

Correspondent 10

Memo

From : "Patrick X. McCabe" <PXM McCabe@justice.ie>

To: INFO <info@justice.ie>,

cc:

Date : 16/02/2021

Subject: FW: Unlawful acts lead to tragedy.

From: KELLY Seán <sean.kelly@europarl.europa.eu>

Sent: Tuesday 16 February 2021 10:48

To: Patrick X. McCabe <PXM McCabe@justice.ie>

Subject: FW: Unlawful acts lead to tragedy.

Dear Mr. McCabe,

I hope you are keeping well.

I am contacting you on behalf of a concerned constituent of mine and I attach his email for your information.

This man is concerned about a Galway-owned CBD dispensary which recently had its store in Kilkenny raided by the Gardaí. The Galway store was also raided in 2019 and there are concerns about the effect these raids are having on the wellbeing of the owners.

The business in question is Little Collins, which sells CBD Products that supposedly contain below 0.3% THC.

Could you please confirm whether or not CBD-based products containing trace amounts of THC at levels not greater than 0.3% are exempt from legal controls under the Misuse of Drugs Regulations?

I would be grateful for any current information you could provide on this case.

Is mise le meas,

Seán Kelly

----- Message from [REDACTED] on
Mon, 8 Feb 2021 16:45:26 +0000 -----

To: "pa.daly@oireachtas.ie"
<pa.daly@oireachtas.ie>,
"michael.healyrae@oireachtas.ie"
<michael.healyrae@oireachtas.ie>,
"brendan.griffin@oireachtas.ie"
<brendan.griffin@oireachtas.ie>,
"norma.foley@oireachtas.ie"
<norma.foley@oireachtas.ie>,
"billykelleher@eircom.net"
<billykelleher@eircom.net>,
"mick.wallace@oireachtas.ie"
<mick.wallace@oireachtas.ie>,
O'SULLIVAN Grace

31

<grace.osullivan@europarl.europa.eu>,
 KELLY Seán
 <sean.kelly@europarl.europa.eu>.



Subject: Unlawful acts lead to tragedy.

Greetings,

My name is [REDACTED], I am [REDACTED] of age & from [REDACTED]. I have worked full time now paying taxes since the age of 18. The events I am about to speak of happened outside of my constituency, but I need you to contact your peers to amend this horrible situation.

I am writing to you today as a concerned citizen that has witnessed a series of unlawful acts lead to a tragedy, I am now seeking justice. Little Collins CBD Dispensary originally of Galway and now with a cafe in Kilkenny too. The business sells CBD Products such as oils, creams & cannabis sativa L flower (Hemp, Non-Psychoactive Cannabinoids). Under new EU Law it is unlawfully for any EU state to seize products of a business IF the product is below 0.3% THC. The product in question is consistently under scrutiny of An Garda Síochána, previously lawfully as cannabis flower in any form illegal under Misuse of Drugs Act 1977, but now unlawfully as EU laws are in place.

The owners of this business have been raided twice by Kilkenny Gardai over the last week, and the [REDACTED]

[REDACTED] I can not emphasise how absolute astonished I am at the acts of our Government to do nothing about this situation and now it has gotten to this point. I have no respect left for any party or politician with any position of power that will do nothing about this. You can not help [REDACTED] but you can help by stopping this from happening again to another young couple trying to run a business under the stresses of the current economic climate again.

Yours sincerely,
 [REDACTED]

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[at]justice.ie chomh maith.

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Yours sincerely,

Helen McEntee T.D.
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 11

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 CBD raid

From: [REDACTED]
Sent: 08 February 2021 16:09
To: Helen McEntee <Helen.McEntee@oireachtas.ie>
Subject: Little Collins CBD raid

Dear Helen,

I am contacting you in regards to the treatment of Little Collins CBD shop being raided by the gardai and stock being seized. This is not aligning with the European ruling on CBD products and should not be happening.

What are you going to do to make sure Ireland upholds the EU ruling and this madness stops?

Save yourself and the government any further embarrassment and take action on this immediately.

Yours sincerely,

[REDACTED]

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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Más rud é go measann tú gur ábhar colúil atá san ábhar atá sa teachtaireacht seo is ceart duit dul i

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dteagmháil leis an seoltóir láithreach agus le mailminder[ag]justice.ie chomh maith.

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From: Ministers Office <info@justice.ie>

Sent: 15 March 2021 16:30

To: [REDACTED]

Subject: DJE-MO-01413-2021

[REDACTED]
Minister's Reference: DJE-MO-01413-2021

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

Correspondent 12

Memo

From : Alison Finnegan <Alison.Finnegan@oireachtas.ie>
To: "Minister of Justice (Phone Listing)" <info@justice.ie>,
cc:
Date : 09/02/2021
Subject: FW: un sure BOUNCE M5 STUDIO .mp3

From: [REDACTED]
Sent: 09 February 2021 18:22
To: Helen McEntee <Helen.McEntee@oireachtas.ie>
Subject: Fwd: un sure BOUNCE M5 STUDIO .mp3

----- Forwarded message -----

From: [REDACTED]
Date: Tue, 9 Feb 2021 at 18:15
Subject: Re: un sure BOUNCE M5 STUDIO .mp3
To: [REDACTED]

Dear Helen,

I hope you are well. I am writing to you in regards to the recent raids on Little Collins cbd shop. In case you are currently unaware of the situation, Little Collins is a cbd dispensary based in Kilkenny. The business does not hurt anyone, it actually does the opposite. The business has hundreds of good reviews and not a single public health complaint in relation to any of their products. Everything is completely legal.

