

H.E. Ambassador Gerhard Küntzle, Permanent Representative of Germany

**Explanation of vote on the occasion of the
reconvened 63rd Session of the Commission on Narcotic Drugs,
Vienna, 2 December 2020**

Mr. Chair, Excellencies, Ladies and Gentlemen,

It is an honour to be here today with you and to speak on behalf of the following states: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republik, Denmark, Germany, Estonia, Finland, France, Greece, Ireland, Italy, Latvia, Lithuania, Luxemburg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden, which are all Member States of the European Union, to explain our vote.

1. We would like to thank you, Mr. Chair, and the World Health Organization, INCB, and UNODC for having given us the opportunity to exchange views over the past two years on the proposed scheduling recommendations on cannabis and cannabis-related substances. We reiterate that a full understanding, based on objective facts and evidence, by all Member States of the precise scope, content and consequences of the recommendations was the condition for the Commission on Narcotic Drugs to act upon these recommendations.

Mister Chair,

2. We had expert discussions about these recommendations with relevant actors, at national, EU and international level. During the last two years, we were able to consider the medical and scientific complexity of these recommendations, as well as to address questions with regard to economic, social, legal, administrative and other factors. We now voted in favour of some of the WHO recommendations as they reflect developments of the scientific knowledge and would not result in any weakening in the control of the substances concerned. They therefore contribute to ensure the enduring relevance of the international drug control regime, which aims at protecting

public health and ensuring the well-being of society, while offering a high level of security.

3. We supported the adoption of **recommendation 5.1** to delete cannabis and cannabis resin from Schedule IV of the Single Convention on Narcotic Drugs, considering that it would allow more research, in line with our evidence-based drugs policy, on the medical use of cannabis and cannabis resin. It should be noted however that these substances continue to be controlled under schedule I of the Single Convention on Narcotic Drugs.
4. In this regard, let me stress again that, according to our understanding, the WHO recommendations do not aim and should not be seen as a step towards a liberalisation of the use of cannabis or minimising the risks and dangers it represents for our society.

Mister Chair,

5. According to the assessment of the WHO Expert Committee on Drug Dependence, it is understood that the recommendations on *delta-9-tetrahydrocannabinol* and its active stereoisomer dronabinol as well as on tetrahydrocannabinol do not imply any change in the international control level of these substances. Rather, they facilitate the control measures in Member States. Therefore, we supported **recommendation 5.2**. And in this context, I would like to thank you, Mister Chair, for your guidance on the voting procedure in these cases.

Mr. Chair, Excellencies, Ladies and Gentlemen,

6. After the three topical meetings this year we have come to the conclusion, and are grateful in this regard for the clarifications provided by the WHO, INCB and UNODC, that **recommendation 5.4** implies no change in the international control level of extracts and tinctures of cannabis nor is the recommendation expected to have impacts on the control and / or reporting obligations of Member States. Therefore, we now supported the deletion of extracts and tinctures of cannabis from Schedule I of the Single Convention.

7. In relation to **recommendation 5.5** concerning CBD preparations, we considered that it would lower the current control level for those preparations. Moreover, the establishment of the 0.2% THC limit is not supported by scientific evidence and the proposed wording does not exclude divergent interpretations concerning the calculation of that limit. In addition, we consider that there is no justification for the differentiated treatment of cannabidiol compared to other non-psychoactive cannabinoids. In general, we considered that the recommendation, as it has been drafted, does not offer the necessary legal certainty and does not constitute a proper solution for cannabidiol. Therefore, those of us who are also members of the Commission voted against the insertion of this footnote as this will preserve the current legal framework. However, we would welcome further consultation with all relevant stakeholders on a recommendation on the appropriate level of the international control for cannabis preparations with low THC content, while ensuring the protection of public health and welfare, taking into consideration the existing structure of the international drug control system for cannabis as well as technical and administrative capacity needed for its implementation.

Thank you for your attention.