

**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**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42, 43 and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas the increasing abuse of narcotics in the Community is likely to endanger human health;

Whereas the stalk of true hemp may in some cases contain intoxicating substances; whereas, however, the cultivation of hemp in the Community is of considerable significance in some regions; whereas, to prevent the danger referred to above from being increased by the cultivation of hemp in the Community and by imports of raw hemp and hemp seed, the aid granted under Article 4 of Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organization of the market in flax and hemp ⁽³⁾, as last amended by the 1979 Act of Accession, should be limited to varieties providing adequate safeguards in terms of human health, and imports of hemp and hemp seed which do not provide adequate safeguards should be prohibited;

Whereas the necessary time should be allowed for the introduction of these measures,

HAS ADOPTED THIS REGULATION:

Article 1

The following subparagraph shall be inserted as a second subparagraph after the first subparagraph of Article 4 (1) of Regulation (EEC) No 1308/70:

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

Done at Brussels, 18 May 1982.

'However, aid shall be granted only for hemp grown from seed of varieties providing certain safeguards to be determined in respect of the content of intoxicating substances in the harvested product.'

Article 2

1. The importation of raw true hemp falling within heading No 57.01 of the Common Customs Tariff shall be permitted only if the product complies with the terms of Article 1.

2. The importation of hemp seed falling within subheading 12.01 A of the Common Customs Tariff shall be permitted only if the seed offers the guarantees laid down in Article 1.

3. The importation of unbroken hemp seed falling within subheading 12.01 B of the Common Customs Tariff shall be permitted only if:

- the germination rate does not exceed a maximum percentage to be determined,
- or
- the seed is being imported for use in scientific or technical experiments.

4. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for the application of this Article.

Article 3

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

It shall apply:

- from 1 August 1983 in respect of true hemp,
- from 1 January 1983 in respect of hemp seed.

For the Council

The President

P. de KEERSMAEKER

⁽¹⁾ OJ No C 104, 26. 4. 1982, p. 25.

⁽²⁾ OJ No C 114, 6. 5. 1982, p. 1.

⁽³⁾ OJ No L 146, 4. 7. 1970, p. 1.

COUNCIL REGULATION (EEC) No 2059/84

of 16 July 1984

laying down general rules relating to 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, as last amended by Regulation (EEC) No 2058/84⁽³⁾, 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 substance content in the harvested product; whereas Article 3 (1) of Council Regulation (EEC) No 619/71⁽⁴⁾, as last amended by Regulation (EEC) No 1775/76⁽⁵⁾, should therefore be amended to specify that aid shall be granted only for hemp grown from certified seed of varieties the average tetrahydrocannabinol (THC) content of which has been found not to exceed certain acceptable limits; whereas, for the 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, imports of hemp and 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;

Whereas the abovementioned measures are without prejudice to the restrictions introduced by Community

provisions applicable to the marketing of seeds of oleaginous and fibrous plants,

HAS ADOPTED THIS REGULATION :

Article 1

Article 3 (1) of Regulation (EEC) No 619/71 is hereby replaced by the following :

'1. For hemp, aid shall be granted only to the grower and only for hemp grown from certified seed of varieties contained in a list to be drawn up in accordance with the procedure laid down 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 maintained at a constant weight is :

- for the purpose of granting aid for the marketing years 1984/85 to 1986/87, not more than 0,5 %,
- for the purposes of granting aid for subsequent marketing years, not more 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 1984/85 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 referred to above.

The same may be decided on for later marketing years in accordance with the procedure provided for in Article 12 of Regulation (EEC) No 1308/70 should there be insufficient supplies of certified seed.'

Article 2

Without prejudice to more restrictive provisions adopted by Member States :

1. raw true hemp falling within heading No 57.01 of the Common Customs Tariff and coming 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 ;

⁽¹⁾ OJ No L 146, 4. 7. 1970, p. 1.

