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ARTICLE1. DEFINITIONS

For the purposes of these specifications:

Agency or ANRAC: the National Agency for the Regulation of Activities relating to Cannabis, created under the provisions of Dahir No. 1-21-59 of 3 dou lhijja 1442 (July 14, 2021) promulgating Law No. 13-21 on the legal uses of cannabis;

Cannabis: any plant of the genus cannabis as defined in Article 2 of Law No. 13-21 on the legal uses of cannabis mentioned above;

Importer: any natural person holding an import authorization for cannabis seeds and plants, in accordance with the provisions of the aforementioned Law No. 13-21;

List of ANRAC certification decisions: the list of ANRAC-certified Cannabis Seeds and Plants published on its website;

ONSSA: the National Office for Food Safety created under the provisions of Dahir No. 1-09-20 of 22 Safar 1430 (18 February 2009) promulgating Law No. 25-08 establishing the National Office for Food Safety;

Pets: any species, strain or biotype of plant, animal or pathogen likely to cause damage to plants or plant products;

Carrier: any legal entity, authorized by ANRAC, which uses for road transport, one or more vehicles, belonging to it or rented, complying with the regulations and standards in force in this area and meeting the specifications of the Specifications relating to the activity of Transport of cannabis and its products;

Seeds and Plants: Seeds, Plants, and parts of cannabis plants capable of multiplying, whether wild or grown in open fields, greenhouses or indoors under artificial conditions;

Data register: the data register held by the Importer for the recording of stock movements of Cannabis Seeds and Plants, under the provisions of the aforementioned Law No. 13-21 and in accordance with model 2.4 set out in Annex 2 of Order No. 1296-22 of 11 choul 1443 (May 12, 2022) setting the model registers and the modalities of their keeping by the National Agency for the Regulation of Cannabis-Related Activities and by holders of authorizations to engage in activities relating to cannabis.

ARTICLE2. FIELDS OF APPLICATION

These specifications define the import conditions for cannabis seeds and plants, the technical standards relating to their quality control, their method of conditioning and preservation of their quality, the measures to be taken for the protection of the environment, the obligations in terms of safety, the traceability procedures, as well as the methods of monitoring compliance with the various clauses of these specifications.

It applies to any natural person who wishes to import Cannabis Seeds and Plants from the date of its coming into force.

ARTICLE 3. LEGAL REFERENCES

These specifications are drawn up by ANRAC, after consulting concerned ministries and institutions.

Without prejudice to other laws and regulations in force in this area, these specifications are subject to the provisions of the following legal texts:

- Dahir No. 1-21-59 of 3 dou lhijja 1442 (14 July 2021) promulgating Law No. 13-21 on the legal uses of cannabis;
- Dahir No. 1-16-25 of 22 Jumada I 1437 (2 March 2016) promulgating Law No. 91-14 on foreign trade;
- Dahir No. 1-69-169 of 10 Jumada I 1389 (25 July 1969) regulating the production and marketing of seeds and seedlings;
- Dahir No. 1-21-66 of 3 dou lhijja 1442 (14 July 2021) promulgating Law No. 76-17 on plant protection;
- Order of the Minister of Agriculture and Agrarian Reform No. 966-93 of 28 choul 1413 (20 April 1993) laying the conditions down for the import and marketing of seeds to be cultivated in Morocco;
- Joint Order of the Minister of the Interior, the Minister of Health and Social Protection, the Minister of Agriculture, Maritime Fisheries, Rural Development and Water and Forests, and the Minister of Industry and Trade No. 1293-22 of 11 choul 1443 (12 May 2022) setting the procedures for issuing authorizations for the exercise of activities relating to cannabis;
- Joint Order of the Minister of the Interior, the Minister of Health and Social Protection, the Minister of Agriculture, Maritime Fisheries, Rural Development and Water and Forests, and the Minister of Industry and Trade No. 1296-22 of 11 choul 1443 (12 May 2022) setting the model registers and the modalities of their keeping by the National Agency for the Regulation of Activities relating to Cannabis and by the holders of authorizations to carry out activities relating to cannabis;
- Joint Order of the Minister of the Interior, the Minister of Agriculture, Maritime Fisheries, Rural Development and Water and Forests No. 1295-22 of 11 choul 1443 (12 May 2022) setting the terms and conditions for the certification of cannabis seeds and plants by the National Agency for the Regulation of Cannabis-Related Activities.

