



الوكالة الوطنية لتقنين الأنشطة المتعلقة بالقنب الهندي
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Agence Nationale de Réglementation des Activités Relatives au Cannabis

SPECIFICATIONS RELATING TO EXPORT OF SEEDS AND CANNABIS PLANTS

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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;

Cooperative: a group specially created by growers authorized by the Agency for the Cultivation and Production of Cannabis;

Exporter: any natural person holding an export 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 strains 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;

Data register: the data register held by the Exporter 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 2.3 set 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 Activities and by holders of authorizations to carry out activities relating to cannabis;

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;

Carrier: any legal person authorized by ANRAC, who 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.

ARTICLE2. FIELDS OF APPLICATION

These specifications define the conditions for the export of Cannabis Seeds and Plants, the technical standards as well as those relating to the quality control of Cannabis Seeds and Plants, their method of packaging and preservation of their quality, the conditions and measures to be taken for the protection of the environment, the obligations in terms of safety, the traceability procedures, as well as the procedures for monitoring compliance with the various clauses of these specifications.

It applies to any natural person who wishes to be authorized to export Cannabis Seeds and Plants from the date of its entry into force.

ARTICLE 3. LEGAL REFERENCES

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

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. 1-21-66 of 3 dou lhijja 1442 (14 July 2021) promulgating Law No. 76-17 on plant protection;
- Dahir No. 1-16-25 of 22 Jumada I 1437 (2 March 2016) promulgating Law No. 91-14 on foreign trade and its implementing texts;
- Dahir No. 1-88-240 of 6 dou lhijja 1413 (28 May 1993) promulgating Law No. 31-86 establishing the Autonomous Establishment for Export Control and Coordination;
- Dahir on Law No. 1-73-282 of 28 Rebi II 1394 (21 May 1974) on the suppression of drug addiction and the prevention of drug addicts and amending the Dahir of 12 Rebi II 1341 (2 December 1922) on the Regulation on the Importation, Trade, Possession and Use of Poisonous Substances and the Dahir of 20 chaabane 1373 (24 April 1354) prohibiting hemp in Kif, as supplemented or amended;
- Dahir No. 1-69-169 of 10 Jumada I 1389 (25 July 1969) regulating the production and marketing of seeds and seedlings;
- Dahir of 13 Ramadan 1363 (1 September 1944) relating to the operation of technical control of Moroccan manufacture, packaging and export, as amended and supplemented;
- 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 conditions and procedures for the certification of cannabis seeds and plants by the National Agency for the Regulation of Cannabis-Related Activities;
- Joint Order of the Minister of the Interior, the Minister of Agriculture, Maritime Fisheries, Rural Development and Water and Forests and the Minister of Industry and Trade No. 1294-22 of 11 choul 1443 (12 May 2022) setting the model contract of sale of cannabis crops, the delivery report of said crops and the minutes of destruction of surplus cannabis production, its seeds, plants, crops and products;

- Order of the Minister of Agriculture and Agrarian Reform No. 966-93 of 28 choual 1413 (20 April 1993) laying down the conditions for the import and marketing of seeds to be cultivated in Morocco.

ARTICLE 4. AUTHIRIZATIONS

The Exporter is required to comply with the conditions provided for in Article 12 of the aforementioned Law No. 13-21.

The Exporter is also required to comply with all legislative and regulatory provisions relating to exports, and in particular Dahir No. 1-69-169 of 10 Jumada I 1389 (25 July 1969) regulating the production and marketing of seeds and seedlings as amended and supplemented by the Dahir on Law No. 1-76-472 of 5 Choual 1397 (19 September 1977), as well as the aforementioned Law No. 76-17 on plant protection, Decree No. 2-22-243 of 21 doulhijja 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 export authorization for Cannabis Seeds and Plants, the following approval and authorizations and to make the declaration mentioned below.

4.1 Registration of the Exporter of Cannabis Seeds and Plants

Any natural person who wishes to export 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 marketing of Seeds and Plants.

4.2 Export Authorization for Cannabis Seeds and Plants

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

4.3 Export Activity Authorization for Cannabis Seeds and Plants

Any natural person, who wishes to carry out an activity of export of Cannabis Seeds and Plants, must file, with ANRAC, 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 choual 1443 (12 May 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 exporting 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 activity of exporting 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 Exporter is required to commence the export activities of Cannabis Seeds and Plants within three (3) years from the date of issuance by ANRAC of the authorization in question.

4.4 Export Declaration for Cannabis Seeds and Plants

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

- The recipient of the sale;
- The schedule of delivery quantities;
- Identifiers of exported cannabis strains as listed on ANRAC's List of Certification Decisions.

ARTICLE5. PROTECTION OF THE DOMESTIC PRODUCT

For the sake of protecting the national heritage, one of the missions devolved to ANRAC under the provisions of Article 33 of the aforementioned Law No. 13-21, any export of Seeds and Plants from cannabis varieties identified by ANRAC as "varieties of countries" or "varieties from varieties of countries" and registered in the Official Catalogue of Species and Varieties of Cultivable Plants in Morocco, is strictly prohibited.