⁽²⁾ OJ No L 162, 12. 6. 1982, p. 27.

⁽³⁾ See page 5 of this Official Journal.

⁽⁴⁾ OJ No L 72, 26. 3. 1971, p. 2.

⁽⁵⁾ OJ No L 199, 24. 7. 1976, p. 3.

2. seed of hemp varieties falling within subheading 12.01 A of the Common Customs Tariff and coming from non-member countries may not be imported unless the variety is included in the list to be drawn up referred to in Article 3 (1) of Regulation (EEC) No 619/71;
3. Community imports of the products specified in points 1 and 2 shall be subject to checks to determine whether the terms of this Article have been complied with.

Where the said terms have been complied with, the importing Member State shall issue a certificate indicating such compliance.

Article 3

Without prejudice to more restrictive provisions adopted by Member States:

1. only the following shall be authorized to import hemp seed falling within subheading 12.01 B of the Common Customs Tariff:
 - research organizations and institutes,
 - natural or legal persons who can provide satisfactory proof of a sufficient level of activity in the sector concerned;

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

Done at Brussels, 16 July 1984.

2. all imports, by persons referred to in the second indent of point 1, of seeds referred to in that point shall be subject to a system of control which shall apply until the seeds are used for a purpose other than sowing;
3. Member States shall communicate to the Commission the provisions adopted by them to ensure the control provided for in point 2, before applying them. Where these provisions are not such as to achieve the aims referred to in Article 2 (3) of Regulation (EEC) No 1430/82, the amendments which the Member State concerned is to make to them shall be decided in accordance with the procedure laid down in Article 12 of Regulation (EEC) No 1308/70.

Article 4

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

Article 5

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

It shall apply from 1 August 1984.

For the Council

The President

A. DEASY

Proposal for a Council Regulation (EC) amending Regulation (EC) No 1251/1999 establishing a support system for producers of certain arable crops to include flax and hemp grown for fibre

(2000/C 56 E/06)

COM(1999) 576 final — 1999/0236(CNS)

(Submitted by the Commission on 15 November 1999)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and 37 thereof;

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Having regard to the opinion of the Committee of the Regions,

Whereas:

- (1) The common agricultural policy aims to attain the objectives referred to in Article 33 of the Treaty, taking account of the market situation.
- (2) The flax and hemp sector has undergone profound changes since the entry into force of Council Regulation (EEC) No 1308/70 on the common organisation of the market in flax and hemp ⁽¹⁾; in addition to the traditional production of long flax fibre for textiles, flax is now also being grown at lower cost purely for the production of short fibre.
- (3) The aid per hectare for short flax fibre and hemp, which is extremely high in relation to production costs and the value of the product itself, has prompted a certain amount of speculative production; the areas down to short-fibre flax and hemp have increased without any comparable increase in either output or real market demand for these products. The steps that have been taken to prevent this anomaly have not had the desired success but rather have further complicated the rules governing the sector.
- (4) In order to solve the problems facing the market in flax and hemp grown for fibre, the amount of aid granted to the growers concerned should be comparable to that for

competitor crops. To that end, and with a view to simplifying the applicable legislation, these crops should be included in the support system for producers of certain arable crops established by Council Regulation (EC) No 1251/1999 of 17 May 1999 ⁽²⁾ Moreover, where there is a need to ensure continued production, Council Regulation (EC) No .../... on the common organisation of the market in flax and hemp grown for fibre ⁽³⁾ provides for aid for processing flax and hemp straw.

