

## Grainne X. Jones

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**From:** ePQ (Justice) <justice-epq-noreply@cloud.gov.ie>  
**Sent:** Monday 15 February 2021 11:42  
**To:** Parliamentary Questions Mail In; Hannah X. Barron  
**Cc:** Grainne X. Jones  
**Subject:** PQ 9112/21, for answer 18/02/2021, Written from - Catherine Connolly

Hi Hannah, could you please seek obs from the Department of Health for this question? I'd be grateful if obs could be provided by COB tomorrow so that a suitable response may issue. Kind regards, Grainne

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### Dail Question No:

To ask the Minister for Justice if her attention has been drawn to the recent raid of a shop (details supplied) which sells legal hemp and cannabidiol products; the engagement she has had with the Minister for Health with regard to amending the Misuse of Drugs Act 1977 to provide legal clarity for CBD business owners as well as An Garda Síochána with a view to preventing these damaging raids and confiscations of legal CBD products; and if she will make a statement on the matter.

**Details Supplied:** *Little Collins CBD Dispensary, Kilkenny*

- Catherine Connolly.

\* For Written answer on 18/02/2021  
Ref No: 9112/21

Reply

Minister for Justice (Helen McEntee):

## Grainne X. Jones

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**From:** Hannah X. Barron  
**Sent:** Monday 15 February 2021 12:17  
**To:** Grainne X. Jones  
**Subject:** FW: PQ 9112/21, for answer 18/02/2021, Written from - Catherine Connolly

Hi Grainne,

Please see below from the D/Health.

Kind regards,  
Hannah

**Hannah Barron**  
*PQ Co-ordinator | Transparency Co-ordination*

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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

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E [hxbarron@justice.ie](mailto:hxbarron@justice.ie) W [www.justice.ie](http://www.justice.ie) [twitter.com/DeptJusticeIRL](https://twitter.com/DeptJusticeIRL)

**From:** PQMail  
**Sent:** Monday 15 February 2021 12:15  
**To:** Hannah X. Barron  
**Cc:** PQMail  
**Subject:** FW: PQ 9112/21, for answer 18/02/2021, Written from - Catherine Connolly

Hi Hannah,

Please see below

Kind regards,

Ciara / Conor / Danny / Josh /

Secretary General's Office

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**An Roinn Sláinte**  
*Department of Health*

Bloc 1, Plaza Miesach, 50 - 58 Sráid Bhagóid Íochtarach, Baile Átha Cliath, D02 XW14  
Block 1, Miesian Plaza, 50 - 58 Lower Baggot Street, Dublin, D02 XW14

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Email: [pqmail@health.gov.ie](mailto:pqmail@health.gov.ie)

All PQ queries should be directed to mail to: [pqmail@health.gov.ie](mailto:pqmail@health.gov.ie)

**From:** Conor Brennan <[conor\\_brennan@health.gov.ie](mailto:conor_brennan@health.gov.ie)>  
**Sent:** Monday 15 February 2021 12:13  
**To:** PQMail <[PQMail@health.gov.ie](mailto:PQMail@health.gov.ie)>; Controlled Drugs and Pharmacy Legislation <[Controlled\\_Drugs\\_and\\_Pharmacy\\_Legislation@health.gov.ie](mailto:Controlled_Drugs_and_Pharmacy_Legislation@health.gov.ie)>  
**Subject:** RE: PQ 9112/21, for answer 18/02/2021, Written from - Catherine Connolly

Hello all,



Regards

Conor Brennan

**From:** PQMail <[PQMail@health.gov.ie](mailto:PQMail@health.gov.ie)>  
**Sent:** Monday 15 February 2021 12:02  
**To:** Controlled Drugs and Pharmacy Legislation <[Controlled\\_Drugs\\_and\\_Pharmacy\\_Legislation@health.gov.ie](mailto:Controlled_Drugs_and_Pharmacy_Legislation@health.gov.ie)>  
**Cc:** PQMail <[PQMail@health.gov.ie](mailto:PQMail@health.gov.ie)>  
**Subject:** FW: PQ 9112/21, for answer 18/02/2021, Written from - Catherine Connolly

Hi Folks,

Please see below request from the Dept. Of Justice.

