

EN

E-004642/2020

Answer given by Ms Kyriakides  
on behalf of the European Commission  
(19.10.2020)

1. The General Food Law<sup>1</sup> excludes from the definition of ‘food’, substances that are narcotic as per the United Nations Convention on Narcotic Drugs of 1961<sup>2</sup>. It is the Commission’s preliminary view that cannabidiol (CBD) extracted from the flowering and fruiting tops of the hemp plant is covered by Schedule I of the Narcotics Convention (i.e. “extracts and tinctures of cannabis”). In cases where CBD is not considered as falling under that Convention, all Member States agreed in 2019 that these products fall within the scope of the Novel Food Regulation<sup>3</sup>. The corresponding entry in the Novel Food catalogue was amended accordingly.
2. It is the Commission’s view that synthetic CBD does not fall in the scope of the Narcotics Convention, as it is not extracted from the plant, and that it can therefore qualify as ‘food’. Assessment of such applications under the Novel Food Regulation can therefore be pursued.
3. To the Commission’s knowledge, no such impact has been evaluated.

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<sup>1</sup> Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

<sup>2</sup> United Nations Treaty Series, vol. 978, No 14152.

<sup>3</sup> Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001. OJ L 327, 11.12.2015, p. 1.