Unfortunately, the owners of this small, locally owned and legal Irish business are currently being harassed by members of An Garda Siochana. Their dispensary has been raided three times and their place of residence was also raided once as well. In all of the raids, they have not found anything other than legal hemp. These raids are completely illegal as under EU law, "A member state must 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' ". Based on this it is clear to see the Garda involved are in direct violation of this EU ruling. They are openly and knowingly violating EU law with each raid that took place in an effort to crush this business.

This is completely illegal and as a concerned member of the public I am calling upon you, as Minister for Justice, to investigate this situation, to protect the small business that is being targeted and to ensure justice is served to the perpetrators. I do not believe that the Garda involved should be left off unpunished. They have broken the law and deserve to be

judged as any other citizen of this country would be. A uniform does not give them the right to do as they please. The law applies to us all.

I appreciate you taking the time to read this Email and I hope that my concerns are not ignored.

I look forward to your reply,

Kind Regards,

[REDACTED]

On Sun, 9 Aug 2020 at 17:31, [REDACTED]

----- Forwarded message -----

From: [REDACTED]
 Date: Sat, 1 Aug 2020 at 18:57
 Subject: un sure BOUNCE M5 STUDIO .mp3
 To: [REDACTED]

Sent from my iPhone

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.

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

From: Ministers Office <info@justice.ie>

Sent: 15 March 2021 16:22

To: [REDACTED]

Subject: DJE-MO-01412-2021

[REDACTED]
Minister's Reference: DJE-MO-01412-2021

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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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 13

Memo

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

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

Date : 05/02/2021

Subject: FW: Raids on CBD dispensaries

From: [REDACTED]
Sent: 05 February 2021 09:40
To: Helen McEntee <Helen.McEntee@oireachtas.ie>
Subject: Raids on CBD dispensaries

Dear Minister Helen McEntee,

I am writing 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.

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."

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.

Prohibition of cannabis has its origins in extremely backward, and frankly racist ideology, used as a divisive tactic in entrenching even further segregation between the black and white communities in the U.S. Surely we all know this by now. Why are we still upholding and continuing practices that have their basis in such hateful and preposterous dogma?

We need comprehensive reform in terms of policing this matter, which as it

stands is perfectly draconian. I could not be more positive that in the future we will look back at these "raids" through the same lens that we now view media from the prohibition era in the United States in the early Twentieth Century-a ridiculous spectacle that created real criminality in the upper echelons, whilst simultaneously manufacturing villainy amongst ordinary people who utilised this plant for whatever reasons they saw fit.

People deserve bodily autonomy and the right to consume cannabis and its derivatives, whether that be recreationally or for whatever condition afflicts them personally. The stigma and condescending paternalism must end, and the studies must not continue to be ignored wilfully, subverted or taken out of context.

In the media recently there was a case where a man who assaulted two women in a Dublin pub, received a fine of just 100 euro. An exceptionally disturbing case has just emerged today concerning a extremely dangerous sex offender in Youghal who also received a rather lenient sentence, considering the nauseating particulars of his crime.
<https://www.breakingnews.ie/ireland/sick-stalker-jailed-over-threat-to-rape-co-worker-and-her-daughter-in-cork-1075806.html>

Meanwhile, we see cases where individuals who cultivate cannabis for personal use are being repeatedly hounded and jailed.
<https://www.irishexaminer.com/news/arid-30981168.html>

Ethically, there are some glaring red flags there.

I believe it is my civil duty to questions laws that are morally corrupt.

Thank you for taking the time to read this. I truly would appreciate your attention on this urgent matter, and acknowledgement of this correspondence.

Sincerely,

A concerned member of the public

Minister for Justice - Helen McEntee
 Phone: 01-6183253 / 046-9252955
 Email: helen.mcentee@oireachtas.ie / info@justice.ie
 Instagram: @helenmcentee
 Twitter: @HMcEntee

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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.

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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](mailto:mailminder[at]justice.ie).

From: Ministers Office <info@justice.ie>

Sent: 15 March 2021 16:17

To: Ms. [REDACTED]

Subject: DJE-MO-01411-2021

[REDACTED]

Minister's Reference: DJE-MO-01411-2021

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.

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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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With regards to the Court cases you have mentioned, I hope you can appreciate that the Courts are, subject only to the Constitution and the law, independent in the exercise of their judicial functions and the conduct of any court case is a matter entirely for the presiding judge. In addition, it is not possible for the Department or the Minister for Justice to comment or intervene in any way in

relation to how particular proceedings are conducted or on the outcome of those proceedings.

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 14

Memo

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

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

Date : 05/02/2021

Subject: FW: Unlawful Raids

From: [REDACTED]
Sent: 05 February 2021 11:36
To: Helen McEntee <Helen.McEntee@oireachtas.ie>
Subject: Unlawful Raids

Dear Minister Helen McEntee,

I am writing 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.

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 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

Sent from my iPhone

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 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\[ag\]justice.ie](mailto:mailminder@justice.ie) chomh maith.

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From: Ministers Office <info@justice.ie>

Sent: 15 March 2021 16:14

To [REDACTED]

Subject: DJE-MO-01409-2021

[REDACTED]
Minister's Reference: DJE-MO-01409-2021

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