Kind regards,

Ciara / Conor / Danny / Josh

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Secretary General's Office

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An Roinn Sláinte  
Department of Health

Bloc 1, Plaza Miesach, 50 - 58 Sráid Bhagóid Íochtarach, Baile Átha Cliath, D02 XW14  
Block 1, Miesian Plaza, 50 - 58 Lower Baggot Street, Dublin, D02 XW14

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Email: [pqmail@health.gov.ie](mailto:pqmail@health.gov.ie)

**From:** Hannah X. Barron <[HXBarron@justice.ie](mailto:HXBarron@justice.ie)>  
**Sent:** 15 February 2021 12:00  
**To:** PQMail <[PQMail@health.gov.ie](mailto:PQMail@health.gov.ie)>  
**Subject:** FW: PQ 9112/21, for answer 18/02/2021, Written from - Catherine Connolly

Hi all,

Can your department assist in providing observations for the PQ below by COB tomorrow please?

Thanks,  
Hannah

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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

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E [hxbarron@justice.ie](mailto:hxbarron@justice.ie) W [www.justice.ie](http://www.justice.ie) [twitter.com/DeptJusticeIRL](https://twitter.com/DeptJusticeIRL)

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## Dail Question No:

To ask the Minister for Justice if her attention has been drawn to the recent raid of a shop (details supplied) which sells legal hemp and cannabidiol products; the engagement she has had with the Minister for Health with regard to amending the Misuse of Drugs Act 1977 to provide legal clarity for CBD business owners as well as An Garda Síochána with a view to preventing these damaging raids and confiscations of legal CBD products; and if she will make a statement on the matter.

**Details Supplied:** *Little Collins CBD Dispensary, Kilkenny*

- Catherine Connolly.

\* For Written answer on 18/02/2021

Ref No: 9112/21

## Reply

**Minister for Justice (Helen McEntee):**

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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 hiontaobh, 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@justice.ie](mailto:mailminder@justice.ie) chomh maith.

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## Grainne X. Jones

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**From:** ePQ (Justice) <justice-epq-noreply@cloud.gov.ie>  
**Sent:** Monday 15 February 2021 12:53  
**To:** questionscomm@justice.ie; Hannah X. Barron  
**Cc:** Grainne X. Jones  
**Subject:** PQ 9112/21, for answer 18/02/2021, Written from - Catherine Connolly

Hi Hannah, I would be grateful if PQ 9112/21 could be disallowed on the grounds of no responsibility. 1). The matters in this question are sub-judice and the Minister cannot comment as it could be seen as an attempt to encroach on the functions of the courts. The judiciary are independent of the Minister for Justice and as such the Minister is not accountable to the Dáil on this matter. 2). The Misuse of Drugs Act 1977 is a matter for the Minister for Health. The Minister for Justice is not responsible for amending this Act and as such is not accountable to the Dáil on this matter. 3). Under Section 26 of the Garda Síochána Act 2005 the Garda Commissioner is responsible for carrying on and managing and controlling generally the administration and business of An Garda Síochána. Particular policing actions such as the ones referred to by the Deputy are operational matters for the Commissioner. The Minister has no role in the organisation of particular policing enforcement action, and as such is not accountable to the Dáil on this matter. Thanks, Grainne

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### Dail Question No:

To ask the Minister for Justice if her attention has been drawn to the recent raid of a shop (details supplied) which sells legal hemp and cannabidiol products; the engagement she has had with the Minister for Health with regard to amending the Misuse of Drugs Act 1977 to provide legal clarity for CBD business owners as well as An Garda Síochána with a view to preventing these damaging raids and confiscations of legal CBD products; and if she will make a statement on the matter.

