

Media Alert

25 March 2021

Acquittal for commercial hemp: BGH ruling strengthens legal position for sale of industrial hemp products

The German Federal Court of Justice (BGH) acknowledges and safeguards the rights of German farmers and producers, as well as wholesalers and retailers of commercial hemp products.

In its ruling of 24 March 2021, the **BGH stated that the sale to end consumers of hemp flowers and leaves is not prohibited**. Accordingly, the distribution to end consumers and possession of unprocessed commercial hemp products does not fall under the Narcotics Act, as long as there is no intentional misuse for intoxication purposes. The decision of the 6th Criminal Senate of the BGH comes after a judgement of the Regional Court of Braunschweig on the criminal liability of selling hemp tea¹.

EIHA considers the judgement of the German Federal Court of Justice as a significant milestone for the European industrial hemp sector, as it means a step forward in achieving legal security.

*"The ruling of the BGH is in line with the judgement of the ECJ of November 2020. **Both rulings clearly determine that industrial hemp and parts of the industrial hemp plant are per se not narcotic and thus not subject to the Single Convention or national narcotics laws.** This is not only a legal paradigm shift for Germany in the assessment of industrial hemp and the BtMG (German narcotic law), but it leads the way for a correct scientific approach regarding THC". Says Mr Daniel Kruse, EIHA President. "Low-THC industrial hemp is no longer to be criminalised. It is clear now that it is rather the actual intake of the psychoactive substance THC that matters. The ruling of the German Federal Supreme Court is hence a landmark decision for the successful development of the hemp industry in Europe."*

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Press release of the Federal Supreme Court No. 066/2021 of 24.03.2021
Federal Supreme Court decides on the criminal liability of selling hemp tea
<https://www.bundesgerichtshof.de/SharedDocs/Pressemitteilungen/DE/2021/2021066.html?nn=10690868>

About the European Industrial Hemp Association

The **European Industrial Hemp Association (EIHA)** represents the common interests of hemp farmers, producers and traders working with hemp fibres, shives, seeds, leaves and cannabinoids. Our main task is to serve, protect and represent the hemp sector in the EU and international policy-making.

EIHA covers different areas for the application of hemp, namely its use for **construction** materials, **textiles**, **cosmetics**, **feed**, **food** and **supplements**.

More at: www.eiha.org

Press contact:

Victoria Troyano Fernández, *Communications & Advocacy Officer*
victoria.troyano@eih.org
+32 471 87 06 59