ARTICLE 4. AUTHIRIZATIONS

The Importer is required to comply with the conditions provided for in Article 12 of the aforementioned Law No. 13-21, as well as with all legislative and regulatory provisions relating to imports, in particular those provided for by the Order of the Minister of Agriculture and Agrarian Reform No. 966-93 of 28 choul 1413 (April 20, 1993) setting the conditions for the import and marketing of seeds to be grown in Morocco as amended, as well as by the aforementioned Law No. 76-17 on plant protection, Decree No. 2-22-243 of 21 dou lhijja 1443 (21 July 2022) adopted for the application of certain provisions of Law No. 76-17 on plant protection as well as other texts adopted for its application as they are published.

He is therefore required to hold, in order to present them to ANRAC within the application file for import authorization of Cannabis Seeds and Plants, the following approval and authorizations and to make the declaration mentioned below.

4.1 Approval of the importer of Seeds and Seedlings

Any natural person who wishes to import Cannabis Seeds and Plants must file an application with the ONSSA and obtain following this request an approval from the Minister in charge of Agriculture for the import of Seeds and Plants.

4.2 Authorization to Import Cannabis Seeds and Plants

Any natural person wishing to import cannabis seeds and plants is required to hold a prior import authorization issued by the Minister of Agriculture, Maritime Fisheries, Rural Development and Water and Forests.

4.3 Authorization of Import Activity of Cannabis Seeds and Plants

Any natural person who wishes to be authorized to carry out an activity of importing cannabis seeds and plants, must file, against acknowledgment of receipt, an application for authorization accompanied by the documents referred to in Article 3 of Joint Order No. 1293-22 of 11 choul 1443 (May 12, 2022) setting the procedures for applying for and issuing authorizations for the exercise of activities relating to cannabis.

The applicant must send ANRAC these specifications initialed on all pages and signed on the last page, prior to the issuance of the authorization to carry out the activity of importing cannabis seeds and plants. The signature must be preceded by the handwritten mention “read and approved, I undertake to strictly respect all the clauses of these specifications”.

The exercise of the activities of importation of Cannabis Seeds and Plants is authorized only after obtaining the official document of authorization to exercise said activity, issued by ANRAC, in view of all the authorizations issued by the competent authorities subject to the regulatory texts referenced above.

The Importer is required to commence the import activities of Cannabis Seeds and Plants within three (3) years from the date of issuance by ANRAC of the authorization in question.

4.4 Cannabis Seeds and Plants Import Declaration

Any natural person authorized, in accordance with sub-article 4.3 above, to carry out the activity of importing cannabis seeds and plants, is required to declare to ANRAC, for each import transaction:

- The recipient of the sale;
- The schedule of delivery quantities;
- The identifiers of the exported Cannabis strains as they appear on the ANRAC List of Certification Decisions.

ARTICLE5. PROTECTION OF THE NATIONAL PRODUCT

In order to protect the national heritage, one of the missions devolved to ANRAC under the provisions of Article 33 of the aforementioned Law No. 13-21, any import of Seeds and Plants from cannabis varieties identified by ANRAC as “country varieties”, is strictly prohibited.

The qualification criteria for a “variety of countries” are determined by ANRAC in coordination with the relevant government departments and institutions.

This qualification “variety of country” or “variety of variety” will be included whenever necessary on the ANRAC List of Certification Decisions.

ARTICLE6. DOMICILE OF THE IMPORTER

The Importer is considered domiciled at the address that appears on his national electronic identity card.

ARTICLE7. INSURANCE

The Importer is required to take out the following insurance with insurance companies approved by the Insurance and Social Security Supervisory Authority (ACAPS), and without prejudice to other insurances in force in this area:

- Insurance of all personnel on duty against accidents at work and occupational diseases;
- The insurance of the civil liability of the Importer.

The certificates relating to the above-mentioned insurance must be valid at all times.

Copies of these certificates shall be sent to ANRAC in accordance with the procedures provided by it for this purpose.

ARTICLE8. SOCIAL CONDITIONS OF STAFF

The Importer is required to provide its staff with all the social services provided for by the laws and regulations in force, in particular those of the Labor Code and the Social Security Institutions.

ARTICLE9. QUALITY CONTROL

The Importer is required to control the THC (Delta-9-tetrahydrocannabinol) content of imported Cannabis Seeds and Plants.

The analyses of this content are carried out according to the method described in Annex C to Commission Regulation (EC) No 1177/2000 of 31 May 2000 amending Regulation (EEC) No 1164/89 laying down detailed rules for aid for fiber flax and hemp (Community method for the quantitative determination of Δ -9-THC of hemp varieties); the size of the samples to be taken for the purposes of that control shall be fixed by ANRAC.

