

Scheduling procedures

I. Overview

1. The Commission on Narcotic Drugs exercises its mandated treaty-based "scheduling" functions under agenda item entitled "Implementation of the international drug control treaties: Changes in the scope of control of substances". Under that agenda item the Commission considers proposals to add substances to the schedules/tables or to transfer or delete substances from the schedules/tables.
2. The three international drug control treaties are the Single Convention on Narcotic Drugs of 1961, as amended by its 1972 Protocol (1961 Convention); the Convention on Psychotropic Substances of 1971 (1971 Convention); and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (1988 Convention).¹
3. States parties are required to ensure the application of relevant control measures foreseen in these conventions to substances listed in the schedules of the 1961 and 1971 Conventions, and tables of the 1988 Convention.
4. Decisions to change the scope of control of substances are taken by the Commission on Narcotic Drugs (CND), which is also the body authorized to consider all matters pertaining to the aims of the international drug control conventions.² The procedures applicable to changes in the scope of control of substances are established by the following articles:
 - Article 3 in the 1961 Convention
 - Articles 2 and 3 in the 1971 Convention
 - Article 12 in the 1988 Convention
5. As there are similarities in the procedures for changes in the scope of control of substances under the 1961 and the 1971 Conventions, they will be explained below under the same heading. The procedure for changes in the scope of control of substances under the 1988 Convention is explained under a separate heading.

II. Changes in the scope of control of substances under the 1961 and 1971 Conventions

6. Under the 1961 and 1971 Conventions, the request to change the scope of control of substances can be initiated either by a Party or by the World Health Organization (WHO).³

a) Notification/Initiative

7. The "initiator" notifies the Secretary-General and furnishes him with the information in support of the notification.⁴ Upon receipt, the Secretary-General transmits that notification and any relevant information to the Parties (in form of a note verbale), to the Commission (in form of a Note by the Secretariat) and, when the notification is made by a Party, to the WHO.⁵

¹ Full text published in [The International Drug Control Conventions](#), United Nations Publication.

² See article 8, 1961 Convention; article 17(1), 1971 Convention; and article 21, 1988 Convention.

³ Article 3(1), 1961 Convention; article 2(1), 1971 Convention.

⁴ Article 3(1), 1961 Convention; article 2(1), 1971 Convention.

⁵ Article 3(2), 1961 Convention; article 2(2), 1971 Convention.

b) *Risk assessment*

8. The WHO has an important role under the 1961 and 1971 Conventions in reviewing the substances, including for their liability to abuse, ill effects on health and usefulness in medical therapy, as applicable, and making recommendations to the CND as to the scope of international control. Further information on this work of WHO is contained in the *Guidance on the WHO Review of Psychoactive Substances for International Control*⁶.

9. To enable the Commission to take a decision on these matters, it has before it a Note by the Secretariat on the changes in the scope of control of substances. This note contains the notification and supplementary information transmitted by the Party or WHO to the Secretary-General, as well as additional information on the proposed changes in the scope of control of substances provided by Member States, in response to the note verbale transmitted by the Secretary-General.

c) *Control measures: Action to be taken by the Commission under the 1961 and 1971 Conventions*

10. In the case of the scope of control of substances under the 1961 and the 1971 Conventions, the Commission decides whether a substance is to be placed under international control, and whether schedules need to be modified. Under the 1961 Convention, it can either accept the recommendation of the WHO concerning changes in the scope of control of substances or not to accept it. The CND cannot decide to add a substance or preparation to a different schedule of the 1961 Convention if WHO has not recommended it.⁷

11. Under the 1971 Convention, the Commission has more discretion. It may decide to follow the recommendation of the WHO on the appropriate Schedule for a given substance, it may decide to add or move a substance to a different schedule of the 1971 Convention than the one recommended by the WHO or decide not to do so. In these cases, the CND has to take into account the communication from the WHO, whose assessments shall be determinative as to medical and scientific matters. The CND also bears in mind the economic, social, legal, administrative and other factors it may consider relevant. The Commission may also decide to seek further information from the WHO or from other appropriate sources.⁸

12. Pursuant to article 3 of the 1961 Convention and articles 2 and 3 of the 1971 Convention, the Commission takes decisions on the scope of control of substances by voting:⁹

- **A two-thirds majority of the members of the Commission** is required for such decisions under the **1971 Convention**.

⁶ The *Guidance on the WHO Review of Psychoactive Substances for International Control* contains further information on the work of the World Health Organization in assessing substances and making recommendations to the Commission on Narcotic Drugs regarding changes in the scope of control of substances, and it was adopted by the Executive Board of the World Health Organization.

⁷ Article 3(3)-3(6), 1961 Convention. See also the *Commentary on the Single Convention on Narcotic Drugs, 1961*, pp. 85-97.

⁸ Article 2(4)-2(6), 1971 Convention. See also the *Commentary on the Convention on Psychotropic Substances*, pp. 45-72.

⁹ Decisions can be taken by show of hands or roll-call. Roll-call procedure shall be taken in the English alphabetical order of the names of the States represented on the commission, beginning with the State whose name is drawn by lot by the Chairman. The representative shall reply "yes", "no" or "abstention".

