

Correspondent 30

## Memo

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

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

cc:

Date : 08/02/2021

Subject: FW: CBD legislation

From: [REDACTED]

Sent: 08 February 2021 17:27

To: Stephen Donnelly <Stephen.Donnelly@oireachtas.ie>; Helen McEntee <Helen.McEntee@oireachtas.ie>

Cc: Gino Kenny <Gino.Kenny@oireachtas.ie>

Subject: CBD legislation

Hi,

I don't want to sound too critical or offensive as that does nothing for anyone, and these times are hard enough already.

The draconian laws surrounding cannabis and even CBD in this country are at best outdated. Compared with our contemporaries on the global stage (I.e Canada, USA) they are quite embarrassing but alas this only highlights the power of the Vintners association in Ireland.

I have never emailed a Politian in my life, but what is happening in Galway and Kilkenny with Little Collin's CBD dispensary is shameful, and amounts to nothing more than bully tactics by the guards. This perfectly legal business has been repeatedly raided in the past few months, despite cooperating fully and no laws being broken.

Have some backbone and voice your honest opinion on this.

Sent from Mail for Windows 10

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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 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 12:08

**To:** [REDACTED]

**Subject:** DJE-MO-01427-2021

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[REDACTED]

**Minister's Reference:** DJE-MO-01427-2021

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.

I note from your correspondence that you have contacted Minister Donnelly about this matter, and I would encourage you to continue to engage with him about this issue.

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,

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**Patrick McCabe**  
Private Secretary to the  
Minister for Justice

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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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Correspondent 31

## Memo

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

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

Date : 09/02/2021

Subject: FW: Justice for Little Collins

From: [REDACTED]

Sent: 09 February 2021 10:13

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

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."

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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



Beartas ríomhphoist an Oireachtais agus séanadh.

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Comhionannais, na nOifigí agus na nGníomhaireachtaí a úsáideann seirbhísí TF na Roinne seoladh ábhair cholúil a dhícheadú.

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**From:** Ministers Office <info@justice.ie>

**Sent:** 16 March 2021 12:05

**To:** [REDACTED]

**Subject:** DJE-MO-01426-2021

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**Minister's Reference:** DJE-MO-01426-2021

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](mailto: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,

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Patrick McCabe



Private Secretary to the  
Minister for Justice

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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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Correspondent 32

## Memo

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

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

cc:

Date : 08/02/2021

Subject: FW: Oireachtas members- Kilkenny

From: [REDACTED]

Sent: 08 February 2021 17:43

To: Kathleen Funchion <Kathleen.Funchion@oireachtas.ie>; Malcolm Noonan

<Malcolm.Noonan@oireachtas.ie>; John Paul Phelan

<JohnPaul.Phelan@oireachtas.ie>; John McGuinness

<John.McGuinness@oireachtas.ie>; Jennifer Murnane OConnor

<Jennifer.MurnaneOConnor@oireachtas.ie>; Minister of Justice (Phone

Listing) <info@justice.ie>; Helen McEntee <Helen.McEntee@oireachtas.ie>;

Ministers\_office@health.gov.ie; taoiseach@taoiseach.gov.ie; Frank Feighan

<Frank.Feighan@oireachtas.ie>

Subject: Oireachtas members- Kilkenny

Dear Helen McEntee and Oireachtas members,

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"

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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."

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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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**From:** Ministers Office <info@justice.ie>

**Sent:** 16 March 2021 11:59

**To:** [REDACTED]

**Subject:** DJE-MO-01425-2021

[REDACTED]  
**Minister's Reference:** DJE-MO-01425-2021

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.

I note from your correspondence that you have contacted Minister Feighan about this matter, and I would encourage you to continue to engage with him about this issue.

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,

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**Patrick McCabe**  
Private Secretary to the  
Minister for Justice

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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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correspondent 33

## Memo

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

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

Date : 09/02/2021

Subject: FW: Little Collins CBD Dispensary & Covid-19

From: [REDACTED]

Sent: 09 February 2021 04:08

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

Subject: Little Collins CBD Dispensary & Covid-19

Dear Helen & team,

I am writing to you in regards to the consistent raiding that has been occurring in "Little Collins CBD Dispensary" in co. Kilkenny.

As the minister for justice, I'm sure you're aware of the EU legislation that was brought in on November 19th, 2020.

If there was any possibility that you were not aware of this law, then please read below:

"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 law is a European standard & in my opinion, it should be obeyed.