Samples shall be taken according to specific methods and under hygienic conditions.

Cannabis Seeds and Plants must be stored in secure and monitored warehouses belonging to the Importer or in the bonded warehouses provided for by the Customs and Indirect Tax Code.

The warehouse must be isolated from any premises that may contain seeds intended for other purposes or products that may alter the quality of the Cannabis Seeds and Plants.

The warehouse must have a minimum capacity of 300 m³, well ventilated, have a good moisture seal and well oriented.

Storage conditions must be appropriate for each type of Cannabis Seed or Seedling; in any case, the temperature inside the warehouses must not exceed 20°C.

The Importer must register with ANRAC all storage warehouses for Cannabis Seeds and Plants.

The Importer must guarantee that the Cannabis Seeds and Plants are stored in conditions that maintain their quality and performance, otherwise he will be liable.

ARTICLE 11. OBLIGATIONS OF THE IMPORTER

11.1 General obligations

In carrying out its activities, the Importer is required to apply all the clauses of these specifications and to comply with all the legislative and regulatory obligations applicable to it and for which it assumes full responsibility.

The Importer may only import Seeds and Cannabis Plants from varieties listed in the official catalogue of species and varieties of cultivable plants in Morocco, and certified by ANRAC in accordance with the provisions of the joint order of the Minister of the Interior, the Minister of Agriculture, Maritime Fisheries, Rural Development and Water and Forests No. 1295-22 of 11 choul 1443 (12 May 2022) setting the terms and conditions for certification of cannabis seeds and plants by the National Agency for the Regulation of Cannabis Activities.

The Importer may only supply persons duly authorized by ANRAC to the cultivation and production of cannabis in accordance with the provisions of the aforementioned Law No. 13-21.

11.2 Obligation to report pests

The Importer is required to declare, without delay, to the ONSSA any finding of the presence of a harmful organism in the goods, or any reason to suspect such a presence in accordance with the provisions of the aforementioned law n ° 76-17 and its implementing texts. A copy of this declaration must be immediately sent to ANRAC by any means.

ARTICLE 12. CONDITIONING, PACKAGING AND LABELLING

It is imperative for the Importer to ensure that Cannabis Seeds and Plants are contained in regulatory packaging or containers.

The labelling must include the following information:

- Common name and scientific name of the species;
- Purity information: the percentage by weight of pure seeds, inert matter, weeds seeds and seeds of other species;
- THC and CBD levels;
- Instructions and conditions of use;
- Reference number of the certification of the variety by ANRAC.

ARTICLE 13. TRANSPORT

The holder of an import authorization for Cannabis Seeds and Plants is required to have an authorization to transport Cannabis Products issued by ANRAC, as long as he is required to carry out this activity by his own means for the transport of imported Cannabis Seeds and Plants.

In the event of recourse to a third party legal entity to ensure the transport of Cannabis Seeds and Plants, the Importer must use exclusively a Carrier duly authorized by ANRAC for the exercise of the activity of transporting cannabis.

The transport of Cannabis Seeds and Plants must be ensured under conditions that maintain their quality and performance, and prevent their deterioration. The Importer is thus obliged to communicate the necessary instructions and information to the Carrier and to specify them in the contract between the two parties.

In the event that the Importer is himself the consignee of a transport operation, he is obliged to acknowledge receipt of the goods and refrain from postponing their acceptance without valid reason. If the Importer refuses to accept the goods in question, he must notify ANRAC without delay. He will then be required to ensure the storage of the goods in question until a decision is taken by ANRAC, which must intervene after investigation and within a period that may not exceed fifteen (15) calendar days.

ARTICLE 14. NOTIFICATION OF CHANGES CONCERNING THE IMPORTER

The Importer is required to notify ANRAC of any change likely to modify his situation with regard to that declared for obtaining the import authorization for Cannabis Seeds and Plants referred to in Article 12 of the aforementioned Law No. 13-21. Notification of the change must be made within a period not exceeding thirty (30) days from the date of occurrence of this change, and must be made by any secure means.

In the event of an addition, deletion or change of activity, the Importer is also required to obtain the necessary regulatory authorizations before implementing the change.

ARTICLE 15. SECURITY OF WAREHOUSES

The Importer must take all necessary precautions and appropriate measures to avoid the occurrence of an incident or accident and to minimize its effects. If applicable, He must notify the competent authorities thereof without delay and make available to them the information at his disposal.

