



HEMP FEDERATION IRELAND

February 11th 2021

For immediate release

Press Statement

On EU law, the United Nations Single Convention, EU Regulations, the Minister for Health, Competent Authorities, and the Governance of Ireland's Hemp Industry

Hemp Federation Ireland calls on *An Taoiseach; Micheal Martin, TD*, to address the increasingly disturbing and undemocratic governance of Ireland's hemp industry by the Minister for Health and his regulatory authorities.

As the EU Commission integrates EU wide support for the European hemp sector, ongoing regulatory reforms, and clear legal definitions formally recognise CBD as a food, and clarify that hemp is *not* a drug. While all other EU Member States are now supporting the development of their own hemp sectors, the Irish government continues to arrest its hemp industry stakeholders and prosecute them for drug trafficking offences in direct contravention of binding EU law.

While the unlawful application of Irish Misuse of Drugs laws against hemp industry stakeholders continues across most Irish government Departments and agencies, the previously rigorous application of those same laws at Irish ports and airports appears to have been discontinued.

The Department of Finance *is* respecting binding EU legislation and has stopped applying Irish Misuse of Drugs laws to hemp products coming into Ireland from the EU. Previously, the Minister for Finance has clarified to the Oireachtas that Irish customs officials were duty bound "[pursuant to sections 33 and 34 respectively of the Customs Act 2015](#)" to exercise Irish legislation in the matter.

It is unacceptable that one government Department should be correctly interpreting Irish law relative to binding EU legislation, while other arms of the state are exercising that same Irish law in direct contravention of the same binding EU legislation.

The Minister for Health must regularise this situation immediately and explain why it exists in the first place.

At present, Competent Authorities and regulators under the remit of the Minister for Health, are advising Irish industry stakeholders that the recent CJEU ruling and the corresponding EU regulatory adjustments only relate to synthetic and isolated cannabidiol (CBD) products.

This advice from the Minister's Competent Authorities is wrong and is also incompatible with central EU administrative protocols and instruments underpinning EU market cohesion.

The Minister must explain why this situation exists in Ireland when it doesn't exist in any other EU Member State.

The EU Commission's written advice, public statements, and administrative adjustments under EU food law and cosmetics regulations, clearly reflect the fact that the EU Commission does not consider hemp to be a drug and does not regulate hemp as a controlled substance within the UN Single Convention on Narcotic Drugs (UN SCND).

While the advice and actions of the EU could not be more clear on the point, Irish authorities continue to advise that the EU Commission does regulate hemp as a controlled substance within the UN SCND.

Ireland's views were sought and integrated by the EU Commission in the process of reaching a democratically unified EU position on CBD in advance of the UN vote on proposed changes to the UN Single Convention which took place in December 2020. Following the vote, the status of cannabidiol with 0.2% THC remained unchanged within the Convention, meaning that cannabidiol is not controlled under the UN SCND.

Just prior to the UN vote, the European Court of Justice issued a binding interpretation of EU law which clarified the legality and scientific safety of hemp products. The Court also clarified that hemp and hemp derived products are not controlled within the UN Single Convention.

The Court therefore concluded that **no EU Member State** may "*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.*"

On December 2nd and again on December 3rd, the EU Commission officially stated that natural (hemp derived) CBD is food and has no narcotic value, that it is not controlled within the UN Single Convention, that it is not a drug and that it is regulated under EU food law.

Please see the official announcement at the EU Commission press briefing [here](#)

Remarkably, FSAI and Minister Donnelly acknowledge the clarifications but advise that it is not food, that it is controlled within the Single Convention, that it does have narcotic value, that the EU does not consider it to be food, and that the EU does not regulate it under EU food law because it is a drug

“In light of the comments received from applicants and of the recent Court’s judgment in case C-663/184, the Commission has reviewed its preliminary assessment and concludes that cannabidiol should not be considered as drug within the meaning of the United Nations Single Convention on Narcotic Drugs of 1961 in so far as it does not have psychotropic effect. As a consequence, cannabidiol can be qualified as food, provided that also the other conditions of Article 2 of Regulation (EC) No178/2002 are met.”

Last week the EU Cosmetics Ingredients database was also updated to formally reflect the fact that Annex II/306 of EU regulation 1223/2009 does not apply to hemp with 0.2% THC. The database now includes the following new entry: *CANNABIDIOL - DERIVED FROM EXTRACT OR TINCTURE OR RESIN OF CANNABIS*.

