

**Ireland**

**Member State Contribution**

**Additional Questionnaire on the Single  
Market Dimension**

European Commission Annual Rule of Law Report 2025

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## **I. Justice System**

### *Quality of justice*

1. Specialisation (of judges/specific courts/chambers within courts) and training for the judiciary to deal with commercial cases.
2. Alternative dispute resolution mechanisms and mediation

## **II. Anti-corruption Framework**

### *Prevention*

3. Measures for the prevention of corruption in relation to the issuing of official permits (e.g. related to environment, energy and various types of construction)
4. Reporting on the use of digital technologies to enhance transparency and oversight in public procurement

## **IV. Other institutional issues related to checks and balances**

### *The process for preparing and enacting laws*

5. Safeguards to ensure legal certainty, the stability of the legal framework and non-discrimination. *[this question complements the exiting question on rules and use of fast-track and emergency procedures]*

### *Independent authorities*

6. Safeguards to ensure the effective independence of supervisory and regulatory authorities with a direct impact on economic operators

### *Accessibility and judicial review of administrative decisions*

7. Respect of the good administration principle (including the obligation of the administration to give reasons for decisions) *[this question complements the existing question on transparency of administrative decisions]*
8. Safeguards (other than judicial review) regarding decisions or inaction of administrative authorities, including remedies. *[this question complements the existing question on judicial review of administrative decisions]*

## I. Justice System

### *Quality of justice*

1. Specialisation (of judges/specific courts/chambers within courts) and training for the judiciary to deal with commercial cases.

There is not a formal system of specialisation of judges in the Irish legal system, as every judge appointed to a court jurisdiction has the power to hear to any category of case that can be heard by that court jurisdiction. Also, other than the two Special Criminal Courts, all courts of first instance are courts of general jurisdiction.

The Presidents of the various court jurisdictions are responsible for the assignment of duties to judges (subject to the position in the Circuit Court where certain judges are permanently assigned to a Circuit and in the District Court where certain judges are permanently assigned to a District) and judges can be assigned to hear certain categories of proceeding. Examples of specialised court lists in the High Court include the Commercial List and the Planning and Environment List, but these are court lists within the High Court are not specialist courts as such.

Judges are assigned to commercial cases based on their extensive experience of commercial law firstly in legal practise as barristers or solicitors and secondly sitting as judges in related areas prior to such an assignment. In addition, broader training offerings in relation to courtroom management and control, judgment writing and case management are designed to supplement this knowledge and experience.

2. Alternative dispute resolution mechanisms and mediation

The Mediation Act of 2017 gives mediation a statutory footing for civil (including family law) proceedings as an alternative to court proceedings. The 2017 Act requires solicitors to inform their clients of the option of mediation. If a client decides not to seek mediation before issuing court proceedings, the solicitor must make a declaration that the client has been advised as to the option of mediation. There are some exceptions; for example criminal proceedings matters, cases involving the Revenue Commissioners or in Judicial Review applications.

While the Courts Service is not directly involved in the provision or promotion of alternative dispute resolution such as mediation, the Courts Service website, [www.courts.ie](http://www.courts.ie) provides information on the mediation services available to users. Our webpages include links and contact details for mediation services.

The Legal Aid Board provides a free mediation service in family law matters and the family mediation service has offices in some court buildings.

In Dolphin House District Court Office in Dublin, the family mediation service works closely with court officials. The Dolphin House One Stop Project has resulted in a number of initiatives to promote mediation. These initiatives include;

- Court staff inform appropriate court users about the option of mediation and its availability within the building.
- The family mediation team operate a "walk-in" service for applicants where registration for mediation can take place.

- Information cards outlining the benefits of mediation are available.
- If a couple engage in mediation and agree terms of consent, the mediation team contacts the court office confirming the matters that have been finalised in the mediation agreement (e.g. access, maintenance). The court office then processes the paperwork.
- Where an agreement is reached by a couple, an application can be put before the court on the same day (if time allows). This allows the couple to leave with a court order giving effect to the agreed terms on the date of agreement.

Dolphin House in Dublin is in a unique position wherein the family mediation team is onsite, but this is not case in other offices. It is hoped however that these initiatives can be introduced in other offices in the future.

### **The Competition and Consumer Protection Commission**

In October 2023, the EU Commission adopted a proposal to review the [Alternative Dispute Resolution framework](#). Amendments to [Directive 2013/11/EU](#) were negotiated at Council Working Party from November 2023 to September 2024. The proposal is expected to move to Trilogues during Q1 2025.

### **Workplace Relations Commission / Labour Court**

Under the Workplace Relations Act 2015, section 39 provides for case resolution without reference to an adjudication officer. This in essence means that a case may be referred for mediation where the DG of the WRC is of the opinion that the dispute is capable of resolution through mediation.

<https://revisedacts.lawreform.ie/eli/2015/act/16/section/39/revised/en/html>

Please see explanatory note:

In April 2021, the Irish Supreme Court delivered its majority judgment (Zalewski v. Adjudication Officer and the Workplace Relations Commission (WRC)) on the constitutionality of the Workplace Relations Act 2015. The judgment concerned the adjudication of individual employment and equality rights disputes.

