

2026 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, six 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 2026 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 2026 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) developments and measures taken in relation to the recommendations in the 2025 report,
(2) developments related to topics covered in the 2025 country chapters, as well as any other new developments related to the rule of law.

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.

This questionnaire also integrates the separate questionnaire on the single market from last year. In addition to these specific questions, respondents to the questionnaire are invited to consider the Single Market dimension, including any relevant cross-border issues, in all their answers.

Where questions of particular relevance under the single market dimension, this is indicated before the relevant question.

[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 and enforcement 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.

Where relevant, please also indicate whether the developments reported are linked to the implementation of reforms and investments under the national Recovery Resilience Plan. 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.

* 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

Environmental Law Ireland Initiative hosted at An Taisce the National Trust for Ireland. Pls note my project ELIG was previously hosted at the Irish Environmental Network, IEN where I initiated & drove the engagement on the EC's rule of law process.

Main Areas of Work

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

If "Other", please specify

Environmental Democracy and Human Rights

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

500 character(s) maximum

The project I work on is across organisations & how to manage a webpresence for it since its transition to being hosted by An Taisce instead of by the IEN is in process. See here on the project in the interim: <https://www.iem.ie/our-work/elig/>
See here for the organisation currently hosting the project <https://www.antisce.org/>
But the project sits effectively autonomously within that hosting arrangement working across An Taisce and the Environmental Pillar a subset of the IEN members

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

Attracta

Surname

Uí Bhroin

Email Address of the organisation

attracta@EnvironmentalLawIreland.org

* 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 as we will not be able to guarantee anonymisation of these elements.**
- ☒ 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 2026 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 for contribution.docx](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

IV. Other institutional issues related to checks and balances

A. The process for preparing, enacting and implementing laws

As a horizontal matter - we wish to express extreme concern at

1. The effective disregard for International Law clearly evident within the conduct of the EU Institutions in the last years in particular, including through the non-observance of key opinions and advisories from the ICJ.
2. We have also seen a seriously disturbing escalation and undermining of the Aarhus Convention both through a failure to fund the secretariat for the Aarhus Convention Compliance Committee adequately and the consequential attempt to effectively emasculation of its compliance mechanism and its recently established Rapid Response Mechanism for environmental defenders, compounded by truly shocking series of 4 levels of further assault on the Convention by attacking a) the significance of the Compliance Committee's findings, b) attempts to compromised its independence, c) efforts to re-design on the fly at the MoP the compliance mechanism decision I/VII, d) to create a wholly dysfunctional rift between the role of the ACCC on interpreting the Convention and providing advice and to assist the Parties and the new Special Rapporteur on Environmental Defenders under the Aarhus Convention navigate the way through the challenging new realities while complying with the Convention. The Aarhus Convention is key to environmental democracy not just within the EU & its MS but in the countries Party to it which surround the EU and where the quality of their environmental decision-making or lack there of is also of great significance to the public within the EU and its long term environmental and economic stability. An entity such as the EU cannot hope to maintain societal stability in the face of environmental breakdown. Increased risk of alienation of its public from authority is also inevitable if environmental democracy is not fully respected, and will leave us vulnerable to destabilising threats from within and without.
3. We are also gravely concerned therefore at the effective dismantling of the EU Environmental acquis, and indeed much of its sustainability legislation. Of real concern is how this is being done, at pace and with limited if any proper consideration through multiple pieces of omnibus legislation being addressed at pace. While we are not naive and conscious of the pressures consequent on the gravely disturbing geopolitical situation, what is emerging is clearly a deregulatory agenda taking advantage of multiple crises and is largely focused on short term interests of vested interests and compromising the values and wider public interest central to the EU Treaties. The extent to which this is compromising focus on addressing the interdependent climate and biodiversity crises, further compounded by a pollution crisis is of extraordinary concern. While there is no denying the now multiple security risks on our borders, no defence armoury will be able to deal with stemming the chaos unleashed by climate breakdown, and indeed when we experience the effect and aftermath and consequences of increasingly severe weather events, the pressures for resources, mass climate migrations, and a move towards unliveable climates, and the economic, societal breakdown which will flow from that.

