

2025 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, five editions of the Rule of Law Report have been published since 2020.

As every year, the Commission would like to invite the stakeholders to provide contributions to the 2025 Rule of Law Report. On the basis of these contributions and on-going developments, further targeted questions may be shared at a later stage of preparation of the 2025 Rule of Law Report, in particular in the context of country visits, or bilateral contacts.

The Commission invites stakeholders to provide contributions which include:

- (1) information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and**
- (2) any other significant developments since January 2024^[1] and up to the date of submission falling under the ‘type of information’ outlined below.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

If you would like to provide further specific **input related to the single market dimension in the Rule of Law report**, you can also respond to the additional targeted consultation available [here](#).

^[1] Unless the information was already submitted in the input for the previous Rule of Law Reports.

Type of information to be included:

Under each of the four pillars, the replies should include references to the following types of information:

A) Legislative developments

- Newly adopted legislation
- legislative drafts currently discussed in Parliament
- legislative plans envisaged by the Government

B) Policy developments

- Implementation of legislation
- evaluations, impact assessment, surveys
- white papers/strategies/actions plans/consultation processes
- follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- important administrative measures
- generalised practices

C) Developments related to the judiciary / independent authorities

- important case law by national courts
- important decision/opinions from independent bodies/authorities
- state of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, Prosecutor General, heads of independent authorities included in the scope of the request for input[2])

D) Any other relevant developments

- National authorities are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable. To simplify your answers to the questionnaire, **if there are no developments, it is sufficient to indicate this** and the information covered in the contributions for the previous Rule of Law Reports does not need not be repeated.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☒ Civil society organisation/NGO
- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities

☐ Other

* Organisation name

250 character(s) maximum

Transparency International (TI) Ireland

Main Areas of Work

- ☐ Justice System
- ☒ Anti-corruption
- ☐ Media Pluralism
- ☐ Checks and Balances
- ☐ Other

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

<https://www.transparency.ie/>

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

* Country of origin

Please indicate the country of origin of your organisation

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☒ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta

- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden
- ☐ Other - please specify

First name

Alexander

Surname

Chance

Email Address of the organisation

admin@transparency.ie

*** Publication of your contribution and privacy settings**

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin) will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2025 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics - 2025 Rule of Law Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Questions for contribution

Under each pillar, you are invited to provide information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2024 Rule of Law Report and any other significant developments since January 2024 and up to the date of submission[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). **Significant developments** can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[3] Unless already covered in the input for the previous Rule of Law Reports.

Member State/enlargement country covered in contribution [only one choice possible]

If you wish to submit information concerning several Member States/enlargement countries, please fill in the questionnaire separately for each country. There is no limit to the number of contributions submitted by a single participant.

- ☐ Albania
- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☒ Ireland
- ☐ Italy

- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Montenegro
- ☐ Netherlands
- ☐ North Macedonia
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Serbia
- ☐ Slovakia
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the justice system (if applicable)

5000 character(s) maximum

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

5000 character(s) maximum

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

5000 character(s) maximum

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

Allocation of cases in courts

5000 character(s) maximum

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

5000 character(s) maximum

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

5000 character(s) maximum

Independence/autonomy of the prosecution service

5000 character(s) maximum

Independence of the Bar (chamber/association of lawyers) and of lawyers

5000 character(s) maximum

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

5000 character(s) maximum

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined in the introduction)

Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

Resources of the judiciary (human/financial/material), remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

5000 character(s) maximum

Digitalisation (e.g. use of digital technology, including electronic communication and AI tools, within the justice system and with court users, procedural rules, access to judgments online)

5000 character(s) maximum

Use of assessment tools and standards (e.g. ICT systems, including AI-based systems, for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

5000 character(s) maximum

Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

5000 character(s) maximum

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings)

5000 character(s) maximum

Any other developments related to the justice system - please specify

5000 character(s) maximum

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the anti-corruption framework (if applicable):

5000 character(s) maximum

The 2024 Rule of Law Report recommended that Ireland 'Further strengthen the existing ethics framework, including the monitoring and enforcement capacity of the Standards in Public Office Commission, and strengthen and digitalise the asset declarations system.' The previous Programme for Government, agreed in June 2020, included a commitment to 'Reform and consolidate the Ethics in Public Office legislation'. However, this commitment was not realised during the lifetime of the previous Government. Following the General Election of December 2024, a similar commitment to 'Update the Ethics in Public Office legislation' is included in the new Programme for Government.

