communicate the information to competent authorities through appropriate means, as soon as it becomes known. In addition, the operator must issue a written report, which must contain detailed information of the incident, and be delivered within the period of time defined by the competent authority.

Once the information has been verified, the competent authorities shall undertake the corresponding measures. In the case of international trade, they shall notify the competent authorities of the country of origin, destination, or transit, as soon as possible, providing them with all available information.

Article 36

All information release to the competent authorities under the rules and provisions of these Model Regulations for the sole purpose of domestic control measures shall be treated as confidential and not divulged to any person except for law enforcement, judicial and prosecuting officials, or members of competent authorities.

Part X. Offences

Article 37

The following acts shall be considered as a punishable offence:

1. The manufacture, preparation, formulation, processing, storage, importation, exportation, selling, distribution, packaging, transportation, possession, use, recovery, recycling, final disposal and any other operation, act, or transaction involving chemical substances if the party knows, should have known, or is intentionally ignorant that it could be used in or is intended, directly or indirectly, for the illicit manufacture of narcotic drugs, psychotropic substances, or controlled chemical substances within the country or abroad;
2. The introduction to the country, manufacture, storing, provision, sale or transportation of raw materials or controlled or non-controlled chemical substances, with knowledge of, or presuming, the purpose being the illicit manufacture of narcotic drugs, psychotropic substances, or controlled chemical substances and / or the promotion, facilitation or financing of said acts;

3. The possession of controlled chemical substances with diversion possibilities, without objective justification and without having the authorizations, licenses, inscriptions or permits granted by the competent authorities, in areas or routes where there is incidence of illicit manufacture or trafficking of narcotic drugs, psychotropic substances or chemical substances, declared by the competent authorities, and if domestic law allows;
4. Any of the actions specified above that may have been done when the party knows, when it should have known or when intentionally ignorant that the chemical substances could be intended for use in any illicit conduct, whether it be within the country or abroad;
5. Acts, transactions and operations that are done with intent to falsify or omit material information from registrations, permits, requirements, licenses or any other documents, whether they have been done with or without intention to illicitly traffic or hinder the detection of illicit traffic of chemical substances;
6. Any actions specified above that have been done due to inexcusable negligence;
7. Manufacturing, importation, exportation, selling, transport, or possession of instruments, materials, or equipment when the party knows, should have known or is intentionally ignorant that these will be illicitly used for the manufacture, preparation, processing, storage, importation, exportation, selling, distribution, formulation, packaging, transportation, possession, use, recovery, recycling, final disposal, and any other operation, act, or transaction of narcotic drugs, psychotropic substances, or chemical substances;
8. The organization, management, or financing of the offences referred to in this Article;
9. The use of any means to incite or induce to commit the offences referred to in this Article;
10. Participation in, concealment of, association or conspiracy to commit, attempts to commit and aiding, abetting, facilitating, and counseling to commit the offences referred to in this Article.

For the purposes of this article, chemical substances not included in Tables I, II and III of the Model Regulations may be taken into account, when there is evidence of their use in the illicit manufacture of narcotic drugs, psychotropic substances and chemical substances, unless precluded by national law or constitutional provision.

Part XI.

Investigation and Proof of Offences

Article 38

The competent authorities shall be entitled to use the following investigative techniques, among others, in the investigation and proof of offences cited in the previous Article, as permitted by national law:

1. Monitored or controlled deliveries of chemical substances and machines and equipment;
2. Interception, the opening, registration and recording of all types of private communication and documents and electronic or other types of surveillance pursuant to the corresponding authorization;
3. Undercover operations using police agents or civilian informants and the use of cooperating individuals or defendants in exchange for concessions in prosecution or penalties;
4. Undercover operations using created or modified entities for investigation purposes, under competent authority control;
5. Investigation of financial activities of operators suspected of involvement in unlawful activities;
6. Postponement of the detention of persons or seizure of assets and company intervention, when it is considered that the immediate execution of such measures may compromise the success of the investigation.

Article 39

Knowledge, intention, or purpose required as elements of any of the offences mentioned in Article 37 could be inferred from indirect or circumstantial evidence pertaining to the case.

Part XII.

Extradition and Mutual Legal Assistance

Article 40

The offences referred to in Part X of these Model Regulations shall be extraditable, in accordance with the constitutional and legal principles of each member state.

Article 41

Such offences shall be afforded the widest possible mutual legal assistance under the international treaties subscribed by the member state.

Part XIII.

