

Leaflet ET21

The rules and obligations described in this leaflet arise from European Community regulations and directives which are binding in the United Kingdom. These will change from time to time, and when they do we will issue amendments to this leaflet. There can be a delay in doing this. Although we try our best, we cannot guarantee that all the information in this leaflet (and any amendments) is complete and accurate.

If you are in any doubt about the interpretation of the regulations you should seek legal advice. You should note that the ultimate authority is the European Court of Justice.

This leaflet deals only with EC regulations and directives, (and procedures and forms required) that concern the Common Agricultural Policy (CAP).

Time limits apply to many of the procedures described in this leaflet. It is important that you meet them. If you do not, you may lose your security or entitlement to refunds.

“Data Protection – Any personal data provided to the RPA is protected in accordance with the Data Protection Act 1998. The data will be used primarily for the purpose of the application for which it is supplied. However, it may also be used in accordance with the Data Protection Act and subject to the safeguards of that Act for purposes connected with: administration of the Common Agricultural Policy, ERDP and other aid schemes; the production and safety of food; management of land and other environmental controls; animal health and welfare; and occupational health and welfare. Data may be passed (when necessary for these purposes) to other bodies such as Customs and Excise (for import/export purposes) and local authorities (for milk/health purposes) – these are merely examples. The data collected may also be used in connection with the Agricultural Census as a basis for statistical returns not identifying individuals. It may also be used when necessary to comply with the Environmental Information Regulations, the Code of Practice on Access to Government Information and the Freedom of Information Act”.

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About this leaflet

This leaflet should also be read in conjunction with Notices to Traders which are also issued by us from time to time.

This leaflet (ET 21) deals with trade in Hempseeds. It gives details of the rules for import licensing.

There is a list of products covered by these rules in section A of this leaflet.

We share the administration of these rules with HM Customs and Excise, who are referred to as Customs throughout this leaflet.

These leaflets give the rules for trading specific goods:

| | |
|-------|--------------------------------|
| ET2 | Sheepmeat and goatmeat |
| ET3 | Sugar |
| ET4 | Oils and fats |
| ET5 | Whisky |
| ET6 | Eggs |
| ET7 | Poultry |
| ET8 | Pigmeat |
| ET9 | Beef and veal |
| ET10 | Milk and milk products |
| ET11 | Fresh fruit and vegetables |
| ET11a | Bananas |
| ET12 | Processed fruit and vegetables |
| ET13 | Cereals |
| ET14 | Rice |
| ET15 | Wine |
| ET17 | Processed goods |
| ET19 | Victualling |
| ET21 | Hemp |

You can get these leaflets from our Trader Scheme Management Unit on 0191 226 5426.

How to use this leaflet

You should read this leaflet in conjunction with leaflet ET1 which gives an outline of the basic rules for licensing and claiming export refunds on all types of goods covered by the CAP.

The leaflet is in 3 parts.

- **Part 1**
lists the goods dealt with in this leaflet.
- **Part 2**
explains procedures for importing hemp.
- **Appendices**
gives information we think you will need to refer to more than once. We have laid it out in Appendices 1-3.

For more information about this leaflet

You can telephone our Hemp Section on 0191 226 5226/5267 (licensing).

Keeping this leaflet up to date

If you need extra copies of any leaflet or amendment, you can get them from our Trader Scheme Management Unit on 0191 226 5426.

We issue amendments to leaflets whenever EC rules change. You should insert the new pages according to the instructions you will get with each amendment.

Amendments version to 1.0

Please use this table to keep a note of amendments as you get them.

| Number | Date put into binder |
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|--------|----------------------|

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| 1.1 | |
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Please keep a note of amendments as you get them, using the Amendments table.

1 **Introduction**

A Goods dealt with in this leaflet

A Goods dealt with in this leaflet

This leaflet deals with procedures for importing Hempseeds. The specific products covered by these procedures are as follows:

| CN Code | Description |
|----------------|----------------------------------|
| 1207 9920 | Hemp seeds for sowing |
| 1207 9991 | Hemp seeds other than for sowing |
| 5302 1000 | True hemp, raw or retted |

2 Imports

- B Import licences
- C Import duties

B Import licences

Further details about licences can be found in section D of leaflet ET1.

You will need an import licence to import any quantity of Hemp.

