



WORLD HEALTH ORGANIZATION

EXECUTIVE BOARD
114th Session
Provisional agenda item 4.7

EB114/7
13 April 2004

Dependence-producing psychoactive substances: supplementary guidelines

Report by the Secretariat

1. Because of the direct linkage with the international drug control system, the WHO review of dependence-producing psychoactive substances has to be undertaken in such a way as to ensure maximum consistency and transparency, following defined procedures acceptable to all concerned parties. The most recent review procedure is spelt out in the Guidelines for the WHO review of dependence-producing psychoactive substances for international control¹ approved by the Executive Board at its 105th session in January 2000.²
2. In applying the current Guidelines, however, the WHO Expert Committee on Drug Dependence reported³ that it had encountered difficulties because of the lack of specific guidance on:
 - (1) the choice between the Single Convention on Narcotic Drugs, 1961 and the Convention on Psychotropic Substances, 1971 as regards the control of psychoactive substances having some similarity to both narcotic drugs and psychotropic substances, and
 - (2) the choice between the Single Convention on Narcotic Drugs, 1961 and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 as regards the control of a substance convertible to a narcotic drug.

The Expert Committee recommended that WHO develop additional guidelines in consultation with appropriate bodies of the United Nations for clarifying these issues.

3. In response to this request, a working group was convened in February 2003, to draft supplementary guidelines to provide specific guidance to the Expert Committee on these issues. The draft supplementary guidelines, based on the outcome of the working group in which participated representatives of the International Narcotics Control Board (INCB) and the United Nations Office on Drugs and Crime, are annexed to this report.

¹ Document EB105/2000/REC/1, Annex 9.

² Decision EB105(3).

³ WHO Technical Report Series, No. 915, 2003.

ACTION BY THE EXECUTIVE BOARD

4. The Executive Board is invited to adopt the following draft decision:

The Executive Board, having considered the report on dependence-producing psychoactive substances: supplementary guidelines,¹ approves the supplementary guidelines for the WHO review of dependence-producing psychoactive substances for international control.

¹ Document EB114/7.

ANNEX

**SUPPLEMENTARY GUIDELINES FOR THE WHO REVIEW OF
DEPENDENCE-PRODUCING PSYCHOACTIVE SUBSTANCES
FOR INTERNATIONAL CONTROL****ABBREVIATIONS AND DEFINITIONS**

1. The same abbreviations and definitions as those listed in Section VII of the Guidelines for the WHO review of dependence-producing psychoactive substances for international control¹ are used throughout this document.

GUIDANCE CONCERNING THE CHOICE BETWEEN THE 1961 AND 1971 CONVENTIONS

2. In accordance with paragraph 33 of the Guidelines, the Expert Committee first decides whether the substance has “morphine-like, cocaine-like or cannabis-like effects” (i.e. drugs in Schedules I and II of the 1961 Convention). In doing so, the Expert Committee must first assess the available scientific data and determine whether the substance under review meets the criteria for control under the 1961 Convention. A determination that a substance has morphine-like, cocaine-like or cannabis-like effects must include a qualitative analysis of its pharmacological profile and profiles of its liability to abuse and dependence. These properties do not have to be quantitatively similar to those of morphine, cocaine or cannabis. Similarity to a psychotropic substance controlled under the 1971 Convention is not a relevant consideration at this point.

3. Under the provisions of the 1961 Convention, the scheduling of substances is based on the fundamental principle of “similarity”. It is the main criteria for control under the 1961 Convention. Article 3, paragraph 3(iii) of that Convention requires that, if WHO finds that a substance is liable to similar abuse and productive of similar ill effects as the drugs in Schedule I or Schedule II, it shall communicate that finding to the Commission on Narcotic Drugs for a scheduling decision. Based on the assessment, only if the Expert Committee finds that the substance does not meet the criteria for control under the 1961 Convention should it then be considered for control under the 1971 Convention.

4. In applying paragraph 38 of the Guidelines, the principle of similarity described in Article 2, paragraph 4(a)(ii) of the 1971 Convention applies only in situations when the substance does not produce a state of dependence (e.g., some hallucinogens like LSD). In the absence of a finding that a substance produces dependence, similarity takes on importance; otherwise it is secondary.

5. The principles set out in paragraphs 2 to 4 above also apply to the transfer of substances between the 1961 and 1971 Conventions.

¹ Document EB105/2000/REC/1, Annex 9.

GUIDANCE CONCERNING THE CHOICE BETWEEN THE 1961 AND 1988 CONVENTIONS

6. To provide further clarification regarding paragraph 34 of the Guidelines, the following guidance provided:

Article 3, paragraph 3(iii) of the 1961 Convention states that substances that are convertible into drugs controlled under the 1961 Convention shall be recommended by WHO for control under that Convention. Therefore, the Expert Committee must first determine whether a substance is convertible into a narcotic drug, **bearing in mind the purpose of the provisions regarding convertible substances**. If the substance is not convertible into a drug controlled under the 1961 Convention, it may be referred to INCB for consideration for a review for control under the 1988 Convention.

7. The 1961 Convention provides for the control of precursors (convertible substances) to the substances controlled under it as indicated in paragraph 6 above. WHO reviews these types of substances for control. The 1971 Convention provides for no such controls of precursors. The 1988 Convention fills the void that existed for controlling precursors of psychotropic substances as well as the control of other chemicals frequently used in the illicit production of all controlled substances. INCB has responsibility for reviewing these chemicals for potential control.

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