

Correspondent 15

Memo

From : Alison Finnegan <Alison.Finnegan@oireachtas.ie>

To: "Minister of Justice (Phone Listing)" <info@justice.ie>,

cc:

Date : 05/02/2021

Subject: FW: Change is required now!

From: [REDACTED]

Sent: 04 February 2021 22:38

To: Helen McEntee <Helen.McEntee@oireachtas.ie>

Subject: Change is required now!

Dear Minister Helen McEntee,

I am writing to you as a concerned citizen, mother and carer to inform you that Little Collins CBD dispensary in Galway was raided yet again on Thursday February 4th 2021. This came just hours after the owner went on KCLR FM to talk about his thriving business, CBD, hemp and cannabis.

This is of great concern to me [REDACTED]

These continued unlawful raids are a direct violation of the ruling made by the European Court of Justice on November 19th 2020:

"A Member State may not prohibit the marketing of cannabidiol (CBD) lawfully produced in another Member State when it is extracted from the Cannabis sativa plant in its entirety and not solely from its fibre and seeds"

This case ruled that CBD products should not be contained within illegal narcotic legislation of member states, in our case, CBD products should not be contained in the Misuse of Drugs Act 1977. I would like to highlight a few statements of the ruling that may be of interest to you in your role as Minister for Justice.

The Court noted at Para 75, upon the Court's interpretation of international law and the objective and spirit of the Single Convention, the court stated that "it would be contrary to the purpose and general spirit of the Single Convention to include it (CBD) under the definition of 'drugs' within the meaning of that convention as a cannabis extract." This

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establishes that cannabidiol (CBD) is not a drug.

The Court at para 80-82 considered the Free Movement of Goods principle, which is a fundamental principle of the EU and the cornerstone of the single market contained in Article 34 TFEU. The Court noted that restrictions of goods from other member states may be a Measure Equivalent to a Quantitative Restriction (MEQR). These measures are ones that are capable of hindering, directly or indirectly, actually or potentially, inter-union trade, as noted in the case of *Austria v Germany*, C-591/17.

Again at Para 82 of the judgment, the court noted that any "prohibition on marketing CBD lawfully produced in another Member State – when it is extracted from the *Cannabis sativa* plant in its entirety and not solely from its fibre and seeds – constitutes a measure having equivalent effect to quantitative restrictions within the meaning of Article 34 TFEU."

As I'm sure you are aware, these MEQR's can be justified on grounds of public health which are subject to a narrow interpretation by the Court. On this issue, the Court stated at Para 34 that CBD has no "recognized psychoactive effects", and it had "little to no effect on the central nervous system". The Court determined that "the public health objective appears to be already taken into consideration in Regulation No 1308/2013 in so far as that regulation limits the scope to varieties providing safeguards to be determined in respect of the content of intoxicating substances and adopts, first, a restriction regarding seeds, and second, a level of 0.2% in respect of THC content of hemp" .

To summarise:

"Articles 34 and 36 TFEU must be interpreted as precluding national legislation which prohibits the marketing of cannabidiol (CBD) lawfully produced in another Member State when it is extracted from the *Cannabis sativa* plant in its entirety and not solely from its fibre and seeds, unless that legislation is appropriate for securing the attainment of the objective of protecting public health and does not go beyond what is necessary for that purpose. Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 and Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 must be interpreted as not applying to such legislation."

I'm sure as Minister for Justice you are well aware that EU law does enjoy supremacy over our own Laws and Constitution. The current restriction of CBD products in Ireland is in direct conflict with the above EU ruling. The recent raiding of Little Collins shop in Kilkenny is therefore unjustified,

in direct conflict with EU law, and frankly unconstitutional.

I would urge you to remove CBD products from the Misuse of Drugs Act Schedule, as the inclusion of CBD products is having a detrimental effect not only on people's livelihoods but also has the effect of suppressing substantial business opportunities and business growth in Ireland.

I would appreciate your attention on this urgent matter, and acknowledgement of this correspondence.

Sincerely,

Beartas ríomhphoist an Oireachtais agus séanadh.

oireachtas.ie/ga/email-policy/

Oireachtas email policy and disclaimer. oireachtas.ie/en/email-policy/

Is le haghaidh an duine nó an eintitis ar a bhfuil sí dírithe, agus le haghaidh an duine nó an eintitis sin amháin, a bheartaítear an fhaisnéis a tarchuireadh agus féadfaidh sé go bhfuil ábhar faoi rún agus/nó faoi phribhléid inti. Toirmiscear aon athbhreithniú, atarchur nó leathadh a dhéanamh ar an bhfaisnéis seo, aon úsáid eile a bhaint aisti nó aon ghníomh a dhéanamh ar a hiontaoibh, ag daoine nó ag eintitis seachas an faighteoir beartaithe. Má fuair tú é seo trí dhearmad, téigh i dteagmháil leis an seoltóir, le do thoil, agus scrios an t-ábhar as aon ríomhaire. Is é beartas na Roinne Dlí agus Cirt agus Comhionannais, na nOifigí agus na nGníomhaireachtaí a úsáideann seirbhísí TF na Roinne seoladh ábhair cholúil a dhícheadú.

