

Correspondent 35

Memo

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

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

Date : 08/02/2021

Subject: FW: Raiding of Irish business - Hemp status in EU

From: [REDACTED]

Sent: 08 February 2021 19:03

To: Aengus Ó Snodaigh <Aengus.OSnodaigh@oireachtas.ie>; Aidan Davitt
<Aidan.Davitt@oireachtas.ie>; Aindrias Moynihan
<Aindrias.Moynihan@oireachtas.ie>; Aisling Dolan
<Aisling.Dolan@oireachtas.ie>; Alan Dillon <Alan.Dillon@oireachtas.ie>;
Alan Farrell <Alan.Farrell@oireachtas.ie>; Alan Kelly
<Alan.Kelly@oireachtas.ie>; AliceMary Higgins
<AliceMary.Higgins@oireachtas.ie>; Anne Rabbitte
<Anne.Rabbitte@oireachtas.ie>; Annie Hoey <Annie.Hoey@oireachtas.ie>;
Aodhan O Riordain <Aodhan.ORiordain@oireachtas.ie>; Barry Cowen
<Barry.Cowen@oireachtas.ie>; Barry Ward <Barry.Ward@oireachtas.ie>; Bernard
Durkan <Bernard.Durkan@oireachtas.ie>; Brendan Smith
<Brendan.Smith@oireachtas.ie>; Brendan Griffin
<Brendan.Griffin@oireachtas.ie>; Brendan Howlin
<Brendan.Howlin@oireachtas.ie>; Brian Leddin <Brian.Leddin@oireachtas.ie>;
Brian Stanley <Brian.Stanley@oireachtas.ie>; Brid Smith
<Brid.Smith@oireachtas.ie>; Carol Nolan <Carol.Nolan@oireachtas.ie>; Cathal
Berry <Cathal.Berry@oireachtas.ie>; Cathal Crowe
<Cathal.Crowe@oireachtas.ie>; Catherine Ardagh
<Catherine.Ardagh@oireachtas.ie>; Catherine Connolly
<Catherine.Connolly@oireachtas.ie>; Catherine Martin
<Catherine.Martin@oireachtas.ie>; Catherine Murphy
<Catherine.Murphy@oireachtas.ie>; Charles Flanagan
<Charles.Flanagan@oireachtas.ie>; Charlie McConalogue
<Charlie.McConalogue@oireachtas.ie>; Chris Andrews
<Chris.Andrews@oireachtas.ie>; Christopher OSullivan
<Christopher.OSullivan@oireachtas.ie>; Cian OCallaghan
<Cian.OCallaghan@oireachtas.ie>; Ciaran Cannon
<Ciaran.Cannon@oireachtas.ie>; Claire Kerrane
<Claire.Kerrane@oireachtas.ie>; Colm Brophy <Colm.Brophy@oireachtas.ie>;
Colm Burke <Colm.Burke@oireachtas.ie>; Cormac Devlin
<Cormac.Devlin@oireachtas.ie>; Damien English
<Damien.English@oireachtas.ie>; Danny HealyRae
<Danny.HealyRae@oireachtas.ie>; Dara Calleary
<Dara.Calleary@oireachtas.ie>; Darragh O'Brien
<Darragh.O'Brien@oireachtas.ie>; Darren ORourke
<Darren.ORourke@oireachtas.ie>; David Cullinane <davi
d.cullinane@oireachtas.ie>; David Norris <David.Norris@oireachtas.ie>;
David Stanton <?david.stanton@oireachtas.ie>; Denis Naughten
<Denis.Naughten@oireachtas.ie>; Denis O'Donovan
<Denis.ODonovan@oireachtas.ie>; Denise Mitchell

