

From: [REDACTED] (GROW)
To: [REDACTED] (GROW)
Subject: FW: Cannabis-related ingredient
Date: mardi 12 février 2019 11:50:05
Attachments: [image001.jpg](#)

Just to file it in ARES

From: [REDACTED] (GROW)
Sent: Tuesday, February 12, 2019 11:49 AM
To: [REDACTED]
Subject: RE: Cannabis-related ingredient

Dear [REDACTED],

Thank you for your email and the information provided therein.

We do acknowledge that the issue is complex and we will try to present an overview based on the information we have and the messages received from the MS.

I would only like to make a small comment on the Hemp part of your email. Our message in CIRCABC was suggestive and as such we will use it to build upon a common approach. Currently we are considering not to make reference to Article 28 of the Single Convention, as we see that its purpose is not related to the Cosmetics Regulation (EC) No 1223/2009 (from a strictly legal point of view – we expect discussion on that). Nevertheless, our preliminary view is that Hemp would still fall under the Single Convention. Hemp is an industrial variety of Cannabis sativa and therefore according to Article 1 of the Single Convention and the definition of “Cannabis plant” (“*Cannabis plant: means **any plant of the genus Cannabis***”) we consider that hemp-related products should follow the same restrictions and exemptions as the cannabis ones.

In the table attached to our CIRCABC message, we have included only the ingredients found in CosIng database and we indicated which entries should keep the prohibition under entry II/306. In your email you mention “*The table in the document shows many more unrestricted ‘hemp’ ingredients than unrestricted ‘cannabis sativa’ ingredients*”, our approach is based on the argument explained above, the hemp-related products should follow the same restrictions and exemptions as the cannabis ones. In this case, almost all hemp ingredients are coming from seeds and therefore are excluded from the Convention. I hope this clarifies the issue a bit.

Last but not least, the proposal to make a distinction between plant-derived and synthetic cannabidiol in CosIng is definitely something we would like to propose as well.

I hope you find this information helpful. We will discuss further next Monday.

Kind regards

[REDACTED]

From: [REDACTED] <[REDACTED]@sante.belgique.be>
Sent: Tuesday, February 12, 2019 10:28 AM
To: [REDACTED] (GROW) <[REDACTED]@ec.europa.eu>; GROW COSMETICS AND MEDICAL DEVICES <GROW-COSMETICS-AND-MEDICAL-DEVICES@ec.europa.eu>
Cc: [REDACTED] <[REDACTED]@gezondheid.belgie.be>; [REDACTED] <[REDACTED]@sante.belgique.be>; [REDACTED] <[REDACTED]@sante.belgique.be>
Subject: RE: Cannabis-related ingredient

Dear [REDACTED],

Many thanks for this very interesting analysis of the issue of cannabis and cannabidiol.

Belgium shares the conclusions of this document, e.i. **cannabidiol** does not fall by itself under the Narcotic Drugs Convention but it is prohibited when it is produced by extraction from the cannabis plant.

We had based our own analysis on the following:

Cannabis and its extracts are mentioned in Schedule I of the Narcotic Drug Convention, but in this Convention, “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. Seed oil or other extracts coming from the seeds are thus clearly allowed.

As natural cannabidiol is mostly present in the tops of the plant and extracted from these tops, cannabidiol produced by extraction from the cannabis plant is forbidden.

Nevertheless, synthetic cannabidiol is allowed in cosmetics.

In CosIng, we propose to make the distinction between plant-derived cannabidiol and synthetic cannabidiol. For example two entries or extra information in the ‘Restrictions’ column. This would help to create a better understanding of the restrictions on cannabidiol.

Our market surveillance authorities would also like to point out the following issues:

Many cosmetic products with cannabidiol or cannabis extracts want to project a **natural** or even organic image. The ideas and expectations of the average consumer have to be considered when presenting a cosmetic as 'natural' or 'organic' or 'bio' (see Regulation 655/2013 concerning claims for cosmetic products). The average consumer would expect that a 'natural' cosmetic is manufactured using natural ingredients, i.e. plant extracts. Synthetic ingredients are not associated with natural products. This means that natural cosmetics with cannabidiol should be considered as non-compliant, either because they are misleading for the consumer, or because of the use of forbidden plant extracts.

Concerning **leaf and stem extracts**: According to the definition of the drug cannabis, a pure leaf extract is not part of the forbidden narcotic drug, and can be used in cosmetics. One could question why an expensive cannabis pure leaf extract would be used in cosmetics (what are the benefits?). Likewise for a stem extract.

In one case of intended import of cosmetics, the term 'cannabis leaf extract' was used to denote plant extracts with active substances THC and CBD, so the term 'leaf extract' was likely chosen to make the ingredient appear legal.

Concerning **hemp** derived ingredients : It is difficult to make the distinction between biological material of the drug producing cannabis plants and hemp. It only takes 1 generation to go from hemp to a drug producing plant. The concentration of the active substances is not considered in the definition of the narcotic drug 'cannabis'. The definition of the drug cannabis refers to all plants of the genus cannabis (including hemp).

The table in the document shows many more unrestricted 'hemp' ingredients than unrestricted 'cannabis sativa' ingredients.

Based on the current definitions, it is not correct to treat the ingredients differently based on the names hemp or cannabis.

That is why the market surveillance service of Belgium proposes that ingredients derived from the genus cannabis are considered and treated in the same way, and that 'hemp' is not preferentially used for the legal ingredients (INCI terms).

We stay at your disposal for further discussions on this issue during the next meeting of the working group.

Best regards,

Pharm.

DG Animals, Plants and Foodstuffs - Service Foodstuffs,
Animal Feeding stuffs and Other Consumption Products
Eurostation Place Victor Horta, 40/10 B1060 Brussels Belgium
t f



www.health.belgium.be Contact Center +32 (0)2.524.97.97



Don't spill our natural resources; print this e-mail only when necessary.



De : DIGIT-CIRCABC@nomail.ec.europa.eu [<mailto:DIGIT-CIRCABC@nomail.ec.europa.eu>]

Envoyé : jeudi 31 janvier 2019 11:49

Objet : Cannabis-related ingredient

CIRCABC



You received a new message

As member of the interest group [COSMETICS - Working group on cosmetic products](#) (Category: Internal Market, Industry, Entrepreneurship and SME's), you received the following message.

Message

From the user [REDACTED]

Dear Members of the Working Group on Cosmetic Products,

as discussed in the last Working Group meeting (10/12/2018) please find attached a document concerning Cannabis-related ingredient and their use in Cosmetics. We would appreciate your feedback before the Working Group meeting on the 18th of February 2019.

Thank you for your understanding and collaboration.

Kind regards

[REDACTED]

Attachments:

[Cannabis-Hemp_CIRCABC_GM_240119.docx](#):

Best regards,
The CIRCABC team
<https://circabc.europa.eu>

Disclaimer : <http://www.health.belgium.be/eportal/disclaimer/>