The Rule of Law Report's recommendation on Ireland to strengthen the ethics framework echoed the conclusion of GRECO's Addendum to the Second Compliance Report on the Fourth Evaluation Round ('Corruption prevention in respect of members of parliament, judges and prosecutors'), which was published on 30 January 2024. The Addendum acknowledged that a certain degree of progress had been made in terms of reviewing the current public ethics framework and developing legislative proposals, with a view to bringing a General Scheme to Government for consideration by the end of Q1 2024. (To date, no General Scheme has been published.) However, GRECO's report highlighted that this delay meant that key recommendations remained outstanding, notably:

- Providing a 'uniform and consolidated values-based normative' public ethics framework that encompasses members of parliament and relevant staff and covers conflicts of interest – gifts, third party contacts and lobbyists, post-employment activities, etc. (Recommendation i).
- Extending asset declaration obligations on members of parliament to include quantitative data on significant financial and economic involvements and liabilities, and widening the scope of declarations to include close or connected persons (Recommendation iii).

GRECO's Compliance Report on the Fifth Evaluation Round ('Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies'), which was published in September 2024, illustrated that failure to reform the ethics framework has had a negative impact on the implementation of a raft of integrity-related recommendations, including:

- Pre-appointment integrity checks on Ministers, Ministers of State and the Attorney General (Recommendation i), Secretaries General and Special Advisers (Recommendation ii);
- Risk assessments to identify corruption risks specific to persons with top executive functions, in order to inform specific corruption prevention policies (Recommendation iii);
- Publicly available codes of conduct for top executive functions covering conflicts of interest, lobbying, secondary activities, gifts and hospitality, confidential information, post-employment restrictions, etc (Recommendation iv);
- Regular pre-appointment and in-service briefings and training to top executive office holders on integrity standards, and access to confidential integrity-related advice for the Attorney General, secretaries general, special advisers, ministers and ministers of state (Recommendation v);
- Rules to cover contact with lobbyists and third parties, mandatory disclosure of such contacts, and such rules to cover the Attorney General (Recommendation vi);
- Ad hoc conflicts of interest of top executive functions to be declared to the Standards Commission

before decision-making processes start, with mandatory withdrawal from the process (Recommendation vii).

TI Ireland highlights that many of the reforms envisaged as part of revised public ethics legislation:

- Were initially recommended by the judge-led Tribunal of Inquiry into Certain Planning Matters and Payments (commonly known as the 'Mahon Tribunal'), which reported in March 2012;
- Were included in the Public Sector Standards Bill, which was introduced in December 2015 and was allowed to lapse with the dissolution of the Dáil in January 2020;
- Were endorsed by a Government Review of the Statutory Framework for Ethics in Public Office, which was published in February 2023; and
- Have repeatedly been recommended by international bodies such as GRECO, the UNCAC Review Mechanism and the EU Rule of Law Report, as well as civil society bodies such as TI Ireland.

The continued failure to implement these recommendations over more than 12 years suggests that the promotion of ethics in public office has been a low priority for successive governments and parliamentarians. In response to a Parliamentary Question in November 2024, the Minister for Public Expenditure and Reform told the Dáil that his Department had made 'very significant progress' towards new ethics legislation and 'continues to finalise certain technical aspects with a view to bringing a draft General Scheme to Government for its consideration in the near term'.