The Supreme Court found that the Adjudication Service of the WRC was in fact administering justice, a matter traditionally assigned to the Courts. However, the Court went on to clarify that this administration of justice was permissible under Article 37 of the Constitution because the administration of justice in the WRC was limited by statute.

## **II. Anti-corruption Framework**

### *Prevention*

3. Measures for the prevention of corruption in relation to the issuing of official permits (e.g. related to environment, energy and various types of construction)

Examples:

- Energy

No relevant updates.

- Various types of construction

### **Building Control – legislative framework and anti-corruption measures**

Thirty-one Local Authorities are designated as Building Control Authorities under the Building Control Acts 1990 to 2014. Building Control Authorities monitor compliance with Building Regulations in their areas and have strong powers of inspection and enforcement under the Acts.

Building Control Regulations apply generally to new buildings and to existing buildings which undergo an extension, a material alteration or a material change of use.

In addition, the Building Regulations 1997-2002 apply to the construction of new buildings, extensions and material alterations to existing buildings, as well as certain changes of use. The primary purpose of these Regulations is to provide for the health, safety and welfare of people in and around buildings.

The Building Control Regulations impose obligations in relation to Notices and Certificates. Generally, the building control process requires that:

- A Commencement Notice signed by the owner is submitted to the Building Control Authority prior to the commencement of works; in most cases this notice must be accompanied by a statutory Design Certificate, forms relating to the assignment of the Builder and the Assigned Certifier, and a preliminary Inspection Plan.
- A Statutory Certificate of Compliance on Completion, together with relevant compliance documentation and the Inspection Plan as implemented is lodged with the Building Control Authority before the building is occupied or used.
- In the case of commercial buildings and apartment blocks, a Disability Access Certificate and a Fire Safety Certificate be obtained from the local building control authority.

It is the role of the Building Control Authorities to ensure that these requirements are complied with. It is an offence to occupy or use a building without having a valid Statutory Certificate of Compliance on Completion or Fire Safety Certificate or Disability Access Certificate in place as required. Failure by an owner or a builder, at the request of a Building Control Authority, to demonstrate compliance with Building Regulations or Building Control Regulations, or to rectify such non-compliance, is also an offence under the Building Control Acts. Such offences may be punished by fines and/or terms of imprisonment.

In addition, instances of suspected corruption in relation to these notices and certificates are covered by the general measures relevant to local authorities in relation to ethics frameworks and Standards in Public Office Commission.

#### **4. Reporting on the use of digital technologies to enhance transparency and oversight in public procurement**

The Competition and Consumer Protection Commissioner (CCPC) has a role in addressing competition transparency on foot of the Competition (Amendment) Act 2022. That act is in force since 27 Sept 2023.

The European eInvoicing in Public Procurement Directive (EU/2014/55) requires all Contracting Authorities be able to receive and process electronic invoices in public procurement, according to the EU eInvoicing standard EN (EN 19631).

Following on from a European Commission [report](#) (2024), on the effects of the 'eInvoicing' Directive (2014/55/EU) on electronic invoicing in public procurement, the Commission initiated a programme of stakeholder consultations with Member States to consider what policy developments may help all stakeholders make further progress towards achieving the EU's objectives in this area. Some of the key findings of the Report are included in the extract below:

*"the evaluation has identified shortcomings that hinder the Directive's full potential, especially at the level of adoption. Moreover, ensuring full interoperability, including the transmission level, remains challenging. The variations in national implementations of the European standard may limit the seamless exchange of eInvoices, which could be further exacerbated when EU governments mandate for B2B eInvoicing are enforced."* - **Report from the Commission to the European Parliament and the Council on the effects of Directive 2014/55/EU on the Internal Market and on the uptake of electronic invoicing in public procurement** {COM(2024) 72 final} - {SWD(2024) 39 final}

In September 2024, the Office of Government Procurement (OGP) co-hosted a workshop with the European Commission (DG GROW) in Dublin. The aim of the workshop was to update key stakeholder groups on current eInvoicing policy and implementation developments at an EU level and across Member States, and to facilitate the European Commission consult with the key stakeholder groups to help inform the Commission's policy development in this area.

In addition to the eInvoicing Directive, in November 2024, the Council of the European Union issued a [General approach](#) supporting the Commission's proposals for [VAT rules in the digital age](#), which is expected to establishing a requirement for new real time digital VAT reporting based on eInvoicing.

The Commission expects EU Finance Ministers to adopt the proposal following a re-consultation with the European Parliament.

Furthermore, the European Commission have also sought contributions from across Member States to the development of the **Single Market Strategy 2025**. This strategy will play a key role in aligning and evolving key policies across the Single Market, and the Commission have advised that , the **upcoming eInvoicing strategy** will align closely with the Single Market Strategy.

#### **IV. Other institutional issues related to checks and balances**

##### *The process for preparing and enacting laws*

5. Safeguards to ensure legal certainty, the stability of the legal framework and non-discrimination. *[this question complements the exiting question on rules and use of fast-track and emergency procedures]*

Information to be submitted separately through direct consultation with the European Commission.

