Exporting all parts of hemp plants to the EU

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EU proposes to allow imports of all hemp plant parts as agricultural products, and to extend maximum Δ9-THC levels (currently for seeds) to all plant parts

Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1308/2013 as regards the school fruit, vegetables and milk scheme ('EU school scheme'), sectoral interventions, the creation of a protein sector, requirements for hemp, the possibility for marketing standards for cheese, protein crops and meat, application of additional import duties, rules on the availability of supplies in time of emergencies and severe crisis and securities

Update

The European Commission proposes to allow all hemp plant parts to be exported to the European Union (EU) as agricultural products. It also proposes to extend the maximum levels of delta-9-tetrahydrocannabinol (Δ9-THC), currently authorised for hemp seeds exported to the EU, to include all hemp plant parts (raw hemp, seeds, and other plant parts). Hemp seeds that are not for sowing do not have to comply with these requirements.

Impacted products

Raw hemp, hemp seeds, other hemp plant parts

What is changing?

The European Commission proposes to allow all hemp plant parts to be exported to the EU as agricultural products. It also proposes to extend the maximum levels of Δ9-THC, currently authorised for hemp seeds exported to the EU, to apply to all hemp plant parts (raw hemp, seeds, and other plant parts). This means that:

- levels of Δ9-THC must not exceed a 0.3% limit
- plants must be grown from certified hemp seed, or accompanied by a certificate stating that the Δ9-THC level of the hemp variety does not exceed 0.3%.

Hemp seeds that are not for sowing do not have to comply with these requirements.

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See details in Table 1.

Why?

This change aims to align with the EU's proposed new rules on hemp production and marketing in order to protect public health through seed certification and limiting levels of ∆9-THC. This will ensure compliance with international drug conventions.

It will also unify the rules across the EU. Currently, EU Member States have different rules regarding the use of whole hemp plants and its economic potential, despite the European Court of Justice ruling (ECJ 2020) that cannabidiol (CBD) from the whole *Cannabis sativa* plant is not a drug. Evidence from the European Food Safety Authority (EFSA 2020) suggests there is a low health risk from hemp varieties with ≤0.3% ∆9-THC.

Timeline

The proposed rules are likely to be adopted by late 2026 to early 2027.

Resources

ECJ (2020) Judgment of the Court (Fourth Chamber) of 19 November 2020. European Court of Justice.

EFSA (2020) Acute human exposure assessment to tetrahydrocannabinol (∆9■THC). EFSA Journal, 18(1): 5953.

Sources

Proposal for a Regulation as regards the school fruit, vegetables and milk scheme ('EU school scheme'), sectoral interventions, the creation of a protein sector, requirements for hemp, the possibility for marketing standards for cheese, protein crops and meat, application of additional import duties, rules on the availability of supplies in time of emergencies and severe crisis and securities

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Tables & Figures

Table 1
Proposed conditions for hemp exported to the EU

Hemp product (from a variety of *Cannabis sativa*)	CN code	Conditions
Raw true hemp	5302	• Maximum Δ9-THC[1] content ≤0.3% • Grown from certified seeds[2] *or* Accompanied by proof that Δ9-THC level of variety is ≤0.3%
Hemp seeds for sowing	ex 1207 99 20	
Other parts of the hemp plant	1211 90 86	
Hemp seeds other than for sowing	1207 99 91	Importers must be authorised by the EU Member State to ensure seeds are not intended for sowing

1. Δ9-THC = delta-9-tetrahydrocannabinol.
2. Certified in accordance with Directive 2002/57/EC; or (for conservation seed varieties) Directive 2008/62/EC (Art. 10).

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Source: based on Proposal amending Regulation 1308/2013

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