

Press release

23 June 2020

About CBD: EIHA, the German Federal Government and Cologne on the same line

Brussels / Cologne - As one of the several local authorities, the City of Cologne has endorsed the assessment of the European Industrial Hemp Association (EIHA) and the German Federal Government in its legal opinion on CBD.

In the Official Journal No. 48 of 17.6.2020, the City of Cologne issued the following ordinance in the General Food Law Disposition of 18.05.2020:

The placing on the market of foodstuffs containing cannabidiol (as "CBD isolates" or "CBD-enriched hemp extracts") is prohibited.

The sales prohibition of the City of Cologne only covers foods using "CBD isolates" or "CBD-enriched hemp extracts" as food ingredient or single substance. Traditionally-produced natural extracts from parts of the hemp plant are not covered by this sales ban. These natural extracts reflect the natural spectrum of the substances contained in the hemp plant, including CBD.

The legal opinion expressed by EIHA and the Federal Government has been taken into account and is being discussed by local authorities. *"We are very satisfied with this correct and differentiated view of the city of Cologne. I firmly believe that this legal assessment will now continue to prevail nationwide in Germany. This will finally provide the necessary legal certainty and legal clarity both for the authorities and for food companies"*, says EIHA President, Daniel Kruse.

Marketability of foodstuffs containing hemp

EIHA's opinion and actions (which differ from the erroneous publication of the Federal Office of Consumer Protection and Food Safety (BVL) in Germany), aimed at enforcing a differentiated approach with regards to the marketability of hemp-containing food with CBD, have proven successful once again.

In May 2019, EIHA contacted the German Federal Government, represented by the Federal Ministry of Food and Agriculture (BMEL), as a result of a blanket assessment by the BVL on the subject of food containing CBD that was incorrect in terms of content and facts. EIHA informed the BMEL that the EU Commission and its Standing Committee on Foodstuffs had already determined in 1997, after reviewing the market situation at that time, that **"foods containing parts of the plant *Cannabis sativa* (such as i. a. hemp flowers or hemp leaves) are not considered as novel foods under the Novel Food Regulation,"**; the same applies to **"extracts produced in accordance with Directive 2009/32/EC from the parts of this hemp plant which reflect the natural spectrum of natural constituents contained in the hemp plant used, such as cannabinoids and the natural cannabinoid cannabidiol (CBD) belonging to it."**

Only those foods which do not have such natural cannabinoids contained in the natural compound of the plant *Cannabis sativa*, such as CBD, but contain "CBD isolates" or "CBD enrichments" as an ingredient or individual substance, are to be regarded as "novel" within the meaning of the Novel Food Regulation.

Contrary to the BVL's opinion, the Federal Government then endorsed the above-mentioned legal opinion of EIHA last year, according to which the former decisions of the EU Commission are still valid. The Federal Government considers foods containing hemp with CBD to be "novel" only if they are not composed of natural CBD but "CBD isolates" or "CBD-enriched" hemp extracts (see: EIHA press release dated from 3 March 2020).

Statement from EIHA President, Daniel Kruse

"Traditionally-produced natural extracts from parts of the hemp plant, in which the natural spectrum of the substances contained in the hemp plant is reflected, such as CBD, are not covered by this sales ban of the City of Cologne. Although the reasons of the order, which have been adopted in the Official Journal of the City of Cologne, have been worded in parts somewhat linguistically-unfortunate and misleading, due to the fact that the wording of Order I.1. is legally authoritative and legally decisive means that the overall context is clear and unambiguous:

"Only the placing on the market of foods containing cannabidiol as 'CBD isolates' or 'CBD-enriched hemp extracts' is prohibited."

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About the European Industrial Hemp Association

The European Industrial Hemp Association - in short EIHA - is the European association of the hemp processing industry with about 130 members in more than 30 countries. The EIHA, based in Brussels (Belgium), represents the interests of industrial hemp producers and traders on a pan-European and national level. The industrial hemp sector includes the cultivation and processing of hemp fibres and seeds as well as cannabinoids.

The *International Conference of the European Industrial Hemp Association*, which has been held annually in Cologne since 2003, is one of the largest conferences on commercial hemp worldwide.

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