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 2025 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2025 Rule of Law Report and any other significant developments since January 2025 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 2025 Report regarding the justice system (if applicable)

5000 character(s) maximum

There is an ongoing failure to adequately resource the courts and judiciary. This is particularly acute in a number of areas - but I can speak most particularly in the field of Planning and Environment. It is just over a year since the President of the High Court called for more judges for this Court. see <https://www.irishtimes.com/crime-law/courts/2024/12/19/call-for-more-planning-court-judges-after-enormous-increase-in-caseload-over-past-year/>

In the recent budget, the Minister responsible for public expenditure effectively boasted that planning changes were more important than who gets what in the budget. see here: <https://www.irishtimes.com/business/economy/2025/10/03/impending-changes-in-planning-laws-more-important-than-budget-negotiations-minister/>

What has transpired as a consequence and also as a result of other concerning factors is that the Court is constraining its practices in order to eek out its resources across the demand. This is resulting in: a concerning impact to the manner in which cases are prioritised; the times allocated for hearings; increased provision and focus on alternatives to hearings; recourse to draft judgments instead of full reasoned judgments; intense pressure on applicants to reduce the scope of their case, and increasing uncertainty on rules on costs in what is a high litigation cost regime,. This is being effected through special new Rules for the Superior Courts S.I. No. 246/2025 - Rules of the Superior Courts (Planning & Environment) 2025, and new Practice Directions for the Court. The effect of this is felt most acutely where the applicant for Judicial Review is from the Public and do not

have the resources and capacity of the Respondent State Parties or well funded Notice Parties with commercial interest in the impugned decision. The issue is further compounded by an un-precedented and highly orchestrated negative narrative directed at members of the public seeking to exercise their access to justice rights, their lawyers and indeed the courts. This is expanded upon further below under the quality of justice. There is a veritable tsunami of legislation proposed also including a highly controversial General Scheme of the Civil Reform Bill which is a profound and deeply regressive reshaping of JR and is clearly in breach of the Aarhus Convention which is of course an integral part of the legal order of the EU as clarified by the CJEU in c-240/09 para 30. Multiple other bills are proposed in respect of planning and environment based on a highly false narrative that abuse of JR is delaying housing and critical infrastructure - see the Bar of Ireland submission here page 11-15 on highlighting the issue with the narrative being pushed by Government: <https://www.lawlibrary.ie/app/uploads/securepdfs/2026/01/Submission-to-DCEE-from-The-Bar-of-Ireland54.pdf>

The further issue then arising for the judiciary is dealing with legal arguments around the legality of what is being proposed and what we refer to as satellite litigation when issues such as locus standi and costs need to be sorted in order to proceed to the substantive matters. Legislation is being rushed, not properly scrutinised and this inevitable leads to flawed decisions. After it got out of a very compromised Dáil Select Committee stage, the Government added over a 1000 amendments to the Planning and Development Bill 2023, and all went effectively unscrutinised and were simply added into the bill as the debates were guillotined before they were reached and examined. That bill became the Planning and Development Act 2024 and is intended to replace the main Act from 2000. Already the Government are seeing it is not fit for purpose or its agenda and changing it. Again that is being rushed. The resulting output of inevitably flawed decisions will then add to the burden of an under-resourced court. I can provide detailed analysis of the numbers of amendments made during the passage of each stage of the bill, and of the significant issues with the changes in a new General Scheme intended to change that Act in key matters of land use and where Strategic Environmental Assessment and Appropriate Assessment obligations are engaged and of concern. I highlighted previously issues with the legislative process and the concerns of our President on how his Constitutional duties were impacted. In the last number of weeks I am dumbstruck with the pace and scale and carelessness of the approach to legislation I am seeing - it is unprecedented in my experience of over a decade following these matters closely. It has to be seen as a material issue in respect of the ongoing under-resourcing of our judiciary and a wholly dysfunctional and damaging approach to law making - including implementation of EU law.

