



WORLD HEALTH ORGANIZATION

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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 revised 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 into a narcotic drug.
3. The Expert Committee recommended that WHO draw up additional guidelines in consultation with appropriate bodies in the United Nations system for clarifying these issues. Consequently, a working group was convened in February 2003, with the participation of representatives of the International Narcotics Control Board and the United Nations Office on Drugs and Crime, to prepare supplementary and specific guidance for the Expert Committee on these issues.
4. The resulting supplementary guidelines were submitted to the Executive Board at its 114th session in May 2004 for consideration. Amendments to the text were proposed to ensure that the guidelines would not result in an arbitrary system of drug classification inconsistent with the Single Convention on Narcotic Drugs, 1961 and the Convention on Psychotropic Substances, 1971, and

¹ Document EB105/2000/REC/1, Annex 9.

² Decision EB105(3).

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

would not limit the availability of controlled substances for legitimate medical and scientific purposes. The Board agreed to defer the decision on the supplementary guidelines to the present session to allow time for consideration of the proposed amendments.¹ The supplementary guidelines, as revised in the light of the Board's comments and proposed amendments, are annexed to this report.

ACTION BY THE EXECUTIVE BOARD

5. 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,² approves the supplementary guidelines for the WHO review of dependence-producing psychoactive substances for international control.

¹ Document EB114/2004/REC/1, summary record of the third meeting, p. 77.

² Document EB115/12.

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 should first decide 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 an analysis of its pharmacological profile, its abuse liability, and its dependence-producing characteristics.

3. Under the provisions of the 1961 Convention, the scheduling of substances is based on the fundamental principle of “similarity”. It is the main criterion 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 D-lysergic acid diethylamide). In the absence of a finding that a substance produces dependence, similarity takes on importance; otherwise it is secondary.

5. If a substance is controlled under either the 1961 or 1971 Convention, any proposal for change in the existing status of the substance should be made only if specific new control measures are necessary in order to decrease the extent or likelihood of abuse of the substance, and only if such changes will not unduly limit its availability for legitimate medical and scientific purposes.

¹ Document EB105/2000/REC/1, Annex 9.

Guidance concerning the choice between the 1961 and 1988 Conventions

6. To clarify further paragraph 34 of the Guidelines, the following guidance is 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 control of precursors. The 1988 Convention fills the void that existed for controlling precursors of psychotropic substances and 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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