56

<Denise.Mitchell@oireachtas.ie>; Dessie Ellis <Dessie.Ellis@oireachtas.ie>;
 Diarmuid Wilson <Diarmuid.Wilson@oireachtas.ie>; Donnchadh OLaoghaire
 <Donnchadh.OLaoghaire@oireachtas.ie>; Duncan Smith
 <Duncan.Smith@oireachtas.ie>; Eamon Ryan <Eamon.Ryan@oireachtas.ie>; Eileen
 Flynn <Eileen.Flynn@oireachtas.ie>; Emer Currie
 <Emer.Currie@oireachtas.ie>; Emer Higgins <Emer.Higgins@oireachtas.ie>;
 Eoghan Murphy <Eoghan.Murphy@oireachtas.ie>; Eoin OBroin
 <Eoin.OBroin@oireachtas.ie>; Erin McGreehan <Erin.McGreehan@oireachtas.ie>;
 Eugene Murphy <Eugene.Murphy@oireachtas.ie>; Fergus O'Dowd
 <Fergus.ODowd@oireachtas.ie>; Fintan Warfield
 <Fintan.Warfield@oireachtas.ie>; Fiona OLoughlin
 <Fiona.OLoughlin@oireachtas.ie>; Frances Black <frances.black@oireachtas.i
 e>; Francis Noel Duffy <FrancisNoel.Duffy@oireachtas.ie>; Frank Feighan
 <Frank.Feighan@oireachtas.ie>; Garret Ahearn <Garret.Ahearn@oireachtas.ie>;
 Gary Gannon <Gary.Gannon@oireachtas.ie>; Gerald Nash
 <Gerald.Nash@oireachtas.ie>; Gerard Craughwell
 <Gerard.Craughwell@oireachtas.ie>; Gino Kenny <Gino.Kenny@oireachtas.ie>;
 Heather Humphreys <Heather.Humphreys@oireachtas.ie>; Helen McEntee
 <Helen.McEntee@oireachtas.ie>; Hildegard Naughton
 <Hildegard.Naughton@oireachtas.ie>; Holly Cairns
 <Holly.Cairns@oireachtas.ie>; Imelda Munster
 <Imelda.Munster@oireachtas.ie>; Ivana Bacik <Ivana.Bacik@oireachtas.ie>;
 Jack Chambers <Jack.Chambers@oireachtas.ie>; Jackie Cahill
 <Jackie.Cahill@oireachtas.ie>; James Browne <James.Browne@oireachtas.ie>;
 James Lawless <James.Lawless@oireachtas.ie>; James O'Connor
 <James.O'Connor@oireachtas.ie>; Jennifer Carroll MacNeill
 <Jennifer.CarrollMacNeill@oireachtas.ie>; Jennifer Murnane O'Connor
 <Jennifer.MurnaneO'Connor@oireachtas.ie>; Jennifer Whitmore <jenn i
 fer.whitmore@oireachtas.ie>; Jerry Buttimer <Jerry.Buttimer@oireachtas.ie>;
 Jim O'Callaghan <Jim.O'Callaghan@oireachtas.ie>; Joan Collins
 <Joan.Collins@oireachtas.ie>; Joe Carey <Joe.Carey@oireachtas.ie>; Joe
 Flaherty <Joe.Flaherty@oireachtas.ie>; Joe McHugh
 <Joe.McHugh@oireachtas.ie>; Joe O'Brien <Joe.O'Brien@oireachtas.ie>; Joe
 O'Reilly <Joe.O'Reilly@oireachtas.ie>; John Brady
 <John.Brady@oireachtas.ie>; John Cummins <John.Cummins@oireachtas.ie>; John
 Lahart <John.Lahart@oireachtas.ie>; John McGahon
 <John.McGahon@oireachtas.ie>; John McGuinness
 <John.McGuinness@oireachtas.ie>; John Paul Phelan
 <JohnPaul.Phelan@oireachtas.ie>; Johnny Guirke
 <Johnny.Guirke@oireachtas.ie>; Johnny Mythen <Johnny.Mythen@oireachtas.ie>;
 Josepha Madigan <Josepha.Madigan@oireachtas.ie>; Kathleen Funchion
 <Kathleen.Funchion@oireachtas.ie>; Kieran O'Donnell
 <Kieran.ODonnell@oireachtas.ie>; Leo Varadkar <Leo.Varadkar@oireachtas.ie>;
 Lisa Chambers <Lisa.Chambers@oireachtas.ie>; Lorraine Clifford-Lee <lor r
 aine.cliffordlee@oireachtas.ie>; Louise O'Reilly
 <Louise.O'Reilly@oireachtas.ie>; Lynn Boylan <Lynn.Boylan@oireachtas.ie>;
 Lynn Ruane <Lynn.Ruane@oireachtas.ie>; Mairead Farrell
 <Mairead.Farrell@oireachtas.ie>; Malcolm Byrne
 <Malcolm.Byrne@oireachtas.ie>; Malcolm Noonan
 <Malcolm.Noonan@oireachtas.ie>; Marc MacSharry
 <Marc.MacSharry@oireachtas.ie>; Marc OCathasaigh
 <Marc.OCathasaigh@oireachtas.ie>; Marian Harkin
 <Marian.Harkin@oireachtas.ie>; Marie Sherlock
 <Marie.Sherlock@oireachtas.ie>; Mark Daly <Mark.Daly@oireachtas.ie>; Mark
 Wall <Mark.Wall@oireachtas.ie>; Mark Ward <Mark.Ward@oireachtas.ie>; Martin
 Browne <Martin.Browne@oireachtas.ie>; Martin Conway

