

**Question for written answer E-004206/2021  
to the Commission**  
Rule 138  
**Cyrus Engerer (S&D)**

Subject: Member States' failure to align with EU rules and directives on cannabidiol

On 19 November 2020, the Court of Justice of the European Union ruled in case C-663/184 that cannabidiol 'does not appear to have any psychotropic effect or any harmful effect on human health'<sup>1</sup>.

The following week the Commission reviewed its preliminary assessment and concluded that cannabidiol should not be considered a drug within the meaning of the UN Convention on Narcotic Drugs of 1961. Therefore, cannabidiol can qualify as a food (Commission midday press briefing 3 December 2020<sup>2</sup>) provided that the conditions of Article 2 of Regulation (EC) No 178/2002 are met<sup>3</sup>.

1. Is the Commission's conclusion that 'cannabidiol can be qualified as food, provided that the other conditions of the EU Food Safety Regulation are also met'<sup>4</sup> binding throughout the EU?
2. Did the Commission authorise any Member State not to implement the above-mentioned, meaning that to purchase this food product (cannabidiol containing 0.2 % THC or less) a special narcotics control authorisation card approved by the public health authorities is required?
3. Does the Commission have information about why in certain Member States the customs authorities are confiscating legitimately imported cannabidiol products bought by EU consumers that are compliant with the revised Commission position?

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<sup>1</sup> C-663/18, B S and C A (Cannabidiol-CBD, Free Movement of Goods), ECLI:EU:C:2020:938. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62018CJ0663>

<sup>2</sup> Midday press briefing from of 3 December 2020 <https://audiovisual.ec.europa.eu/en/video/I-199769>

<sup>3</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>4</sup> Cannabidiol (CBD) is not considered a 'narcotic drug' under European law [https://www.emcdda.europa.eu/news/2020/cannabidiol-cbd-is-not-considered-a-narcotic-drug-under-european-law\\_en](https://www.emcdda.europa.eu/news/2020/cannabidiol-cbd-is-not-considered-a-narcotic-drug-under-european-law_en)