- (5) To ensure a smooth transition to the level of support granted for cereals and to solve the current problems caused by the existence of different aid schemes for fibre flax and seed flax, the payments for flax and hemp grown for fibre should be the same as those granted for linseed, which must themselves be aligned on those for cereals by the 2002/2003 marketing year.
- (6) To avert the danger that the aims of Regulation (EC) No 1251/1999 might be circumvented, grant of the per-hectare aid for flax and hemp grown for fibre should be made subject to certain conditions as regards cultivation.
- (7) Specific measures should be laid down for hemp, to ensure that illegal crops cannot be hidden among the crops eligible for area payments, thereby disturbing the common market organisation for hemp. Provision must therefore be made for area payments to be granted only for areas sown to varieties of hemp known to have a low psychotropic content. In addition, the Member States should restrict the areas sown to hemp in each production area to ensure that compliance with the maximum levels of psychotropic substances can be closely monitored on the areas covered by payment applications. A system of prior approval should therefore be introduced to ensure that the maximum areas fixed by the Member States are not exceeded.
- (8) In order that the quantities eligible for straw processing aid under Regulation (EC) No .../... can be checked, straw production must be linked to the area on which it is grown. Producers should therefore be required to conclude sales contracts with authorised straw processors providing certain assurances,

⁽¹⁾ OJ L 146, 4.7.1970, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 1.

⁽³⁾ See page ... of this OJ.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1251/1999 is amended as follows:

1. Article 4(2) is replaced by the following:

'2. The calculation mentioned in paragraph 1 shall be made using the average cereals yield. However, where maize is treated separately, the "maize" yield shall be used for maize and the "cereals other than maize" yield shall be used for cereals, oilseeds, linseed and flax and hemp grown for fibre.'

2. In the first subparagraph of Article 4(3), the words 'for linseed' are replaced by 'for linseed and flax and hemp grown for fibre'.

3. The following is inserted after Article 5:

'Article 5a

1. For flax grown for fibre, the area payment shall be made only where sales of straw are covered by contracts concluded with authorised primary processors.

2. For hemp grown for fibre, the area payment shall be made only where:

— the varieties used have a tetrahydrocannabinol content not exceeding 0,2%. However, that limit shall be set at 0,3% for the 2000/2001 marketing year,

— the entire crop is sold under contract to authorised primary processors for uses other than human nutrition.

3. The Member States shall fix a maximum area eligible for area payments for hemp for each production area so that they can ensure verification of the tetrahydrocannabinol content of the crops grown on at least 30% of the areas for which area payment applications have been made. To ensure that the maximum areas fixed are not exceeded, the Member States shall introduce a system of prior approval for the cultivation of hemp restricting sowing under this scheme to those areas.'

4. Article 9 is amended as follows:

(a) in the first paragraph, the following is inserted after the sixth indent:

— with regard to flax grown for fibre, those relating to the arrangements for sales contracts with authorised primary processors as referred to in Article 5a(1),

— with regard to hemp grown for fibre, those relating to:

(i) the arrangements for sales contracts with authorised primary processors as referred to in Article 5a(3),

(ii) the specific control measures and methods for determining tetrahydrocannabinol levels.'

(b) the first indent of the second paragraph is replaced by the following:

— either make the granting of payments subject to the use of:

(i) specific seeds,

(ii) certified seed in the case of durum wheat and flax and hemp grown for fibre,

(iii) certain varieties in the cases of oilseeds, durum wheat, linseed and flax and hemp grown for fibre,

— or provide for the possibility for Member States to make the grant of payments subject to such conditions.'

5. Point IV in Annex I is replaced by the following:

CN code	Description
IV. FLAX	
ex 1204 00	Linseed (<i>Linum usitatissimum</i> L.)
ex 5301 10 00	Flax, raw or retted, grown for fibre (<i>Linum usitatissimum</i> L.)
V. HEMP	
ex 5302 10 00	Hemp, raw or retted, grown for fibre (<i>Cannabis sativa</i> L.)

Article 2

In accordance with the third subparagraph of Article 3(6) of Regulation (EC) No 1251/1999, the Member States shall submit to the Commission any revisions of their regionalisation plans needed to include the data on flax and hemp for fibre by 1 May 2000 at the latest.

Article 3

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

It shall apply from the 2000/2001 marketing year.

