

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(83) 160 final

Brussels, 28 March 1983

Proposal for a  
COUNCIL REGULATION (EEC)

fixing general rules on the import restrictions on hemp and hemp  
seed and amending Regulation (EEC) No 619/71 in respect of hemp

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(submitted to the Council by the Commission)

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COM(83) 160 final



## EXPLANATORY MEMORANDUM

1. The meaning of this proposal is to fix general rules concerning

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Regulation (EEC) No 1430/82/limits aid to varieties of hemp offering certain safeguards on intoxicating substance content and also provides for import restrictions.

2. On the question of safeguards it appears that while the average THC content of fibre hemp is for the majority of plants normally between 0.1 and 0.35% (2 to 7% for drug hemp) it can if conditions are extremely favourable reach 0.5% for several feet. A number of pharmacologists consider that 0.5% is too high and that a 0.3% THC rate should not be exceeded if the risk of abuse is to be avoided.

A rate of 0.3% is thus proposed except for the next four marketing years when it will be 0.5% in order to enable growers to adjust to the new standard.

In order to ensure that the provision is correctly applied it is specified that the content is for the upper third of the plant after removal of the stalks and seeds and that a representative number of plants taken at random is to be sampled just before full maturity. Aid will be granted only for varieties appearing on a list to be drawn up.

3. Under the import restrictions only hemp meeting the qualifying standards fixed for aid may be imported. Similarly only seed of the varieties on the list of those qualifying for aid can be imported. As far as seed other than for sowing is concerned a maximum germination rate of 33% is considered to be low enough to discourage sowing without seriously affecting imports (approximately 5 000 tons) for other purposes.

1

**Proposal for a  
COUNCIL REGULATION (EEC)**

fixing general rules on the import restrictions on hemp and hemp seed  
and amending Regulation (EEC) No 619/71 in respect of hemp

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organization of the market in flax and hemp (1), as last amended by Regulation (EEC) No 1430/82 (2), and in particular Article 4(4) thereof,

Having regard to Council Regulation (EEC) No 1430/82 of 18 May 1982 providing for restrictions on the importation of hemp and hemp seed and amending Regulation (EEC) No 1308/70 in respect of hemp (3), as amended by Regulation (EEC) No 201/83 (4), and in particular Article 2(4) thereof,

Having regard to the proposal from the Commission,

Whereas the second subparagraph of Article 4(1) of Regulation (EEC) No 1308/70 states that aid shall be granted only for hemp grown from seed of varieties providing certain safeguards to be determined in respect of the intoxicating substances content in the harvested product; whereas to this end Article 3(1) of Council Regulation (EEC) No 619/71<sup>(5)</sup>, as last amended by Regulation (EEC) No 1775/76<sup>(6)</sup> should be amended to specify that aid shall be granted only for hemp grown from seed certified or officially admitted as commercial seed of varieties the average tetrahydrocannabinol (THC) content of which has been found not to exceed certain acceptable limits; whereas for satisfactory operation of the aid system it should be specified that a list of varieties meeting the required conditions be drawn up;

Whereas pursuant to Article 2 of Regulation (EEC) No 1430/82 import of hemp seed for which adequate health safeguards cannot be guaranteed should be prohibited; whereas arrangements should therefore be made for import controls on the products in question,

HAS ADOPTED THIS REGULATION:

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(1) OJ No L 146, 4. 7.1970, p.1  
(2) OJ No L 162, 12. 6.1982, p.27  
(3) OJ No L 162, 12.6.1982, p. 27

(4) OJ No L 26, 28.1.1983, p. 3  
(5) OJ No L 72, 26.3.1971, p. 2  
(6) OJ No L 199, 24.7.1976, p. 3

Article 1

Article 3 (1) of Regulation (EEC) No 619/71 shall read as follows.

"1. For hemp, aid shall be granted only to the grower and only for hemp grown from seed certified in or officially admitted into the Community as commercial seed of varieties contained in a list to be drawn up in accordance with the procedure provided for in Article 12 of Regulation (EEC) No 1308/70. This list shall include only varieties for which a Member State has found by analysis that the weight of THC (tetrahydrocannabinol) in the weight of a sample projected to constant weight is no higher

- for the purposes of granting aid for the 1983/84-1986/87 marketing years, than 0,5%,
- for the purposes of granting aid for subsequent marketing years, than 0,3%.

The sample shall consist of the upper third of a representative number of plants selected at random at the end of their flowering period and with stalks and seeds removed.

Notwithstanding the above provisions aid for the 1983/84 marketing year shall be granted to growers who demonstrate to the satisfaction of the Member State concerned that their hemp has been grown from seed of varieties appearing in the list to be drawn up mentioned above. The same may be decided on for later years in accordance with the procedure provided for in Article 12 in Regulation (EEC) No 1308/70 should there be insufficient supplies of seed certified or officially admitted as commercial seed of the varieties included in that list."

Article 2

1. Raw true hemp falling within subheading 57.01 of the Common Customs Tariff consigned from non-member countries may be imported only if evidence is produced that its THC content is no higher than that indicated in Article 3(1) of Regulation (EEC) No 619/71.
2. Seed of hemp varieties falling within subheading 12.01 A of the Common Customs Tariff consigned from non-member countries may not be imported unless the variety is included in the list to be drawn up mentioned in Article 3(1) of Regulation (EEC) No 619/71.
3. The maximum germination rate of hemp seeds mentioned at the first indent of Article 2(3) of Regulation (EEC) No 1430/82 shall be 33%. This percentage shall apply to the total number of whole seeds of hemp and of other varieties present in the product in question.

Article 3

1. All imports into the Community of the products mentioned in Article 2 shall be subject to inspection in order to ensure that the terms of that Article are complied with.

If the terms are complied with the importing Member State shall issue a certificate of conformity.

2. Products mentioned in Article 2 that are accompanied by an attestation issued by the authorities of the country of origin that is recognised as equivalent to the certificate mentioned in paragraph 1 shall be considered to meet the conditions set out in that Article. Equivalence of these documents shall be determined using the procedure provided for in Article 12 of Regulation (EEC) No 1308/70.

Article 4

Hemp seed imported from non-member countries by the organizations and institutes mentioned in a list to be drawn up in accordance with the procedure provided for in Article 12 of Regulation (EEC) No 1308/70 shall be considered for the purposes of the second indent of Article 12(3) of Regulation (EEC) No 1430/82 as imported for use in scientific or technical experiments.

Article 5

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure provided for in Article 12 of Regulation (EEC) No 1308/70.

Article 6

This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

For the Council