Más rud é go measann tú gur ábhar colúil atá san ábhar atá sa teachtaireacht seo is ceart duit dul i dteagmháil leis an seoltóir láithreach agus le mailminder@justice.ie chomh maith.

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From: Ministers Office <info@justice.ie>

Sent: 15 March 2021 16:11

To: [REDACTED]

Subject: DJE-MO-01408-2021

[REDACTED]
Minister's Reference: DJE-MO-01408-2021

Dear [REDACTED]

Thank you for contacting the Minister for Justice, Ms. Helen McEntee TD. The Minister has requested that I respond to you on her behalf.

I hope you will appreciate that the licensing of controlled drugs is a matter for the Minister for Health under the Misuse of Drugs Acts 1977 to 2016 and regulations made thereunder. The matter of changing the law as it currently stands, and introducing new legislation and drug policy related to cannabis, lies with the Minister for Health, Stephen Donnelly, and the Minister of State with responsibility for Public Health, Wellbeing and the National Drugs Strategy, Frank Feighan.

You should therefore make contact with the Department of Health in relation to this matter. The Department can be contacted by email at info@health.gov.ie or by post at Block 1, Miesian Plaza, 50 – 58 Lower Baggot Street, D02 XW14.

The role of An Garda Síochána is to implement the law as it stands.

Under Irish law, criminal investigations can only be carried out by An Garda Síochána, who then submit a report to the Director of Public Prosecutions (DPP). The DPP, who operates independently of the Minister and the Department of Justice, then decides whether or not someone should be prosecuted and for what crime. The Minister is unable to intervene in this independent process.

If the owners of Little Collins CBD Dispensary are not satisfied with how their concerns were dealt with by An Garda Síochána, it is open to them to contact the Garda Síochána Ombudsman Office (GSOC). GSOC is the independent body charged with receiving complaints from the public concerning members of An Garda Síochána.

Contact can be made with GSOC at their offices at: 150 Upper Abbey Street, Dublin 1 and by telephone on Lo-Call Tel: 1890 600 800. Further information is also available on GSOC's "Get in Touch" page, accessible via the following link: <https://www.gardaombudsman.ie/site-pages/get-in-touch/>

I hope this information will be of assistance to yo

Yours sincerely,

Patrick McCabe
Private Secretary to the
Minister for Justice

An Roinn Dlí agus Cirt
Department of Justice
51 Faiche Stiabhna, Baile Átha Cliath 2, D02 HK52
51 St Stephen's Green, Dublin 2, D02 HK52

Correspondent 16

Memo

From : [REDACTED]

To: helen.mcentee@oireachtas.ie, info@justice.ie,
cc:

Date : 10/02/2021

Subject: CBD Business Raid Complaint

Dear Minister Helen McEntee,

I am writing to inform you that Little Collins CBD dispensary in Kilkenny was raided yet again on Thursday February 4th 2021.

This came just hours after the owner went on KCLR FM to talk about his thriving business, CBD, hemp and cannabis.

These continued unlawful raids are a direct violation of the ruling made by the European Court of Justice on November 19th 2020:

"A Member State may not prohibit the marketing of cannabidiol (CBD) lawfully produced in another Member State when it is extracted from the Cannabis sativa plant in its entirety and not solely from its fibre and seeds"

This case ruled that CBD products should not be contained within illegal narcotic legislation of member states, in our case, CBD products should not be contained in the Misuse of Drugs Act 1977. I would like to highlight a few statements of the ruling that may be of interest to you in your role as Minister for Justice.

The Court noted at Para 75, upon the Court's interpretation of international law and the objective and spirit of the Single Convention, the court stated that "it would be contrary to the purpose and general spirit of the Single Convention to include it (CBD) under the definition of 'drugs' within the meaning of that convention as a cannabis extract." This establishes that cannabidiol (CBD) is not a drug.

