

EXPLANATORY MEMORANDUM TO
The Hemp (Third Country Imports) (Amendment) Regulations (Northern
Ireland) 2026

SR no.0000

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the The Department of Agriculture, Environment and Rural Affairs (DAERA) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Section 11 of, and paragraph 11M of Part 1C of Schedule 2 to the European Union (Withdrawal) Act 2018 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. These Regulations amend the Hemp (Third Country Imports) Regulations 2002 (the 2002 Regulations), as they apply in Northern Ireland, primarily to raise the maximum acceptable tetrahydrocannabinol (THC) level of hemp and hemp seeds from third countries. This is in line with updated European Union (EU) rules which are directly applicable in Northern Ireland under the Windsor Framework.

3. Background

- 3.1. Prior to January 2023, imports of hemp, including acceptable levels of THC content, into the EU were set by Regulation (EU) No 1307/2013 (EU 1307/2013), establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy. For hemp, EU 1307/2013 lays out that true hemp/hemp seeds must not have a THC content greater than 0.2%. Article 189 of Regulation (EU) No 1308/2013 (EU 1308/2013) lays out the rules for checks of imports of hemp and hemp seeds to ensure that they offer certain guarantees regarding their THC content. Article 189 refers to EU 1307/2013 to set the maximum acceptable THC level that may be imported into the EU.
- 3.2. EU 1307/2013 was repealed and replaced by Regulation (EU) No 2021/2115, which took effect from 1 January 2023. These new regulations raised the THC level of eligibility for direct payments from 0.2% to 0.3%. In December 2023, the European Commission issued a notice clarifying that it followed that the implementation of Regulation (EU) 2021/2115 meant that the maximum allowed THC levels for imports of raw true hemp and seeds of varieties of hemp for sowing also increased from 0.2% to 0.3% from 1 January 2023.
- 3.3. The 2002 Regulations which apply UK wide, stipulate that no person shall import true hemp or hemp seeds for sowing from a third country where the THC content is greater than 0.2%. As EU hemp legislation relating to third country imports are directly applicable in Northern Ireland under Annex 2

to the Windsor Framework, the 2002 Regulations require updating in respect of Northern Ireland to reflect the new EU rules.

- 3.4. This Statutory Rule (SR) therefore makes amendments to the 2002 Regulations as they apply in Northern Ireland primarily to raise the maximum acceptable level of THC content of hemp and hemp seeds from third countries from 0.2% to 0.3%
- 3.5. They also make technical amendments to update references to new EU legislation, add CN codes alongside products names, amend out of date terminology and revoke articles that are duplicated in other pieces of EU legislation.

4. Consultation

- 4.1. Under Article 9 of Regulation (EC) 178/2002 of the European Parliament and of the Council laying down the general principles of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, a consultation was required to be carried out on this SR.
- 4.2. DAERA carried out an 8-week consultation on the proposed amendments to NI hemp import legislation entitled "Consultation on amending Northern Ireland hemp certification legislation", which closed on 1 September 2026. No responses were received.

5. Equality Impact

- 5.1. In accordance with obligations under section 75 of the Northern Ireland Act 1998, the equality implications have been assessed. DAERA considers that the SR will not result in any differentials amongst Section 75 groups and sought views on this conclusion as part of the consultation. No responses were received to change this conclusion.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment was undertaken and the policy was screened out as it has no impact in terms of costs on businesses, charities, social economy enterprises or voluntary bodies. DAERA sought views on this conclusion as part of the consultation and no responses were received to change this conclusion.

7. Financial Implications

- 7.1. There are no financial implications associated with the introduction of this SR.
- 7.2. The SR relaxes maximum THC limits to allow for a broader range of hemp products to be imported from third countries, however no relevant hemp movements have been recorded by DAERA since EU Exit (outside of the Northern Ireland Retail Movement Scheme). As a result, the proposed legislation is not expected to create any additional financial pressures.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The SR does not have any human rights implications nor is it incompatible with EU Law. The SR was screened for impact on human rights and is

therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. EU hemp legislation relating to third country imports is directly applicable in Northern Ireland under Annex 2 of the Windsor Framework.

10. Parity or Replicatory Measure

- 10.1. The UK Government intend to implement similar changes to legislation in GB.

11. Additional Information

- 11.1. Not applicable.