Other Civil, Administrative and Criminal Offences

Article 42

Contraventions of the control measures set out in the provisions of these Model Regulations that are incorporated into domestic law may result in the application of the following measures:

1. Civil proceedings which can lead to the application of financial sanctions or injunctions;
2. Administrative proceedings which can lead to the application of financial sanctions or the revocation, suspension or application of other sanction involving granted authorizations;
3. Criminal sanctions in cases where the contravention is considered as an offence punishable under corresponding national law.

The application of any one or combination of sanctions with respect to an operator shall not exclude or bar the application of other sanctions available under this law, as permitted by the constitution and domestic legal system.

Part XIV.

Final Disposition of Seized and/or Forfeited Chemical Substances

Article 43

Each competent authority shall establish the final disposition of seized and/or forfeited chemical substances by implementing measures such as: transfer, sale, donation, processing, destruction, or final disposal, among other strategies, under environmental security, industrial and public health safety criteria, ensuring that the chemical substances do not re-enter the illicit market cycle.

Each competent authority shall establish a protocol for the process of final disposal of seized or confiscated chemical substances.

Part XV.

Competent Authorities for International Cooperation

Article 44

Member states shall designate, as a focal point(s), representative(s) of the competent authority(ies), to respond to requests for international cooperation and information pursuant to these Model Regulations or to convey them to the authority responsible for their execution.

The focal points for these purposes and any changes of such shall be notified to the OAS/CICAD Executive Secretariat in order to facilitate inter-institutional coordination processes among member states.

Part XVI.

Cooperation with Operators and with the Private Sector

Article 45

Competent authorities shall promote the creation and adoption of cooperation measures in collaboration with the entities of the private sector that carry out activities related to the subject matters covered by the provisions of these Model Regulations that are incorporated into domestic law. Within these cooperation measures can be considered, among others, the creation of joint working groups, the establishment of a voluntary code of conduct and cooperation, agreements, training, guidelines and/or programs to encourage good business practices.

In addition to this article, voluntary cooperation should not be limited to the chemical industry but should also be extended to sectors related to technology, finance, transport and distribution, among other related activities.

Recommendations

It is recommended that each member state:

4. Enact or update its pertinent legal and administrative regulations and promote their application to prevent the diversion and traffic of chemical substances to the illicit manufacture of narcotic drugs, psychotropic substances or chemical substances;
5. Establish legislation, or update its current legislation, to control national and international transactions of chemical substances. Insofar as possible, such laws should be compatible with those of the other countries, taking into account the Model Regulations;
6. Adopt expeditious measures to review or update their control lists of chemical substances;
7. Ensure the establishment of national and international communication systems for the exchange of information on transactions of chemical substances;
8. Ensure the application of a surveillance system of any movement of chemical substances at crossings and borders wherever traffic between or border trade with neighboring countries takes place;
9. Ensure that the authorities entrusted with border control exercise a close watch over any chemical substances held there that are not used for consumption in the area or for a licit purpose;
10. Enact or update its pertinent legal regulations to prevent the diversion of tablet pressers, encapsulating and packaging machines and, as appropriate, materials, instruments and laboratory equipment from legitimate purposes to the illicit manufacture of narcotic drugs, psychotropic substances, or chemical substances;
11. Consider requiring brokers of the chemical substances regulated by CICAD's Model Regulations to notify the competent authorities of suspicious transactions or proposals, and maintain records of all transactions involving listed chemical substances;
12. Incorporate best practice measures for the public and private sectors relating to the proper handling, storage and final disposal of chemical substances;
13. Should respond promptly to requests for information from another country concerning suspicious transactions or alleged traffic and illicit uses of chemical substances, machines, materials, and equipment;
14. Consider classifying traffic of chemical substances as a felony in domestic legislation;
15. Exchange information on chemical substances not subject to control in the Model Regulations, encouraging the use of available information exchange platforms for incidents involving chemical substances;

16. Establish interagency coordination / working groups to improve capacity for control of chemical substances used in illicit manufacture of narcotic drugs, psychotropic substances or chemical substances;
17. Establish controls at the final distribution level or eliminate exemptions from administrative control in those countries where the domestic use of certain controlled chemical substances poses a problem that could lead to illicit manufacture and trafficking of narcotic drugs, psychotropic substances or chemical substances;
18. Consider establishing a policy of “know your customer” that allows operators that handle chemical substances to have a better basis for identifying and reporting irregular movements and transactions, as provided in Part IX, Article 34 of the Model Regulations;
19. Consider implementing evidence based technical and scientific research projects to support the creation of policy guidelines and the update of control mechanisms;
20. Provide timely information to the Executive Secretariat of CICAD on the dynamics of the illegal manufacture of controlled chemical substances in the context of these Model Regulations, so that the authorities of the parties can be informed;
21. Establish risk profiling mechanisms for suspicious transactions and operators;
22. Strengthen control measures for operations, acts or transactions of chemical substances that are carried out through electronic commerce services;
23. Establish protection protocols for public officials who participate in the processes of reporting or investigating irregular activities related to the trafficking of chemical substances;
24. Establish processes for monitoring and evaluating national policies on the control of chemical substances;
25. Consider as indication of illicit trafficking of the chemical substances that are the subject of the Model Regulations any conduct that tends to prevent the reconstruction of the supply chain or the identification of said substances;
26. Consider strengthening customs measures and controls to prevent chemical substances with an individual tariff code designation from being declared under a general tariff code or residual item designation;
27. Consider the use of masking, adulterant, and diluent chemical substances as a felony;
28. Establish practices and procedures for processing information and evidence from seized chemical substances, dismantled clandestine laboratories, and other instances of apparent diversion or trafficking of chemical precursors. This in order to preserve the evidence (such as packaging, labels, markings, and containers, among others) and to increase data exchange with other member states for further investigations and legal actions.

