



HEMP FEDERATION IRELAND

22/ 01/ 2021

Statement

On the ongoing arrest and detention of Irish hemp industry stakeholders in contravention of the EU Court of Justice ruling of November 19th 2020

As [legal certainty](#) and [clear EU guidance](#) drives market growth in the EU hemp sector, hemp farms and businesses across Europe are [flourishing](#) as their governments embrace the huge economic, social, and environmental potentials of a new global industry.

Meanwhile, in Ireland, government authorities, acting on the advice of the Minister for Health, continue to raid Irish businesses, confiscate legal products, and arrest, detain, and prosecute Irish business owners and our industry experts.

Ireland is the **only** country in Europe treating its citizens in this way.

Europe-wide support for the sector follows from a recent binding ruling of the European Court of Justice (ECJ) which **clarified the legality and the safety** of products made from EU hemp with 0.2% THC. The Court concluded that:

"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".

In reaching this conclusion, the Court determined, in line with the World Health Organisation and other institutional research findings, that reliable scientific evidence shows there is no narcotic value to the tiny trace amount of THC which occurs naturally in the EU agricultural crop. The Court then determined that, as industrial hemp with 0.2% THC is not controlled within the UN Single Convention on Narcotic Drugs, the EU crop and products made from it are protected under Articles 34 & 36 of the TFEU: Treaty on the Functioning of the European Union.

The EU Commission then wrote directly to our companies clarifying that food products made from hemp with 0.2% THC are food and are regulated under EU food law - this definition brought an end to regulatory uncertainty which had plagued the EU sector since 2018.

The aggressive actions of Irish authorities, and the advice currently being provided to Irish farms and businesses by Irish regulators, contradict both the ECJ ruling and the written advice our companies received from the European Commission itself.

The ECJ ruling is unambiguous, crystal clear, and automatically binding across EU Member States. The Court's decision is endorsed and underpinned by precise clarifications from the EU Commission. The actions of Irish authorities are distressing, inappropriate, and unlawful. The situation is extremely serious and the very existence of Ireland's hemp industry; one of the oldest in the EU, is under threat.

Hemp Federation Ireland calls on the **Minister for Health** to restore lawful, scientifically supported, and appropriate regulation of the domestic industry so that our Irish farms and businesses can benefit equally from the opening up of the European market. We ask **Minister Donnelly** to resolve these extraordinary issues of governance without delay and to return ownership of Ireland's hemp industry to the Irish people who built it.

On behalf of the Board and Members of HFI,

Chris Allen,
Executive Director
Hemp Federation Ireland