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An Comhchoiste um Ghnóthaí Eachtracha agus Cosaint Tuarascáil maidir le Vacsaíní COVID-19 a dháileadh ar Thíortha atá i mbéal forbartha

Márta 2021

Joint Committee on Foreign Affairs and Defence Report on the Distribution of COVID-19 Vaccines to Developing Countries

March 2021

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CATHAOIRLEACH'S FOREWORD



The emergence of Covid-19 has had a profound impact on global society, necessitating the imposition of measures which previously would have never been thought possible.

With much of the world living under restrictive measures resultant from public health guidance for close to a year now, the production of safe and effective vaccinations is rightly viewed as a significant achievement in the fight against the coronavirus.

However, we must recognise that while the creation of vaccinations is a wonderful achievement, it is only the first step on a long road towards the safe reopening of society.

Having regard to the issues experienced across Europe in accessing adequate supplies of vaccine for Member States, the Joint Committee on Foreign Affairs and Defence set out to examine the international response and actions that Ireland can take in respect of the distribution and roll-out of Covid-19 vaccines to developing and low-and middle-income countries.

While it is the human instinct to seek to prioritise the safety of those closest to us, we know, as has been said repeatedly over the past weeks and months, that nobody is safe until everybody is safe. Without concerted collaboration between the European Union, US, and the UN working together to ensure that everybody has access to vaccinations, then those closest to us will not be safe.

With all signs indicating that herd immunity through vaccination, that was thought possible in the initial stages of the pandemic, now appearing increasingly unlikely due to the emergence of further and new variants, it is now incumbent upon us to act as global citizens.

We must take steps to ensure that our actions are in line with our values and ensure that we do all that we can to reach the furthest behind first and ensure that no one is left behind.

The Committee would like to thank witnesses who participated in our meeting, namely Dr. Kieran Harkin and Dr. Aisling McMahon of Access to Medicines Ireland, Ms Winnie Byanyima, Executive Director of UNAIDS and Dr. David Nabarro, Special Envoy on Covid-19 for the World Health Organisation, for their significant contributions to a constructive and informative discussion.

A handwritten signature in black ink, appearing to read 'Charles Flanagan'.

Charles Flanagan T.D.

Cathaoirleach

Joint Committee on Foreign Affairs and Trade

SUMMARY

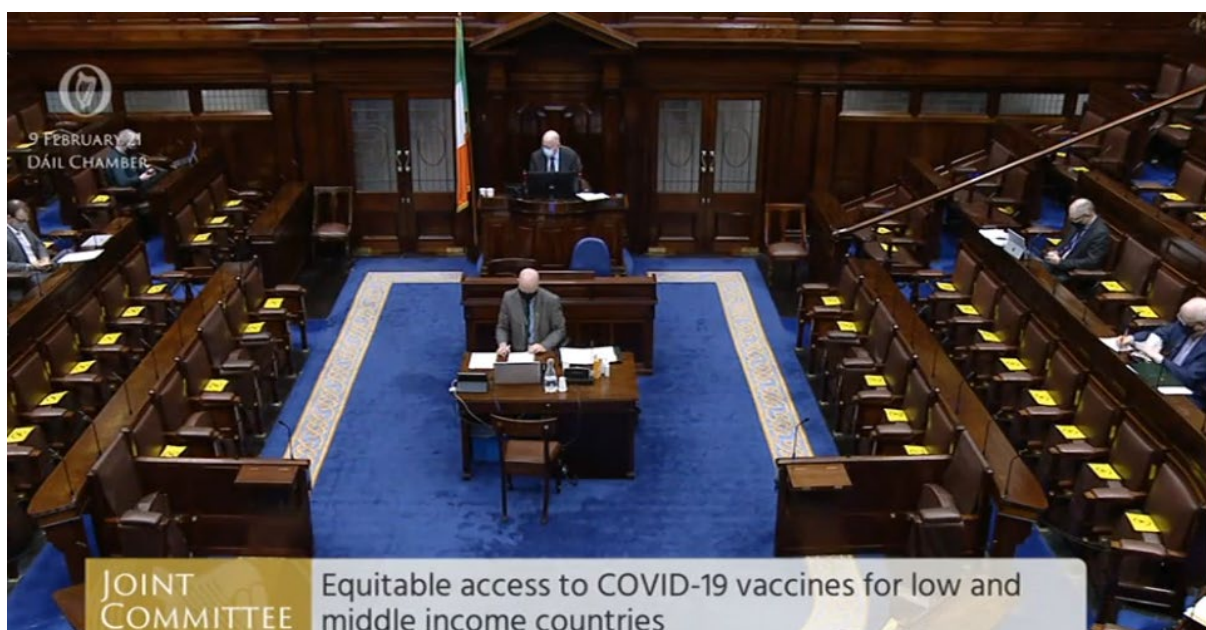
“No one is safe until everyone is safe” - Dr. Mike Ryan, World Health Organisation

