

FRENCH MINISTRY OF SOLIDARITY AND HEALTH

**Order of 30 December 2021
implementing Article R. 5132-86 of the Public Health Code**

NOR:

The Minister for Solidarity and Health, the Minister for Agriculture and Food, the Minister Delegate to the Minister for the Economy, Finance and Recovery, responsible for public accounts and the Minister Delegate to the Minister for the Economy, Finance and Recovery, responsible for industry,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, in particular Articles 14 and 15;

Having regard to Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC, in particular Article 4;

Having regard to Regulation (EC) No 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001;

Having regard to Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species;

Having regard to Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services and in particular notification No 2021/481/F;

Having regard to the French Public Health Code, with particular reference to Articles L. 5132-8 and R. 5132-86 thereof;

Having regard to Decree No 81-605 of 18 May 1981 as amended, adopted in implementation of the Law of 1 August 1905 on the prevention of offences relating to trade in seeds and plants;

By proposal of the General Director of the National Agency for Medicines and Health Products Safety [ANSM] dated 22 December 2021;

Hereby decree:

Article 1

I.- Pursuant to Article R. 5132-86 of the Public Health Code, the cultivation, import, export and industrial and commercial use of only varieties of *Cannabis sativa* L., whose delta-9-tetrahydrocannabinol content is not more than 0.30 % and which are included in the common catalogue of varieties of agricultural plant species or in the official catalogue of species and varieties of plants grown in France, are authorised. The determination of the delta-9-tetrahydrocannabinol content of the above varieties and the taking of samples for this determination shall be made according to the method set out in the Annex;

Flowers and leaves are produced from plants from certified seed. The sale of seedlings and the practice of cutting are prohibited.

Only active farmers within the meaning of the current European and national regulations may grow hemp flowers and leaves.

II.- The flowers and leaves of the varieties mentioned in I may be harvested, imported or used only for the industrial production of hemp extracts. In particular, the sale to consumers of flowers or raw leaves in all their forms, alone or in combination with other ingredients, their possession by consumers and their consumption are prohibited.

The purchase of hemp flowers and leaves produced on French territory is the subject of a written contract between producer and buyer. The contract includes information on the volume and price of the products. The contract may contain information on the expected quality of the products. The contract is concluded before the start of the production year.

III. The delta-9-tetrahydrocannabinol content of hemp extracts, and the products incorporating them, shall not exceed 0.30 %, without prejudice to Articles 14 and 15 of Regulation (EC) No 178/2002 and Article 4 of Regulation (EC) No 767/2009.

Article 2

Products derived from hemp provided for in Article 1 may be imported from countries outside the European Union or exported outside the European Union only if they are accompanied by documents attesting to their conformity with this Decree.

Article 3

The Order of 22 August 1990 implementing Article R. 5132-86 of the Public Health Code for cannabis is repealed.

Article 4

The Director-General for Health, the Director-General for Food and Director-General of Enterprises and the Director-General of Customs and Indirect Duties are each responsible for the implementation of this Decree, which shall be published in the *Journal officiel de la République française*.

30 December 2021

The Minister for Solidarity and Health
Olivier Véran

The Minister for Agriculture and Food
Julien Denormandie

Minister Delegate for Public Accounts,
attached to the Minister for the Economy, Finance and the Recovery
Olivier Dussopt

The Minister Delegate to the Minister
for the Economy, Finance and the
Recovery, responsible for industry,
Agnès Pannier-Runacher

[ANNEX – NOT INCLUDED]