Here is the PDF of said law from the Court of Justice of the European Union:

<https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-11/cp200141en.pdf>

Not only am I extremely disappointed with the actions of An Garda Síochána, I am also dramatically disheartened with the development & reform of cannabis laws in our country.

Little Collins CBD Dispensary was raided yet again by An Garda Síochána over the weekend [REDACTED]

[REDACTED] the tension, stress & hassle that the Gardaí have brought to these peoples lives is repulsive.

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████████████████████ They have a fantastic shop in Kilkenny, & another in Galway. People love them & their products. These actions from An Gardaí Síochána are classified as harassment. How are these hard-working entrepreneurs suppose to make a living with harassment like this?

Cannabis should be legalised in Ireland & at the very least, possession should be decriminalized.

The people of Ireland are crying out for reformation of laws that were created in a poverty stricken, catholicised country. We are not the same country anymore.

The average age of the current government is 49 years of age. A fair majority of these people would have been raised by parents who lived through poverty & would have lived in a country where the Catholic Church had huge influence on politics. These people were taught that, "all drugs are bad", & cannabis being one of them. Can this government with a mean age of 49 overcome the age old stigmatisation of cannabis being classified as a dangerous drug?

People that are afraid to speak up about the topic of cannabis due to previous media-inflicted stigma (or people with ridiculous convictions for cannabis related issues) would have the option of purchasing appropriately taxed cannabis & not have to worry about getting caught or dealing with criminals who control the market & use potentially harmful product. They would happily stay at home enjoying cannabis safely & the government could benefit greatly from the tax. Is that not a win-win situation?

If you look at the incredible health benefits (and not to mention the fantastic tax revenue) in countries like The USA, Canada, Australia, Czech Republic, (the list goes on), then you would clearly see the need for Ireland to follow suit. We could drastically boost the economy & stop using tax payers money for the defense forces chasing "criminals".

Most people would prefer real criminals to be sought after. Legalizing cannabis would take this market out of the hands of potential criminals & provide the population with an option to receive quality assured, safe cannabis that can be consumed in a safe environment whether it be for medicinal or recreational purposes.

Also, I am very unhappy with the handling of the pandemic by this current government (and I think I speak on behalf of a vast majority of the population for that matter).

From what I can see, the government of Ireland are using state media to act as a mouthpiece to advocate their regime's ideologies.

I recently read an article on RTÉ News stating that individuals who do not comply with quarantine restrictions could face a fine of up to €2,500 or 6 months in prison. Could an individual end up in prison for needing food from the supermarket? How does every guard in the country define an essential journey? Does every guard just use their best judgement for each situation? These laws are too loosely written & passed too quickly. Could

reformed cannabis laws be written as quickly & loosely as this?

Correct me if I'm wrong, but it seems that the state media only reported this legislation after it became law to stifle any debate among the nation. This is happening way too often & it really sickens me.

As an Irish citizen, I am extremely disappointed with how the current government are running the country. On average, I would say 90% of people I speak with have a similar opinion. The other 10% are usually above the age of 60, have conservative outlooks & maintain their religious beliefs (which is 100% ok. Live & let live). The older generation are so afraid of this virus because a vast majority of them only have 2/3 data sources (those being RTÉ & other state owned media companies). No wonder they're all afraid to open their front doors.

The nana's & grandads of Ireland, for the most part, don't watch Netflix, Amazon Prime, Disney+, YouTube etc.. All they have is RTÉ News & they only receive a completely one-sided view of Covid-19, political opinions & other economic matters. Nothing positive has ever been reported about Donald Trump either. He achieved some great things while in power. I am fully aware that he frequently made costly mistakes & was not a fantastic president, but the citizens of Ireland should have had the option of making up their own minds on the matter.

It's clear to the younger generation that Irish media is extremely biased & doesn't give an option for people to question things themselves. TD Michael McNamara mentioned in the Dáil last week that the media is doing the governments bidding, they're driving a narrative & they attack those who question what is going on. This government wants to control every minute detail of Irish society, which is rather preposterous & is a huge issue at present & will be in the future.

As the minister for justice, do you think this is a fair democracy? Do you consider Irish laws on cannabis & Irish media to be just or unjust?

I'd appreciate a response on both of these matters.

Kind regards,

Beartas ríomhphoist an Oireachtais agus séanadh.

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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. 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[ag]justice.ie chomh maith.

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**From:** Ministers Office <info@justice.ie>

**Sent:** 16 March 2021 11:56

**To:** [REDACTED]

**Subject:** DJE-MO-01423-2021

[REDACTED]

**Minister's Reference:** DJE-MO-01423-2021

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.

