

Maximum levels of delta-9-tetrahydrocannabinol (Δ^9 -THC) in hemp seeds

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EU proposes maximum levels for Δ^9 -THC in hemp leaves for infusion and ready-to-drink herbal infusions made from hemp leaves

[Draft](#) Commission Regulation (EU) amending Regulation (EU) 2023/915 as regards maximum levels of the sum of delta-9-tetrahydrocannabinol (Δ^9 -THC) in hemp leaves for water infusion and hemp leaves infusions

[Draft](#) Annex

Update

The European Commission proposes to set a maximum level for delta-9-tetrahydrocannabinol (Δ^9 -THC) in hemp leaves for water infusion and ready-to-drink herbal infusions made from hemp leaves to ensure a high level of human health protection.

Regulation [2023/915](#) sets maximum levels for (Δ^9 -THC) and delta-9-tetrahydrocannabinolic acid (Δ^9 -THCA) in hemp seeds and derived products sold on the European Union (EU) market, as severe exposure to Δ^9 -THC might be a risk for human health.

Impacted products

Hemp seeds and derived products, hemp leaves for water infusion, ready-to-drink herbal infusions made from hemp leaves

What is changing?

The proposed maximum levels for the sum of Δ^9 -THC and Δ^9 -THCA, expressed as Δ^9 -THC, in hemp leaves for water infusion and ready-to-drink herbal infusions made from hemp leaves are presented in Table 1.

The European Commission proposes that hemp leaves for water infusion must be labelled with the following statements when sold in the EU:

- “Only to be used for water infusion (preparation of a herbal infusion).”

- Shall not be consumed by infants and young children.
- No fatty ingredients, such as cream or milk, shall be added during steeping.”

In addition to these proposed maximum levels for Δ^9 -THC, EU countries can set more restrictive rules on their markets for selling hemp leaves and ready-to-drink infusions made from hemp leaves.

Why?

In 2015, the European Food Safety Authority (EFSA) assessed the risk to human health related to the presence of Δ^9 -THC in milk and dairy products ([EFSA 2015](#)).

[EFSA \(2020\)](#) published a scientific report assessing exposure to Δ^9 -THC, and found that the reference dose of 1 μg Δ^9 -THC per kg body weight was exceeded in certain exposure estimates. The European Commission therefore considered that maximum levels should be set for hemp seeds and derived products (see Regulation [2023/915](#) and Table 2).

The European Commission now proposes to establish maximum levels for Δ^9 -THC in hemp leaves for water infusion and ready-to-drink herbal infusions to ensure a high level of human health protection. Currently, water infusions of hemp leaves (when not accompanied by the flowering and fruiting tops), consumed as such or as part of herbal infusions, can be sold in the EU without prior authorisation, which might expose consumers to high levels of Δ^9 -THC.

Timeline

This proposal is expected to be adopted in July 2026.

The proposed maximum levels for Δ^9 -THC in hemp leaves for water infusion and ready-to-drink herbal infusions are expected to apply from **1 January 2027**.

Foodstuffs lawfully placed on the market before this Regulation enters into force may remain on the market until their date of minimum durability or use-by date.

Recommended Actions

Exporters of hemp seeds and derived products must ensure that adequate measures are put in place to prevent contamination during processing in order to meet the newly established levels ([BfR 2018](#)).

Competent authorities of countries that are members of the World Trade Organization can submit comments on the EU's proposal by emailing the [EU SPS Enquiry Point](#) until **26 May 2026**.

Resources

BfR (2018) [Tetrahydrocannabinol levels are too high in many hemp-containing foods - health impairments are possible](#). Bundesinstitut für Risi.

Commission Regulation (EU) [2023/915](#) on maximum levels for certain contaminants in food

EFSA (2015) [Scientific Opinion on the risks for human health related to the presence of tetrahydrocannabinol \(THC\) in milk and other food of animal origin](#). EFSA Journal, 13(6): 4141.

EFSA (2020) [Acute human exposure assessment to tetrahydrocannabinol \(\$\Delta^9\$ -THC\)](#). EFSA Journal, 18(1): 5953.

Sources

[Draft](#) Commission Regulation as regards maximum levels of the sum of delta-9-tetrahydrocannabinol (Δ^9 -THC) in hemp leaves for water infusion and hemp leaves infusions


[Draft](#) Annex

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Table & Figures

Table 1 Maximum levels of Δ^9 -THC in hemp leaves for water infusion and ready-to-drink herbal infusions made from hemp leaves ^[1]		
Foodstuffs	Maximum level (mg/kg)	
	Current	Proposed
2.6.4 Hemp leaves for water infusion	None	40
2.6.5 Ready-to-drink infusions made from hemp leaves	None	0.02


1. Maximum level does not take into account consumption of hemp leaf infusions by infants and young children.



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Source: [Draft Annex](#)

Table 2 Maximum levels of Δ^9 -THC in hemp seeds	
Foodstuffs	Maximum level (mg/kg)
2.6.1 Hemp seeds	3.0
2.6.2 Ground hemp seeds, (partially) defatted hemp seed, and other hemp seed processed products (except those listed in 2.6.3 below)	3.0
2.6.3 Hemp seed oil	7.5



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Source: Regulation [2023/915](#)

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