



## HEALTHCARE, LIFE SCIENCES &amp; PHARMACEUTICALS

## The Technical Note "Management of Cannabis Waste in the context of activities that produce cannabis for medicinal purposes"

The Technical Note "Management of Cannabis Waste in the context of activities that produce cannabis for medicinal purposes" was published on 8 February 2022. This note was drawn up jointly by **INFARMED** - Autoridade Nacional do Medicamento e Produtos de Saúde, I.P. (the Portuguese National Authority for Medicines and Healthcare Products) and the **APA** - Agência Portuguesa do Ambiente, I.P. (the Portuguese Environmental Agency). The note is available [here](#) for consultation (in Portuguese).

It became necessary to **establish a legal framework to manage cannabis waste**, in particular, its classification, transportation and treatment. This need arose because of the special conditions of the activity and the characteristics of this product. Moreover, the specific laws on the use of cannabis for medicinal purposes, including the most recent Law 33/201 of 18 July, do not define anything in this regard.

In this Informative Note, we will highlight some issues that we consider to be key:

- **Waste must be classified based on the nature of the activity in which the waste originated**, in accordance with the European Waste List ("EWL") published in Decision 2014/955/EU. As a result, cannabis waste produced from different economic activities will be subject to different rules. Examples of specific EWL codes that should be used depending on the type of activity and waste are given below. However, this list is not exhaustive and other classifications are always possible.

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- Under a basic principle of the General Waste Management Framework (Regime Geral de Gestão de Resíduos - “RGGR”), the waste producer is responsible for ensuring the treatment of waste. This must be done by sending the waste to a treatment operator that is properly licensed for this purpose. It is possible to consult a list of waste treatment operators through the Waste Management Operations Licensing Information System platform (Sistema de Informação de Licenciamento de Operações de Gestão de Resíduos - “SILOGR”), available on the APA website.
- Cannabis plant waste can be sent to one of the following destinations: composting, anaerobic digestion, direct agricultural recovery, landfill or incineration. Here, the **waste hierarchy principle** applies and, under this principle, recovery operations should be preferred over disposal operations. As a result, the landfill and incineration options will only be used in exceptional cases.
- In turn, waste from cannabis extracts, preparations and medicines must be sent for incineration, and these wastes must be properly packed in sealed packages with tamper-proof labelling. The packaging is only opened when the waste is incinerated and this is done in the presence of a witness identified by the producer, who attests, under oath, to the destruction of all the waste that was delivered.
- An ancillary obligation is to submit **data on the waste managed** to the Integrated Electronic Waste Registration System (Sistema Integrado de Registo Eletrónico de Resíduos - “SIRER”). **These records must be maintained for a minimum of three years** and made available to the competent authorities whenever requested.■

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