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](mailto: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/>

With regard to your comments on the Covid-19 pandemic, I hope you will appreciate that the Department of Health are leading the Government's response to this crisis and the Government, as a whole, is doing everything possible to protect the health and wellbeing of the public to combat the spread of Covid-19. You may wish to contact the Department of Health with regards to this matter at the details listed above.

An Garda Síochána has implemented a carefully graduated policing response to the COVID-19 pandemic, based on its strong tradition of policing by consent. Garda members engage, explain and encourage members of the public to comply and, only as a last resort, make use of their enforcement powers under the applicable legislation and regulations.

I hope this information will be of assistance to you.

Yours sincerely,

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**Patrick McCabe**  
Private Secretary to the  
Minister for Justice

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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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Correspondent 34

## Memo

From : Alison Finnegan <Alison.Finnegan@oireachtas.ie>  
To: "Minister of Justice (Phone Listing)" <info@justice.ie>,  
cc:  
Date : 09/02/2021  
Subject: FW: Issue regarding Hemp-based business Little Collins

From: [REDACTED]  
Sent: 08 February 2021 23:58  
To: Helen McEntee <Helen.McEntee@oireachtas.ie>; Minister of Justice (Phone Listing) <info@justice.ie>  
Subject: Issue regarding Hemp-based business Little Collins

Dear Minister McEntee,

Hope you are keeping well during the current challenging times.

I wish to highlight the case of Little Collins (Galway and Kilkenny-based business) and inquire as to what the Department of Justice will do to rectify the current state of affairs.

As the Minister is likely already aware, they are an Irish hemp-based business that sells hemp flowers as well as extracts and their incorporations into food/beverage products. This area of the market has seen extensive growth over the past decade, due to recognition of potential health benefits in relation to the human endocannabinoid system as well as other phenolic compounds and micronutrients within the plant from a nutrition standpoint. These components stand independent to THC, the psychoactive component of the plant which gives the so-called 'high', and there are many varieties and growers specialised in producing plants containing a high fraction of CBD to virtually non-existent THC levels.

There is at present a discrepancy between EU law, which holds that CBD products are legal provided THC levels do not exceed 0.2% in the final product, further on the foot of the recent 'Kannavape' Case C-663/18 member states may not impede the free movement of goods with regards CBD-containing products produced in another member state. My understanding is that the owner of Little Collins, [REDACTED] currently has a judicial review lodged to the High Courts which is highly likely to see this discrepancy between EU and Irish law rectified, with respect to the sale of CBD products containing <0.2% THC.

I am very concerned at the non-judicious use of repeated raids by Gardai on [REDACTED] business which have intensified over the past months, coupled to the apparent use of delaying tactics by the Department for Justice with respect to the legal challenge, which stands quite separate to debates regarding the decriminalisation/legalisation of psychoactive substances. At

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the end of the day Gardai can only enforce Irish law until such time that this is rectified to bring it in line with European Law. In the meantime a business owner (and Little Collins are not the only Irish hemp-based business operating within the full confines of European Law in Ireland) must suffer repeated enforced closures, seizures of legitimate orders of <0.2% THC material from Europe as verified by the producer member state as well as the analytical labs utilised by the Gardai, loss of earnings which could well lead to loss of livelihood, and undue levels of stress, which must be magnified further due to the challenges of the COVID response.

It seems particularly unjust and cruel to have these raids on Little Collins, which border on de facto economic harassment, continue while the Minister for Justice delays the inevitable reconciliation of EU and Irish law. There may be practical challenges with this but these are for the government to work out. Either the legal hearings should proceed ASAP, or raids should be ceased until such time as the case has been heard.

I have also written to the Minister for Health regarding this matter and look forward to receiving a response presently,

Kind regards,



Beartas ríomhphoist an Oireachtais agus séanadh.

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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 dteagmháil leis an seoltóir láithreach agus le [mailminder\[ag\]justice.ie](mailto:mailminder@ag.justice.ie) chomh maith.

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**From:** Ministers Office <info@justice.ie>

**Sent:** 16 March 2021 11:53

**To:** [REDACTED]

**Subject:** DJE-MO-01421-2021

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[REDACTED]  
**Minister's Reference:** DJE-MO-01421-2021

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.

I note from your correspondence that you have contacted the Department of Health in relation to this matter, and I could encourage you to continue to liaise with them.

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,

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**Patrick McCabe**  
Private Secretary to the  
Minister for Justice

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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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