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any **changes** as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO

5000 character(s) maximum

TI Ireland is not aware of any significant changes in relation to authorities involved in tackling corruption. As outlined in our previous Rule of Law Report submissions, serious concerns around the resources, powers and mandates of such agencies remain extant – in particular in relation to the Standards in Public Office (SIPO) Commission and the Garda National Economic Crime Bureau (GNECB), including the Anti-Bribery and Corruption Unit (ABCU) and the Financial Intelligence Unit (FIU). According to the latest available figures, for example, the FIU continues to face very significant year-on-year growth in the number of Suspicious Transactions Reports (STRs) it is charged with handling – rising nearly threefold over five years; from 23,939 STRs in 2018 to 68,999 STRs in 2023 – yet without a commensurate increase in the staffing of the Unit (or, as highlighted in last year's Rule of Law Report, the wider GNECB). The capacity to effectively analyse and disseminate financial intelligence from STRs is a vital tool for the detection of both domestic and overseas corruption.

It should be noted that the recently agreed Programme for Government includes a commitment to 'Prioritise actions to tackle money laundering and terrorist financing and bring those areas which are currently self-regulating within the remit of a regulatory body' (our emphasis). In 2021, TI Ireland's 'Safe Haven?' report examined Ireland's framework for detecting and recovering the proceeds of overseas corruption. The report questioned the ability and willingness of self-regulating anti-money laundering (AML) supervisory bodies to take robust action against non-compliant entities under their supervision, and recommended that the Government consider the establishment of a single, unified AML supervisory body for all designated non-

financial businesses and professions (DNFBPs). Whilst the commitment to incorporate self-regulating areas within a regulatory body is welcome, TI Ireland would encourage the Government to extend its level of ambition to create a single, unified AML supervisor for all DNFBPs – which also constitutes one of the outstanding recommendations for Ireland of the UN Convention Against Corruption (UNCAC) Implementation Review Group.

In relation to cooperation with OLAF and the EPPO, it should be noted that the new Programme for Government includes a commitment to ‘sign up to the European Public Prosecutor’s Office’.

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

5000 character(s) maximum

The Policing, Security and Community Safety Act 2024 introduces significant changes to the governance of Ireland’s national police service, An Garda Síochána, whose remit includes the investigation of corruption. These changes include explicit provision for the Garda Commissioner’s independence, the creation of a high-level Board, the creation of a Policing and Community Safety Authority (PCSA) to replace the Garda Inspectorate and the Policing Authority, and the renaming of the Garda Síochána Ombudsman Commission (GSOC) as the Office of the Police Ombudsman (OPO). It should be noted, however, that most of these provisions in the Act have not yet been commenced.

TI Ireland hopes and expects that any new public ethics legislation will enhance the independence of SIPO, as proposed in the (lapsed) 2015 Public Sector Standards Bill and as previously recommended by both the 2020 Hamilton Review of structures and strategies to prevent, investigate and penalise economic crime and corruption, as well as by the government’s own 2023 Review of Ireland’s statutory framework for ethics in public office.

In 2024, the Minister for Justice appointed TI Ireland’s Chief Executive as one of two civil society members of the Advisory Council against Economic Crime and Corruption. It is hoped that this will further enhance the ability of the Advisory Council to discharge its functions through providing an informed and independent external (non-state) perspective on relevant matters.

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

5000 character(s) maximum

The development of Ireland’s first multi-annual national Strategy to Combat Economic Crime and Corruption – which was initially recommended by the Hamilton Review in 2020 – is currently under development by the Department of Justice. Over the past year, TI Ireland has been actively engaged by the Department of Justice as part of the strategy development process, including through participation at a multi-stakeholder consultation event in November 2024. TI Ireland subsequently made a formal submission to the Department of Justice outlining our recommendations for the Strategy under five key headings: cross-cutting considerations; threat and risk assessment (including data collection and analysis); partnerships, cooperation and information-sharing; resources and tools; communications and awareness. TI Ireland has also offered its continued support and input for the development and subsequent implementation of the Strategy and accompanying Action Plan. (It is not clear at this stage what objectives and indicators the Strategy will use to measure progress.)

It should be noted that the new Programme for Government, published in January 2025, committed to

‘Further build capacity to tackle white collar crime, through the implementation of the Hamilton Report and publish a new Action Plan to tackle economic crime and corruption’.

