

URGENT

European Commission

To whom it may concern

Antwerpen, September 2nd, 2020

Re: The Future of CBD

Dear Sirs,

we, as ENCOD (European Coalition for Just and Effective Drug Policies), representing various stakeholders, as NGOs, shops, researchers, groups of consumers, individual users and patient organisations, are contacting you concerning the pausing of several applications in the Novel Food register regarding Cannabidiol (CBD) and want to express our concerns about the decision-making process on CBD, considered as a narcotic. As you can understand the parties we represent are really worried about the uncertainty that has arisen due to the rumors connected to this topic. Therefore, we would highly appreciate a response to our letter and an explanation of your plans in return.

Please consider our arguments on the matter highlighted below:

1. The International Conventions on Narcotic Drugs does not schedule CBD. According to World Health Organisation's (WHO) recommendations CBD extracted from the flowering and fruiting tops of the hemp plant (*Cannabis sativa* L.) containing less than 0,2% of THC should not be scheduled since it is not psychoactive and poses no danger for abuse. Therefore, CBD should not be considered as a narcotic or psychotropic drug within the UN International Control System or by the agencies of the European Union. Member States should have the freedom to choose the most suitable legislation as it is proposed by the Conventions. It is crucial to consult related national authorities, experts and organisations for verification of the correct regulatory regime in a particular Member State. Please read: <https://encod.org/en/news/cbd-as-a-narcotic-food-for-thought/>
2. As mentioned above, according to recent scientific evidence, CBD has no addictive potential. WHO recommendations on CBD considered it can not be a narcotic drug because none of the criteria to schedule applies and therefore there is no understandable reason or scientific evidence to schedule it as a narcotic. On the contrary, what is needed is the implementation of standardisation criteria and a legal framework to develop this sustainable economic sector.

ENCOD VZW

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3. The decision to treat CBD as a narcotic drug would also harm the promising market structure of CBD producers and shops, with now several thousands of European citizens involved and lives built on the prosperity of it. As CBD is a natural compound in the so-called “hemp”, it also represents a threat to the whole hemp industry. At the moment, only a few other cannabinoids are known and available (as single substances). A change of paradigm would really jeopardize science and research too.

4. Several recommendations of the Commission on Narcotic Drugs are addressing the issue of the Civil Society participation on drugs policy-making processes. The pausing on the application to licences under the labelling of Novel Food and the new decision-making process about its reconsideration as a narcotic on such terms have not permitted the fundamental right of concerned Civil Society participation in our democracies.

In short, Civil Society demands the opening of an inclusive participatory process according to the European Commission standards, taking into account the evidence-based research, the public opinion and the accessibility for general use. What we expect from the European Commission is an effective response to new threats, as the assurance of the accessibility of CBD in a regulated framework.

To this end, we remain at your disposal to improve relationships between key stakeholders and to work with authorities. For any further questions, we would gladly offer the expertise of our network consisting of many specialists, researchers and organisations.

Thank you for considering our suggestions, looking forward to hearing from you soon.

Best regards,

in the name of the Executive Committee

EUROPEAN COALITION FOR JUST
AND EFFECTIVE DRUG POLICIES