##### *Independent authorities*

6. Safeguards to ensure the effective independence of supervisory and regulatory authorities with a direct impact on economic operators

##### **Workplace Relations Commission / Labour Court**

Whilst the WRC and the Labour Court are offices of the Department of Enterprise, Trade and Employment (DETE), both offices are recognised by DETE as independent in the exercise of their statutory quasi-judicial functions.

### **The Corporate Enforcement Authority**

The Corporate Enforcement Authority (CEA) is Ireland's corporate watchdog whose functions include the enforcement of compliance with the Companies Act 2014, as amended. That agency's independence is laid down in statute in the legislation establishing the CEA (the Companies (Corporate Enforcement Authority) Act 2021). This Act inserted 944D into the Companies Act 2014, which, at subsection (4) explicitly states that the "The Authority shall be independent in the performance of its functions".

Further examples of the extent of these statutory safeguards are as follows:

- Section 944O of the Companies Act 2014, as amended deals with the Accountability of Member of the CEA to Oireachtas Committees and provides that Member shall not be required to give account before a Committee for any matter which is or has been or may be at a future time be the subject of proceedings before a court or tribunal.
- Under section 994T of the Companies Act 2014, as amended, the CEA must prepare and submit an annual report to the Minister. Under section 994T (3) the annual report shall include information in such form and regarding such matter as the Minister may direct but this is not to be construed as requiring the CEA to include information the inclusion of which would, in the opinion of the CEA, be likely to prejudice the performance of its functions.

### **The Competition and Consumer Protection Commission**

The Competition and Consumer Protection Commission (CCPC) is the statutory body responsible for enforcing consumer protection and competition law in Ireland and its mission is to make markets work better for consumers and businesses. It is an independent investigative and enforcement body, and the Minister and Department are statutorily restricted from directing it.

The Competition and Consumer Protection Act 2014 sets out the functions of the Commission, including enforcing competition law, enforcing consumer protection law, enforcing product safety regulations. Section 9 of the 2014 Act states that "the Commission shall be independent in the performance of its functions".

Section 26 of the 2014 Act details the accountability of chairperson of the CCPC to Committee of Public Accounts and Section 27 details the accountability of chairperson of the CCPC to other Oireachtas Committees. Under Section 32 the CCPC must prepare and submit an annual report to the Minister and shall include information in such form and regarding such matters as the Minister may direct but nothing in this subsection shall be construed as requiring the Commission to include information the inclusion of which would, in the opinion of the Commission, be likely to prejudice the performance of its functions.

### *Accessibility and judicial review of administrative decisions*

7. Respect of the good administration principle (including the obligation of the administration to give reasons for decisions) *[this question complements the existing question on transparency of administrative decisions]*

## Office of the Ombudsman

Apart from the powers of the Courts to annul or amend any administrative decision on foot of Judicial review, the Office of the Ombudsman, established under the Ombudsman Act 1980, has a role in testing administrative decisions. The Ombudsman examines complaints from members of the public who believe they have been unfairly treated by certain public service providers. The Ombudsman also examines complaints about failures by public bodies to provide accessible buildings, services and information, as required under Part 3 of the Disability Act 2005. The Ombudsman is independent and provides a free public service that is open and accountable. Investigation of any relevant matter by the Ombudsman's Office will involve inter alia a full clarification and justification of the basis on which relevant administrative decision(s) have been taken.

## Workplace Relations Commission / Labour Court

Both the WRC and the Labour Court are independent statutory offices of the Department of Enterprise Trade and Employment.

Decisions of the workplace relations bodies are legally enforceable insofar as they are to do with employment rights rather than administrative decisions per se (e.g. admin decisions on entitlement to carers allowance or disability pension).

Both the WRC and Labour Court publish their decisions:

[Latest Decisions & Recommendations - Workplace Relations Commission](#)

[Guide to Decisions & Recommendations Search Facility - The Labour Court](#)

8. Safeguards (other than judicial review) regarding decisions or inaction of administrative authorities, including remedies. *[this question complements the existing question on judicial review of administrative decisions]*

## The Office of the Ombudsman

The Ombudsman can investigate a complaint if members of the public believe that a public service body has given them the wrong information or their initial complaint to a public body has not been dealt with properly.

The Ombudsman can also investigate decisions that are believed to be unfair, or where the reasons for decisions have not been properly explained. Complaints about delays in a public body making a decision can also be made to the Ombudsman.

Depending on the outcome of the investigation, the Ombudsman may make various recommendations to the service provider. These include recommendations to change its decision, to offer a clearer explanation, or to take other steps to remedy or mitigate the adverse effects of the service provider's actions. The Ombudsman's recommendations and decisions are not legally binding but are monitored to ensure they are implemented.

## Workplace Relations Commission / Labour Court

Decisions of the WRC may be appealed to the Labour Court.

Decisions of the Labour Court may be appealed to the High Court on a point of law.



Decisions of both the WRC and the Labour Court may be judicially reviewed.