



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate C – CAP Strategic Plans I  
The Director (acting)

Brussels  
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A.P.P.L. z. s.  
Školská 689/20, 110 00 Praha 1,  
Czech Republic

**Subject: Clarification on THC Methodology and Applicable EU Regulations**

Dear Mr Lezhnev,

Thank you for your inquiry regarding Commission Delegated Regulation (EU) 2017/1155.

Please note that Regulation (EU) 2017/1155 is no longer in force. It has been replaced by Commission Delegated Regulation (EU) 2022/126, following the adoption of Regulation (EU) 2021/2115, which increased the maximum permitted THC level for hemp from 0.2% to 0.3%.

The methodology for determining THC content, as set out in the relevant EU legislation, is designed specifically for the purposes of assessing eligibility for direct payments under the Common Agricultural Policy (CAP). In this context, it serves as an agricultural control mechanism.

With regard to criminal law, competence lies with the Member States. This includes the establishment of applicable THC thresholds as well as the determination of analytical methods used in forensic investigations. EU law does not harmonise or prescribe specific methodologies for forensic purposes in criminal proceedings.

Consequently, while methods such as gas chromatography (GC), as used under CAP rules, may also be applied in forensic contexts, Member States are free to use alternative analytical techniques, such as high-performance liquid chromatography (HPLC), depending on their national legal and scientific frameworks.

We trust this clarifies the matter.

The present opinion is provided on the basis of the facts as set out in the information received and expresses the view of the Commission services and does not commit the European Commission. In the event of a dispute involving Union law, it is, under the Treaty on the Functioning of the European Union, ultimately for the Court of Justice of the European Union to provide a definitive interpretation of the applicable Union law. |

Yours sincerely,

Electronically signed

Mariusz Stefan MIGAS