



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Message 201

Communication from the Commission - TRIS/(2024) 1785

Directive (EU) 2015/1535

Notification: 2024/0265/CZ

Forwarding of the response of the Member State notifying a draft (Czechia) to request for supplementary information (INFOSUP) of European Commission.

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1. MSG 201 IND 2024 0265 CZ EN 21-08-2024 03-07-2024 CZ ANSWER 21-08-2024

2. Czechia

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4. 2024/0265/CZ - C00C - CHEMICALS

5.

6. Section 33a defines what can or can not be considered as the handling of psychomodulatory substances. Paragraph 2 of this Section establishes that the cultivation and handling of plants of technical hemp and technical hemp pursuant to Section 5(5), or the handling of hemp extract and tincture containing no more than 1 % of substances from the tetrahydrocannabinol group, for industrial, food, cosmetic, technical or horticultural purposes shall not be considered as handling of psychomodulatory substances.

The content limit of 1% of substances from the tetrahydrocannabinol group for these products as limit values was already established by the previous amendment of the Act on Addictive Substances. The exclusion of the above-mentioned products from the regime of the Act on Addictive Substances was then confirmed by an amendment to the implementing legislation, namely the Government regulation on schedules of addictive substances, which was also notified to the European Commission authorities through the notification process under No 2022/19/CZ. The rationale for the exclusion of these products from the addictive substances regime has already been communicated with the European Commission in the framework of this notification process and, in particular, the safety of products and foodstuffs containing these substances was also discussed in the framework of this process, with a limit of 1% of substances from the tetrahydrocannabinol group.

The removal of plants of technical hemp, technical hemp (under specified conditions) and hemp extract and tincture with



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a content of up to 1% of substances from the tetrahydrocannabinol group from the list of addictive substances leads to the fact that these products are not subject to the conditions of Council Framework Decision 2004/757/JHA in the Czech Republic.

The new section 33a paragraph 2 does not change the current practice. The handling of technical hemp already has a well-established legal regime in the Act on Addictive Substances, separate from the legal regime for other substances governed by this Act, such as addictive substances, medicinal cannabis or newly suggested psychomodulatory substances and scheduled psychoactive substances.

It is important to distinguish all the different modes of handling of (potentially) psychoactive substances within this Act, especially when substances cannot be simultaneously scheduled as a psychomodulatory substance and/or a scheduled psychoactive substance and an addictive substance.

Since Section 33a defines the very handling of psychomodulatory substances, it is the cornerstone of the notified draft's 'appropriate national control measures' as stated in Article 1b of the Council Framework Decision 2004/757/JHA. As was stipulated in the previous response, since psychomodulatory substances or scheduled psychoactive substances cannot be simultaneously drugs in the sense of the Council Framework Decision this is the most significant link to this regulation.

The notified draft proposes the legal framework that will, should it enter into force, establish a general structure for selecting, evaluating, scheduling and finally handling of new psychoactive substances. The draft itself does not contain a proposal to schedule any particular substance as a psychomodulatory substance or a scheduled psychoactive substance. Should this bill pass, this will be the task of specialized institutions listed in Section 33k and ultimately of the Government should they consider this approach to be the appropriate national control measure for such substance.

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