B. Prevention

Measures to enhance integrity in the public sector (including as regards incompatibility rules, revolving doors, codes of conduct, ethics)

5000 character(s) maximum

Measures to address these issues are envisaged as part of an overhauled legislative framework on public ethics, though the extent of any improvements depends on the contents of the proposed law (the General Scheme of which has yet to be published, despite repeated assurances and commitments). TI Ireland will continue to monitor this issue and advocate for extensive reform.

Measures to enhance general transparency of public decision-making (including rules on lobbying, asset and interest disclosure rules, gifts policy, transparency of political party, financing)

5000 character(s) maximum

As above.

It should also be noted that the remaining sections of the Regulation of Lobbying and Oireachtas (Allowances to Members) (Amendment) Act 2023 were commenced in June 2024, namely sections 9–10, which provide for ‘anti-avoidance’ contraventions, and sections 13–18, which provide for investigations, proceedings, sanctions and appeals. (See TI Ireland’s submission to the 2024 Rule of Law Report for further details, including remaining gaps and loopholes in the lobbying framework.)

Measures to prevent conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

5000 character(s) maximum

Measures to address these issues are envisaged as part of an overhauled legislative framework on public ethics, though the extent of any improvements depends on the contents of the proposed law (the General Scheme of which has yet to be published, despite repeated assurances and commitments). TI Ireland will continue to monitor this issue and advocate for extensive reform.

--> For the three previous points, **please also provide information and figures on their application /enforcement**, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.)

Measures to ensure whistleblower protection and encourage reporting of corruption, including their application (i.e. number of reports received, and the follow-up given)

5000 character(s) maximum

Since the Protected Disclosures (Amendment) Act 2022 came into force, reforming the Protected Disclosures Act 2014 and transposing the EU Directive on Whistleblowing (Dir(EU)2019/1937 into Irish law in January 2023, several developments have occurred in its implementation.

As outlined in our previous submission, two statutory instruments were adopted later that year; S.I. No. 375 /2023, which ensures that persons reporting breaches to EU institutions receive the same protection as those reporting to national authorities, and S.I. No. 524/2023, which updated the list of prescribed authorities.

The Office of the Protected Disclosures Commissioner (OPDC) was established under the Amendment Act in January 2023 and published its first annual report in May 2024. The report reflected on 283 reports received and highlighted several challenges in its first year of operation. The Commissioner directly handled less than 5% of reports, acting primarily as a referral body due to limited enforcement powers. Of 14 cases in 2023, only four were completed, and the Office has no continuing oversight of the 267 reports transmitted to prescribed or otherwise deemed 'suitable' persons, limiting the evaluation of outcomes and impacts. The report identified regulatory gaps, particularly in health and social care, and noted a dispute over responsibility for wrongdoing in local authorities. The government has committed to regularly reviewing the list of the competent authorities.

The Amendment Act requires public bodies to annually provide and publish information on protected disclosures. The November 2023 Statutory Guidance included new instructions and standard templates for reporting to the Minister. The Department for Public Expenditure and Reform (DPER) published the aggregate data in its first Report on the Statistical Data for 2023 in January 2025. Over 1,162 reports were recorded, with the majority (989) made through external channels (prescribed persons, government ministers and the OPDC) and the remaining (172) through internal channels. Of these, 734 (63%) were assessed for further follow-up, and 161 were referred for further proceedings. 211 (18%) related to breaches of EU law.

The report noted that a number of public bodies did indicate clear beneficial outcomes of the reports and highlighted a €3.7 million recovery; however details on concluded cases were limited. Whilst it was stated there were many benefits of creating and safeguarding more open and communicative workplaces, quantifying broader impact proved challenging, prompting the development of more formalised processes to capture qualitative aspects of protected disclosures.

The data has been submitted to the European Commission for the evaluation of the Directive's effectiveness and will inform the Statutory Review of the Act scheduled for 2027.

