

**Question for written answer E-001677/2024
to the Commission**
Rule 144
Cristina Guarda (Verts/ALE)

Subject: Lawfulness of the ban on the trade in products containing hemp cannabidiol (CBD) in Italy

The Court of Justice of the European Union, in its judgment of 19/11/2020, C-663/18, held that ‘CBD does not contain a psychoactive ingredient in the current state of scientific knowledge’ and that it would be ‘contrary to the purpose and general spirit of the Single Convention to include it in the definition of ‘drugs’’ within the meaning of that Convention.

The Decree of the Italian Ministry of Health of 7 August 2023¹ includes CBD compositions for oral use in section B of the table of medicinal products referred to in Presidential Decree No 309 of 9 October 1990 (Consolidated Law on Narcotic Drugs).

The Regional Administrative Court of Lazio, in its ruling on application No 12908 of 2023 for the annulment of that Ministerial Decree, decided that the decree should be suspended since there were no immediate risks connected with CBD in terms of the protection of public health.

However, in its Decree of 27 June 2024², the Ministry of Health again included hemp cannabidiol compositions for oral use in Section B of the table of medicinal products.

In the light of the above, can the Commission answer the following questions:

1. What justifications has it received in support of derogations under Article 36 TFEU in this case?
2. Are those justifications sufficient to make the granting of derogations under Article 36 TFEU lawfully viable?

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¹

https://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2023-08-21&atto.codiceRedazionale=23A04729&elenco30giorni=true

²

https://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2024-07-06&atto.codiceRedazionale=24A03441&elenco30giorni=false