Incredibly, the HPRA confirms it is aware of the update but advises that EU regulations prohibit the use of hemp with 0.2% THC in cosmetics , that hemp is controlled as a drug within the UN Single Convention , and that the restrictions of Annex II /306 do apply to hemp across the EU, stating that "a cosmetic product must not contain a controlled drug in accordance with Annex II/306 of Regulation 1223/2009"

And so, while hemp farms and businesses across Europe are thriving with the full support of their governments, Ireland's Minister for Health and his Competent Authorities continue to govern Ireland's industry in total defiance of EU law and the EU position on the UN Single Convention, even though that EU position takes FULL account of the views of Ireland's Minister for Health.

306	Narcotics, natural and synthetic: All substances listed in Tables I and II of the single Convention on narcotic drugs signed in New York on 30 March 1961		
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It is a very serious matter that Minister Donnelly, the HPRA and the FSAI, two important national Competent Authorities under the Minister for Health, are publicly misrepresenting the status of substances controlled within the UN Single Convention and misrepresenting EU legislation and food regulations.

These misrepresentations arguably facilitate Minister Donnelly's use of the Gardai to enforce criminal drugs laws on Irish businesses which are fully legal and fully compliant with democratically constituted EU laws and regulations. The behaviour of the Irish government is cruel, unjust, and immoral. It is a national disgrace and

people right across the EU are aware of it - in fact the only people who aren't aware of it are the Irish people themselves.

In a recent statement, which can be viewed on Hemp Federation Ireland's website, HFI called on the Minister for Health to address his extraordinary governance of our industry as the human rights of the Irish people were at issue. The Minister's refusal to do that is inexcusable and his decision to intensify the garda raids on *Little Collins* is even more so in light of the loss suffered by the family over the weekend.

Little Collins CBD Dispensary is a family run business. JP and Ide provide top quality cannabidiol products to people across Galway and Kilkenny via their beautiful vegan coffee shops. All Little Collins products are double lab certified and their incredibly loyal customers are at the centre of everything they do.

CBD products, just like those sold by Little Collins, are widely available across Ireland in a huge range of outlets and many thousands of Irish consumers buy them because they are uniquely nutritionally beneficial.

The Irish hemp industry is one of the oldest in the EU. Many Irish farms and businesses have been in operation for more than 20 years and have enjoyed uninterrupted trade in a full range of hemp products, including hemp foods, during most of that time. In 2018, however, without warning or consultation with industry stakeholders, the Gardai began to raid Irish owned businesses in the sector. This corresponded with a realisation of the value of global markets for our agricultural food products.

The psychological impact of this unrelenting assault on innocent people by state authorities has intensified recently because the sense of injustice people feel has become more and more acute in light of the international clarifications and binding legal rulings outlined above.

Finally; to be perfectly clear about the **SCIENTIFIC SAFETY** and the **LEGALITY** of our agricultural crops and products, the following paragraphs from the CJEU ruling may help to progress an accurately informed and urgently necessary discussion of this issue in Ireland:

34. " The referring court explains that CBD does not appear to have any 'recognised psychoactive effects'. Indeed, it notes that the World Health Organization (WHO), in a 2017 report, recommended removing it from the list of doping substances, that CBD is not listed as such in the Single Convention, that the ANSM concluded, on 25 June 2015, that there were insufficient data to classify it as 'harmful' and, last, that the expert appointed in connection with the criminal inquiry giving rise to the proceedings instituted against the applicants in the main proceedings concluded that it had a "little or no" effect on the central nervous system'. Moreover, CBD is not expressly referred to either in the texts applying to industrial hemp or in those relating to cannabis as a narcotic drug."

76. "It follows that the CBD at issue in the main proceedings does not constitute a narcotic within the meaning of the Single Convention."

78. "In the light of all of the foregoing considerations, it must be concluded that Articles 34 and 36 TFEU are applicable to the CBD at issue in the main proceedings."

Hemp Federation Ireland calls on An Taoiseach, Micheal Martin, TD, to address this outrageous situation before any further, unnecessary harm is visited on innocent Irish people. We ask the Taoiseach to also provide HFI with his immediate personal assurance that Minister McConalogue and Minister Donnelly will make no attempt to split our farmers' licence or otherwise reclassify our agricultural crop to benefit corporate cannabis and pharmaceutical companies.

The HPRA currently provides a full range of licensing support to facilitate companies active in the cannabis medicines space who want to grow medicinal cannabis crops.

Our crop is an agricultural food and fibre crop.

End.

For further clarification and information please contact Chris at 086 1533663