The possibility of safe, effective vaccination against Covid-19 offers us hope of finding our way out of this pandemic. However, this hope is threatened by an inadequate supply of vaccines and, as the Committee heard, without global equitable access, the world remains at risk.

On the 9th of February the Joint Committee on Foreign Affairs and Defence held a meeting to discuss the issue of distribution of Covid-19 vaccines to developing countries. The onset of the pandemic has been far reaching, affecting every sector and facet of society, and the emergence of effective vaccinations has been viewed as a significant milestone in the fight against the virus.

The Committee received presentations from Dr. Kieran Harkin and Dr. Aisling McMahon of Access to Medicines Ireland, who are affiliated to Comhlámh, and Ms. Winnie Byanyima, Executive Director of UNAIDS (at the invitation of Access to Medicines Ireland). The Committee were also joined by Dr. David Nabarro, Special Envoy on Covid-19 for the World Health Organisation (WHO).¹

The Director-General of the World Health Organisation and the Secretary General to the UN have both publicly stated that the priority ought to be ensuring that everybody in need of the vaccine can access it on the basis of need first, not on the basis of geographical location or nationality. It is understood that Governments have obligations to protect their own citizens. But it is equally necessary to understand that the best way to protect people is to suppress the virus everywhere at the same time.



¹ While the meeting of the Committee was formal, Dr Nabarro's representation of the WHO was in an informal capacity as his attendance "cannot be an alternative to the formal governance process of the WHO through the UN World Health Assembly or other similar mechanisms".

Most lower income countries are not expected to be vaccinated until 2023 or later. Vaccine scarcity and slow roll-out will only serve to prolong the pandemic as outbreaks re-emerge due to travel between and within countries. This also increases the risk that further variants of the virus will emerge, which could be more infectious, more dangerous, and resistant to current vaccines – as has been seen recently with the variant first identified in South Africa.

For the reasons outlined above, efficient mechanisms for scientists to collaborate and accelerate research and to achieve faster global roll-out of effective vaccines is essential.

With this in mind, the WHO launched the Access to Covid-19 Tools Accelerator² (ACT Accelerator) with the dual aims of facilitating the rapid development of vaccines, diagnostics and therapeutics for Covid-19, and to distribute those vaccines equally.

In light of the extent of the extraordinary health crisis we find ourselves within and the significant public investment that has supported the creation of many Covid-19 vaccines, support for initiatives to facilitate the equitable distribution of Covid-19 vaccines is not an unreasonable expectation.

Rapid, equitable, global access to vaccines must be a key priority and participation in the World Health Organisation's initiative C-TAP is vital to achieve this.

² [The Access to COVID-19 Tools \(ACT\) Accelerator \(who.int\)](https://www.who.int/act-accelerator)

1. Initiatives to facilitate the equitable distribution of Covid-19 vaccines

In April of 2020, with support from France, Germany the European Commission and a coalition of partners, the WHO launched the Access to Covid-19 Tools Accelerator³ (ACT Accelerator) with the dual aims of facilitating the rapid development of vaccines, diagnostics and therapeutics for Covid-19, and to distribute those vaccines equally.

The first aim of this initiative has been achieved, with a number of safe, effective vaccines now in production and distribution. However, as the Committee heard, the second aim of this initiative is under threat.

A key pillar of the ACT Accelerator is the COVAX scheme and supplementary to that, is the C-TAP. The sections below deal with each scheme in further detail and explain the necessity for these schemes in the fight against Covid-19.

