



HempClub Policy Forum:
exploring the hemp regulation status in
Europe



Italian Legal Framework on Hemp



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Italian regulatory references



- Italian Narcotic Act (so-called «T.U. Stupefacenti») DPR no. 309/1990

TABELLA II

SOSTANZE

DENOMINAZIONE COMUNE	DENOMINAZIONE CHIMICA	ALTRA DENOMINAZIONE
Cannabis (foglie e infiorescenze) (1)		
Cannabis (olio) (1)		
Cannabis (resina) (1)		
Le preparazioni contenenti le sostanze di cui alla presente tabella, in conformità alle modalità di cui alla tabella dei medicinali.		

(1) Legge 16 maggio 2014 n. 79

- Law no. 242/2016 on industrial hemp



Art. 1 - Purpose

1. This law lays down rules for the support and promotion of the cultivation and supply chain of hemp (Cannabis sativa L.), as a crop that can contribute to the reduction of environmental impact in agriculture, to the reduction of soil consumption and desertification and to the loss of biodiversity, as well as a crop to be used as a possible substitute for surplus crops and as a rotation crop.

2. This law applies to the cultivation of hemp of the permitted varieties listed in the Common Catalogue of Varieties of Agricultural Plant Species, pursuant to Article 17 of Council Directive 2002/53/EC of 13 June 2002, which do not fall within the scope of the Consolidated Text of Laws on the regulation of narcotic drugs and psychotropic substances, prevention, treatment and rehabilitation of drug addiction, referred to in Presidential Decree No 309 of 9 October 1990.

3. The support and promotion concerns the cultivation of hemp aimed at

- (a) the cultivation **and processing**;*
- (b) the encouragement of the use and final consumption of semi-finished hemp products from priority local supply chains;*
- (c) the development of integrated territorial supply chains that valorise the results of research and pursue local integration and real economic and environmental sustainability;*
- (d) the production of foodstuffs, cosmetics, biodegradable raw materials and innovative semi-finished products for industries in different sectors;*
- (e) the realisation of bioengineering works, land reclamation, educational and research activities.*



Art. 2 - Lawfulness of cultivation

1. Cultivation of the hemp varieties referred to in Article 1(2) is permitted *without the need for authorisation*.

2. The following can be obtained from hemp grown in accordance with paragraph 1:

- a) foodstuffs and cosmetics produced exclusively in compliance with the disciplines of the respective sectors
- (b) semi-finished products, such as fibre, hemp, powders, wood chips, oils or fuels, for supplies to industries and craft activities in various sectors, including the energy sector
- c) material intended for the practice of green manure;
- d) organic material intended for bio-engineering works or products useful for bio-construction;
- e) material intended for phyto-purification for the reclamation of polluted sites;
- f) crops dedicated to educational and demonstrative activities as well as research by public or private institutes;
- g) crops intended for floriculture (horticulture).

3. The use of hemp as biomass for energy purposes referred to in letter b) of paragraph 2 is permitted exclusively for the self-production of energy on the farm, within the limits and under the conditions set out in Annex X to Part Five of Legislative Decree No 152 of 3 April 2006, and subsequent amendments.



Art. 3 – Farmer's obligations

The farmer is obliged to keep the tags of the purchased seed for a period of not less than twelve months. He is also obliged to keep the invoices for the purchase of the seed for the period stipulated by the regulations in force.

Seed communication to the P.S. for traceability and transparency purposes (non mandatory)



Art. 4 – Checks and penalties

The controls must be carried out according to European regulations (Reg EU 1155/2017, Annex I)

THC limits on the field: 0,2% / 0,6 %

The seizure of crops can only be ordered if the limit ascertained exceeds 0.6% and in any case no criminal liability for the farmer who has complied with Article 3

Discrepancies between law provision and application practice

Interpretive elements of the subject matter



- judgement of the Corte di Cassazione SS.UU. no. 30475/2019
- psychotropic efficacy (0,5% and the «*single average dose*» 25mg – DM 11.04.2006)
- «product list» of the art. 2, paragraph 2
- relationship between Law 242/2016 and DPR 309/1990
- judgements TAR Lazio no. 2313 and no. 2316 of 14 february 2023

The affirmation of the «whole plant approach»? Waiting for the Council of State....

The judgements of TAR Lazio



“Examination of these rules, however, does not reveal any distinction between the parts of the hemp plant that are freely cultivated, within the meaning of the cited Law No. 242/2016, which can be used for the purposes established by that law.

The sectoral discipline of international and Community matrix clarifies, in fact, that the discretionary criterion for establishing the free cultivation of hemp lies in the type of plant, considered in its entirety”

«(...) in the light of the scientific data available, the consumption of the leaves and flowers of varieties of cannabis with a THC content of less than 0.3% does not create risks to public health such as to justify a general and absolute ban on their trading.

The considerations expressed by France's highest administrative court are equally valid for the resolution of today's dispute (...)»

Floriculture destination of art. 2, par. 2, lett. g) Law n0. 242/2016



The Circular of 22 of May 2018 of the Ministry of Agriculture on '*Clarifications on the application of Law No. 242 of 2 December 2016*' and subsequent clarifications specified that:

- a)** the reproduction of hemp plants exclusively from certified seed is permitted
- b)** reproduction by agamic means of material intended for the production for subsequent marketing of products derived from it is not covered
- c)** The production of parts of plants (flowers, leaves and ornamental cuttings) falls within the scope of lawful activities provided that the final product is not susceptible to further floricultural activity
- d)** Plant production falls within the scope of Legislative Decree No. 151/2000 and operators must comply with the requirements of Legislative Decree No. 214/2005 (Art. 19, 20, 26):
"phytosanitary patent" - RUOP registration - plant passport

Hemp Food Legislation in Italy



D.M. Health 4.11.2019:

- ▶ Hemp Foods (seeds and its derivatives)
- ▶ THC limit in food as a cointaminant:
(5ppm oils – 2ppm seed and flours)
- ▶ The need for linkage with EU indications
(THC limit Reg. 2283/2022 and leaves removed from NF Cat.)

What will be the effects of judgments Nos. 2313 and 2316 of the
TAR Lazio on medicinal plants under Legislative Decree
75/2018?



COSMETICS

Reg. (EC) No. 1223/2009 and the so-called «CosIng List»



In Italy are cosmetic ingredients allowed without restrictions:

<u>INCI name:</u>	<u>Description:</u>
Cannabidiol	DERIVED FROM EXTRACT, TINCTURE OR RESIN OF CANNABIS – CAS No. 13956-29-1 (if obtained from non-prohibited parts of hemp plant)
Cannabidiol	SYNTHETICALLY PRODUCED – CAS No. 13956-29-1
Cannabigerol	CAS No. 25654-31-3
Cannabis sativa leaf extract	Is the extract of the leaves of cannabis sativa, cannabaceae
Cannabis sativa callus extract	Is the extract of callus of cannabis sativa grown in colture
Cannabis sativa sprout extract	Is the extract of the sprout of cannabis sativa, cannabaceae
Cannabis sativa root extract	Is the extract of the roots of cannabis sativa
Cannabis sativa seed extract	Is the extract of the seed of cannabis sativa, cannabaceae



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Thanks for your attention

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