Follow up on recommendations made by 35th ECDD

Agenda item 3.1

Expert Committee on Drug Dependence
Thirty-sixth Meeting
Geneva, 16-20 June 2014
After a critical review of ɣ-hydroxybutyric acid (GHB), the 35th ECDD came to the conclusion that GHB should be moved from Schedule IV to Schedule II of 1971 Convention. This recommendation was conveyed to UN Secretary General for further action. The recommendation along with supporting information was transmitted to Member States by the Secretary General. During the 56th session of CND, it was decided by 41 votes to 1, with no abstentions, that GHB be transferred from Schedule IV to II of the Convention on Psychotropic substances of 1971 (decision 56/1).

After conclusions made at the 35th ECDD, WHO had also communicated that it was unaware of any new evidence that was likely to materially alter the scheduling recommendation submitted in March 2007, to move dronabinol and its stereo isomers from Schedule II to Schedule III of 1971 Convention. This recommendation was conveyed to UN Secretary General for further action but no decision was made at the 56th session of CND. Concern was expressed by several delegations on a lack of decision to reschedule dronabinol and its stereoisomers. Some delegations said that there was no clinical evidence that would impede the rescheduling of dronabinol. Some speakers did not support WHO recommendation.

During the 56th session of CND, concern was also expressed regarding the ECDD decision not to recommend international scheduling of ketamine.

Please see Annex 1 for details of deliberations during 56th session of CND. During the 57th session of CND, a draft decision on dronabinol was introduced. After deliberations, the Commission voted on the draft decision. Having received 9 votes in favour, 20 votes against and 12 abstentions, dronabinol and its stereoisomers were not moved from Schedule II.

Please see Annex 2 for details of deliberations during 57th session of CND.
Annex 1 Excerpts from report 56th session of CND (2013) Deliberations

1. Changes in the scope of control of substances

35. At its 3rd meeting, on 13 March 2013, the Commission considered agenda item 4 (a), entitled “Implementation of the international drug control treaties: changes in the scope of control of substances”.

36. For its consideration of item 4 (a), the Commission had before it: (a) Note by the Secretariat on changes in the scope of control of substances (E/CN.7/2013/11 and Add.1); (b) Draft decision submitted by the Chair on the transfer of \textit{gamma}-hydroxybutyric acid from Schedule IV to Schedule II of the Convention on Psychotropic Substances of 1971 (E/CN.7/2013/L.18).

37. Introductory statements were made by the Director of the Division for Treaty Affairs of UNODC and the observer for WHO. Statements were made by the representatives of Turkey, Canada, Japan, the Republic of Korea, the Netherlands, Austria, China, Belarus, Australia, the United Kingdom and Mexico. A statement was also made and by the observer for Switzerland.

\textit{(a) Transfer of \textit{gamma}-hydroxybutyric acid from Schedule IV to Schedule II of the Convention on Psychotropic Substances of 1971}

38. The Commission had before it for its consideration the recommendation from WHO to transfer \textit{gamma}-hydroxybutyric acid (GHB) from Schedule IV to Schedule II of the Convention on Psychotropic Substances of 1971. That recommendation had been transmitted by the Secretary-General to Member States for comments, in notes verbales dated 9 November and 27 December 2012, to which the notification and the information in support of the recommendation were annexed. The Commission took note of the two-thirds majority of the members of the Commission required for the decisions provided for in articles 2 and 3 of the 1971 Convention, in accordance with article 17, paragraph 2, of that Convention.

\textit{(b) Dronabinol and its stereoisomers}

39. It was recalled that, in the communication from the Director General of WHO to the Secretary-General dated 22 October 2012, it was stated that the WHO Expert Committee on Drug Dependence was unaware of any new evidence that was likely to materially alter the scheduling recommendation submitted to the Commission on Narcotic Drugs at its fiftieth session, in March 2007, and that the decision to move dronabinol and its stereoisomers from Schedule II to Schedule III of the 1971 Convention should stand.

40. Concern was expressed by several delegations that, despite the recommendation received from WHO, no decision had yet been taken by the Commission to reschedule dronabinol and its stereoisomers. Some delegations said that there was no clinical evidence that would impede the rescheduling of dronabinol. Another speaker mentioned that the treaty-based procedure was not sufficiently clear on how to deal with a “standing” recommendation. A
number of speakers said that they were not able to support the recommendation made by WHO regarding dronabinol, as that recommendation could hinder efforts to prevent international cannabis abuse and could send a confusing message regarding the harm associated with the use of cannabis. It was suggested that WHO should continue reviewing that substance.

(c) Other issues

41. Concern was expressed by many delegations regarding the decision of the WHO Expert Committee on Drug Dependence not to recommend ketamine for scheduling under international control. It was noted that the manufacture, trafficking and abuse of ketamine had been increasing and that illicit use of ketamine was associated with extensive harm to health. Participants said that further discussion was required and they welcomed the continued work that would be conducted by WHO in relation to ketamine.
Annex 2 Excerpts from the report 57th session of CND (2014)

(b) Consideration of a draft decision on the transfer of dronabinol and its stereoisomers from Schedule II to Schedule III of the Convention on Psychotropic Substances of 1971

54. The representative of the Netherlands introduced the draft decision and noted that it was based on a medical and scientific recommendation made by the WHO Expert Committee stating that dronabinol had proven medical usefulness, that there was no risk of abuse and that it was appropriate for the substance to be rescheduled from Schedule II to Schedule III of the 1971 Convention. The observer for WHO recalled that, pursuant to a request from the Commission for WHO to undertake a further review of dronabinol and its stereoisomers, the Expert Committee had responded that it was not aware of any new evidence likely to materially alter its previous scheduling recommendation.

55. Speakers highlighted the important role of the Commission in considering scheduling recommendations, as well as that of WHO and its Expert Committee in conducting medical and scientific assessments of substances.

56. A number of speakers noted that the consideration of the draft decision was based on evidence that was no longer current, that article 3 of the Convention already addressed increased availability of preparations packaged to reduce the risk of abuse and that the recommendation should be referred back to the Expert Committee for further assessment pursuant to paragraphs 5 and 6 of article 2 of the 1971 Convention.