R1251/99
R1673/00
R245/01
R1093/01
R52/02

Applying for import licences

Leaflet ET1, section S explains how to apply for a licence.

In the UK, licences are issued electronically. However, if you want to use your licence in another Member State you should request a paper licence when you submit your application.

However, there are additional requirements for this scheme described below.

Licence validity

Your licence will be valid for 9 months.

R245/01

Product Requirements

In parallel with the requirement for import licences, the new arrangements lay down certain product requirements:

- For true hemp, raw or retted, the product must need the conditions laid down in Article 5(a) of Council Regulation (EC) No 1251/1999. In effect, the tetrahydrocannabinol (THC) content must not exceed 0.2%.
- Hemp seeds for sowing must be accompanied by proof that the THC content does not exceed 0.2% (in accordance with Article 5(a) of Council Regulation (EC) No 1251/1999). Before importing hemp seeds for sowing, you should be aware that area payments/processing aid can only be paid for varieties of hemp approved by Commission Regulation (EC) No 2316/1999, as amended. Further details of eligible varieties are available in the Arable Area Payments Scheme guidance literature which is issued each year.
- Hemp seeds other than for sowing may be imported only by importers authorised by the RPA.

We will check documentary evidence that imports of true hemp and hemp seed for sowing comply with the maximum stipulated THC content.

Administrative Requirements

The RPA is required, by Regulation (EC) No 245/2001, to:

- Satisfy itself that the product requirements for the issue of the licence have been met.
- Establish and administrate a system for checking the technical product requirements for true hemp, raw or retted, and hemp seeds for sowing.

- Establish and administrate arrangements for the authorisation of importers of hemp seeds other than for sowing. These arrangements include a requirement that importers should, within 12 months (with the possibility of up to two six month extensions of this deadline in justified cases) of the date of issue of the licence, confirm by documentary evidence that the hemp seed has undergone one of the operations described below. It must have been:
- Placed in a condition that excludes use for sowing;
- Mixed with other seed for use as animal feed (with hemp seed comprising a maximum of 15% of the mixture – 25% in exceptional cases);

Or

- Re-exported to a third country.

This documentary evidence must consist of an 'end use' attestation by the trader undertaking the operation and must include:

- The name, address (including 'United Kingdom') and signature of the trader;
- The licence number under which the hemp seed was imported;
- A description of the operation undertaken and the date it was carried out; and
- The quantity in kilograms of the hemp seed in question.

NB: It is the importer's responsibility to obtain the attestation from the trader.

The RPA will carry out checks on the accuracy of these attestations where the operations were undertaken in the UK (and make copies available to other importing EC Member States where appropriate). You must retain your records for 3 years to allow these checks to be made.

How to obtain an import licence

True Hemp, Raw or Retted

To obtain a licence to import true hemp you should fill in an application form as at Appendix 1.

R 245/01

NB: Your licence application must be accompanied by proof that the hemp to be imported meets the conditions laid down in Article 5(a) of Council Regulation (EC) No 1251/1999. Documentary evidence confirming that the hemp is of a variety which meets these conditions will suffice. This may consist of an attestation from the exporter confirming variety and that the hemp meets the THC content requirements.

Hemp Seeds for sowing

To obtain a licence to import hemp seeds for sowing you should fill in an application form as at Appendix 1.

NB: Your licence application must be accompanied by proof that the hemp seed to be imported meets the conditions laid down in Article 5(a) of Council Regulation (EC) No 1251/1999. Documentary evidence confirming the seed is of a variety which meets these conditions will suffice. This may consist of an attestation from the exporter confirming variety and that the seed meets the THC content requirements. You must also state on your application if the seeds are to be sown on Arable Area Payments Scheme land.

Hemp Seeds other than for sowing

In order to be eligible to import hemp seeds other than for sowing, you must obtain approval from us.

We will ask that you provide documents demonstrating an intention to trade. We may ask to see your Business Plan, evidence of an end user/processing system and contracts with customers.

You must undertake to keep full commercial records and allow access to your premises and records in order that we may carry out checks as and when necessary.

NB: Your licence application must be accompanied by a declaration that you will provide, within 12 months of the date of issue of the licence, an attestation that the seed has undergone one of the operations described previously in this Notice. If part of the hemp seed covered by the licence has not undergone one of these operations, the authorised importer may request an extension to the twelve month time limit of up to two periods of six months. Any such request must be accompanied by justification. It is your responsibility to obtain this end use attestation.

