

Correspondent 25

Memo

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

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

cc:

Date : 08/02/2021

Subject: FW: Unlawful raids

From: [REDACTED]

Sent: 08 February 2021 16:38

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

Subject: Unlawful raids

Hello, I'm writing to you today as I am extremely distressed by the news of yet again another unlawful raid of Little Collins cbd dispensary in Galway and Kilkenny.

As a person who takes cbd and appreciates the health benefits of the product, I am deeply concerned about these raids happening, they are a direct breach of EU law on free movement of goods. I would ask you to please get involved and learn more about the cbd, please help Little Collins cbd dispensary. The recent harassment by gardai is an injustice and must be rectified immediately. Thank you

Yours hopefully

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 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.

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[at]justice.ie chomh maith.

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Should you consider that the material contained in this message is offensive you should contact the sender immediately and also mailminder[at]justice.ie.

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From: Ministers Office <info@justice.ie>

Sent: 16 March 2021 12:23

To: [REDACTED]

Subject: DJE-MO-01433-2021

Minister's Reference: DJE-MO-01433-2021

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 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

Memo

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

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

Date : 08/02/2021

Subject: FW: Please Condemn the Miscarriage From Gardaí Raiding A Legal
Business

From: [REDACTED]
Sent: 08 February 2021 17:11
To: Helen McEntee <Helen.McEntee@oireachtas.ie>
Cc: Stephen Donnelly <Stephen.Donnelly@oireachtas.ie>; Frank Feighan
<Frank.Feighan@oireachtas.ie>
Subject: Please Condemn the Miscarriage From Gardaí Raiding A Legal
Business

Dear Minister,

There was very serious upsetting news today about a company called Little Collins Dispensary. They operate out of Galway and Kilkenny, selling CBD hemp products. These are legal in Ireland once they are below the limits for psychoactive THC-content, which in this company's case they are. The European Court of Justice vindicated this. And yet the Gardaí have repeatedly raided the premises of this business.

[REDACTED] This is a disgraceful outcome of the Gardaí's paranoia around the cannabis plant, even in cases where its sale is already completely legal. I'm appalled that a family has been put through this much distress.

Can you investigate the circumstances around these raids continuing? And see the officers involved in planning and executing the raid severely disciplined?

Moreover, can you clarify publicly that legal hemp businesses will not be subjected to such appalling treatment?

I have cc'ed Ministers Donnelly and Feighan from the Department of Health, as they also have a role in the regulations around cannabis. I am aware that an upcoming Citizens' Assembly will be reviewing Ireland's enforcement of drug laws. But this outrageous tragedy is standing as another indication that cannabis prohibition causes more harm than it prevents, and urgently needs to be replaced with more progressive laws.

Best wishes,

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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: 16 March 2021 12:20

To: [REDACTED]

Subject: DJE-MO-01432-2021

[REDACTED]
Minister's Reference: DJE-MO-01432-2021

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.

[REDACTED]

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.

I note from your correspondence that you have contacted Minister Donnelly and Minister Feighan, and I would encourage you to continue to engage with them regarding this matter.

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.

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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

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Correspondent 27

Memo

From :



To: "helen.mcentee@oireachtas.ie" <helen.mcentee@oireachtas.ie>,
 "info@justice.ie" <info@justice.ie>,

cc:

Date : 09/02/2021

Subject: Justice for Little Collins

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."

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

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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



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sender immediately and also mailminder[at]justice.ie.

From: Ministers Office <info@justice.ie>

Sent: 16 March 2021 12:18

To: [REDACTED]

Subject: DJE-MO-01431-2021

[REDACTED]
Minister's Reference: DJE-MO-01431-2021

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

Correspondent 28

Memo

From : [REDACTED]

To: minister@justice.ie, info@justice.ie,

cc:

Date : 09/02/2021

Subject:

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,

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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."

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."

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From: Ministers Office <info@justice.ie>

Sent: 16 March 2021 12:15

To: [REDACTED]

Subject: DJE-MO-01429-2021

[REDACTED]

Minister's Reference: DJE-MO-01429-2021

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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Private Secretary to the
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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 29

Memo

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

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

Date : 08/02/2021

Subject: FW: Little Collins

From: [REDACTED]
Sent: 08 February 2021 19:20
To: Helen McEntee <Helen.McEntee@oireachtas.ie>
Subject: Little Collins

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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."

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

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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. Toirmisctear 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.

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[ag]justice.ie chomh maith.

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From: Ministers Office <info@justice.ie>

Sent: 16 March 2021 12:11

To: [REDACTED]

Subject: DJE-MO-01428-2021

[REDACTED]

Minister's Reference: DJE-MO-01428-2021

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 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