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

COUNCIL REGULATION (EC) No 1672/2000**of 27 July 2000****amending Regulation (EC) No 1251/1999 establishing a support system for producers of certain arable crops, to include flax and hemp grown for fibre**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and 37 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Having regard to the opinion of the Committee of the Regions ⁽⁴⁾,

Whereas:

- (1) The common agricultural policy aims to attain the objectives referred to in the Treaty, taking account of the market situation.
- (2) The flax and hemp sector has undergone profound changes since the entry into force of Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organisation of the market in flax and hemp ⁽⁵⁾. In addition to the traditional production of long flax fibre for textiles and the traditional uses of hemp fibres, flax and hemp are now also being grown for a new market in short fibres. Since these short fibres can be used for new materials, their production should be encouraged in order also to promote innovative markets offering a future.
- (3) Given its attractiveness, the aid provided for in Regulation (EEC) No 1308/70 has given rise, in some Member States, to purely speculative production. Steps taken to combat this phenomenon have further complicated the legislation governing this sector and have not always had the desired success.
- (4) In order to solve the problems facing the market in flax and hemp grown for fibre, the amount of aid granted to the growers concerned should be comparable to that for competitor crops. To that end, and with a view to

simplifying the applicable legislation, these crops should be included in the support system for producers of certain arable crops established by Regulation (EC) No 1251/1999 ⁽⁶⁾. Moreover, where there is a need to ensure continued production, Council Regulation (EC) No 1673/2000 of 27 July 2000 on the common organisation of the market in flax and hemp grown for fibre ⁽⁷⁾ provides for aid for processing flax and hemp straw. Aid for processing should lead to an increase in the purchase price of flax and hemp straw and make production more profitable for producers.

- (5) To ensure a smooth transition to the level of support granted for cereals and to solve the current problems caused by the existence of different aid schemes for fibre flax and seed flax, the payments for flax and hemp grown for fibre should be the same as those granted for linseed, which must themselves be aligned with those for cereals by the 2002/2003 marketing year. Additional aid in Finland and Sweden, as envisaged for competing crops in Article 4 of Regulation (EC) No 1251/1999, is also justified in the case of flax and hemp.
- (6) To take account of the recent establishment of flax and hemp production in particular near processing plants, eligibility for the scheme laid down in Regulation (EC) No 1251/1999 should be extended to cover the areas and crops in question.
- (7) To avert the danger that the aims of Regulation (EC) No 1251/1999 might be circumvented, the granting of the per-hectare aid for flax and hemp grown for fibre should be made subject to certain conditions as regards cultivation.
- (8) Specific measures should be laid down for hemp, to ensure that illegal crops cannot be hidden among the crops eligible for area payments, thereby disturbing the common market organisation for hemp. Provision must therefore be made for area payments to be granted only for areas sown to varieties of hemp offering certain guarantees with regard to the psychotropic substance content.

⁽¹⁾ OJ C 56 E, 29.2.2000, p. 17.

⁽²⁾ Opinion delivered on 6 July 2000 (not yet published in the Official Journal).

⁽³⁾ OJ C 140, 18.5.2000, p. 3.

⁽⁴⁾ Opinion delivered on 14 June 2000 (not yet published in the Official Journal).

⁽⁵⁾ OJ L 146, 4.7.1970, p. 1. Regulation as last amended by Regulation (EC) No 2702/1999 (OJ L 327, 14.12.1999, p. 7).

⁽⁶⁾ OJ L 160, 26.6.1999, p. 1. Regulation as amended by Regulation (EC) No 2704/1999 (OJ L 327, 21.12.1999, p. 12).

⁽⁷⁾ See page 16 of this Official Journal.