There has been a notable increase in whistleblower claims since the adoption of the Amendment Act. The Workplace Relations Commission (WRC) 2023 Annual Report, published in May 2024, revealed 239 adjudication decisions under the Protected Disclosures Act, a 201% increase from 2022. Similarly, the Labour Court 2023 Annual Report showed a 167% increase in employment rights appeals under the Protected Disclosures Act, from 6 to 10 cases. There was limited information on complaints, inspections or proceedings for offences regarding obligations under the Amendment Act to establish, maintain and operate internal reporting channels and procedures. The first known criminal complaint was reported in the media in December 2024, though no developments in the case are known.

Implementation challenges have been highlighted in the WRC and court cases. In one reported case, the Adjudication Officer applied EU 'Von-Colson' principles to bypass the statutory cap on compensation, arguing that such an award would be ineffective and disproportionate in cases of fundamental rights violations. Restrictive time limitations and potential ambiguities in multiple pathways for claimants seeking redress were highlighted in a 2024 case in which the Court of Appeal denied a tort claim due to a previous WRC application, despite the claim also being denied as out of time, underscoring the need for legal advice and support. Limits to compensation and redress were flagged as a potential non-compliance issue with EU Directive (EU)2019/1937, as noted in the 2024 Rule of Law Report.

The Government continues to fund the work of TI Ireland's 'Speak Up' Helpline and Psychological Support Service for whistleblowers, as well as free legal advice provided by the Transparency Legal Advice Centre.

TI Ireland issued its updated Speak Up Safely Guide in February 2024 to help workers and stakeholders to understand the updated legal framework.

Specific measures to enhance transparency, integrity and accountability in sectors with high risks of corruption, with a view to monitor and prevent corruption and conflict of interests, and where applicable measures to prevent and address corruption committed by organised crime groups.

Such high-risk sectors could include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, citizen/residence investor schemes, large-scale investments of national interest and the spending of EU funds, urban planning.

5000 character(s) maximum

In terms of the financial sector (identified as a high risk sector in the recent EU corruption risk mapping report), two legislative developments are of note. First, the Department of Enterprise, Trade and Employment (DETE) published the General Scheme of the Registration of Limited Partnerships and Business Names Bill in July 2024 in order to provide for ‘a robust, transparent and fit for purpose regulatory framework for those engaged in business using ... the limited partnership model’. (Issues with this Bill are covered in greater depth below.) Second, the Companies (Corporate Governance, Enforcement and Regulatory Provisions) Act 2024 was passed in the Oireachtas in November 2024, with the majority of its provisions (64 out of 90) being commenced in December 2024. The Act aims to ‘enhance and amend the legislative framework provided by the Companies Act 2014 in the areas of governance, administration, insolvency, enforcement and supervision’.

Public procurement transparency has also been a source of concern. Since 2023, TI Ireland has highlighted the Office of Government Procurement’s (OGP) stated intention to remove all historic public procurement data from Ireland’s online public procurement platform, ‘eTenders’. Although this move appears to be driven by commercial and practical considerations (the eTenders platform is administered by a private company on behalf of the Government), it potentially introduces significant barriers to the detection and investigation of procurement-related corruption, since all tendering notices and awards data from before January 2025 will become unavailable after May 2025. During the course of 2024, TI Ireland engaged with the OECD Infrastructure and Public Procurement Division on this issue, since they were engaged in a two-year project to assist the OGP in digitalising Ireland’s procurement systems at the time. In October 2024, the OECD published a report on the digital transformation of public procurement in Ireland, which clearly stated that the intended changes ‘will represent a loss of transparency unless the consolidated historical data can be made publicly available in future’ (p. 39). It also suggests that the OGP commit to transparency and openness, including by ‘using the functionality of the new eTenders platform to improve access to procurement data and seeking to make historical procurement data publicly available on a consolidated basis’ (p. 53). However, at the time of writing, it is not clear whether the OGP will follow the OECD’s advice on this issue, which would represent a backwards step in Ireland’s readiness to detect and investigate corruption – even though the recently agreed Programme for Government commits to ‘Review the public procurement process to make it more transparent’.

