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Ref: EXO/FHP/pd (26) D 110
Date: 19/10/2026

Subject: Your correspondence of 27 September 2026 – Fundamental objection to the EUDA response of 25 September

Dear Mr Dvořák,

Thank you for your correspondence of 27 September 2026 addressed to Dr Nolan concerning the Agency's response of 25 September 2026.

The EUDA notes your statement that its response of 25 September constitutes the Agency's position on your formal call to act and that you do not maintain that procedural inaction within the meaning of Article 265 TFEU continued following that response. The Agency therefore does not consider it necessary to restate the legal considerations set out in that response.

Your present correspondence raises a more specific question concerning the methodological characteristics and comparability of cannabis potency information published by the EUDA. In this respect, the EUDA already provides methodological information accompanying its purity and potency statistics. The Agency's published methodological information explains, among other matters, that cannabis potency is reported as delta-9-THC content expressed as a percentage; that national data may differ in their representativeness; that information systems and sampling strategies vary across countries; that the manner in which average potency is calculated is often unclear; and that analytical difficulties exist in the precise determination of potency and laboratory-analysis standards may vary between and within countries ([Statistical Bulletin 2025, Methods and definitions for price, purity and potency](#)).

These qualifications are relevant to the interpretation of the data. They do not mean that the EUDA regards every potency result generated in every Member State as having been established through an identical analytical procedure. Nor does the EUDA's publication of national data constitute validation by the Agency of the analytical method applied in forensic laboratories.

As explained in our letter of 25 September, Regulation (EU) 2023/1322 gives the mandate to the Agency to work towards improved comparability, objectivity and reliability of information and data. Article 6(1)(f) expressly provides for indicators and non-binding common standards developed in cooperation with the national focal points, while Article 15 establishes a laboratory network which, among its functions, supports quality assurance and further harmonisation of data-collection and analytical methods. These provisions do not, however, prescribe a particular comparative study of delta-9-THC analytical procedures or require such a study to be undertaken following an individual request.



Your separate request for access to documents under Regulation (EC) No 1049/2001 has been handled separately in accordance with the applicable rules.

The Agency therefore maintains the legal position expressed in its response of 25 September 2026. At the same time, it recognises the importance of transparency concerning the methodological characteristics and limitations of the data it publishes and will continue to address these matters through its established monitoring, scientific and quality-assurance activities.

Yours sincerely,

FABIAN PEREYRA

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