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

As mentioned above serious concerns are now arising in respect of how cases are characterised and prioritised and dealt with in the Planning and Environmental Court consequent in particular on the resource issues for the Court, the external pressures we fear and other factors which I can expand upon.

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

Comments from previous yeast on serious flaws in the Judicial Appointments Commission Act 2023 remain unresolved.

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)

[single market relevance] Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

This is an area which warrants specific discussion with the EU Comm & is respectfully requested, albeit we appreciate it is resource constrained. We also urge DG Just to engage with DG ENVI for addnl context.

Others are possibly better placed to: discuss the ongoing failure to address the significant failures in the civil legal aid scheme; the out of date thresholds for access & for fees; the scope of matters covered; the glacial approach to moving on the civil legal aid review, and the need to take seriously the minority report concerns and recommendations. However, it is important to note that legal aid is not available to organisations so not available to eNGOs either.

The General Scheme of the Civil Reform Bill, GSCRB is a profound reshaping of the landscape of JR, and not in a good way. It has major implications for access to the courts, and for access to remedies in particular under H8. I would be happy to expand on this in more detail, particularly in an environmental context given really significant issues on that in Heads 8,10, and 11.

More generally, access to justice and effective judicial remedies, in particular in the planning and environmental sphere is under significant attack in Ireland. What is being presented in the Rule of Law Report for 2025 as progressive moves are in fact deeply regressive, and a disproportionate and unjustified impingement on rights. These are not statements I make lightly nor do I make them in isolation of others. I have flagged this slide to the EC in these last years in the consultations on the RoL process. We are now stepping into the implementation abyss. Rule of law and public accountability is a real issue in Ireland. If the EC fails to address this adequately in this cycle it will confirm rule of law is an issue within the EU institutions itself.

Multiple pieces of legislation are involved. Some enacted and being commenced, others being proposed and being advanced rapidly at breathtaking speed, leveraging extraordinary centralised powers under the 2024 Act, where there is effectively no Oireachtas oversight of those powers, coupled with massive restrictions on being able to access the courts to hold public authorities including Ministers and Government to account before the Courts for the lawfulness of their decisions.

In addition to the GSCRB, for eg:

Ch 1 Pt 9 of the Planning and Development Act 2024 introduces significant and controversial changes to standing for individuals, unincorporated and incorporated associations groups & eNGO with problematic criteria for eNGO status also, alongside compounding standing with scope of review, and changes to court procedures which give rise to concerns on fairness and equity. It has been commenced for matters under that Act but proposals are underway to extend it to matters under the 2000 Act. So the bulk of land use plans, planning permissions & development consents etc will fall under these new rules on JR. circa 13 EU Directives rely on this Act

ch 2 Pt 9 of the 2024 Act allows for the introduction of a scale of fees for applicant lawyers only - scale of fees for effectively limiting the award a successful applicant can recover in circumstances where people of ordinary means and eNGOs here rely on that award to cover own costs - but where the levels proposed fall significantly

short of the commercial rates. So you could win your case & be vindicated for upholding EU law but be penalised by having an extensive legal bill to discharge. The Irish Bar's submission highlights that "on the evidence available in the consultation process, effectively proposes to cap cost payments to successful litigants at between 23% and 38% of established reasonable costs currently paid. No substantive policy justification is offered for doing so." Its rpt here: <https://www.lawlibrary.ie/app/uploads/securepdfs/2026/01/Submission-to-DCEE-from-The-Bar-of-Ireland54.pdf> See also pgs 11-15 on how unjustified this is .

There is also no weighing of the impingement of rights to the standard required by the CJEU in Puškár, C 73/16 para. 61-71

Lawyers for the State & notice parties won't face those limits, with issues for fairness & equity

The Law Society, wider civil society, CSOs & eNGOs and united in criticism of these proposals.

This will have a seriously chilling effect on JR .The narrative accompanying it is unashamed that that is the intent. I have an extensive catalog of comments from Ministers of Government & key consultants acting for them in that regard to share with the Commission.

