COURT OF JUSTICE
OF THE EUROPEAN UNION

Judgment of the Court of Justice in Case C-495/25 | Syndicat professionnel du chanvre

Press release No 159/26

Luxembourg, 5 November 2026

Organic farming: a CBD-based food product cannot be certified as organic if it has not been authorised to be placed on the market in the European Union

In France, the National Institute for Origin and Quality (INAO) has informed organic certification bodies that neither products based on natural cannabidiol (CBD) – with the exception of hemp oil not enriched with CBD – nor food products enriched with CBD are eligible for organic certification. The INAO also specified that CBD could not be included in the composition of certified organic food products.

The Syndicat professionnel du chanvre (Professional Hemp Trade Association) challenged this position before the French Council of State. That court referred the matter to the Court of Justice to determine whether CBD could be certified as organic. CBD, which is extracted from the hemp plant, an agricultural product, is capable of falling within the category of 'processed agricultural products for use as food' within the meaning of the regulation on organic production. [1] However, although the European Commission regarded CBD as a 'novel food' within the meaning of the regulation on novel foods, [2] it did not authorise CBD to be placed on the EU market as a food.

The Court considers that CBD cannot obtain organic farming certification until it is authorised to be placed on the market.

The Court finds that 'processed agricultural products for use as food' includes products of agricultural origin intended for use as food. That category includes any product intended to be ingested or reasonably likely to be ingested by humans. **It thus includes both novel foods, whether or not they are authorised to be placed on the market,** and products that are injurious to health or unfit for human consumption, which are prohibited from being placed on the market.

That being said, the Court emphasises that **organic certification cannot be separated from the rules applicable to the marketing of the products concerned**. Indeed, such certification contributes to the promotion of those products and conveys, in the eyes of consumers, a positive image of quality and approval.

However, **certifying a product which has not been authorised to be placed on the market could hinder the protection of human health and consumer interests.** The authorisation of a novel food implies, in particular, that it does not pose any safety risk to human health in the light of the available scientific evidence, that its intended use does not mislead the consumer and that, where it replaces another food, its consumption is not nutritionally disadvantageous.

Finally, the Court considers that that interpretation also applies where such products, which have not been authorised to be placed on the market in the European Union, are intended for sale in third countries. Such marketing could harm the reputation of the certification and undermine consumer confidence in products benefiting from that certification.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice of the European Union about the interpretation of EU law or the validity of an EU act.

The General Court has jurisdiction to deal with requests for a preliminary ruling coming exclusively within the following

areas (1) the common system of value added tax (VAT), (2) excise duties, (3) the Customs Code, (4) the tariff classification of goods under the Combined Nomenclature, (5) compensation and assistance to passengers in the event of denied boarding or delay or cancellation of transport services, or (6) the system for greenhouse gas emission allowance trading. The Court of Justice has jurisdiction to deal with all other requests for a preliminary ruling.

Neither the Court of Justice nor the General Court decides the national dispute itself. It is for the national court or tribunal to resolve the case in accordance with the ruling by the Court of Justice or by the General Court, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

Unofficial document for media use, not binding on the Court of Justice. The presentation of the facts and the legal context refers to the relevant period and is based on the case file.

The full text and, as the case may be, an abstract of the judgment is published on the CURIA website on the day of delivery.

Press contact: Jacques René Zammit ✆ (+352) 4303 3355.

Images of the delivery of the judgment are available on 'Curia Web TV'.

Stay Connected!

[1] Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007.

[2] Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001.