The criteria for qualifying a "variety of countries" or "varieties from a variety of countries" are determined by ANRAC in coordination with the government departments and institutions concerned.

This qualification "country variety" or "varieties from country varieties" will be included whenever necessary on the ANRAC List of Certification Decisions.

ARTICLE6. DOMICILE OF THE EXPORTER

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

ARTICLE7. INSURANCE

The Exporter 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 insurance policies 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 Exporter.

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 Exporter 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 Exporter is required to control the THC (Delta-9-tetrahydrocannabinol) content of Cannabis Seeds and Plants intended for export.

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.

ARTICLE10. STORAGE

Cannabis Seeds and Plants must be stored in secure and monitored warehouses belonging to the Exporter or in storage 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 Plant; in any case, the temperature inside the warehouses of Seeds and Cannabis Plants must not exceed 20°C.

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

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

ARTICLE11. OBLIGATIONS OF THE EXPORTER

In carrying out his activities, the Exporter 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 he assumes full responsibility.

The Exporter may export, and without prejudice to the application of Article 5 of these specifications, only Seeds and Cannabis Plants appearing on the lists of 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, of the Minister of Agriculture, Maritime Fisheries, Rural Development and Water and Forests No. 1295-22 of 11 Choual 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.

11.1 Procurement

The Exporter must obtain supplies from nurserymen holding the authorization to create and operate cannabis nurseries and duly authorized for the sale of Cannabis Seeds and Plants.

The supply of Cannabis Seeds and Plants will be the subject of a sales contract in accordance with the provisions of Article 10 of the aforementioned Law No. 13-21.

11.2 Obligation to report pests

The Exporter is required to declare, without delay, to the ONSSA any finding of the presence of pests 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

The Exporter must 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 numbers of ANRAC and ONSSA.

ARTICLE 13. TRANSPORT

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

In the event of recourse to a third party legal person to ensure the transport of Cannabis Seeds and Plants, the Exporter 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 Exporter 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 Exporter is himself the consignee of a transport operation, he is obliged to acknowledge receipt of the goods and to refrain from deferring their acceptance without valid reason. If the Exporter 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 the decision of ANRAC, which must intervene after investigation within a period that cannot be more than fifteen (15) calendar days.

ARTICLE 14. NOTIFICATION OF CHANGES CONCERNING THE EXPORTER

The Exporter is required to notify ANRAC of any change likely to modify his situation with regard to that declared for obtaining the export 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 Exporter is also required to obtain the necessary regulatory approvals prior to the implementation of the change.

ARTICLE 15. SECURITY OF WAREHOUSES

The Exporter must take all necessary precautions and appropriate measures to avoid the occurrence of incidents or accidents and to minimize their effects. Where appropriate, he must notify the competent authorities without delay and make available to them the information at his disposal.

The Exporter must have secure and monitored warehouses to store Cannabis Seeds and Plants. ANRAC reserves the right to inspect 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 Exporter must therefore put in place physical security systems for the storage warehouses for Seeds and Cannabis Plants and 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 Exporter under its own security system, must be able to be freely consulted by ANRAC in addition to its own prerogatives and means.

The Exporter 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 2.3 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 Exporter must hold a Data Register recording all entries and outputs of Cannabis Seeds and Plants.

Each time a quantity of Cannabis Seeds or Plants is received, the Exporter enters a new entry in its Data Register specifying the nursery as the "supplier". For each quantity received during this operation, the

Exporter enters the variety and quantity in the column of entries (E) as well as the new stock for this variety (old stock plus the quantity received).

With each shipment of a quantity of Cannabis Seeds or Plants, the Exporter enters a new entry on its Data Register specifying the customer in the “customer” column. For each variety of Seeds or Seedlings sent, the Exporter enters the name of the variety and the quantity in the column of entries (S) as well as the new stock for this variety (old stock minus the quantity sent).

The Exporter is required to keep its Data Register for a period of ten (10) years and to present it at each inspection.

ARTICLE 17. ENVIRONMENT

The Exporter is required to comply with the Regulations relating to the protection of the environment, particularly those concerning waste management, emission management and discharges, discharges, direct or indirect deposits in 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 of Exporters, under the provisions of Article 33 of the aforementioned Law No. 13-21.

ARTICLE 18. PROCEDURES FOR MONITORING COMPLIANCE WITH THESE SPECIFICATIONS

Without prejudice to the other inspections provided for by the regulations specific to the activity of the Exporter, agents under ANRAC commissioned by it for this purpose and sworn in accordance with the legislation in force, may carry out random checks and access the Exporter’s headquarters to examine the documents relating to the export activity of Cannabis Seeds and Plants, and verify compliance with the conditions of these specifications.

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

In the event of non-compliance with the laws and regulations on cannabis and the provisions of these specifications, and without prejudice to the laws and regulations specific to export, the Exporter is required to submit, within a period which may not exceed seven (7) 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 Exporter 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 (1) month.

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

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

If the violations persist at the end of the aforementioned period, ANRAC may refer the matter to the Wali or Governor of the province or commune to which the Exporter depends for the necessary sanctions, including the closure of its establishment.

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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