The Importer must have secure and monitored warehouses to store Cannabis Seeds and Plants. ANRAC reserves the right to carry out the control of these warehouses, at any time and without notice, by agents commissioned by it for this purpose and sworn in accordance with the legislation in force.

The Importer must therefore put in place physical security systems for the warehouses and storage units of Cannabis Seeds and Plants and the corresponding facilities, as well as documented procedures to detect and respond to intrusions or unauthorized access, theft or loss of Cannabis Seeds and Plants, and more generally any incident that may contravene the proper conduct of the activity.

The means used may in particular consist of material, human or electronic means, permanent or temporary, fixed or mobile, without prejudice to the prerogatives and means of control provided for by ANRAC, in accordance with Article 49 of the aforementioned Law No. 13-21.

The means of remote control set up by the Importer under its own security system, must be freely consulted by ANRAC in addition to its own prerogatives and means.

The Importer must put in place procedures to ensure that Cannabis Seeds and Plants that are to be destroyed for any reason whatsoever are disposed of or destroyed in a safe and secure manner, and in strict compliance with the provisions of Article 13 of the aforementioned Law No. 13-21, and provide details of the method of destruction used.

ARTICLE 16. TRACEABILITY PROCEDURES

Under the provisions of Article 45 of Law No. 13-21 on the licit uses of cannabis, and in accordance with model 2.4 set out in Annex 2 of Order No. 1296-22 of 11 choul 1443 (12 May 2022) setting the model registers and the procedures for their keeping by the National Agency for the Regulation of Cannabis-Related Activities and by the holders of authorizations for activities relating to cannabis, the Importer is required to keep a Data Register recording all entries and outputs of Cannabis Seeds and Plants.

With each dispatching of a quantity of Cannabis Seeds or Plants, the Importer enters a new entry on his Data Register by entering the recipient as a “customer”. For each quantity sent during this operation, the Importer enters the variety and quantity in the output column (S) as well as the remaining stock for this variety (old stock minus the quantity sent).

Each time a quantity of Cannabis Seeds or Plants is received, the Importer enters a new entry in its Data Register by designating the sender as the “supplier”. For each variety of Cannabis Seeds and Plants, the Importer enters the name of the variety and quantity in the entry column (E) as well as the new stock for that variety (old stock plus the quantity received).

ARTICLE 17. ENVIRONMENT

The Importer is required to comply with regulations relating to environmental protection, particularly those concerning waste management, emissions management and discharges, discharges, direct or indirect deposits into surface or groundwater, as well as good environmental practices that ANRAC reserves the right to enact.

The guide to these good practices will be published by ANRAC before it is required to Importers, pursuant to the provisions of Article 33 of the aforementioned Law No. 13-21.

ARTICLE 18. MODALITÉS DE CONTRÔLE DU RESPECT DU PRÉSENT CAHIER DES CHARGES

Agents under ANRAC commissioned by it for this purpose and sworn in accordance with the legislation in force may carry out controls and access the Importer’s head office to examine the documents relating to the import activity of Cannabis Seeds and Plants, and verify compliance with the conditions of these specifications.

The Importer is obliged to receive the above-mentioned agents, facilitate their performance of their task and make available to them all the information and documentation requested.

In the event of non-compliance with the legislative and regulatory provisions on cannabis and the provisions of these specifications, and without prejudice to the legislative and regulatory provisions specific to import, the Importer is required to submit, within a period which may not exceed seven (07) days following the sending of the report of finding of infringements as established by the agents commissioned by ANRAC, its explanations of the violations found.

In the absence of a response, or if the justifications given by the Importer are not sufficiently substantiated, ANRAC gives formal notice, by registered letter with acknowledgment of receipt or by bailiff, to put an end to the violations found within a period it sets and which may not be less than one month.

Without prejudice to the application of Article 30 of Law No. 13-21, if the Importer does not comply with the above-mentioned formal notice addressed to him, the authorization to import Cannabis Seeds and Plants may be suspended for a period of six (6) months and no request to carry out an activity related to Cannabis and its products may be filed with ANRAC by the Importer during the period of suspension.

The suspension shall be lifted as soon as the infringements found within the above mentioned period are terminated.

If the violations persist at the end of the aforementioned period, ANRAC may refer all necessary sanctions, including the closure of his establishment, to the Wali or the Governor of the province or commune to which the Importer belongs.

The decision to suspend, or withdraw the authorization under the conditions provided for by the aforementioned Law No. 13-21, is notified to the interested party in the same forms as those of the notification of the formal notice.

Read and approved, I undertake to strictly respect all the clauses of these specifications.

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