The Court at para 80-82 considered the Free Movement of Goods principle, which is a fundamental principle of the EU and the cornerstone of the single market contained in Article 34 TFEU. The Court noted that restrictions of goods from other member states may be a Measure Equivalent to a Quantitative Restriction (MEQR). These measures are ones that are capable of hindering, directly or indirectly, actually or potentially, inter-union trade, as noted in the case of Austria v Germany, C-591/17.

Again at Para 82 of the judgment, the court noted that any "prohibition on marketing CBD lawfully produced in another Member State – when it is extracted from the Cannabis sativa plant in its entirety and not solely from its fibre and seeds – constitutes a measure having equivalent effect to quantitative restrictions within the meaning of Article 34 TFEU."

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As I'm sure you are aware, these MEQR's can be justified on grounds of public health which are subject to a narrow interpretation by the Court. On this issue, the Court stated at Para 34 that CBD has no "recognized psychoactive effects", and it had "little to no effect on the central nervous system". The Court determined that "the public health objective appears to be already taken into consideration in Regulation No 1308/2013 in so far as that regulation limits the scope to varieties providing safeguards to be determined in respect of the content of intoxicating substances and adopts, first, a restriction regarding seeds, and second, a level of 0.2% in respect of THC content of hemp" .

To summarise:

"Articles 34 and 36 TFEU must be interpreted as precluding national legislation which prohibits the marketing of cannabidiol (CBD) lawfully produced in another Member State when it is extracted from the Cannabis sativa plant in its entirety and not solely from its fibre and seeds, unless that legislation is appropriate for securing the attainment of the objective of protecting public health and does not go beyond what is necessary for that purpose. Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 and Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 must be interpreted as not applying to such legislation."

I'm sure as Minister for Justice you are well aware that EU law does enjoy supremacy over our own Laws and Constitution. The current restriction of CBD products in Ireland is in direct conflict with the above EU ruling. The recent raiding of Little Collins shop in Kilkenny is therefore unjustified, in direct conflict with EU law, and frankly unconstitutional.

I would urge you to remove CBD products from the Misuse of Drugs Act Schedule, as the inclusion of CBD products is having a detrimental effect not only on people's livelihoods but also has the effect of suppressing substantial business opportunities and business growth in Ireland.

I would appreciate your attention on this urgent matter, and acknowledgement of this correspondence.

Sincerely



Is le haghaidh an duine nó an eintitis ar a bhfuil sí dírithe, agus le haghaidh an duine nó an eintitis sin amháin, a bheartaítear an fhaisnéis a tarchuireadh agus féadfaidh sé go bhfuil ábhar faoi rún agus/nó faoi phribhléid inti. Toirmiscear aon athbhreithniú, atarchur nó leathadh a dhéanamh ar an bhfaisnéis

seo, aon úsáid eile a bhaint aisti nó aon ghníomh a dhéanamh ar a hiontaoibh, ag daoine nó ag eintitis seachas an faighteoir beartaithe. Má fuair tú é seo trí dhearmad, téigh i dteagmháil leis an seoltóir, le do thoil, agus scríos an t-ábhar as aon ríomhaire. Is é beartas na Roinne Dlí agus Cirt agus Comhionannais, na nOifigí agus na nGníomhaireachtaí a úsáideann seirbhísí TF na Roinne seoladh ábhair cholúil a dhícheadú.

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Correspondent 17

Memo

From : Alison Finnegan <Alison.Finnegan@oireachtas.ie>

To: "Minister of Justice (Phone Listing)" <info@justice.ie>,
cc:

Date : 10/02/2021

Subject: FW: CBD Business Raid Complaint

From: [REDACTED]

Sent: 10 February 2021 13:33

To: Helen McEntee <Helen.McEntee@oireachtas.ie>; Minister of Justice (Phone Listing) <info@justice.ie>

Subject: CBD Business Raid Complaint

Dear Minister Helen McEntee,

I am writing to inform you that Little Collins CBD dispensary in Kilkenny was raided yet again on Thursday February 4th 2021.

This came just hours after the owner went on KCLR FM to talk about his thriving business, CBD, hemp and cannabis.

These continued unlawful raids are a direct violation of the ruling made by the European Court of Justice on November 19th 2020:

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The Court noted at Para 75, upon the Court's interpretation of international law and the objective and spirit of the Single Convention, the court stated that "it would be contrary to the purpose and general spirit of the Single Convention to include it (CBD) under the definition of 'drugs' within the meaning of that convention as a cannabis extract." This establishes that cannabidiol (CBD) is not a drug.

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inter-union trade, as noted in the case of Austria v Germany, C-591/17.

