



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

SPECIFICATIONS RELATING TO IMPORTATION OF CANNABIS PRODUCTS MADE FOR INDUSTRIAL PURPOSES

October 2022

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ARTICLE 1 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 hija 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 the aforementioned Law No. 13-21;

Importer: any legal person holding an authorization for the activity of importing Cannabis Products in accordance with the provisions of the aforementioned Loin° 13-21;

Cannabis products manufactured for industrial purposes: cannabis products manufactured for industrial purposes, as defined by Article 2 of Law No. 13-21, intended for import;

Cannabis: any plant of the genus cannabis as defined in Article 2 of the aforementioned Law No. 13-21;

Importer: any legal person holding an authorization for the activity of importing Cannabis Products in accordance with the provisions of the aforementioned Loin° 13-21;

Cannabis products manufactured for industrial purposes: cannabis products manufactured for industrial purposes, as defined by Article 2 of Law No. 13-21, intended for import;

Data register: the data register held by the Importer for the recording of stock movements of cannabis products manufactured for industrial purposes, under the provisions of the aforementioned Law No. 13-21 and in accordance with model 2.9 set out in Annex 2 of Order No. 1296-22 of 11 chaoual 1443 (12 May 2022) setting the model registers and the modalities of their keeping by the National Agency for the Regulation of Related Activities cannabis and by holders of authorizations to engage in activities relating to cannabis, ANRAC;

Activity-specific regulations: all the laws and regulations that apply to the nature of the other products of the Importer's activity, including food supplements, cosmetics and personal hygiene products, industrial hemp fibers, textiles and building materials. The Importer is required to comply, in the importation of these products, with the aforementioned provisions enacted by the supervisory Administrations;

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 relating to the activity of Transport of cannabis and its products.

ARTICLE 2. FIELDS OF APPLICATION

These specifications define the import conditions of Cannabis Products manufactured for industrial purposes, the technical standards relating to their quality control, their method of packaging 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 control of compliance with the various clauses of these specifications.

It applies to any legal person wishing to be authorized to import Cannabis Products manufactured for industrial purposes from the date of its entry into force and in accordance with the provisions of Article 21 of the aforementioned Law No. 13-21.

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 hijra 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 and its implementing texts;

- Dahir on Law No. 1-73-282 of 28 Rabia II 1394 (21 May 1974) on the suppression of drug addiction and the prevention of drug addicts and amending the Dahir of 12 Rabia 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. 1-10-08 of 26 Safar 1431 (11 February 2010) promulgating Law No. 28-07 on food safety;

Joint Order of the Minister of Agriculture and Rural Development and the Minister of Equipment and Transport No. 1196-03 of 10 Rabii I 1425 (30 April 2004) on the standards to be met by insulated, refrigerated or refrigerated transport equipment, and fixing the test and control methods that will be applied to such equipment, the conditions for award, the models of the certificates of approval or attestation of conformity, the identification marks to be affixed to the said equipment and the nature of the documents which must accompany them during their movement;

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 chaoual 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 choual 1443 (12 May 2022) setting the model registers and the modalities of their keeping by the Regulatory Agency for Cannabis-related Activities and by the holders of authorizations carrying out activities relating to cannabis;

Order No. 1308-94 of 7 kaada 1414 (19 April 1994) establishing the list of goods subject to quantitative import and export restrictions.

ARTICLE 4. PERMISSIONS

The Importer is required to meet the conditions provided for in Article 21 of Law No. 13-21 and to comply with all the obligations provided for by the Regulations specific to his activity, to make the necessary declarations, to hold all the related authorizations, and to send supporting documents and copies to ANRAC, in particular, when applying for an import authorization for cannabis products manufactured for industrial purposes.

4.1 Authorization to import Cannabis Products manufactured for industrial purposes

Any legal person wishing to carry out an activity of importing Cannabis Products manufactured for industrial purposes, must file, with ANRAC, against acknowledgment of receipt, an application for authorization accompanied by the documents referred to in Article 7 of Joint Order No. 1293-22 of 11 chaoual 1443 (May 12, 2022) setting the procedures for 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 the Cannabis Products. 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 importing Cannabis Products manufactured for industrial purposes is effective only after obtaining the aforementioned authorization.

The Importer is required to commence the activity of importing the Cannabis Products before the expiry of a period of three (3) years from the date of issuance by ANRAC of the authorization in question.

4.2 Storage Area Registration

The Importer must register, with ANRAC, all storage areas of Cannabis Products manufactured for industrial purposes.

ARTICLE 5. DOMICILE OF THE IMPORTER

The Importer is considered domiciled at the address corresponding to his registered office which appears in his extract from the Trade Register.

ARTICLE 6. 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 professional 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.

ARTICLE 7. 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 National Social Security Fund.

ARTICLE 8. QUALITY CONTROL

The Importer is required to control the THC (Delta-9-tetrahydrocannabinol) content of imported Cannabis Products manufactured for industrial purposes.

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 are collected using methods specific to Cannabis Products manufactured for industrial purposes and under hygienic conditions.