COVAX

The COVAX⁴ scheme was set up as part of the ACT accelerator, in order to enable the pooled purchase of vaccines at an ideally low negotiated price. The vaccines can then be made available to countries to purchase with their own funds, or if GDP is low, to purchase with aid funds. It is an advance purchase scheme and by negotiating with providers, the WHO was able, through COVAX, to get a low price. However, in order for the scheme to work there has to be vaccine in the system and currently, there is not enough vaccine available for COVAX to work.

C-TAP

The C-TAP⁵ platform, has been created to facilitate the sharing of intellectual property rights, data, know-how and cell lines related to Covid-19 technologies, including vaccines. It is a voluntary model, subject to the agreement of companies to join. Support for C-TAP would maximise the manufacturing capacity globally by enabling more companies to make vaccines and accelerate the development of new technologies by encouraging sharing of data and know-how, thereby increasing transparency.

C-TAP also works in collaboration with the existing UN-backed Medicines Patent Pool and aligns with the European Commission's recently published intellectual property strategy and the World Health Assembly's Covid-19 response resolution⁶. Importantly, C-TAP is fully consistent with Ireland's foreign policy goals of openness, global solidarity and a commitment to multilateralism.

³ [The Access to COVID-19 Tools \(ACT\) Accelerator \(who.int\)](#)

⁴ [COVAX \(who.int\)](#)

⁵ [International community rallies to support open research and science to fight COVID-19 \(who.int\)](#)

⁶ [COVID-19 response \(who.int\)](#)



Why are these schemes necessary?

Members heard that the C-TAP model is necessary because global production capacity for vaccines, medicines and diagnostics can be increased. However, to do so companies must licence and share intellectual property rights, know-how and technologies to enable others to produce them.

C-TAP is also vital if COVAX is to be a success. C-TAP and COVAX are complementary to each other. In discussing COVAX's first interim vaccine distribution forecast, it was cautioned that:

"Countries are ready to go but the vaccines aren't there...We encourage all manufacturers to share their data and technology to ensure global equitable access to vaccines"

- Dr. Tedros Ghebreyesus of the World Health Organisation

It was emphasised that **C-TAP will only be a success if more Governments and companies join**. However, if voluntary mechanisms do not achieve sufficient support, then mandatory measures such as suspending intellectual property rights under the WTO Council for Trade-Related Aspects of Intellectual Property Rights – TRIPS – waiver proposal⁷⁸ will be needed and should be supported to encourage and achieve change.

⁷ [directdoc.aspx \(wto.org\)](https://directdoc.aspx (wto.org))

⁸ The proposal was initially submitted by South Africa and India on 2 October and has since been co-sponsored by the delegations of Kenya, Eswatini, Pakistan, Mozambique and Bolivia. The document calls for a waiver for all WTO members of certain provisions of the TRINTELLECTUAL PROPERTY Agreement in relation to the "prevention, containment or treatment" of Covid-19. The proponents advise the objective is to avoid barriers to the timely access to affordable medical products including vaccines and medicines or to scaling-up of research, developing, manufacturing and supply of essential medical products.

2. Access to Vaccines

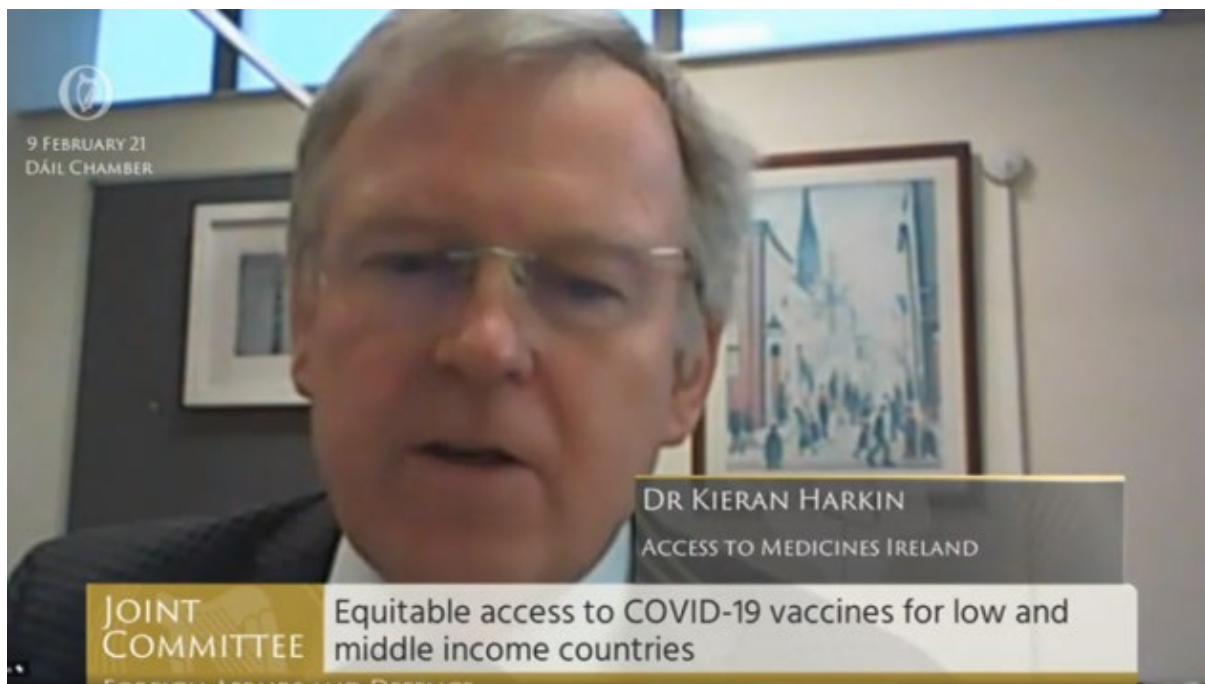
Access to Vaccines in Low- and Middle-Income Countries