This is by no means an orderly & evidence based approach to dealing with Ireland's high litigation costs. It is jumping on a bandwagon to drive impermissibly regressive changes which will impact on EU law access to justice obligations, effective judicial remedies obligations under A.47 of the Charter of Fundamental Rights of the EU, Art 19(1) TEU & wider Treaty obligations, Directive 2003/35/EC etc

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

[single market relevance] 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

[single market relevance] Specialisation (of judges/specific courts/chambers within courts) and training for the judiciary to deal with commercial cases, as well as alternative dispute resolution mechanisms and mediation as regards commercial 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 in the introduction)

[single market relevance] Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings, to address backlogs)

5000 character(s) maximum

Certain aspects of the Practice Directions for the Planning and Environmental Court have been positively acknowledged by practitioners as having simplified and improved the efficiency in engaging with the Court. It is also welcome that the Court has established a User group and consults on changes, albeit not all outcomes are as one might wish.

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 2025 Report regarding the anti-corruption framework (if applicable):

5000 character(s) maximum

The area of planning has historically been subject to serious corruption issues in Ireland as the Commission will know. Recently there have been convictions in respect of members of the Board of what was An Bord Pleanála now An Coimisiún Pleanála, the body responsible for planning and development consents on most major infrastructure decisions in Ireland both terrestrial and marine. That is alongside appeals from Local Authorities.

Now the extent of centralised powers Minister and the Government have under the Planning and Development Act 2024, and in particular their powers to a) force certain types of development through and b) to force alignment throughout the whole planning system are gravely concerning. This is particularly given the associated restrictions they are enforcing on JR and the ability to hold their decisions to account for their lawfulness before the courts.

Centralised powers may be warranted where there are crises and unpopular decisions to make, but then it is also essential to have oversight and accountability and that is where the new legislation in planning is weakest.

The lack of sound evidence base for the restrictions being effected on planning JR has to be gravely concerning in the face of the very concerted steps taken and moves being made to restrain it.

It would be remiss of me and naive not to say that the the motives and drivers at stake here should be examined given the monies and interests at stake. This is all the more so give the vast sums of monies involved in Offshore renewable energy in an Irish context.

The moves the Government are making in both housing and consents generally are all about facilitating fast tracking of consents and insulating them from JR. They do little or nothing on ensuring delivery. In that regard, it is significant to consider the analysis of academics like Dr Lorcan Sirr who have highlighted the dysfunctional nature of housing policy and how vast sums of money stand to be made here from the ongoing failure to deliver on housing supply, which further drives lower standards and more intensity in development, increasing the values of permissions and wealth, without a spade being put in the ground or one brick laid.

If there was a coherent evidence based framework for what is being done - one might take comfort - but it is clear there is not, and I refer back to submissions on the recent scale of fees consultation including the Bar Council's submission referred to earlier above which highlights the narrative attacking JR as an impediment to housing and infrastructure delivery is false and unsubstantiated.

We are operating on a very false narrative and it is imperative that the EC take the time to examine the contrary evidence to the narrative and spin which they will be exposed to from Government.

This is I know very strong language. It is hard to know whether the Government is seeking to make a scapegoat of JR for its failure to deliver, or whether something more sinister is afoot. It requires close questioning and focus.

In seeking to respond to this this question here, it is becoming glaringly evident to me - that the most serious issue we face is there is no obvious body to oversee this here in Ireland, who one doesn't consider to be embroiled in the dysfunctional response and architecture being proposed. There are further concerns in respect of the important oversight media might play which are dealt with below.

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/specialised 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

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

5000 character(s) maximum

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

B. Prevention

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

5000 character(s) maximum

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

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

--> For the three previous points, **please also provide information and figures on their application/enforcement if available to you**, 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

[single market relevance] 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, investor residence schemes, large-scale investments of national interest and the spending of EU funds, urban planning.*
- *In particular, measures to mitigate high risks of corruption in the area of public procurement, such as enhancing transparency and oversight (for example through digital technologies) and promoting fair competition and accountability in public procurement (e.g. targeted actions to address the high share of single bids) and measures to guarantee the effective and independent functioning of the public procurement review bodies.*

5000 character(s) maximum

[single market relevance] Measures for the prevention of corruption in relation to the issuing of official permits (e.g. related to environment, energy, service provision and various types of construction)

5000 character(s) maximum

C. Repression

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

5000 character(s) maximum

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

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

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

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

5000 character(s) maximum

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2025 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

The last 6 months or so have seen an unprecedented orchestration of a negative narrative on JR being presented in the media, the newspaper media in particular. (I have maintained an extensive catalogue of same).

What was however even more notable and gravely disturbing throughout, was the extent to which there was an unquestioning repetition of what the Taoiseach and multiple Ministers of the Government and key consultants for the Government were saying in multiple articles sometimes 3 a day.

There was simply repetition and extensive quotation, with no interrogation, no independent analysis, no active seeking out of contrary voices.

In fact what became apparent, to those of us seeking to push back on the narrative and provide evidence to the contrary was also the significant difficulty in getting such pieces published.

As a member of the User Group for the Planning and Environmental Court and the only lay person invited to sit on it, and given my role with eNGOs - I have a relevant perspective to offer on JR in particular and the attacks being laid at the door of those exercising access to justice rights and the public interest at stake.

But despite having had multiple well received articles published in the past, I experienced the issue myself and am aware of multiple other well respected academics and commentators who expressed serious not just frustration but concern about the difficulty in getting pieces published which presented a contrary view to that of the Government. I can offer further comment on this should the Commission seek to meet as part of this process as it normally has, including on what I understand may be journalistic concerns.

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

[single market relevance] Measures taken to ensure the fair and transparent allocation of state advertising

5000 character(s) maximum

I am not an expert on this, but I understand there is significant concentration of ownership interests in the newspaper media.
The national broadcaster is significantly dependent also on the Government for its funding and it is hard to bite the hand that feeds you is a well know adage.

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
- **[single market relevance]** 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

[single market relevance] 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

I understand but would have to check one of the recently published General Schemes was reported at least as creating serious concern on the protection of journalistic sources.

The Access to environmental information regime (AIE) remains very problematic, despite its EU law and Aarhus Convention underpinning. The ACCC has found Ireland to be in breach of its obligations in respect of appeals given the frankly unacceptable timeframes for appeals. I can provide some explicit data and examples on this if of use. It is also of serious concern that the FOI regime operates more efficiently, but of course it does not have the Access to Justice safeguards of the AIE Directive 2003/4/EC and Art 9(4) of the Aarhus Convention underpinning. But it is of serious concern the national provisions of FOI are treated preferentially on appeal than the EU law ones.

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

See the answer above. The timeframes for AIE appeals are in breach of the Aarhus Convention, and Ireland continues to fail to address that. It is significantly undermining the regime and indeed the ability to participate effectively in environmental decision-making. I can provide very recent and pertinent examples of this where I sought information 5 months ago on the expectation of a consultation and move on scale of fees and received a deemed refusal on both the original request and the internal review, and it took around a month for the appeal body to even acknowledge my appeal, doing so only on the day the public consultation ended, despite my

having highlighted the urgency.

Additionally, it was notable that a report underlying the consultation warmly acknowledge the speed and assistance it had received in accessing effectively similar data, through an informal request of a consultant acting for a public body. Whereas - I am still waiting having made formal requests under EU and International law.

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

SLAPP and a serious of intimidatory practices against those exercising their rights remains a concern with no, and no effective steps taken to address issues previously outlined in previous cycles.

An additional worrying development is an unprecedented escalation in negative narrative direct from Ministers and indeed the Taoiseach and consultants acting for Government against those exercising rights and indeed their lawyers with negative assertions being made also in respect of the judgment of the Courts. Individuals involved, including lawyers are readily identifiable, and indeed if not, feel themselves to be targetted clearly.

Again I have maintained an extensive catalog of such comments. It is hard in the context to expect the State to effectively implement its Aarhus Convention Article 3(8) obligations when it is leading the vilification of those seeking to exercise their rights in conformity with the Convention. I would also go so far as to say the exposure on costs for even successful applicants given the inadequacies of the scale of fees proposed - might be considered to be a penalisation of those exercising rights, even where fully vindicated by the courts.