Using your Hemp Import Licence

Your licence will be issued within five days of receiving your application (accompanied by documentary evidence confirming THC levels for true hemp, raw or retted, or seeds for sowing, or a declaration that you will provide an end use attestation in the case of seeds other than for sowing).

- Your licence will be valid for 9 months from the date of issue.
- Your licence must be used by you – the rights of the licence are not transferable.
- Your licence must be available for Customs to check when you import your goods.
- Your licence will have an upward tolerance of 10% - you may import up to 10% more seed than you stated on your application.
- You **must** return your licence (and attestations where appropriate) to us within 3 months of the end of its validity. Failure to comply with this requirement may prejudice future licence applications.

NB: Licences for hemp seeds other than for sowing must be returned to us accompanied by the end use attestation.

COMPLETING END USE ATTESTATION CERTIFICATES

The attestation certificate must be completed by the person who;

- Mixes the hempseed

- Sells the hemp in its original state to the public
- Re-exported to a country outside of the EEC.

You must pass a copy of the attestation certificate form to the end user of the hemp seed and ensure they complete the forms and return them to us.

All of the boxes on the example at Appendix 2 must be completed. If the purpose for the hempseed is to be mixed, you must tell us the ratio for mixing the hempseed.

If the goods are sold in a straight form, you must tell us the size of the bags of the goods are sold in. If the hempseed is sold in bags of less than 25 kilograms, you need only tell us how many are sold and to whom.

If you sell goods on to another company, they may return the attestation directly to us. All records are kept in commercial confidence. As the licence holder, we will advise you that we have received an acceptable attestation and the weight delivered on it. We will advise you of the balance of goods imported on your licence that require attestations.

TIME LIMITS FOR PROVIDING ATTESTATION CERTIFICATES

Attestation certificates should be submitted within 3 months of the expiry of the licence.

If your goods have not been processed or sold within that time, you may write to us and request a 6 months extension to providing the relevant attestation forms. If you are still experiencing difficulties providing documents after this extension period, you may request a further 6 months.

If you do not provide attestations or request extensions to the limits, we may deny further requests for import licences.

You are required to keep all of your records for three years. Our Inspectorate team may visit your premises to ensure you are providing us with the correct information.

C Import duties

You can obtain current rates of import duty from your local Customs Office.

You will have to pay import duty on Hemp products imported into the Community.

Import duties are set by the Commission and:

- Vary according to the type of product being imported
- Are collected by Customs at the point of import

You will usually have to pay the duty in force on the day you import your goods.

Reference material

- 1 Copy of import licence application form
- 2 Copy of Attestation certificate

Appendix 1 Licence for the import of hemp

| EUROPEAN COMMUNITY – IMPORT LICENCE | | AGRIM | |
|-------------------------------------|--|--------------------------|---|
| APPLICATION | 1 Agency issuing the licence (name and address) | | UK 370851 |
| | 4 Applicant (name, full address and Member State) | | |
| | 7 Exporting country | | Compulsory <input type="checkbox"/> YES <input type="checkbox"/> NO |
| | 8 Country of origin | | Compulsory <input type="checkbox"/> YES <input type="checkbox"/> NO |
| | 11 Total amount of security | | |
| | 13 PRODUCT TO BE IMPORTED | | |
| | 14 Trade denomination | | |
| | 15 Description in accordance with the combined nomenclature (CN) | | 16 Code(s) CN |
| | 17 Quantity (*) in figures | 18 Quantity (*) in words | |
| | 20 Special particulars | | |

(*) Net mass or other unit of measurement indicating unit.

NOTES

| |
|------------------------|
| Place and date: |
| Applicant's signature: |

Harlow Printing Limited Form Ref. 15/95

Appendix 2 **Attestation Certificate**

Attestation of use for Hempseed

Importer:

Commodity:

Arrival Date:

Vessel:

Import Licence:

Container No:

Purchase Contract No:

Ex Warehouse:

End Use Processor:

Sales Contract No:

Date of Delivery:

Weight Delivered:

For what purpose is the hempseed to be used:

Process used for end product (by weight):

Date goods processed/packed:

Total weight of end product:

Declaration

I declare that the above details are correct.

Signature:

Dated:

