

N° 404.

ALLEMAGNE ET
ROYAUME-UNI DE GRANDE-
BRETAGNE ET D'IRLANDE

Echange de notes concernant l'im-
portation, du Royaume-Uni en
Allemagne, de la morphine et des
drogues similaires. Berlin, les 21
mars et 18 juin 1921.

GERMANY AND
UNITED KINGDOM OF GREAT
BRITAIN AND IRELAND

Exchange of Notes concerning the
importation from the United King-
dom into Germany of morphine
and similar drugs. Berlin, March
21 and June 18, 1921.

No. 404. — EXCHANGE OF NOTES¹ BETWEEN THE BRITISH AND GERMAN GOVERNMENTS CONCERNING THE IMPORTATION FROM THE UNITED KINGDOM INTO GERMANY OF MORPHINE AND SIMILAR DRUGS. BERLIN, MARCH 21 AND JUNE 18, 1921.

Textes officiels allemand et anglais communiqués par le Ministère des Affaires étrangères de Sa Majesté Britannique. L'enregistrement de cet échange de notes a eu lieu le 12 avril 1923.

German and English official texts communicated by His Britannic Majesty's Foreign Office. The registration of this exchange of Notes took place April 12, 1923.

BERLIN, March 21, 1921.

MONSIEUR LE MINISTRE,

Under instructions from His Majesty's Principal Secretary of State for Foreign Affairs I have the honour to make the following communication to Your Excellency in regard to the trade in narcotics.

It is provided by Article 295 of the Treaty of Peace that " those of the High Contracting Parties who have not yet signed, or who have signed but not yet ratified the Opium Convention signed at The Hague on January 23, 1912², agree to bring the said Convention into force, and for this purpose to enact the necessary legislation without delay, and in any case within a period of 12 months from the coming into force of the present Treaty. Furthermore, that ratification of the present Treaty should, in the case of the Powers that have not yet ratified the Opium Convention, be deemed in all respects equivalent to the ratification of that Convention and to the signature of the Special Protocol for bringing the said Convention into force "

There was reason to believe that, in spite of the efforts of His Majesty's Government and of the other Governments concerned, morphia produced in the United Kingdom was reaching the Far East in quantities largely in excess of the amount required for legitimate purposes, and His Majesty's Government were therefore of opinion that it was desirable that steps should be taken forthwith to regulate the export to all countries, whether their Governments were parties to the Opium Convention or not, of the drugs specified in Chapter III of the Convention. Accordingly an arrangement has been made by His Majesty's Government with the United States, French and Japanese Governments whereby no consignment of morphia or kindred drugs is allowed to be exported from the United Kingdom to any of the countries in question except on production of a certificate from the Government concerned stating that it is satisfied that the consignment is required exclusively for legitimate medical or scientific purposes and will not be re-exported.

Early last year His Majesty's Government, desiring to extend this system as widely as possible, approached other Governments with a view to ascertaining whether they would be willing to enter into a similar arrangement with His Majesty's Government without prejudice to any legislation of a stricter nature which they may introduce at a later date, in regard to their imports from the United Kingdom of medicinal opium, morphine, cocaine, heroin and their respective salts. Replies of a favourable nature were received from a considerable number of His Majesty's Representatives abroad in reply to this enquiry. His Majesty's Government are now making the following

¹ Cet engagement ne comporte pas d'échange de ratifications.

Vol. VIII, page 187, XI, page 414, et XV, page 310 de ce Recueil.

¹ This engagement does not provide for an exchange of ratifications.

² Vol. VIII, page 187, XI, page 414 and XV, page 310 of this Series.

communication to the different Governments, and have instructed me to make a similar communication to the German Government :

" I have the honour to inform Your Excellency that in pursuance of the steps which His Majesty's Government are taking to assist in preventing the improper consumption of opium, morphine, cocaine and similar drugs, they have prohibited the exportation from the United Kingdom to all destinations of the drugs specified below, except under licence. Applications for the grant of licences for exportation to Germany should be accompanied by certificates issued under the authority of the German Government to the effect that the German Government are satisfied that the *consignment is required exclusively for legitimate medicinal or scientific purposes, and will not be re-exported.*

" The drugs for which certificates will be required are raw opium, morphine, cocaine, ecgonine and diamorphine (commonly known as heroin) and their respective salts, and medicinal opium, and any preparation, admixture, extract or other substance containing not less than one-fifth per cent. of morphine or one-tenth per cent. of cocaine, ecgonine, or diamorphine. His Majesty's Government may, however, find it necessary to extend this list to include any new derivative of morphine, or cocaine, or of any salts of morphine, or any other alkaloid or opium, or any other drug of whatever kind which may, in their opinion, be productive, if improperly used, of ill effects substantially of the same character or nature as, or analogous to, those produced by morphine or cocaine."

The reply which His Majesty's Government desire to receive to this communication should state that the German Government assents to the arrangement proposed, and will be prepared to issue the necessary certificates in proper cases. It would undoubtedly be an advantage if, at the same time, a copy of the form of certificate to be issued could be forwarded for the information of the Department of His Majesty's Government concerned in the administration of the control of narcotics and dangerous drugs in the United Kingdom. It would be convenient that the certificate should form part of the agreement unless its inclusion would cause undue delay.