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 2025 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

A. The process for preparing, enacting and implementing laws

[single market relevance] Framework, policy and use of impact assessments and

evidence based policy-making, stakeholders*/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 in the preparatory, the parliamentary and implementation phase (including guidance on how to implement legislation)

* This includes also the consultation of social partners

5000 character(s) maximum

This remains a significant concern and indeed matters have worsened with the level and pace of legislative proposals now being unprecedented in the environmental sphere in the last few weeks and the wider legislative moves in the justice sphere.

Government have sought to waive Pre-legislative scrutiny for multiple pieces of legislation, and even where some scrutiny has been conceded, it is highly compromised by

- a) totally inadequate heads of bill inadequately specifying the nature of the changes undermining any meaningful interrogation and recommendations; I can provide examples of this.
- b) the timeframes for scrutiny and numbers of witnesses are highly compromised - multiple examples available.
- c) the window of time for expert witnesses such as myself to prepare is ridiculous.- multiple examples available.

We are also still suffering the legacy of the rushed Planning and Development Act 2024, where now insult is being added to injury with the "fixes" to it also being rushed.

It is worth reflecting that piece of legislation is responsible for implementing in part probably around 13 EU Directives and governs our planning

the genesis of the 2024 Act, in that regard. While the concept of a review of planning under the "Housing for All Strategy" was initially broadly welcomed, what transpired was deeply unsatisfactory.

What emerged instead of an evidence based review, green and white papers, and rationalised and evidence based proposals for change was - simply a set of legislative changes revising & consolidating the Planning and Development Act 2000 in a Draft Planning & Development Bill 2022. This didn't have the explanatory rationale of a Head of Bill that would be provided in a General Scheme

It is also important to reflect that the draft Planning and Development Bill 2022, ("the 2022 draft") which was subject to Pre-Legi Scrutiny, contained only a draft head in respect of JR & did not include any proposal on a scale of fees and different provisions in its ch 1 also. It was modified & published as the 2023 bill then enacted to become the 2024 Act. pursuant to a highly controversial legislative process subject to extensive guillotining of the various stages of the legislation after the Dáil Select Committee stage, combined with the introduction of over 1000 Government amendments to its own bill which went effectively entirely unscrutinised when the guillotine fell, and simply passed into the text of the bill, a point to which I will return below.

So, to date no expert evidence has been heard by the Joint Oireachtas Committee on the implications of the JR changes, and no evidence is in the public domain on this.

No consultation on the 2023 Bill was conducted either as required by Article 8 of the Aarhus Convention.

On the main body of the 2023 Act, it is important to reflect the lack of scrutiny for this profoundly important legislation and the implications this has for the Court and those seeking to engage on proper planning and sustainable development, and compliant decision-making:

As highlighted above, after the gruelling schedule of Dáil Select Committee which was wholly uncondusive to effective scrutiny, massive changes were made to the bill, which went unscrutinised effectively. Specifically:

- At Dáil Report Stage the Government submitted in the order of 408 amendments to a guillotined debate
- After the bill left the Dáil -

- o In the order of 105 Government amendments were made at Seanad Committee Stage,
 - o A staggering 535 Government amendments were made at Seanad Report stage with some further additions and substitutions,
 - All of these went virtually entirely unscrutinised in the guillotined debates in the Seanad, passing into the bill when the guillotine fell.
- The bill then returned to the Dáil for a 3 hour debate to consider in the order of 621 Government amendments made in the Seanad over around 175 pages with a further 8 pages of substitute amendments.
- The guillotine fell and it was signed into law.
- Less than 8 months after enactment, changes were needed to be made to it including on the key Part 3, and now just 15 months on from enactment, further substantial changes are needed to effect alignment of RSEs and Development Plans with the NPF as the Department is not happy with what it drafted.
- Even now such changes are not specified in a hopelessly vague General Scheme (GS) on the Planning and Development (Amendment) (No.2) bill which the Department had sought to waive Pre-legislative scrutiny on.
- Additionally the GS seeks to apply the 2024 Pt 9 rules in ch 1 to matters under the 2000 Act, (and presumably in time, and before it is enacted also the very controversial cost rules)

[single market relevance] 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

The Government is moving to leverage powers under the 2024 Act and indeed to augment them it seems to facilitate fast-tracking of certain developments/types there of.

