

## II

(Non-legislative acts)

## DECISIONS

## COMMISSION IMPLEMENTING DECISION (EU) 2021/1214

of 22 July 2021

**authorising Poland to prohibit the marketing on its territory of the hemp variety Finola pursuant to Council Directive 2002/53/EC**

(notified under document C(2021) 5295)

**(Only the Polish text is authentic)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 2002/53/EC of 13 June 2002 on the Common Catalogue of varieties of agricultural plant species <sup>(1)</sup>, and in particular Article 18 thereof,

Whereas:

- (1) The Commission, in accordance with Directive 2002/53/EC, publishes in the C-series of the *Official Journal of the European Union* the Common Catalogue of varieties of agricultural plant species <sup>(2)</sup>, which includes certain varieties of hemp.
- (2) Article 32(6) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council <sup>(3)</sup> provides that in order to prevent support being granted for illegal crops, areas used for the production of hemp may only be eligible if the varieties used have a tetrahydrocannabinol (THC) content not exceeding 0,2%.
- (3) Article 9(5) of Commission Delegated Regulation (EU) No 639/2014 <sup>(4)</sup> lays down that, if for the second year the average of all the samples of a given hemp variety exceeds the THC content as laid down in Article 32(6) of Regulation (EU) No 1307/2013, the Member State is to notify the Commission of the request for authorisation to prohibit the marketing of such variety in accordance with Article 18 of Directive 2002/53/EC.
- (4) On 19 January 2021, the Commission received a request from Poland for authorisation to prohibit the marketing in its entire territory of the hemp variety Finola, in accordance with Article 9(5) of Delegated Regulation (EU) No 639/2014. Poland informed the Commission that upon analyses, the average of all the samples of the variety Finola exceeded the THC content of 0,2% laid down in Article 32(6) of Regulation (EU) No 1307/2013 for the second year in a row.

<sup>(1)</sup> OJ L 193, 20.7.2002, p. 1.

<sup>(2)</sup> Common catalogue of varieties of agricultural plant species – Supplement 2021/2 (OJ C 42, 5.2.2021).

<sup>(3)</sup> Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (OJ L 347, 20.12.2013, p. 608).

<sup>(4)</sup> Commission Delegated Regulation (EU) No 639/2014 of 11 March 2014 supplementing Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and amending Annex X to that Regulation (OJ L 181, 20.6.2014, p. 1).

- (5) Under Article 18 of Directive 2002/53/EC a Member State may, upon application, be authorised to prohibit the marketing of a variety included in the common catalogue of varieties if the cultivation of such variety presents a risk for the environment or for human health.
- (6) THC has a psychotropic effect and there is a need to limit human exposure by limiting the presence of THC in marketed hemp varieties.
- (7) Therefore, Poland should be authorised to prohibit the marketing of the hemp variety Finola in its entire territory.
- (8) In order to allow the Commission to inform the other Member States and to update the Common Catalogue of varieties of agricultural plant species, Poland should be required to inform the Commission of the date from which it intends to apply the authorisation granted by this Decision.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

*Article 1*

Poland may prohibit the marketing of the hemp variety Finola in its entire territory in accordance with Article 18 of Directive 2002/53/EC.

*Article 2*

Poland shall notify to the Commission the date from which it will apply the authorisation provided for in Article 1.

*Article 3*

This Decision is addressed to the Republic of Poland.

Done at Brussels, 22 July 2021.

*For the Commission*  
Stella KYRIAKIDES  
*Member of the Commission*

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