While the arrival of effective vaccines has brought an expectation that the pandemic can be brought under control, that expectation is threatened by an inadequate supply of vaccines.

Lower income countries are defined as those with a GNI per capita of \$1,025 or less, while lower middle-income economies are those with a GNI per capita between \$1,026 and \$3,995.⁹

Low-income countries are also known as developing countries and are typically in receipt of development aid from governments or agencies to support their economic, political, social, and environmental development. These countries face struggles related to a poor economy, and as a result suffer from high rates of illness and infections due to low sanitation levels, and a lack of access to quality medical care.

Most lower income countries are not expected be vaccinated until 2023 or later. Vaccine scarcity and slow roll-out will ensure a prolongation of the pandemic as outbreaks re-emerge due to travel between and within countries.



⁹ <https://datatopics.worldbank.org/world-development-indicators/stories/the-classification-of-countries-by-income.html#:~:text=As%20of%201%20July%202019,between%20%243%2C996%20and%20%2412%2C375%3B%20high->

Access to vaccines in areas of conflict

A barrier to access to vaccines is intellectual property, data and know-how, which is also related to the safety of production of vaccines. Companies need to share their know-how to facilitate and enable others to produce vaccines to the same quality standard.

The witnesses were asked for their views on the possibility of areas of conflict becoming centres for more changes to the virus, leading to deadlier strains, if those living there are not vaccinated. In response, it was advised that this is certainly possible. It was stressed that the COVAX scheme has been designed such that it includes capacity to ensure that when vaccines are available, they get to disadvantaged and refugee communities.

It was raised by members that herd immunity through vaccination thought possible late last year and early this year, is now unlikely to be possible because of the emergence of further and new variants such as the strain identified in South Africa, and if it is the case that what we are now experiencing is a shift in the goalposts, adding to the challenge involved.

On the question of herd immunity, the Committee was reminded that while COVAX will provide some assistance towards this, the target for COVAX is to provide enough vaccines for 20% of populations, which is nowhere near the figure which would be required to achieve herd immunity or a population-wide spread of vaccination. Thus, the consequence of not supporting C-TAP is that at best, 20% will be achieved and that is assuming that the supply to achieve that can be obtained. C-TAP can deliver more vaccines for schemes such as COVAX and facilitate an increased supply.

3. Competition, Supply and Economic Costs

Governments across Europe are under increased pressure to ensure that an ample and rapid supply of Covid vaccines are available to their citizens. Having lived with restrictive measures for almost one year now, there is an understandable frustration among the people of Europe, who view shortages in vaccine supply as a determining factor in delaying their ability to return to a normal life.

The Committee heard that the current vaccine scarcity is viewed as artificial in so far as it can easily be resolved by increasing production capacity globally. In order to do this however, companies must share their know-how and intellectual property rights to expedite research and enable others to produce vaccines.