I have the honour to enclose herewith for Your Excellency's information two copies of the legislation recently adopted by His Majesty's Government with the object of restricting the use of the drugs specified to legitimate medicinal and scientific purposes, and prohibiting the importation of these drugs except under licence ; and I shall be happy to furnish Your Excellency with any other information on this matter which the German Government may require.

I shall be glad to learn at an early date whether the German Government are prepared to conclude an Agreement with His Majesty's Government on the lines suggested. In accordance with Article 18 of the Covenant of the League of Nations, it will be necessary to register such an arrangement with the League Secretariat ; and His Majesty's Government will undertake to do this on receipt of the German Government's reply.

I avail myself of this opportunity, Monsieur le Ministre, to renew to Your Excellency the assurance of my highest consideration.

(Signed) KILMARNOCK.

TEXTE ALLEMAND. — GERMAN TEXT.

AUSWÄRTIGES AMT.

Nr. V. 1420.

BERLIN, den 18. Juni, 1921.

HERR BOTSCHAFTER,

Euer Exzellenz beehre ich mich auf die Note vom 21. März d. Js. — Nr. 122 — betreffend Handel mit Betäubungsmitteln, folgende Mitteilung ergebenst zu machen :

Auf Grund des Reichsgesetzes vom 30. Dezember 1920, betreffend das Internationale Opiumabkommen vom 23. Januar 1912 (Reichsgesetzblatt 1921 S. 2) ist die Einfuhr

¹ TRADUCTION. — TRANSLATION.

MINISTRY FOR FOREIGN AFFAIRS.

No. V. 1420.

BERLIN, June 18, 1921.

YOUR EXCELLENCY,

In reply to your Note of March 21, 1921, No. 122, with regard to traffic in narcotics, I have the honour to inform you of the following facts :

In accordance with the Law of the Reich of December 30, 1920, regarding the International Opium Convention of January 23, 1912 (Reichsgesetzblatt 1921, p. 2), the only persons permitted to import opium and the other narcotics to which this law applies are those to whom authorisation has been granted by the Governments of the States, acting in conjunction with the Government of the Reich. Any person who proposes to import opium and has obtained such an authorisation must apply to the Commissioner of the Reich for Export and Import Licences, who works in this connection in co-operation with the Chemical Workers Society of the Reich and the Office for Foreign Trade in Chemicals attached thereto, for the purpose of obtaining an import licence for the required quantities ; such licences are granted on purely economic grounds. Particulars of the import licences issued by this Office are forwarded to the Health Office of the Reich, which is informed of the actual entry of the imports into the country by the Customs authorities. The subsequent employment of the imported narcotics is controlled by the Health Office of the Reich on the basis of the information thus obtained.

In accordance with the wish expressed by His Britannic Majesty's Government, the German Government is prepared to agree to the adoption of the proposed additional regulations in connection with the importation of narcotics from the United Kingdom. Accordingly, licences for importation from the United Kingdom will only be granted in cases in which it is shown beforehand that the consignment is required exclusively for legitimate medicinal or scientific purposes, and that it will not be re-exported. The necessary proof will be obtained by the Health Office, of the Reich to which the Imperial Commissioner for Export and Import Licences will forward the applications which he has received, in order that they may be investigated before he grants the licences.

The required certificate will be given on the form which is generally used for import licences. It will be certified on this form by the Health Office of the Reich that the consignment is required exclusively for legitimate medicinal or scientific purposes, and that it will not be re-exported. The importing firm must forward to the firm supplying the goods a duplicate or a certified copy of the import licence, together with the accompanying certificate of the Health Office of the Reich ; the latter firm will produce this certificate in making its application for a licence to export from the United Kingdom.

I have the honour to attach to this letter a copy of the import licence, together with a draft copy of the certificate to be granted by the Health Office of the Reich.

The German Government is grateful to His Britannic Majesty's Government for the expression by the latter of its willingness to have this Agreement registered with the Secretariat of the League of Nations in accordance with Article 18 of the Covenant of the League.

I have the honour, etc.

(Signed) HANIEL.

His Excellency the Lord d'ABERNON,
His Britannic Majesty's Ambassador,
Berlin.

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

Valid for a period of three months as from the date of issue.

No.

Country of origin

IMPORT LICENCE

Consignee :.....

Exact description of the consignment (in words and figures) :

Manner in which it is packed :

Net weight (in words and figures) :

Gross weight (in words and figures) :

Purchase price of the consignment (in words and figures) :

The importation of the above goods is hereby authorised.

..... 19.....

On behalf of the Imperial Commissioner for Export and Import Licences.

Certificate :

It is hereby certified that this consignment is required for legitimate medicinal or scientific purposes and will not be re-exported.

Berlin19

Imperial Health Office
(Seal and signature)

Persons making improper use of licences will be prosecuted. Licences are not transferable.

No.....

Country of origin.....

(Registered number of the firm and serial number of present application.)

APPLICATION FOR AN IMPORT LICENCE.

(For the information of the Office for Foreign Trade in Chemicals)

Consignee.....

Exact description of the consignment (in words and figures) :

Manner in which it is packed :

Net weight (in words and figures) :

Gross weight (in words and figures) :

Purchase price of the consignment (in words and figures) :

..... ,19.....

To the Office for Foreign Trade in Chemicals

Matthäikirchstrasse 9,
Berlin, W. 10.

(Signature)

Persons making improper use of licences will be prosecuted. Licences are not transferable.