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BOLETÍN INFORMATIVO

ON FENTANYL ISSUES

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I. China holds a zero-tolerance attitude towards all narcotic drugs, and has made significant efforts to control fentanyl

China was a painful victim of imported opium in modern times. With searing pains in our national memory, China holds an understandably stronger antipathy for narcotics than any other country, as displayed in its zero-tolerance attitude towards all narcotic drugs, including fentanyl and other opioids, as well as stringent control and tough punishment measures. Thanks to these efforts, China has not confronted endemic problem of narcotics nor prevalent fentanyl overdoses.

China is an active participant in international counter-narcotics cooperation. Out of a sense of humanitarianism, China scheduled fentanyl-related substance as a class—the first country to do so in the world, covering more categories than what are scheduled by the UN conventions on drug control—which has played an important role in preventing the illicit manufacturing, trafficking and abuse of fentanyl. China has faithfully honored its obligations under the 1988 UN Convention. Its import/export licensing and international verification system for all listed chemicals has effectively prevented these chemicals from being diverted into illegal channels through international trade. So far, China has scheduled 38 kinds of precursor chemicals (including the ephedrine-related substances), 2 kinds of fentanyl precursor

chemicals are included. Another 3 kinds of fentanyl precursor chemicals are in the process of scheduling.

On May 1, 2019, the Chinese government took the lead globally in officially scheduling fentanyl substances as a class, though there was no large-scale abuse or prominent hazards of them in the country. On the judicial front, three legal documents have been formulated to support the filing, prosecution, conviction and sentencing of offenses involving these substances. To reinforce fentanyl testing and monitoring, five sub-centers of the National Drug Laboratory have been established across the country.

On the operational level, fentanyl-involved enterprises and personnel have been identified to get a full picture of the precursors and equipment they have and to prevent offenses from the source. The postal and parcel industry has been mandated to verify the real names of both senders and recipients and check the parcel contents, and equipment must be used for security screening, instead of visual inspection, with particularly tight examinations for U.S.-bound parcels.

Thanks to these solid efforts, not a single criminal case has been opened in China that involves the manufacturing, trafficking and smuggling of fentanyl-related substances since their scheduling. According to the U.S. Customs and Border Protection,

the United States has seized no such substances stemming from China since September 2019.

II. “Letting others take the pill to cure one’ s own disease” is not the solution for fentanyl abuse

Recently, the term “ fentanyl precursors ” has been the subject of extensive international attention, and several Chinese companies and Chinese citizens are indicted and sanctioned for allegedly producing and selling fentanyl chemical precursors and related equipment, as if China were the culprit of fentanyl abuse in some countries. But the so-called fentanyl chemical precursors and related equipment are uncontrolled chemicals and equipment, and have an array of legal usages just like oil, iron, water and many other substances, which can be produced, traded and used by any company without reporting to the government. Take steel as an example, it can be used to make cars or guns, but no one would propose to put a ban on international steel trade simply for the sake of gun control.

According to international norms and common practice, it is a fundamental responsibility of the importer and a legal obligation of the importing country to ensure that imported goods are not used for illegal purposes. These responsibilities and obligations should not be imposed on the exporter. Taking one step back, given the rapid flow of international trade, it is simply impossible

for the exporter to thoroughly verify its client located in a different territory.

China has been playing the role as a responsible major country in responding to the global drug problem, and is ready to enhance international counternarcotics law enforcement cooperation under the UN conventions on drug control to contribute to global counternarcotics governance. It should also be noted that blaming China is not a constructive way to address the fentanyl crisis. In fact, there are other workable ways for the concerned country, such as stepping up law enforcement operations, strengthening border control, enhancing oversight of fentanyl and its synthetic drugs, penalizing over-prescription and overdose of medications, raising public awareness, and permanently scheduling the fentanyl-related substances.