- (9) In order that the quantities eligible for straw-processing aid under Regulation (EC) No 1673/2000 can be monitored, straw production must be linked to the area on which it is grown and producers should have imposed on them obligations which are reciprocal to those imposed on the producers involved,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1251/1999 is hereby amended as follows:

1. Article 4(2) shall be replaced by the following:

'2. The calculation mentioned in paragraph 1 shall be made using the average cereals yield. However, where maize is treated separately, the "maize" yield shall be used for maize and the "cereals other than maize" yield shall be used for cereals, oilseeds, linseed and flax and hemp grown for fibre.'

2. In the first subparagraph of Article 4(3), the words 'for linseed' shall be replaced by 'for linseed and flax and hemp grown for fibre'.

3. Article 4(4) shall be replaced by the following:

'4. In Finland, and in Sweden north of the 62nd Parallel and some adjacent areas affected by comparable climatic conditions rendering agricultural activity particularly difficult, a supplementary amount to the area payment of EUR 19 per tonne, multiplied by the yield utilised for the area payments, shall be applied for cereals, oilseeds, linseed and flax and hemp grown for fibre.'

4. The following Article shall be added:

'Article 5a

1. For flax and hemp grown for fibre, the area payment shall be made only, depending on circumstances, when the contract is concluded or commitment made as referred to in Article 2(1) of Regulation (EC) No 1673/2000.

For hemp grown for fibre, the area payment shall also be made only where the varieties used have a tetrahydrocannabinol content not exceeding 0,2 %.

2. Member States shall establish a system for verifying the tetrahydrocannabinol content of the crops grown on at least 30 % of the areas of hemp grown for fibre for which area payment applications have been made. However, if a Member State introduces a system of prior approval for such cultivation, the minimum shall be 20 %.'

5. The first subparagraph of Article 7 shall be replaced by the following:

'Applications for payments may not be made in respect of land which, on 31 December 1991, was under permanent pasture, permanent crops or trees or was used for non-agri-

cultural purposes. However, applications for payments for areas used for growing flax or hemp for fibre and, if appropriate, for obligatory set-aside relating to it may be presented for land which benefited from aid granted under Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organisation of the market in flax and hemp (*) during at least one of the marketing years from 1998/1999 to 2000/2001.

(*) OJ L 146, 4.7.1970, p. 1. Regulation as last amended by Regulation (EC) No 2702/1999 (OJ L 327, 14.12.1999, p. 7).'

6. Article 9 shall be amended as follows:

- (a) in the first subparagraph, the following indents shall be inserted after the sixth indent:

— with regard to flax and hemp grown for fibre, those relating to the arrangements for contracts and to the commitment referred to in Article 5a(1),

— with regard to hemp grown for fibre, those relating to the specific control measures and methods for determining tetrahydrocannabinol levels.;

- (b) the first indent of the second subparagraph shall be replaced by the following:

— either make the granting of payments subject to the use of:

- (i) specific seeds;
- (ii) certified seed in the case of durum wheat and flax and hemp grown for fibre;
- (iii) certain varieties in the cases of oilseeds, durum wheat, linseed and flax and hemp grown for fibre,

— or provide for the possibility for Member States to make the grant of payments subject to such conditions.'

7. Point IV in Annex I shall be replaced by the following:

'CN code	Description
IV. FLAX	
ex 1204 00	Linseed (<i>Linum usitatissimum</i> L.)
ex 5301 10 00	Flax, raw or retted, grown for fibre (<i>Linum usitatissimum</i> L.)
V. HEMP	
ex 5302 10 00	Hemp, raw or retted, grown for fibre (<i>Cannabis sativa</i> L.)

Article 2

In accordance with the third subparagraph of Article 3(6) of Regulation (EC) No 1251/1999, Member States shall submit to the Commission any revisions of their regionalisation plans required for incorporating the data on flax and hemp for fibre by 1 October 2000 at the latest.

Article 3

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

It shall apply from the 2001/2002 marketing year.

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

Done at Brussels, 27 July 2000.

For the Council

The President

H. VÉDRINE