Competition among the most developed countries runs the risk that the virus will be left to ravage developing countries. This also entails the risk of further strains emerging and threatens the efficacy of vaccines.

“Approaching vaccination as a competitive race between countries and regions means that everybody loses out.”

Ms. Winnie Byanyima, Executive Director UNAIDS

In light of this, support for C-TAP is not only the moral thing to do, but also the pragmatic.

Consequences of competition for vaccines

The Committees’ attention was drawn to the fact that a small group of the most developed countries representing just 14% of the global population have bought most of the supply of Covid-19 vaccines available until the end of 2021. This means that nine in ten people in the least developed countries are set to go without access to a vaccine this year.

Members queried as to whether wealthier countries are hoarding vaccines and if so, if this is impacting upon the ability of low-income countries to access supplies. Dr Nabarro advised that in his view, the issue is not that wealthy countries have got excess vaccine, rather, the wealthy countries that have begun mass vaccination programmes are short of vaccine.

There are concerns as vaccines initially purchased under advanced purchase orders are delayed due to production problems. This has created competition for supplies between Governments that have pledged to vaccinate large proportions of their populations and commitments to support to COVAX.

Thus, Governments are applying pressure on manufacturers in the immediate shortage to take vaccines away from COVAX so that they can fulfil pledges made to their citizens for widespread vaccination. This means that while poorer countries will struggle to vaccinate their at-risk populations, such as healthcare workers, at the same time wealthier countries will complete at-risk cohorts and move on to vaccinate less at-risk members of the population.

Supply and Production Capacity

“The issue is not only one of money or unfair allocation; it is also that simply not enough vaccines are being produced.” – Ms. Winnie Byanyima, Executive Director of UNAIDS

Ms. Byanyima quoted the research of The Peoples Vaccine Alliance¹⁰, who have looked at system capacity and estimated that the three largest vaccine producers – Moderna, BioNTech, and Oxford AstraZeneca – are producing enough vaccines for only 1.5% of the world’s population in 2021, which should give an indication of how limited the current supply is.

Some pharmaceutical companies in recent times have entered into voluntary licensing deals where they have agreed to help in the production of vaccines e.g. Pfizer and BioNTech recently reached an agreement with French company Sanofi to help increase its production.¹¹ However, shortages of production can arise due to production issues. Even with agreements in place such as that between AstraZeneca and Serum Institute of India¹² and all of its production facilities working on the vaccine, it still cannot produce the amount needed.

The Committee heard that research by Knowledge Ecology International (KEI)¹³ suggests that there is untapped potential for production. Knowledge Ecology International has identified more than 100 plants capable of producing Covid-19 vaccine. Six of those are in Ireland, four from Merck, which had attempted to develop its own vaccine and unfortunately failed recently. Two of the plants are in Cork, one in Carlow, and one in Swords.

Maximising global production is possible only if all companies that can produce vaccines have access to the vaccine technology, know-how and intellectual property. Companies are unlikely to do this voluntarily and it was suggested that **Governments may have the leverage to persuade companies to join, and thereby enable the sharing of data necessary to facilitate C-TAP.**



¹⁰ [Peoples Vaccine](#)

¹¹ [Sanofi to produce millions of BioNTech/Pfizer vaccines to supply EU \(irishtimes.com\)](#)

¹² [Serum Institute of India obtains emergency use authorisation in India for AstraZeneca’s COVID-19 vaccine](#)

¹³ [COVID-19 Vaccine Manufacturing Capacity | Knowledge Ecology International \(keionline.org\)](#)

Economic Cost

“This is a situation where the self-interested, pragmatic, and moral things to do are the same.”

Dr Aisling McMahon, Access to Medicines Ireland

In his opening statement, Dr Kieran Harkin outlined that the global economic cost of Covid-19 has been estimated at €3.4 trillion per year. Further to this, Oxfam has calculated that the economic impact of the virus could push up to 500 million people into poverty and nearly half of all jobs in Africa could be lost, according to UN estimates.

In addition, it was also advised that research from the International Chamber of Commerce predicts that delays to vaccine access in poorer countries could, in the worst-case scenario, cost the global economy an estimated \$9 trillion, with wealthier countries assuming half of that cost.