Again at Para 82 of the judgment, the court noted that any "prohibition on marketing CBD lawfully produced in another Member State – when it is extracted from the Cannabis sativa plant in its entirety and not solely from its fibre and seeds – constitutes a measure having equivalent effect to quantitative restrictions within the meaning of Article 34 TFEU."

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To summarise:

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I would appreciate your attention on this urgent matter, and acknowledgement of this correspondence.

Sincerely



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oireachtas.ie/ga/email-policy/

Oireachtas email policy and disclaimer. oireachtas.ie/en/email-policy/

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From: Ministers Office <info@justice.ie>

Sent: 12 March 2021 17:00

To: [REDACTED]

Subject: DJE-MO-01406-2021

[REDACTED]
Minister's Reference: DJE-MO-01406-2021

Dear [REDACTED]

Thank you for contacting the Minister for Justice, Ms. Helen McEntee TD. The Minister has requested that I respond to you on her behalf.

I hope you will appreciate that the licensing of controlled drugs is a matter for the Minister for Health under the Misuse of Drugs Acts 1977 to 2016 and regulations made thereunder. The matter of changing the law as it currently stands, and introducing new legislation and drug policy related to cannabis, lies with the Minister for Health, Stephen Donnelly, and the Minister of State with responsibility for Public Health, Wellbeing and the National Drugs Strategy, Frank Feighan.

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Patrick McCabe

Private Secretary to the
Minister for Justice

An Roinn Dlí agus Cirt
Department of Justice
51 Faiche Stiabhna, Baile Átha Cliath 2, D02 HK52
51 St Stephen's Green, Dublin 2, D02 HK52

Correspondent 18

Memo

From : Alison Finnegan <Alison.Finnegan@oireachtas.ie>

To: "Minister of Justice (Phone Listing)" <info@justice.ie>,
cc:

Date : 05/02/2021

Subject: FW: CBD Business Raid Complaint.

From: [REDACTED]
Sent: 04 February 2021 22:36
To: Helen McEntee <Helen.McEntee@oireachtas.ie>
Subject: CBD Business Raid Complaint.

Dear Minister Helen McEntee,

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Sincerely

Beartas ríomhphoist an Oireachtais agus séanadh.
 oireachtas.ie/ga/email-policy/
 Oireachtas email policy and disclaimer. oireachtas.ie/en/email-policy/

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From: Ministers Office <info@justice.ie>

Sent: 12 March 2021 16:57

To: [REDACTED]

Subject: DJE-MO-01405-2021

[REDACTED]

Minister's Reference: DJE-MO-01405-2021

Dear [REDACTED]

Thank you for contacting the Minister for Justice, Ms. Helen McEntee TD. The Minister has requested that I respond to you on her behalf.

I hope you will appreciate that the licensing of controlled drugs is a matter for the Minister for Health under the Misuse of Drugs Acts 1977 to 2016 and regulations made thereunder. The matter of changing the law as it currently stands, and introducing new legislation and drug policy related to cannabis, lies with the Minister for Health, Stephen Donnelly, and the Minister of State with responsibility for Public Health, Wellbeing and the National Drugs Strategy, Frank Feighan.

You should therefore make contact with the Department of Health in relation to this matter. The Department can be contacted by email at info@health.gov.ie or by post at Block 1, Miesian Plaza, 50 – 58 Lower Baggot Street, D02 XW14.

The role of An Garda Síochána is to implement the law as it stands.

Under Irish law, criminal investigations can only be carried out by An Garda Síochána, who then submit a report to the Director of Public Prosecutions (DPP). The DPP, who operates independently of the Minister and the Department of Justice, then decides whether or not someone should be prosecuted and for what crime. The Minister is unable to intervene in this independent process.

If the owners of Little Collins CBD Dispensary are not satisfied with how their concerns were dealt with by An Garda Síochána, it is open to them to contact the Garda Síochána Ombudsman Office (GSOC). GSOC is the independent body charged with receiving complaints from the public concerning members of An Garda Síochána.

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I hope this information will be of assistance to you.

Yours sincerely,

Patrick McCabe
Private Secretary to the
Minister for Justice

An Roinn Dlí agus Cirt
Department of Justice
51 Faiche Stiabhna, Baile Átha Cliath 2, D02 HK52
51 St Stephen's Green, Dublin 2, D02 HK52

correspondent 19

Memo

From : Alison Finnegan <Alison.Finnegan@oireachtas.ie>
 To: "Minister of Justice (Phone Listing)" <info@justice.ie>,
 cc:
 Date : 10/02/2021
 Subject: FW: Unlawful raids on Little Collins CBD dispensary

From: [REDACTED]
 Sent: 09 February 2021 20:46
 To: Helen McEntee <Helen.McEntee@oireachtas.ie>; Minister of Justice (Phone Listing) <info@justice.ie>
 Subject: Unlawful raids on Little Collins CBD dispensary

Dear Minister Helen McEntee,

I am writing to inform you that Little Collins CBD dispensary in Kilkenny was raided yet again on Monday February 8th 2021. This raid being the second of its kind within seven days, after the premises was also raided by members of An Garda Siochana on Thursday February 4th 2021.

