

(English version)

**Question for written answer E-001510/24
to the Commission**

**Valentina Palmisano (The Left), Mario Furore (The Left), Pasquale Tridico (The Left), Dario Tamburrano (The Left),
Carolina Morace (The Left), Giuseppe Antoci (The Left)**
(14 August 2024)

Subject: The ‘Cannabis light’ amendment in Italy’s security bill and its compatibility with EU law

By failing to distinguish between cannabis light and other cannabinoids, the recently approved Amendment 13.06 of Italy’s security bill would impose significant restrictions on the use of cannabis light and could therefore jeopardise the survival of an entire sector. Similarly, the decree of 27 June 2024 (Official Gazette, General Series No 157 of 6 July 2024), will hinder sales of Cannabidiol (CBD) on the single market by classifying it as a narcotic medicinal substance in Table B.

These measures raise compatibility issues both with EU law and with CJEU case-law (C-663/18), the Court ruling that the sale of lawfully produced CBD cannot be banned unless there is evidence that the substance is harmful to public health. More specifically, banning the sale of products containing CBD would go against EU law, which considers CBD to be legal provided that it is produced from Cannabis sativa L. plants that contain less than 0.2% THC. In addition, the new measures were not communicated to TRIS, even though they will have an impact on the internal market and the free movement of goods.

In the light of the above:

1. Does the Commission believe that the above measures comply with Articles 34 and 36 TFEU, Regulation (EU) No 1308/2013, Regulation (EU) No 1307/2013 and CJEU case-law?
2. What measures will it take to ensure the free movement of goods within the single market?
3. Has the Commission taken the complaints it has received from sectoral companies and associations under advisement?

Submitted: 14.8.2024

Answer given by Ms Kyriakides on behalf of the European Commission
(9 October 2024)

The Commission has received multiple complaints both against the recently approved Amendment 13.06 of Italy's security bill that aims to restrict the movement of hemp inflorescences or products containing such inflorescences and against the Italian Decree of 27 June 2024 ⁽¹⁾ that classifies the products containing as an active substance for pharmaceutical use cannabidiol oil for oral consumption derived from Cannabis.

The analysis of these complaints is ongoing. In that context, the Commission is currently assessing the compliance of these measures with the Treaties and with secondary Union legislation.

⁽¹⁾ Decree of the Ministry of Health of 27 June 2024, Update of the tables containing the indication of narcotic and psychotropic substances, referred to in Presidential Decree No 309 of 9 October 1990, as amended and supplemented. Inclusion in the table of medicines, section B, of compositions for oral administration of cannabidiol obtained from cannabis extracts. OJ General Series No 157, 06.07.2024.