- In the absence of specific provisions to that effect under the 1961 Convention, **a single majority of the members of the Commission present and voting** is sufficient for decisions to add, transfer or delete substances to or from the schedules of the **1961 Convention**.¹⁰

Nevertheless, the Commission may decide not to vote on recommendations concerning changes to the scope of control of substances. For example, the CND, at its [decision 50/2](#) in 2007, decided by consensus not to vote on a WHO recommendation to move dronabinol and its stereoisomers from Schedule II to Schedule III of the 1971 Convention and requested WHO to undertake a review of these substances when additional information became available. After discussion, the World Health Organization communicated to the Commission that its Expert Committee on Drug Dependence had discussed whether it should revisit its recommendation on dronabinol, and decided at its meeting in June 2012 that its previous recommendation on that substance still stood, and that members of the Committee were unaware of any new evidence that was likely to alter the previous scheduling recommendation ([E/CN.7/2013/11](#)).

13. Once the Commission has taken decisions concerning the scope of control of substances, any such decision is communicated by the Secretary-General to all States Members of the United Nations, to non-member States Parties to the Conventions, to the WHO and to the International Narcotics Control Board (INCB).¹¹

14. Decisions taken concerning the scope of control of substances within the schedules of the 1961 Convention become effective with respect to each Party on the date of its receipt of such communication; decisions taken concerning the 1971 Convention become effective 180 days after the date of such communication.¹²

15. Decisions concerning the scope of control of substances taken by the Commission are subject to review by the Economic and Social Council, upon the request of any Party filed within 90 days from receipt of notification of the decision in the case of the 1961 Convention, and within 180 days in the case of the 1971 Convention.¹³ In that case, the Council may confirm, alter or reverse the decision of the Commission, and the decision of the Council shall be final.¹⁴

III. Changes in the scope of control of substances under the 1988 Convention

16. Under the 1988 Convention, the request to change the scope of control of substances can be initiated either by a Party or by the INCB.¹⁵

a) Notification/Initiative

17. The "initiator" notifies the Secretary-General and furnishes him with the information in support of the notification.¹⁶ Upon receipt, the Secretary-General transmits that notification and any relevant information to the Parties (in form of a note verbale), to the Commission (in form of a Note by the Secretariat) and, when the notification is made by a Party, to the INCB.¹⁷

¹⁰ See Rule 58(1) of the Rules of Procedure of the Functional Commissions of ECOSOC.

¹¹ Article 3(7), 1961 Convention; article 2(7), 1971 Convention.

¹² Ibid.

¹³ Article 3(8)(a), 1961 Convention; article 2(8)(a), 1971 Convention.

¹⁴ Article 3(8)(c), 1961 Convention; article 2(8)(c), 1971 Convention.

¹⁵ Article 12 (2), 1988 Convention.

¹⁶ Article 12 (2), 1988 Convention.

¹⁷ Article 12(3), 1988 Convention.

18. The Parties shall then communicate their comments concerning the notification to the Secretary-General, together with all supplementary information which may assist the INCB in establishing an assessment and the Commission in reaching a decision.¹⁸

b) Risk assessment

19. The INCB has an important role under the 1988 Convention in making a finding on whether a substance is frequently used in the illicit manufacture of a narcotic drug or psychotropic substance and whether the volume and extent of the illicit manufacture of a narcotic drug or psychotropic substance creates serious public or social problems, so as to warrant international action.¹⁹

20. To enable the Commission to take a decision on these matters, it has before it a Note by the Secretariat on the changes in the scope of control of substances. This note contains the notification and supplementary information transmitted by the Party or INCB to the Secretary-General, as well as additional information on the proposed changes in the scope of control of substances provided by Member States, in response to the note verbale transmitted by the Secretary-General to Member States. (See paragraph 8, above).

c) Control measures: Action to be taken by the Commission under the 1988 Convention

21. In the case of changes in the scope of control of substances under the 1988 Convention, the Commission, when taking a decision, takes into account the comments submitted by the Parties and the comments and recommendations of the INCB, whose assessment shall be determinative as to scientific matters, and takes into due consideration any other relevant factors.²⁰

22. Pursuant to article 12(5) of the 1988 Convention, the Commission may decide on changes to the scope of control of substances in the respective tables by a two-thirds majority of its members. The Commission takes decisions regarding changes to the scope of control of substances under the 1988 Convention by voting.²¹

23. Once the Commission has taken decisions concerning the scope of control of substances, any such decision is communicated by the Secretary-General to all States and other entities which are, or which are entitled to become, Parties to the 1988 Convention, and to the INCB.²²

24. Decisions taken concerning the scope of control of substances in tables of the 1988 Convention become fully effective with respect to each Party 180 days after the date of such communication.²³

25. Decisions concerning the scope of control of substances taken by the Commission are subject to review by the Economic and Social Council, upon the request of any Party filed within 180 days from receipt of notification of the decision.²⁴ In that case, the Council may confirm or reverse the decision of the Commission.²⁵

¹⁸ Article 12 (3), 1988 Convention.

¹⁹ Article 12 (4), 1988 Convention.

²⁰ Article 12(4) and (5), 1988 Convention.

²¹ See, for example, CND decisions 44/5, 44/6 and 53/1.

²² Article 12(6), 1988 Convention.

²³ Article 12(6), 1988 Convention.

²⁴ Article 12(7)(a), 1988 Convention.

²⁵ Article 12(7)(c), 1988 Convention.