Reforms to Ireland’s planning laws were introduced in October 2024 with the passage of the Planning and Development Act 2024 through the Oireachtas. The Act reforms Ireland’s planning processes and decision-making structures and led to significant debate, both within parliament and society more widely. One of the Act’s key measures is the restructuring of the State’s highest planning institution, An Bord Pleanála (The Planning Board), which has generated some controversy (including that surrounding its former chair, who was convicted of making false or misleading declarations of interest in June 2023). Its functions will now be performed by a commission structure, An Coimisiún Pleanála (The Planning Commission), in which the corporate and decision-making roles are separated between a Chief Executive and a Chief Planning

Commissioner.

Organised crime continues to pose corruption-related risks. It should be noted that these risks were considered in some depth by the Garda Síochána Inspectorate in its report 'Transnational Organised Crime: A Review of the Structures, Strategies and Processes in the Garda Síochána', which was published in November 2024. The report covers the use of corruption by organised crime groups (OCGs) within both the global and Irish contexts, including how OCGs corrupt police employees as well as workers in other sectors. The Inspectorate report 'recommends that the Department of Justice should introduce legislation to enable law enforcement agencies to conduct integrity testing to support an investigative process'. The Inspectorate also recommends reforms to the governance and management of criminal intelligence and covert policing (i. e. use of Covert Human Intelligence Sources (CHIS) and undercover deployments) to improve accountability and integrity.

The new Programme for Government commits to 'Mandate all national governing bodies and sports organisations to adhere to international best practices in governance, transparency, and anti-corruption measures' and to 'Continue to reform political party funding to ensure improved transparency and fairness for all parties and to protect against malign influences on our political system.'

C. Repression

The legal framework on the criminalisation and sanctions for corruption and related offences, including foreign bribery

5000 character(s) maximum

Overall, TI Ireland considers that the criminal sanctions provided under Irish law for corruption and corruption-related offences are adequate. However, as emphasised in our submission to last year's Rule of Law Report, we remain concerned that this is not the case for certain breaches of the Ethics Acts (namely the Ethics in Public Office Act 1995, as amended, and Standards in Public Office Act 2001, as amended), reform of which was promised in the recent Programme for Government.

In addition, TI recommends that the Government should consider using innovative legal measures to encourage people to come forward with relevant information on corruption and related offences. Since predatory corruption is uncommon in Ireland, corruption is more often a conspiratorial crime and those that engage in it are unlikely to report unless there is a strong incentive to do so. For example, initiatives modelled on the existing Cartel Immunity Programme, which is run by the Competition and Consumer Protection (CCPC) and the Director of Public Prosecutions (DPP), could encourage corrupt officials or corruptors to 'break ranks' and could assist in dismantling corrupt networks. In addition, Deferred Prosecution Agreements (DPAs) are likely to be a useful tool to hold corporations to account for corruption offences, though it is important that they are not used to allow culpable individuals to avoid prosecution. The introduction of a statutory DPA scheme – under judicial oversight and with appropriate safeguards – was previously recommended by the Law Reform Commission in its detailed 2018 report into Regulatory Powers and Corporate Offences.

Official data on the number of investigations, prosecutions, final judgments and the application of sanctions for corruption offences (differentiated by offence if possible). Please indicate whether the cases: involve legal persons; are related to the implementation of EU or national funds; involve high level corruption. Please indicate which data is publicly available and how policy-making is informed by the data

5000 character(s) maximum

One of the weaknesses in Ireland's current policy framework for tackling corruption is that official data on the reporting and detection of corruption offences is not disaggregated from wider 'fraud, deception and related offences' under crime statistics presented by the Central Statistics Office (CSO). There is therefore no single, publicly available platform where members of the public or civil society bodies such as TI Ireland can obtain an authoritative breakdown of the number of corruption investigations, prosecutions and judgments. Some indication of the extent and nature of such cases can be gained from press releases and reports issued by An Garda Síochána, SIPO and other relevant state authorities, and/or from media and court reporting – however such coverage cannot of course be relied upon to provide a comprehensive picture.