Recent research¹⁴ highlighted by Access to Medicines Ireland, supports the above estimations suggesting that the global GDP loss of not carrying out vaccinations on a global equitable basis, will be higher than the cost of manufacturing and distributing vaccines globally. Interestingly, the estimates in this paper also support the above assertion, suggesting that up to 49% of the global economic costs of the pandemic in 2021 will be borne by advanced economies, even if they achieve universal vaccination in their own countries.

¹⁴ [The Economic Case for Global Vaccinations: An Epidemiological Model with International Production Networks | NBER](#)

4. The need for a Global Response – learning from the past?

“Like AIDS, Covid is revealing the underlying fissures of inequality, how they hurt all of us and how outdated rules and approaches obstruct us from overcoming them. Fixing them is a policy choice. It is a moral, public health and economic imperative to ensure that everyone gets vaccinated in 2021 and that no one is left behind”

Ms. Winnie Byanyima, Executive Director UNAIDS

Lessons to be learned

The Committee was urged throughout the meeting to learn from the mistakes of the past, with many references made to the HIV-AIDS crisis, which provides one example of where intellectual property rights have been relaxed. For several years civil society organisations and developing countries petitioned for the relaxing of intellectual property rights related to AIDS treatments, to no avail.

During these years many millions of lives were needlessly lost. Eventually, there was an announcement and declaration under the Agreement on Trade-Related Aspects of Intellectual Property Rights – TRIPS – which is the overarching laws on intellectual property, that public health would also have to be prioritised and that intellectual property would have to be used in a way that was compatible.

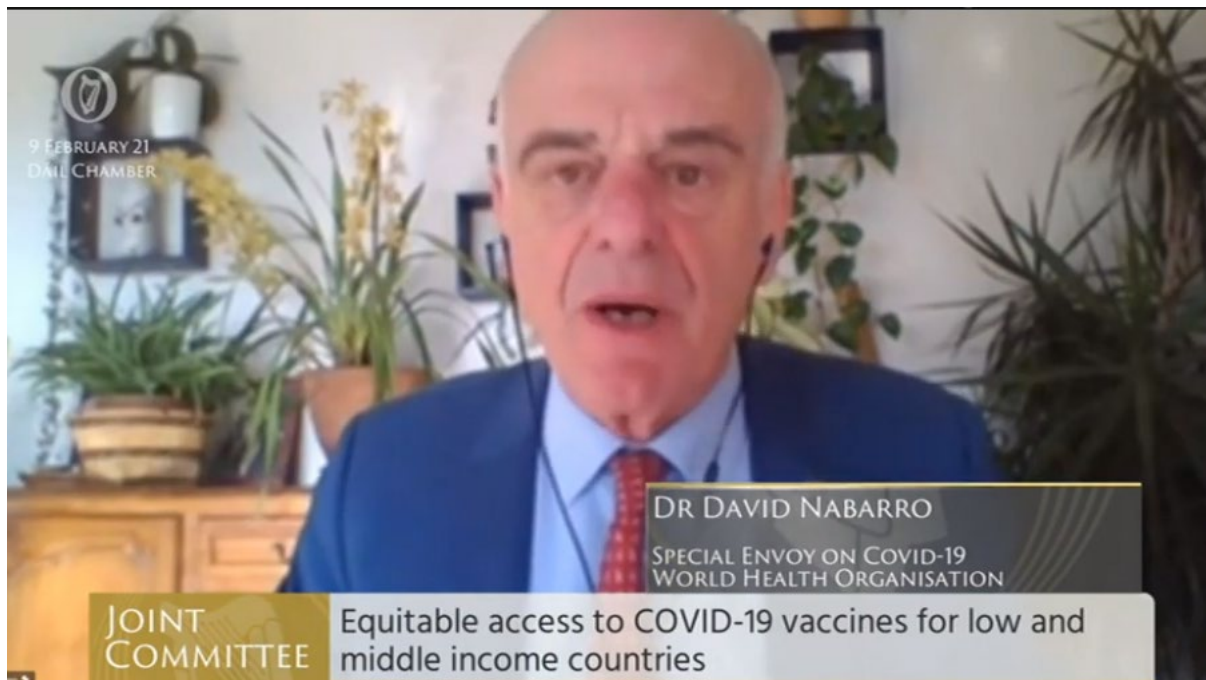
The use of this was one of the key mechanisms during the HIV-AIDS crisis that facilitated access. On the 7th of February 2001, Cipla, the Indian generic company announced that it could produce HIV-AIDS antiretrovirals for less than \$1 a day, which represented a game changing moment in the fight against HIV-AIDS.