[single market relevance] Safeguards to ensure legal certainty, the stability of the legal framework and non-discrimination.

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

Under Art 26 of the Constitution, the President can refer a piece of legislation or part thereof to the Supreme Court (SC) before signing it into law. If the SC find it is compatible with the Constitution, then the President is obliged to sign it. Some consider there is a significant risk with this procedure given the process and timeframes for any such case before the SC and the potential implication that it may operate to immunize the legislation from future Constitutional Challenges.

I would have to confirm the order in which arguments of domestic law points, Constitutional Issues and EU law points are entertained by the Courts here - but my understanding is the immediate focus is on national law points, so Constitutional issues may fall to remain unresolved if cases are decided on national law points.

B. Independent authorities

Independence, resources, capacity and powers (including effective access to relevant data) 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 year

5000 character(s) maximum

[single market relevance] Safeguards to ensure the effective independence of supervisory and regulatory authorities with a direct impact on economic operators such as national economic oversight, enforcement and competition authorities

C. Accessibility and judicial review of administrative decisions

[single market relevance] Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data) and respect of the good administration principle (including the obligation of the administration to give reasons for decisions)

5000 character(s) maximum

[single market relevance] 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

[single market relevance] Safeguards (other than judicial review) regarding decisions or inaction of administrative authorities, including remedies (e.g. administrative review)

5000 character(s) maximum

I have been recently advised of ongoing issues with matters raised to the attention of the Office of the Planning Regulator, and hope to be able to expand on that as necessary in due course.

[single market relevance] 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

The barriers proposed here on access to justice put the preliminary reference procedure at risk undoubtedly. Both in terms of the pursuit of cases in the first instance and the restrictions on costs and standing which risk impeding the presentation of points necessitating such clarifications. The removal of the CoA from the hierarchy of appeal in planning JR, with recourse only to the Supreme Court may also prove an issue, given the high threshold for access to the Supreme Court. But I will be plain on that I would need to consider this further and consult on it.

[single market relevance] 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

Ireland's ongoing failures in the area of water, peat and nature protection are particularly noteworthy here.

Oversight, including by courts, of the use of intrusive surveillance software by national authorities

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

While it was welcome that Ireland previously funded 50% of the costs for the Rapid Response Mechanism for Environmental Defenders under the Aarhus Convention further to representations I made to it, that was in the last inter-sessional period of the Convention.

Please see comments earlier above about the Government's involvement in very negative narrative on those who have exercised their rights under the convention via JR and indeed on their lawyers.

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

While DCEE provides funding to eNGOs through the IEN the ongoing issue of a failure to provide for certainty on funding, significant delays on providing the funding running right up to the year end and associated issues, are serious issues. Certainty on multi-annual funding is key if the sector is to be able to compete and offer jobs with some security, and to re-dress a legacy of long term under-funding and uncertainty. I can seek more precise and up to date information on this and serious concerns on the management of funding if that is not being provided through other in the consultation responses.

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

On the contrary as highlighted above the concepts of rule of law is under attack.

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

5000 character(s) maximum

Cross-pillar elements: cross-border rule of law issues related to the Single Market

If there are any significant challenges concerning the Single Market you have been facing in a cross-border context relating to any of the four pillars of the report, including for example issues with market access and the conditions for economic activities, that you would like to highlight, please do so here.

Given the cross-cutting nature of this question, it is included as a separate section in the questionnaire. Information collected under this question will however be integrated under the relevant existing pillar(s) of the Report.

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

9c27453c-8fe4-4574-adf7-56cfc16c27a3/ELI_Submission_on_scale_of_fees_-_final_clean.pdf

Contact

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

