

**NOTICE TO EXPORTERS 2012/44****New control on the export of the drug propofol to the USA****TOPIC:** Licensing**AUDIENCE:** All exporters of controlled drugs**Summary information about new control**

1. The Export Control Organisation (ECO), part of the Department for Business Innovation and Skills (BIS) has introduced controls on the export to the United States of America (USA) of the drug propofol which could potentially be used to execute prisoners on death row by lethal injection.
2. As a result, the export of propofol to the USA either directly or indirectly (i.e. via a third country where the exporter knows at the time of export that the final destination is the USA) is prohibited unless authorised by a licence issued by the ECO. A licence will not be issued if we judge there is an unacceptable risk that the goods will be used in the process of execution by lethal injection. The export of prohibited goods is a criminal offence.

**Details of new control**

3. The control on propofol was introduced as part of a range of amendments to the UK's main export control legislation - the Export Control Order 2008. The amendments appear in [Export Control \(Amendment\)\(No 2\) Order 2012 \(S.I. 2012 No 1910\)](#) which is published on the [Legislation.gov.uk website](#) and on the export control pages of the Businesslink website. The amending Order came into force on 10 August 2012.
4. Paragraph 3 of the 2012 Order added propofol to the list of human and veterinary medicinal products that are prohibited for export to the USA where it is in a form suitable for injection or for preparation of an injection.
5. This control reflects the Government's opposition to the use of the death penalty in all circumstances. Following consultation with applicable industry and other bodies, we assessed that the trade between the UK and the USA in propofol appears to be negligible, and therefore we expect the impact on UK businesses to be low.
6. The controls came into force on 10 August 2012. From that date, any person seeking to export propofol from the UK to the USA has required a licence issued by the ECO, which will refuse a licence if the stated end use is execution, or if it considers there to be an unacceptable risk that the drug will be diverted for use in execution. In the latter case, the ECO would assess the risks case by case in the light of all relevant factors. A breach of the Order is a criminal offence.
7. The control Order covers both the direct and indirect export of these products from the UK to the USA. The indirect control applies when the initial destination is not the USA, but the exporter knows that the goods will be re-exported and that the ultimate destination is indeed the USA.

## Further information, including how to apply for an export licence

8. To apply for a licence you need to complete a Standard Individual Export Licence (SIEL) application form on SPIRE, the ECO's export licensing database – <https://www.spire.bis.gov.uk>
9. Further details about existing controls on drugs used in execution by lethal injection are published within the guide on 'Controls on Torture Goods' published on the export control pages of the Businesslink website. See: <http://www.businesslink.gov.uk/bdotg/action/layer?r.i=1097407477&r.l1=1079717544&r.l2=1084228483&r.l3=1084459220&r.s=m&r.t=RESOURCES&topicId=1084459220>
10. For further details of strategic export controls please contact:

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Department for Business, Innovation and Skills  
1 Victoria Street  
London SW1H 0ET  
Tel: 020 7215 4594  
Fax 020 7215 2635  
Email: [eco.help@bis.gsi.gov.uk](mailto:eco.help@bis.gsi.gov.uk)

Website: <http://www.bis.gov.uk/exportcontrol> or  
<http://www.businesslink.gov.uk/exportcontrol>  
SPIRE (Export Licensing Database): <https://www.spire.bis.gov.uk>

*This Notice is for information purposes only and has no force in law. Please note that where legal advice is required UK end users and consignees should make their own arrangements.*

*If the Notice is relevant to your exports, you are recommended to take appropriate action as necessary. You are also advised to keep a copy of this notice for your compliance records.*

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