For this reason, TI Ireland has for several years called upon the Government to mandate that disaggregated data on corruption reporting and detection is collected and published by the CSO. Most recently, we included this recommendation in our November 2024 submission to the Department of Justice on the development of the first national Strategy to Combat Economic Crime and Corruption. Not only does the current subsuming of corruption data within fraud data provide no understanding of the scale of corruption offending, but it also means that there will be little scope for measuring the impact of the new Strategy on the reporting and detection of corruption.

Potential obstacles identified in law or in practice to the investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

5000 character(s) maximum

In addition to the resourcing and mandates of key enforcement agencies (see first answer to section A, above), other primary legal and practical obstacles to the investigation and prosecution of high-level and complex corruption include the accessibility, quality and integrity of key financial and asset data. This includes Ireland's narrow interpretation of the EU Court of Justice's ruling in November 2022 on access to beneficial ownership (BO) data. As highlighted in our previous Rule of Law Report submission, in June 2023 the then-Minister for Finance signed into law a Statutory Instrument (S.I. No. 308/2023) that for all practical purposes made it impossible for journalists or civil society organisations to meaningfully access BO data. Despite advocacy by TI Ireland, parliamentarians and lawyers throughout 2024 to amend the SI to bring it into line with the 'legitimate interest' provisions set out in the EU's recently agreed AML Rule Book, it appears that the Department of Finance is not willing to reconsider the issue until Ireland transposes relevant provisions of the 6th AML Directive.

As mentioned above, DETE published the General Scheme of the Registration of Limited Partnerships and Business Names Bill in July 2024 in order to reform the regulation of limited partnerships (LPs). The Government originally undertook to reform LPs in 2019 after registrations of Irish LPs increased almost eightfold in the wake of new reporting requirements for Scottish LPs – which had themselves been implicated in corruption and various other illicit activities. Subsequent media reporting and investigative journalism shed further light on the suspected widespread use of Irish LPs to facilitate dirty money flows in and between various countries, including offshore and secrecy jurisdictions. However, as explained in TI Ireland's 'Weak Links' report of December 2024, the Bill retains many of the flaws of the current framework. Through this report and our submission to DETE in March 2024, TI Ireland has made various detailed recommendations on how to address these issues, including:

- Mandatory transparency of the real beneficial owners and controllers of all LPs
- Curbs on corporate general partners
- Curbs on offshore general partners
- Curbs on the use of nominees as general or limited partners
- Requirement for LPs to demonstrate and maintain a genuine connection with Ireland

- Requirement for LPs to make an annual return to the Registrar
- Improved regulation of trust and corporate service providers (TCSPs) acting on behalf of LPs
- Introduction of a power to investigate suspicious LPs
- Introduction of a power for the CRO to compulsorily dissolve an LP involved in wrongdoing
- Improvements to the reliability of the public register of LPs via increased verification powers
- Improvements to the transparency and quality of the register of LPs
- Extend the offences available for breaches of company law to LPs

TI Ireland is currently engaged in research on the efficacy of Irish cross-border cooperation on anti-corruption cases, and on the accessibility, quality and integrity of financial and asset data in Ireland (including but not limited to beneficial ownership data) as part of TI's multi-country 'STEP-EU' project, which is funded by the European Commission (DG HOME) via the International Security Fund. The results of this research are currently being analysed and are due for release during 2025.

Obstacles to the detection and investigation of high-level political corruption have yet to be removed. Deficiencies in Ireland's framework for ethics in public office have not been addressed and are well documented in previous Rule of Law Reports, GRECO and UNCAC peer review reports, TI Ireland reports and the Government's own recent review (see first answer under 'II. Anti-Corruption Framework', above). Whilst it is hoped and anticipated that these deficiencies will be addressed by the promised reform of public ethics legislation, it is worth summarising some of the key obstacles:

- Lack of pre-appointment vetting and integrity checks for senior roles/office holders
- Lack of a comprehensive conflicts of interest framework covering gifts, post-employment, etc.
- Lack of a digitised, searchable system for asset declarations
- Lack of function-based corruption risk assessments for senior roles/office holders
- Lack of ongoing anti-corruption training to encourage/mandate reporting, as appropriate
- Lack of comprehensive codes of conduct, which provide guidance and enhance accountability
- Gaps in appropriate sanctions for non-compliance or avoidance of ethics obligations
- Gaps in the scope of asset declaration obligations, e.g. disclosure of liabilities
- Gaps in verification, compliance and enforcement mechanisms
- Gaps in the lobbying framework, e.g. lack of financial information on lobbying

Information on effectiveness of criminal and non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

5000 character(s) maximum

[See first answer under 'C. Repression' section, above.]

Any other developments related to the anti-corruption framework - please specify

5000 character(s) maximum

Given Ireland's role as a significant and rapidly growing international financial centre, TI Ireland has been concerned about the potential use of the Irish financial system and Irish corporate vehicles to launder the proceeds of overseas corruption for a number of years (echoing previous similar points made by the International Monetary Fund). We are further concerned that, in its understandable enthusiasm to attract global investment, the Government is turning a blind eye to the corruption and money laundering risks that accompany significant international capital flows – in particular when such assets' origins and beneficial owners are hard to establish. These risks are heightened in parts of the financial sector that are not fully covered by AML regulation, supervision or reporting requirements, or that have strong links to offshore financial centres marked by secrecy. According to the latest available figures, €5.6 trillion in assets are

administered in Ireland and €4.1 trillion in assets are domiciled in Ireland, making Ireland the third largest centre for investment funds in the world, the second largest in Europe and the leading hedge fund administration centre globally.

In light of this large and growing role, in 2024 we commissioned a TI research paper to examine the corruption and money laundering risks of Alternative Investment Funds (AIFs) in Europe – focusing on hedge funds, private equity, real estate investment funds and ‘funds of funds’. Amongst its key findings, the paper identified that AIFs appear to pose greater risk than investment vehicles marketed at retail investors, that some long-held assumptions around the lower risks of AIFs appear to be misplaced, especially with regard to corrupt actors overseas, and that enforcement action by AML supervisory bodies in some European jurisdictions appears to be insufficient relative to the scale of the challenge. Also in 2024, TI Ireland’s ‘Weak Links’ report highlighted specific deficiencies in Ireland’s regulation of two key structures used by AIFs, namely limited partnerships (LPs) and Special Purpose Entities (SPEs), as well as the wider lack of beneficial ownership transparency.

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

5000 character(s) maximum

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

5000 character(s) maximum

Existence and functions of media councils or other self-regulatory bodies

5000 character(s) maximum

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising

5000 character(s) maximum

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their financial and operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

5000 character(s) maximum

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners

5000 character(s) maximum

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

5000 character(s) maximum

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

5000 character(s) maximum

Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

5000 character(s) maximum

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

5000 character(s) maximum

Any other developments related to media pluralism and freedom - please specify

5000 character(s) maximum

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1]/public consultations (including rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

[1] This includes also the consultation of social partners

5000 character(s) maximum

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

5000 character(s) maximum

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

5000 character(s) maximum

Statistics/reports concerning the follow-up to recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

5000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

5000 character(s) maximum

Judicial review of administrative decisions: short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

5000 character(s) maximum

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

Implementation of final judgments by the public administration and State institutions and follow-up given to supranational judgments, including decisions from the European Court of Human Rights, as well as available remedies in case of non-implementation

5000 character(s) maximum

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration, transparency and dissolution rules)

5000 character(s) maximum

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies

5000 character(s) maximum

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

5000 character(s) maximum

E. Initiatives to foster a rule of law culture

If there have been developments related to initiatives to foster a rule of law culture, please specify, which (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.)

5000 character(s) maximum

Any other developments related to the system of checks and balances - please specify

5000 character(s) maximum

Supporting document upload

If you would like to submit any supporting document(s) to your contribution, please upload your file(s) here

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Contact

rule-of-law-network@ec.europa.eu