<Martin.Conway@oireachtas.ie>; Martin Heydon <Martin.Heydon@oireachtas.ie>;
 Martin Kenny <Martin.Kenny@oireachtas.ie>; Mary Butler
 <Mary.Butler@oireachtas.ie>; Mary Fitzpatrick
 <Mary.Fitzpatrick@oireachtas.ie>; Mary Lou McDonald
 <MaryLou.McDonald@oireachtas.ie>; Mary Seery Kearney
 <Mary.SeeryKearney@oireachtas.ie>; Matt Carthy <Matt.Carthy@oireachtas.ie>;
 Matt Shanahan <Matt.Shanahan@oireachtas.ie>; Mattie McGrath
 <Mattie.McGrath@oireachtas.ie>; Maurice Quinlivan
 <Maurice.Quinlivan@oireachtas.ie>; Michael Collins
 <Michael.Collins@oireachtas.ie>; Michael Creed
 <Michael.Creed@oireachtas.ie>; Michael Fitzmaurice
 <Michael.Fitzmaurice@oireachtas.ie>; Michael HealyRae
 <Michael.Healy-Rae@oireachtas.ie>; Michael Lowry
 <Michael.Lowry@oireachtas.ie>; Michael McDowell
 <Michael.McDowell@oireachtas.ie>; Michael McGrath
 <Michael.McGrath@oireachtas.ie>; Michael McNamara
 <Michael.McNamara@oireachtas.ie>; Michael Moynihan
 <Michael.Moynihan@oireachtas.ie>; Michael Ring
 <Michael.Ring@oireachtas.ie>; Micheal Martin
 <Micheal.Martin@oireachtas.ie>; Micheal Carrigy
 <Micheal.Carrigy@oireachtas.ie>; Mick Barry <Mick.Barry@oireachtas.ie>;
 Neale Richmond <Neale.Richmond@oireachtas.ie>; Neasa Hourigan
 <Neasa.Hourigan@oireachtas.ie>; Ned O'Sullivan
 <Ned.OSullivan@oireachtas.ie>; Niall Blaney <Niall.Blaney@oireachtas.ie>;
 Niall Collins <Niall.Collins@oireachtas.ie>; Niall ODonnghaile
 <Niall.ODonnghaile@oireachtas.ie>; Niamh Smyth <Niamh.Smyth@oireachtas.ie>;
 Noel Grealish <Noel.Grealish@oireachtas.ie>; Norma Foley
 <Norma.Foley@oireachtas.ie>; Ollie Crowe <Ollie.Crowe@oireachtas.ie>;
 Ossian Smyth <Ossian.Smyth@oireachtas.ie>; Padraig MacLochlainn
 <Padraig.MacLochlainn@oireachtas.ie>; Padraig OSullivan
 <Padraig.OSullivan@oireachtas.ie>; Pa Daly <Pa.Daly@oireachtas.ie>; Paddy
 Burke <Paddy.Burke@oireachtas.ie>; Paschal Donohoe
 <Paschal.Donohoe@oireachtas.ie>; Pat Buckley <Pat.Buckley@oireachtas.ie>;
 Pat Casey <Pat.Casey@oireachtas.ie>; Patricia Ryan
 <Patricia.Ryan@oireachtas.ie>; Patrick Costello
 <Patrick.Costello@oireachtas.ie>; Patrick O'Donovan
 <Patrick.ODonovan@oireachtas.ie>; Paul Daly <Paul.Daly@oireachtas.ie>; Paul
 Donnelly <Paul.Donnelly@oireachtas.ie>; Paul Gavan
 <Paul.Gavan@oireachtas.ie>; Paul Kehoe <Paul.Kehoe@oireachtas.ie>; Paul
 McAuliffe <Paul.McAuliffe@oireachtas.ie>; Paul Murphy <pau
 l.murphy@oireachtas.ie>; Pauline O'Reilly <Pauline.O'Reilly@oireachtas.ie>;
 Pauline Tully <Pauline.Tully@oireachtas.ie>; Peadar Toibin
 <Peadar.Toibin@oireachtas.ie>; Pearse Doherty
 <Pearse.Doherty@oireachtas.ie>; Peter Burke <Peter.Burke@oireachtas.ie>;
 Peter M Fitzpatrick <PeterM.Fitzpatrick@oireachtas.ie>; Pippa Hackett
 <Pippa.Hackett@oireachtas.ie>; Rebecca Moynihan
 <Rebecca.Moynihan@oireachtas.ie>; Regina Doherty
 <Regina.Doherty@oireachtas.ie>; Richard BoydBarrett
 <Richard.BoydBarrett@oireachtas.ie>; Richard Bruton
 <Richard.Bruton@oireachtas.ie>; Richard ODonoghue
 <Richard.ODonoghue@oireachtas.ie>; Robbie Gallagher
 <Robbie.Gallagher@oireachtas.ie>; Robert Troy <Robert.Troy@oireachtas.ie>;
 Roderic OGorman <Roderic.OGorman@oireachtas.ie>; Rose ConwayWalsh
 <Rose.ConwayWalsh@oireachtas.ie>; Ruairi OMurchu
 <Ruairi.OMurchu@oireachtas.ie>; Reada Cronin <Reada.Cronin@oireachtas.ie>;
 Roisin Garvey <Roisin.Garvey@oireachtas.ie>; RÃ³nÃ¡n Mullen

