

To the Agricultural Permanent
Representatives to the
European Union

Brussels, 21st June 2021

Re: Clarification and request to delay the decision regarding the modification of hemp entries in the EU Catalogue of Feed Materials

Dear Permanent Representatives to the European Union,

It has come to our attention that the Standing Committee on Plants, Animals, Food and Feed is currently having in-depth discussions on a possible **revision to the hemp entries** in the EU Catalogue of Feed Materials. To make sure that this revision exercise yields adequate and science-based results, we would like to put forward several considerations that will hopefully clarify some of the elements that might have raised concerns among national administrations. We would also like to call on you **to delay any decision regarding the CBD levels for the hemp entries until adequate scientific data is available** (end of 2021).

Our organisations representing hemp producers, traders and manufacturers are committed to ensuring the **most adequate definitions** and the **highest quality and safety standards** of hemp products for animal nutrition and well-being.

Hemp feed materials have been widely used in animal nutrition for centuries. With a reinvigorated interest in the nutritional properties of hemp and an increase in cultivated surface areas in Europe, this crop is gaining ground and its share in the feed market is constantly expanding. Moreover, hemp has proved to be an extremely **sustainable multipurpose crop** and perfectly in line with the aims of the **Green Deal** and the **Farm to Fork** strategy. Indeed, with its high-quality protein and fibre profile, hemp can guarantee a potential stock of locally produced feed and an additional source of income for farmers. This is especially important in the context of the Farm to Fork objective to dedicate 25% of agricultural land to organic farming. Indeed, hemp is highly suited to organic farming, and it would also contribute to solving the ongoing issue of the increasing shortage of feed produced without phytosanitary products.

According to our understanding, Member States are concerned with the **possible functional effects of CBD** and have been discussing the possibility to define **“hemp oil” as an additive** and to **establish extremely low thresholds for CBD** content for the other hemp entries or to classify them as feed additives. These proposals seem precipitate to us as they fail to acknowledge the crucial difference between the cannabinoid-rich hemp products with very high CBD levels solely marketed for their important functional effects on the animals (i.e. hemp extracts from flowering tops, synthetic and isolated CBD) and all other products with lower CBD levels mostly intended for animal nutrition and sometimes also for their limited effects on animal well-being. Furthermore, the reasoning behind the thresholds proposed assumes that feed materials should be qualified as feed additives as soon as they present some functional effects. We believe that this reasoning is not aligned with the classification commonly used for feed materials and feed additives.

A. Thresholds for CBD levels under which no functional effects can be observed

Hemp seed and **hemp seed oil** are ideal for fish, rabbits, fowl and other similar species. The seed itself contains a very small concentration of cannabinoids most of which are cleaned before entering the market, which results in **residual and extremely low levels (contamination)**. Derived from seeds, the press **hemp expeller** (also marketed as hemp cake or hemp meal when it is milled) results in a fibre-rich by-product that is mainly used for cattle and pigs. These seed products are certainly **intended for animal nutrition without any functional purpose** and their CBD content threshold should be in line with CBD levels under which no effect can be observed.

This assumption is expected to be confirmed by the results of the **toxicology studies for CBD** on rats and human beings that the European Industrial Hemp Association is currently conducting in the framework of their joint Novel Food application. The results, expected at the end of 2021, will provide **the no observed effect level (NOEL) and the no adverse effect level (NOAEL) for CBD**. In order to make sure that possible changes to the entries abide by the latest scientific findings, we would like to call on Member States not to take any decisions on CBD content levels of hemp feed materials before these results are available.

B. The possibility for feed material to have functional effects on animals

Hemp flour (from dried whole plant), **hemp fibre** (mechanically extracted from the stalk) **and hemp silage** (ensiled hemp plants) are predominantly cellulose-containing plant materials that are ideal and only used for ruminants. These products have higher CBD content than hemp seed, hemp seed oil and hemp expeller. Nevertheless, they are never the only compound of the animal diet and their share in the total consumption is usually kept **below 15%** (with a consequential dilution effect of any compound present), thus reducing the CBD content of the feed. However, given their higher CBD content, these hemp products can sometimes have a functional effect on the animal.

Similarly, the **hemp oil**, which results from the pressing of the fruiting tops (i.e. seeds and leaves left in the 30 to 40 cm apical part of the plant), is not always intended for functional purposes and constitutes only a small part of the animal diet. In addition, its processing is simple and does not require any further steps before marketing. Hemp oil should not be confused with enriched **hemp extracts**, which result from the pressing and further processing (decarboxylation) of the flowering tops, or isolated and synthetic CBD. The latter only have a functional purpose, contain more than 10,000 ppm of CBD and are often incorrectly used for extracts in vegetable oil solutions (i.e. diluted in a carrier, such as coconut oil, or other similar oils).

In this context, it is important to highlight that **many products included in the EU Catalogue of Feed Materials have functional effects** on animals such as lucerne solubles, garlic or all the products in Category 11 (e.g., calcium carbonate). Indeed, the Copa-Cogeca/FEFAC “EU Code of Good labelling practices for compound feed for food producing animals”, officially approved by the European Commission, even allows the use of claims for feed with functional effects on animals that are not due to the presence of feed additives, but only to the feed materials used. Consequently, we believe that hemp entries, as long as they respect the natural CBD content and do not undergo complex processing (which increases the concentration values of cannabinoids), **should be considered as feed material and not as an additive**.

For the aforementioned reasons as well as to **avoid any market disruption** and enable farmers and operators to continue exploiting an **interesting output market**, our organisations kindly ask the Member States to:

- delay the decision on hemp entries until further data is available, particularly on the NOEL.

We remain at your disposal should you have any additional questions, and we would be glad to discuss this topic further with you during a meeting.

Yours faithfully,

On behalf of the following organisations:

COCERAL – European association of trade cereals, rice, feedstuffs, oilseeds, olive oil, oils and fats, agrosupply trade

COPA-COGECA – The united voice of farmers and their cooperatives in the European Union

EIHA – European Industrial Hemp Association

FEDIAF – The European Pet Food Industry

Cc: Mr Wolfgang Trunk, Policy Officer DG SANTE – Animal nutrition, veterinary medicines (SANTE.DDG2.E.5)