The raid last Thursday came just hours after the owner went on KCLR FM to talk about his thriving business, CBD, hemp and cannabis.

These continued unlawful raids are a direct violation of the ruling made by the European Court of Justice on November 19th 2020:

"A Member State may not prohibit the marketing of cannabidiol (CBD) lawfully produced in another Member State when it is extracted from the Cannabis sativa plant in its entirety and not solely from its fibre and seeds"

This case ruled that CBD products should not be contained within illegal narcotic legislation of member states, in our case, CBD products should not be contained in the Misuse of Drugs Act 1977. I would like to highlight a few statements of the ruling that may be of interest to you in your role as Minister for Justice.

The Court noted at Para 75, upon the Court's interpretation of international law and the objective and spirit of the Single Convention, the court stated that "it would be contrary to the purpose and general spirit of the Single Convention to include it (CBD) under the definition of 'drugs' within the meaning of that convention as a cannabis extract." This establishes that cannabidiol (CBD) is not a drug.

The Court at para 80-82 considered the Free Movement of Goods principle, which is a fundamental principle of the EU and the cornerstone of the single market contained in Article 34 TFEU. The Court noted that

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restrictions of goods from other member states may be a Measure Equivalent to a Quantitative Restriction (MEQR). These measures are ones that are capable of hindering, directly or indirectly, actually or potentially, inter-union trade, as noted in the case of *Austria v Germany*, C-591/17.

Again at Para 82 of the judgment, the court noted that any "prohibition on marketing CBD lawfully produced in another Member State – when it is extracted from the *Cannabis sativa* plant in its entirety and not solely from its fibre and seeds – constitutes a measure having equivalent effect to quantitative restrictions within the meaning of Article 34 TFEU."

As I'm sure you are aware, these MEQR's can be justified on grounds of public health which are subject to a narrow interpretation by the Court. On this issue, the Court stated at Para 34 that CBD has no "recognized psychoactive effects", and it had "little to no effect on the central nervous system". The Court determined that "the public health objective appears to be already taken into consideration in Regulation No 1308/2013 in so far as that regulation limits the scope to varieties providing safeguards to be determined in respect of the content of intoxicating substances and adopts, first, a restriction regarding seeds, and second, a level of 0.2% in respect of THC content of hemp" .

To summarise:

"Articles 34 and 36 TFEU must be interpreted as precluding national legislation which prohibits the marketing of cannabidiol (CBD) lawfully produced in another Member State when it is extracted from the *Cannabis sativa* plant in its entirety and not solely from its fibre and seeds, unless that legislation is appropriate for securing the attainment of the objective of protecting public health and does not go beyond what is necessary for that purpose. Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 and Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 must be interpreted as not applying to such legislation."

I'm sure as Minister for Justice you are well aware that EU law does enjoy supremacy over our own Laws and Constitution. The current restriction of CBD products in Ireland is in direct conflict with the above EU ruling. The recent raids of the Little Collins shop in Kilkenny are therefore unjustified, in direct conflict with EU law, and frankly unconstitutional.

I would urge you to remove CBD products from the Misuse of Drugs Act Schedule, as the inclusion of CBD products is having a detrimental effect not only on people's livelihoods but also has the effect of suppressing substantial business opportunities and business growth in Ireland.

I would appreciate your attention on this urgent matter, and acknowledgement of this correspondence.

Sincerely,

Beartas ríomhphoist an Oireachtais agus séanadh.

oireachtas.ie/ga/email-policy/

Oireachtas email policy and disclaimer. oireachtas.ie/en/email-policy/

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Memo

From :



To: helen.mcentee@oireachtas.ie, info@justice.ie,
cc:

Date : 09/02/2021

Subject: Unlawful raids on Little Collins CBD dispensary

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From: Ministers Office <info@justice.ie>

Sent: 12 March 2021 16:51

To: [REDACTED]

Subject: DJE-MO-01404-2021

[REDACTED]
Minister's Reference: DJE-MO-01404-2021

Dear [REDACTED]

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Private Secretary to the
Minister for Justice

An Roinn Dlí agus Cirt
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