<ronan.mullen@oireachtas.ie>; Roisin Shortall
 <Roisin.Shortall@oireachtas.ie>; Sean Canney <Sean.Canney@oireachtas.ie>;
 Sean Crowe <Sean.Crowe@oireachtas.ie>; Sean Haughey
 <Sean.Haughey@oireachtas.ie>; Seán Ó Fearghail
 <Sean.OFearghail@oireachtas.ie>; Seán Fleming <Sean.Fleming@oireachtas.ie>;
 Sean Sherlock <Sean.Sherlock@oireachtas.ie>; Sean Kyne
 <Sean.Kyne@oireachtas.ie>; Shane Cassells <Shane.Cassells@oireachtas.ie>;
 Sharon Keogan <Sharon.Keogan@oireachtas.ie>; Simon Coveney
 <Simon.Coveney@oireachtas.ie>; Simon Harris <Simon.Harris@oireachtas.ie>;
 Sorca Clarke <Sorca.Clarke@oireachtas.ie>; Stephen Donnelly
 <Stephen.Donnelly@oireachtas.ie>; Steven Matthews
 <Steven.Matthews@oireachtas.ie>; Thomas Byrne <Thomas.Byrne@oireachtas.ie>;
 Thomas Gould <Thomas.Gould@oireachtas.ie>; Thomas Pringle
 <Thomas.Pringle@oireachtas.ie>; Tim Lombard <Tim.Lombard@oireachtas.ie>;
 Timmy Dooley <Timmy.Dooley@oireachtas.ie>; Verona Murphy
 <Verona.Murphy@oireachtas.ie>; Victor Boyhan <Victor.Boyhan@oireachtas.ie>;
 Vincent Martin <VincentP.Martin@oireachtas.ie>; Violet-Anne Wynne
 <Violet-Anne.Wynne@oireachtas.ie>; Willie O'Dea
 <Willie.ODea@oireachtas.ie>; Éamon Ó Cuív <Eamon.OCuiv@oireachtas.ie>
 Subject: Raiding of Irish business - Hemp status in EU

All,

Today there has been a raid on a health store in Galway (Little Collins), which provides Hemp products that are now legal under EU law.