**Details Supplied:** *Little Collins CBD Dispensary, Kilkenny*

- Catherine Connolly.

\* For Written answer on 18/02/2021

RefNo: 9112/21

Reply

Minister for Justice (Helen McEntee):

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## Grainne X. Jones

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**From:** Andrew X Payne  
**Sent:** Monday 15 February 2021 19:01  
**To:** Grainne X. Jones  
**Subject:** RE: Correspondence case DJE-MO-07963-2020 has been sent to you for approval  
**Attachments:** Little Collins CBD Dispensary.docx

Hi Gráinne,

Please find updated response to the petition attached. I thought about it and decided to cut out the other material for now but we can perhaps have it on standby for any potential follow ups (depending on what is asked).

Thanks,

Andrew

**From:** Grainne X. Jones  
**Sent:** Thursday 11 February 2021 09:18  
**To:** Andrew X Payne  
**Subject:** RE: Correspondence case DJE-MO-07963-2020 has been sent to you for approval

Morning Andrew,

I've attached a draft response for the petition. It's fairly long as the Health Diversion Approach material bulks it out quite a bit, but it can be removed if needed.

Kind regards,

Gráinne

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Gráinne Jones

Oifigeach Riaracháin | Coireacht agus Póilíneacht | Ábhar agus Imeachtaí Ceartais Choiriúil | Trédhearcacht  
Administrative Officer | Crime and Policing | Criminal Justice Content and Events | Transparency

An Roinn Dlí agus Cirt  
Department of Justice

51 Faiche Stiabhna, Bails Átha Cliath 2, D02 HK52  
51 St Stephen's Green, Dublin 2, D02 HK52

P/M  E [gxjones@justice.ie](mailto:gxjones@justice.ie)  
G/W [www.justice.ie](http://www.justice.ie) [twitter.com/DeptJusticeIreland](https://twitter.com/DeptJusticeIreland)

**From:** Andrew X Payne <[AXPayne@justice.ie](mailto:AXPayne@justice.ie)>  
**Sent:** Wednesday 10 February 2021 19:13  
**To:** Grainne X. Jones <[GXJones@justice.ie](mailto:GXJones@justice.ie)>  
**Subject:** RE: Correspondence case DJE-MO-07963-2020 has been sent to you for approval

Thanks Gráinne,

I've cut it back a bit due to our previous correspondence with them and other issues raised and approved. You might send me up a draft for the general petition with some of the the material included and I'll consider whether to keep it in or not in the general answer.

Thanks,

Andrew

**From:** eCorrespondence (Justice) <[Justice-Correspondence@cloud.gov.ie](mailto:Justice-Correspondence@cloud.gov.ie)>  
**Sent:** Wednesday 10 February 2021 14:16  
**To:** Andrew X Payne <[AXPayne@justice.ie](mailto:AXPayne@justice.ie)>  
**Subject:** Correspondence case DJE-MO-07963-2020 has been sent to you for approval

Case DJE-MO-07963-2020 has been sent to you for approval by Grainne X. Jones.

Please click on the link to open the case [DJE-MO-07963-2020](#).

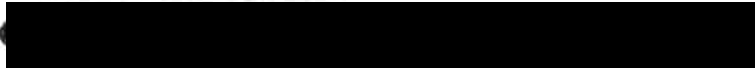
Cannabis - Little Collins CBD Dispensary

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Correspondent 9

## Memo

From :



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

cc:

Date : 04/02/2021

Subject: URGENT: Violation of European Court of Justice ruling

Minister Helen McEntee,

I am writing to you today to inform you that Little Collins CBD dispensary in Galway was raided yet again today (04/02/2021).

This came just hours after the owner went on KCLR FM to talk about he and his wife's business, CBD 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 all of the above:

"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




Ending the Stigma. Sharing the Facts.

Advocating for access to safe, legal cannabis for medical and wellness purposes, and responsible adult use in Ireland.

Instagram



Twitter

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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. Toirmiscítear 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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