ARTICLE 9. STORAGE

Cannabis Products manufactured for industrial purposes must be stored in secure and monitored warehouses belonging to the Importer or in bonded warehouses provided for by the Customs and Indirect Tax Code.

The Importer must register with ANRAC all bonded warehouses for imported Cannabis Products manufactured for industrial purposes.

The Importer is required to comply with the terms and conditions of storage provided for by the standards and regulations in force and to take all necessary measures to preserve and maintain the quality and performance of Cannabis Products manufactured for industrial purposes, under penalty of liability.

ARTICLE 10. OBLIGATIONS OF THE IMPORTER

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 sell to natural or legal persons duly authorized by ANRAC to carry out the activities relating to Cannabis referred to in Article 3 of the aforementioned Law No. 13-21.

The responsibility for the import activity of cannabis products manufactured for industrial purposes lies with the legal representative of the company or legal person referred to in Article 21 of the aforementioned Law No. 13-21.

ARTICLE 11. PACKAGING, CONDITIONING AND LABELLING

The Importer must ensure that imported Cannabis Products manufactured for industrial purposes are contained in regulatory packaging or containers, and labelled in accordance with the regulations in force on the labelling and presentation of poisonous and narcotic substances and the provisions of Articles 46, 47 and 48 of Law No. 13-21 on the legal uses of cannabis.

ARTICLE 12. TRANSPORT

The holder of an import authorization for Cannabis Products manufactured for industrial purposes 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 Products manufactured for industrial purposes.

In the event of recourse to a third party to ensure the transport of Cannabis Products manufactured for industrial purposes, it can only be a Carrier duly authorized by ANRAC for the exercise of the activity of transporting cannabis.

The transport of Cannabis Products manufactured for industrial purposes 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 13. NOTIFICATION OF CHANGES CONCERNING THE IMPORTER

The Importer is required to notify ANRAC and any competent administration of any change affecting its establishment, including its corporate officers, shareholders, the composition of the board of directors (managers) or its activity, and which is likely to modify its situation compared to that declared for obtaining the authorization to Import Cannabis Products manufactured for industrial purposes.

Notification of the change must be made within a period not exceeding thirty (30) days from the date of occurrence of the change, and must be made by any secure means.

The implementation of the change can only take place after obtaining the corresponding authorizations by the Importer.

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

ARTICLE 14. 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. Where appropriate, he must notify the competent authorities without delay and make available to them the information at his disposal.

The Importer must have secure and monitored warehouses to store Cannabis Products manufactured for industrial purposes. ANRAC reserves the right to inspect these bonded warehouses at any time and without notice by agents commissioned by it for this purpose and sworn in accordance with the legislation in force.

It must therefore put in place physical security systems for the storage facilities of Cannabis Products manufactured for industrial purposes and corresponding facilities, as well as documented procedures to detect and respond to intrusion or unauthorized access, theft or loss of Cannabis Products manufactured for industrial purposes, 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 implemented 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 able to be freely consulted by ANRAC in addition to its own prerogatives and means.

The Importer must provide ANRAC with information on the destruction process of batches of Cannabis Products manufactured for industrial purposes to be destroyed and its compliance with Article 22 of the aforementioned Law No. 13-21.

ARTICLE 15. TRACEABILITY PROCEDURES

In accordance with Article 45 of Law No. 13-21 on the legal uses of cannabis, the Importer must keep a Data Register recording all movements of Cannabis Products manufactured for industrial purposes in entry, exit and stock.

Each time a quantity of Cannabis Products manufactured for industrial purposes is received, the Importer enters a new entry in its Data Register by designating the sender as the “supplier”. For each variety of Cannabis Product for industrial use, 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 quantity received).

With each shipment of a quantity of Cannabis Products manufactured for industrial purposes, the Importer enters a new entry on its 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).

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

ARTICLE 16. ENVIRONMENT

The Importer is required to comply with the regulations relating to the protection of the environment, particularly those concerning environmental impact assessment, waste management, the management of emissions, 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 importers, under the provisions of Article 33 of the aforementioned Law No. 13-21.

ARTICLE 17. PROCEDURES FOR MONITORING COMPLIANCE WITH THESE SPECIFICATIONS

In addition to judicial police officers, customs officers or other inspectors provided for by the Regulations specific to the Products concerned by the Importer's activity, agents under ANRAC, commissioned by it for this purpose and sworn in accordance with the legislation in force, may access the Importer's registered office to examine the documents relating to the activity of Importing cannabis Products manufactured for industrial purposes, and to verify compliance with the various clauses of these specifications.

To this end, the Importer is required to receive the above-mentioned agents, to facilitate their performance of their task and to provide them with 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 provisions of the Regulations specific to its activity, the Importer is required to submit, within a period that 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 (1) month.

Without prejudice to the application of Article 30 of the aforementioned Law No. 13-21, if the Importer does not comply with the formal notice, cited above, which has been sent to him, the import authorization of Cannabis Products manufactured for industrial purposes 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 Importer during the period 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 the Governor of the province or the commune to which the Importer depends for the necessary sanctions, including the closure of his establishment.

The decision to suspend or withdraw the authorization under the conditions provided for by 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.