<https://www.theguardian.com/society/2020/nov/19/cbd-is-not-a-narcotic-says-eu-court-french-ban>

When can we expect the outdated Misuse of Drugs Act to be changed, and the raiding of good, honest businesses to stop? This is an urgent priority for many citizens of Ireland, who each day are at risk of being wrongly labelled a criminal.

Small business owners in Ireland are really struggling right now, and there's a new ".com" boom on the horizon that we seem to be happy to sit back and miss out on. It's not just CBD as an isolate that's gaining so much attention, but the original, full spectrum Cannabis. This includes a number of Cannabinoids, of which CBD is only one. Ireland should be permitting small scale home grows, and allowing community to provide care for each other by growing and selling regulated plant material.

The current approach for drug strategy in Ireland has failed. It's extremely outdated and based on misinformed evidence. We urgently need to remove Cannabis from the Controlled Drugs list and stop otherwise innocent people being wrongly labelled as drug abusers.

I can't help but notice the Assistant Commissioner John O'Driscoll is on RTE talking about "fake news" regarding criminal organisations here - yet his numbers don't even add up! You cannot prove how much product has landed successfully in Ireland, so there's no possible justification for the numbers that our state broadcaster is happy to leave unchallenged. Never mind the statement that they're "dismantling" these criminal organisations, who have rarely seen better business. Have I mentioned the fact that Garda street values are enormously over-estimated..?

It's no longer acceptable to sit idly by and watch this mess unfold, you each need to do what you can to prevent this blatant discrimination.

In good faith,

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

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer. It is the policy of the Department of Justice and Equality and the Agencies and Offices using its IT services to disallow the sending of offensive material. 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 16:45

To: [REDACTED]

Subject: DJE-MO-01420-2021

Minister's Reference: DJE-MO-01420-2021

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 36

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 Raids

From: [REDACTED]
Sent: 08 February 2021 21:18
To: Helen McEntee <Helen.McEntee@oireachtas.ie>
Subject: Little Collins Raids

Dear Minister,

I have emailed several times now about cannabis and how your justice department and police force is facilitating an environment for drug dealers to sell unregulated untaxed cannabis that is widely used by the citizens of this country, I think in this age it is a travesty that normal healthy taxpayers are suffering as a result of unjust immoral laws towards cannabis. However this email is not even all about that. The guards are raiding legal premises operating legally under EU law, they put so much stress on the owner of Little Collins in Galway that [REDACTED]
[REDACTED] This is absolutely ridiculous. You need to pull the finger out. Apologise to the poor lady and her family behind Little Collins. Stop pursuing them. They are doing absolutely no harm selling a product that has no THC in it. This is insanity and our government is failing its citizens nationwide. Get the finger out and change the laws, they are broken, your police force is broken. You're wasting your time chasing non violent day to day law abiding tax payers when kids and adults are running around killing people, stealing anything not cemented down and heroin and meth are rampant with very little support in place for those trying to get help. Get your priorities in order and stop wasting our money going after the wrong people, enough is enough.

Kind Regards,
[REDACTED]

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

57

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

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer. It is the policy of the Department of Justice and Equality and the Agencies and Offices using its IT services to disallow the sending of offensive material. 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@justice.ie).

From: Ministers Office <info@justice.ie>

Sent: 15 March 2021 16:43

To: [REDACTED]

Subject: DJE-MO-01419-2021

Minister's Reference: DJE-MO-01419-2021

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 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 37

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 Business Raid Complaint

From: [REDACTED]
Sent: 08 February 2021 17:43
To: Helen McEntee <Helen.McEntee@oireachtas.ie>
Subject: CBD Business Raid Complaint

Dear Minister Helen McEntee,

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

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

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

"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"

58

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

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer. It is the policy of the Department of Justice and Equality and the Agencies and Offices using its IT services to disallow the sending of offensive material. 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 16:39

To: [REDACTED]

Subject: DJE-MO-01418-2021

[REDACTED]
Minister's Reference: DJE-MO-01418-2021

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 38

Memo

From : [REDACTED]

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

Date : 08/02/2021

Subject: Unlawful Business Raids

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."