Tables of Chemical Substances

Table I¹

CAS Number	Harmonized System (HS) Code	Substance	Synonyms
7722-64-7	2841.61	Potassium permanganate	
103-79-7	2914.31	1-Phenyl-2-propanone	P-2-P
108-24-7	2915.24	Acetic anhydride	Acetyl oxide; acetic acid anhydride; acetic oxide; ethanoic anhydride
103-82-2	2916.34	Phenylacetic acid and its salts	PAA
16648-44-5	2918.30	Methyl <i>alpha</i> -phenylacetoacetate	MAPA
89-52-1	2924.23	<i>N</i> -acetylanthranilic acid and its salts	2-Carboxyacetanilide
4433-77-6	2924.29	<i>alpha</i> -Phenylacetoacetamide	APAA
4468-48-8	2926.40	<i>alpha</i> -Phenylacetoacetonitrile	APAAN
120-58-1	2932.91	Isosafrole and its isomers	
4676-39-5	2932.92	3,4-Methylenedioxyphenyl-2-propanone	3,4-MDP-2-P
120-57-0	2932.93	Piperonal	Heliotropine
94-59-7	2932.94	Safrole	
13605-48-6	2932.99	3,4-MDP-2-P methyl glycidate	PMK glycidate
2167189-50-4	2932.99	3,4-MDP-2-P methyl glycidic acid and its salts	PMK glycidic acid
21409-26-7	2933.36	4-Anilino- <i>N</i> -phenethylpiperidine	ANPP
39742-60-4	2933.37	<i>N</i> -Phenethyl-4-piperidone	NPP

¹ The substances included in this section correspond to those listed in Table I of the 1988 Convention, in accordance with the Red List 19th Edition, published in January 2022. Additionally, and as set forth in Article 2 of these Model Regulations, member states may include other substances, in accordance with national requirements or regional concerns.

CAS Number	Harmonized System (HS) Code	Substance	Synonyms
299-42-3	2939.41	Ephedrine, its salts, optical isomers, and salts of its optical isomers	
90-82-4	2939.42	Pseudoephedrine, its salts, optical isomers, and salts of its optical isomers	Isoephedrine
14838-15-4	2939.44	Phenylpropanolamine, its salts, optical isomers, and salts of its optical isomers	PPA; norephedrine
60-79-7	2939.61	Ergometrine and its salts	Ergonovine
113-15-5	2939.62	Ergotamine and its salts	
82-58-6	2939.63	Lysergic acid	

Table II²

CAS Number	Harmonized System (HS) Code	Substance	Synonyms
7647-01-0	2806.10	Hydrochloric acid	Muriatic acid; hydrogen chloride
7664-93-9	2807.00	Sulfuric acid	Hydrogen sulfate
108-88-3	2902.30	Toluene	Methylbenzene
60-29-7	2909.11	Ethyl ether	Diethyl ether; ethyl oxide; ethoxyethane; sulfuric ether
67-64-1	2914.11	Acetone	2-Propanone
78-93-3	2914.12	Methyl ethyl ketone	2-Butanone; MEK
118-92-3	2922.43	Anthranilic acid and its salts	O-aminobenzoic acid
110-89-4	2933.32	Piperidine	

² The substances included in this section correspond to those listed in Table II of the 1988 Convention, in accordance with the Red List 19th Edition, published in January 2022. Additionally, and as set forth in Article 2 of these Model Regulations, member states may include other substances, in accordance with national requirements or regional concerns.

Table III

It contains, as a minimum, the chemical substances included in the INCB Limited International Special Surveillance List. Since the access to this list is restricted to the national competent authorities responsible for the implementation of article 12 of the 1988 Convention, these substances are not listed in this section.



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