

**From:** [REDACTED] (GROW)  
**To:** [REDACTED]  
**Cc:** [REDACTED] (GROW)  
**Subject:** Ares(2018)4860465 - RE: CANNABIS SATIVA L. / CANNABIDIOLS IN COSMETICS  
**Date:** mercredi 9 janvier 2019 12:35:40  
**Attachments:** [image001.png](#)

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Dear Mr. [REDACTED],

Thank you for your query.

Currently, there are internal discussions and we hope to provide you with clarifications in due course via CIRCABC. In addition, we would kindly suggest to visit the CosIng database regularly, in order to follow any developments on cannabis/hemp-related issues.

However, we would like to take this opportunity to inform you that the CosIng database is an inventory of cosmetic substances and ingredients, employed for labelling cosmetic products throughout the EU. Please note that ingredient assigned with an INCI name that appears in the inventory section of CosIng does not mean it is to be used in cosmetic products nor approved for such use.

Entry 306 of Annex II to the Cosmetics Regulation 1223/2009 (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1493906428740&uri=CELEX:32009R1223>) refers to "Narcotics, natural and synthetic: All substances listed in Tables I and II of the single Convention on narcotic drugs signed in New York on 30 March 1961".

Schedules I and II of the Convention are lists of drugs. According to Art. 1 "definitions" of the convention, "Drug" means any of the substances in Schedules I and II, whether natural or synthetic.

The list of drugs in Schedule I (Schedules as at 16 May 2018: <http://undocs.org/ST/CND/1/Add.1/Rev.4>) includes: CANNABIS and CANNABIS RESIN and EXTRACTS and TINCTURES OF CANNABIS.

Article 1 of the convention defines these terms as follows:

- (b) "Cannabis" means the flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops) from which the resin has not been extracted, by whatever name they may be designated.
- (c) "Cannabis plant" means any plant of the genus Cannabis,
- (d) "Cannabis resin" means the separated resin, whether crude or purified, obtained from the cannabis plant.

Pursuant to Article 28 ('Control of cannabis') of the 1961 Convention, the 'Convention shall not apply to the cultivation of the cannabis plant exclusively for industrial purposes (fibre and seed) or horticultural purposes'.

Based on the above, ingredients derived from cannabis to the extent that they fall within the scope of the 1961 Convention should be banned in cosmetic products based on entry 306 of Annex II of the Cosmetics Regulation.

According to the WHO ECDD critical review (<http://www.who.int/medicines/access/controlled-substances/CannabidiolCriticalReview.pdf>), cannabidiol 'is one of the naturally occurring cannabinoids found in cannabis plants. It is a 21-carbon terpenophenolic compound which is formed following decarboxylation from a cannabidiolic acid precursor, although it can also be produced synthetically'.

CBD is not currently a scheduled substance in its own right (only as a component of cannabis extracts). In its letter of July 2018 to the UN Secretary-General (following a critical review of cannabidiol), the WHO recommended that preparations considered to be pure CBD should not be scheduled within the International Drug Control Conventions. In the letter annex, the WHO states that cannabidiol is not specifically listed in the schedules of the UN International Drug Conventions. However, if prepared as an extract or tincture of cannabis it is controlled in Schedule I of the Single Convention on Narcotic Drugs, 1961. Based on the above, cannabidiol may be prohibited from use in cosmetic products, if it is prepared as an extract of cannabis (and therefore it is up to the responsible person to provide the necessary evidence that their ingredient is not falling under this category).

Please note that the views expressed in this email are not legally binding; only the Court of Justice of the EU can give an authoritative interpretation of Union law.

We hope you will find this information useful.

Best regards,



**European Commission**

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**From:** [redacted]@eof.gr>

**Sent:** Friday, September 21, 2018 1:57 PM

**To:** [redacted] (GROW) <[redacted]@ec.europa.eu>; [redacted]

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**Subject:** CANNABIS SATIVA L. / CANNABIDIOLS IN COSMETICS

Dear Colleagues,

Following our communication via mails , we are able additionally to know that there is a listing of Cannabidiol { cas13956-29-1 } as a PROHIBITED Annex II / 306

as a narcotic drug, although there were no previous ones. Because of these changes, in the context of controls and in particular market surveillance, Please, we would like as soon as you clarify

where Cannabidiol is mentioned as a forbidden substance in the lists of the Tables I and II

of the Single Convention on Narcotic Drugs signed in New York on 30 March 1961,

and for this reason it is placed in the Annex II / 306 of the EU Regulation 1223/09 ?

In addition, why in prohibited Cannabis components there are functions of using for Cosmetic products ?

All the other ingredients including in the Cosing Data( 20-09-2018 ) especially No 13 to No 22, why don't they

have the RESTRICTION/ Annex II 306 ?

Please ,finally could you clarify (SCCS OPINION)which exactly ingredients are allowed and not consider as Narcotic .

Many Thanks

Best Regards

[redacted]

## European Commission - Growth

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EC Regulation (v.2)

# Search Results

Αρχή φόρμας

(\*) Not in the annexes of the Directive/Regulation as published in the Official Journal of the European Union  
Total: 27

#	INCI Name/Substance Name	CAS No.	EC No.	Restriction/ Annex/Ref #
1.	<a href="#">Apocynum cannabinum L. and its preparations</a>	84603- 51-0	283- 253- 1	II/41
2.	<a href="#">CANNABIDIOL</a>	13956- 29-1		II/306 = Narcotics, natural and synthetic: All substances listed in Tables I and II of the single Convention on narcotic drugs signed in New York on 30 March 1961
(*) 3.	<a href="#">Cannabis and Cannabis resin; Cannabis sativa, ext.</a>	8063- 14-7 / 89958- 21-4	- / 289- 644- 3	II/306