59

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

To summarise:

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

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

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

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

Sincerely

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

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

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

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer. It is the policy of the Department of Justice and Equality and the Agencies and Offices using its IT services to disallow the sending of offensive material.

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

From: Ministers Office <info@justice.ie>

Sent: 15 March 2021 16:35

To: [REDACTED]

Subject: DJE-MO-01417-2021

[REDACTED]
Minister's Reference: DJE-MO-01417-2021

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 39

Memo

From : "Department of Taoiseach" <taoiseach@taoiseach.cloud.gov.ie>

To: info@justice.ie,

cc:

Date : 09/02/2021

Subject: DOT-TM-05414-2021

Dear Private Secretary,

Please find attached correspondence case being transferred to your Department for attention and direct reply.

Kind regards,

The Taoiseach's Private Office.

taoiseach@taoiseach.gov.ie

Correspondence Details

Contact: [REDACTED]

Email: [REDACTED]

Address: [REDACTED]

Medium: Email

Correspondence Date: 2021-02-08 (See attached file: FW CBD regulation.eml)

(See attached file: Reply-09022021_05_43.html)(See attached file:

Acknowledgement-09022021_03_01.html)

60

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 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.

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer. It is the policy of the Department of Justice and Equality and the Agencies and Offices using its IT services to disallow the sending of offensive material. 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@justice.ie).

From: [REDACTED]
 Sent: Monday 8 February 2021 17:06
 To: micheal.martin@oireachtas.ie
 Subject: CBD regulation

Dear Mr. Martin

I would like to draw your attention to the recent repeated raids of Little Collins CBD shop, located in Kilkenny, the most recent of these being carried out on 4/02/2021. With further threats from the Guards to come back again and seize the rest of the stock. The stress and suffering of this situation has now caused a reputable business owner, [REDACTED] This situation needs to be addressed ASAP.

On the issue of the legality of CBD products, I would like to bring to your attention the recent EU ruling in the *Kanavape* case which was delivered in November of 2020 which can be read here <http://curia.europa.eu/juris/document/document.jsf?text&docid=233925&pageIndex=0&doclang=EN&mode=req&dir&occ=first&part=1&cid=13919147>
 The case concerns the conformity with EU law of national legislation which prohibits the marketing of CBD 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 point out a few statements of the ruling that may be of interest to you.

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 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 am 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" .

Coupling all the above together in a summary

"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 am sure 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 act on removing 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 business opportunities and business growth in Ireland.

I look forward to hearing from you on this issue.

--

Kind Regards

[Redacted]

[Redacted]

Email:

Phone:

[Redacted]

--

Kind Regards,

[Redacted]

[Redacted]

Email:

Phone:

[Redacted]

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

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 regulation is in breach of EU rulings.

From: [REDACTED]
Sent: 08 February 2021 16:09
To: Helen McEntee <Helen.McEntee@oireachtas.ie>
Subject: CBD regulation is in breach of EU rulings.

Dear Mrs. McEntee

I would like to draw your attention to the recent repeated raids of Little Collins CBD shop, located in Kilkenny, the most recent of these being carried out on 4/02/2021.

On the issue of the legality of CBD products, I would like to bring to your attention the recent EU ruling in the Kanavape case which was delivered in November of 2020 which can be read here

<http://curia.europa.eu/juris/document/document.jsf?text&docid=233925&pageIndex=0&doclang=EN&mode=req&dir&occ=first&part=1&cid=13919147>

The case concerns the conformity with EU law of national legislation which prohibits the marketing of CBD 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 point out 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 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 am 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" .

Coupling all the above together in a summary

"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 am 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 business opportunities and business growth in Ireland.

I look forward to hearing from you on this issue.

--

Kind Regards,

[Redacted Signature]

[Redacted Address]

Email:
Phone:

[Redacted Contact Information]

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

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer. It is the policy of the Department of Justice and Equality and the Agencies and Offices using its IT services to disallow the sending of offensive material.

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@justice.ie).

From: Ministers Office <info@justice.ie>

Sent: 15 March 2021 16:33

To: [REDACTED]

Subject: DJE-MO-01416-2021

[REDACTED]

Minister's Reference: DJE-MO-01416-2021

Dear [REDACTED]

Thank you for your emails to the Taoiseach, Mr. Micheál Martin TD, and 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 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
