Importing CBD products

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Is the Tetrahydrocannabinol (THC) content below 0.2?

YES

There are no strict requirements for importing and selling CBD products in the UK provided it is below the detection limit. (Exception to this is CBD flowers which are caught by the Misuse of Drugs Regulation 2001 regardless of THC content).

CBD food products and food supplements are classified as novel foods by the Food Standards Agency. This status was confirmed in January 2019, and the Novel Foods Catalogue has been updated to reflect this change. There is a distinction between CBD and Hemp products with the latter not being treated as a novel product.

CBD products require authorisation before they can be marketed under the EU Novel Food Regulation no 2015/2283. There is no fee payable for authorisation.

The process for authorisation will change on 1 January 2021 when the UK no longer follows the rules of the EU.

Excluded from novel food regulations are CBD foods where the CBD is derived from cold pressed hemp seed oil or flour.

If the CBD product is to be marketed as a medicine, it will also require a licence from the Medicines and Healthcare Products Regulatory Agency to be legally sold in the UK.

NO

This would require a licence from the Home Office as this product will be categorised as a controlled drug under the Misuse of Drugs Acts 1971 and Misuse of Drugs Regulations 2001 (MDR 2001).

Single consignment import licences are only valid for 3 months. These will need to be obtained from the Home Office for a fee of £24.

You will need a NDS account to apply for an import licence, and you will also need a valid domestic licence before you can apply for an NDS account.

The application fees for relevant licences are as follows:

- Possession of controlled drugs - £3,1333
- Supply, or offer to supply controlled drugs - £3,655

The Home Office considers each application on its merits (MDR 2001)

The Home Office also considers the applicant's ability to meet the requirements of other agencies such as the Food Standards Agency, Medicines and Healthcare Products Regulatory Agency and Trading Standards.

Are you importing CBD products from inside or outside the EU?

INSIDE

Until the **1 January 2021** you only have to pay VAT but not import duty.

You do not have to pay duty on goods that have been produced in the EU. These goods are 'in free circulation' in all EU countries.

This also covers goods from outside the EU if duty has already been paid on them.

OUTSIDE

When importing goods from outside the EU, you will be required:

- Register your business for importing and obtain a EORI number if you do not have one - it usually takes 5 working days.
- Decide who will declare your imports to customs - most businesses hire someone to deal with customs and to transport their goods from overseas.
- Find the commodity code for the goods you're importing - this tells you how much duty you pay and if you need an import licence. The code will depend on if your product is for example cosmetic or medicinal.
- Find out if you can delay or reduce your duty payment.
- You'll need to work out the value of your goods. This is for the purpose of paying VAT and duty. You can set up a duty deferment account if you import goods regularly.
- Get an import licence if needed – refer to controlled drug licence section.
- Get your goods through customs – if you have appointed someone to do this, they'll make a declaration for you.
- You will need to arrange for the goods to be inspected before they are allowed in the UK. You will have to let the inspection point know when the goods are arriving and there may be a fee for the inspection.
- Submit the import declaration.
- Pay VAT and duty.
- Get the goods released if they're held up at the border. This will happen if:
  - You have not paid the right amount of duty or VAT.
  - You do not have the right import licences.
  - The goods did not pass inspection.
  - The goods have been combined with a shipment that has been held up.

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