Such developments were key to ameliorating access issues in the HIV-AIDS crisis, with pharmaceutical companies and Governments who had supported them relenting to pressure, which paved the way to allow HIV drugs to be produced and manufactured generically.

Another notable time that patents were suspended, was when the US government was threatened by anthrax and overnight brought in a law allowing the relaxation of patents on ciprofloxacin, the only antibiotic which would have been effective.

Aside from the health implications of a lack of access to vaccines, in developing countries, such as those in Africa, the economic devastation is worse than the health devastation. While the death and infection rates have been lesser in Africa than Europe, the economy still had to be shut down to suppress the virus and so the economic impact is devastating. People have lost their jobs and their income, so they have nothing to eat.

The Committee heard that the need to recover is global and that this pandemic has the potential to cause significant global devastation, particularly economic given the nature of the virus.



The need for a global response

The Committee was told that it will not be possible to get vaccines into the arms of people everywhere without an enormous global support programme for vaccine administration throughout the world. Without such an effort, it was advised that we may end up in a scenario where more and more vaccines are available, without the ability to implement them. The example of the global immunisation programme for Polio was offered by way of example.

While some of this type of support will be available through COVAX, the Committee heard in frank terms that the world will have to get behind poorer countries to help them carry out their immunisation programmes. At this juncture, Dr Nabarro stated that this is where continued **commitment from global bodies such as the G7, the G20 the UN Security Council and the UN General Assembly will be vital to ensure that where funding is pledged that these obligations are fulfilled.**

COVAX will not work if it does not get the necessary support from wealthy countries; it will fail if countries do not operate transparently, give it enough money, or discredit it.

5. Conclusions and Recommendations

Conclusions

As the Committee heard, it is an imperative that the entire world is vaccinated from Covid-19. Global multilateral action is needed, and Ireland can and should be a leading voice in this regard.

This virus disproportionately affects poor people and dealing with Covid in Ireland and elsewhere in Europe means empowering people to respond and enabling those most affected, particularly the poorest and those with least access to resources, to be strong.

Addressing vaccine inequality via participation in C-TAP would ensure that the core values of Irish Aid's policy, *A Better World*, are put into practice, reaching the furthest behind first and leaving no one behind - which is Ireland's approach to realising the UN Sustainable Development Goals.

Access to Medicines Ireland is joined by ActionAid Ireland, the Irish Global Health Network, the INMO, Médecins San Frontières Ireland and Oxfam Ireland in calling on the Government to support the C-TAP. At the time of the meeting, 40 countries worldwide, including five European countries¹⁵, have endorsed it.

In addition, during a speech to the UN General Assembly, the President Michael D. Higgins indicated his support for the WHO's global solidarity call to action saying:

“Unless such medical tools are fully accessible to all on an equitable basis, the world remains at risk”

President Michael D. Higgins

Recommendations

The Committee recommends:

- Formal endorsement of C-TAP by the Government
- Government advocating for C-TAP and other mechanisms at international level, particularly at the EU and at the UN Security Council
- Government assistance to encourage more pharmaceutical companies to join C-TAP
- Increase financial support for the World Health Organisation's ACT Accelerator

¹⁵ Belgium, Luxembourg, Norway, Portugal and the Netherlands

During his closing remarks Dr. Nabarro made the following statement which warrants attention:

“There have been calls for a vaccine summit involving the new American Administration and possibly the G7. It is important to go beyond saying a summit is required. World leaders must come together in a constant format to deal with this crisis as a global crisis. It cannot be dealt with by individual leaders working on their own. These issues require solidarity in their responses. **I propose not just a summit but a global response programme**, that deals with all of the issues such as access to tests, access to treatment, access to vaccines, travel issues, the problems of obligations of occupiers and all of the other problems we are talking about. This needs ongoing attention now because we do not know what a failure to deal with Covid in a joined-up way worldwide will lead to.”

APPENDIX A

Links to Opening Statments

Access to Medicines Ireland

[2021-02-09_opening-statement-dr-kieran-harkin-dr-aisling-mcmahon-access-to-medicines-ireland_en.pdf \(oireachtas.ie\)](#)

UNAIDS

[2021-02-09_opening-statement-winnie-byanyima-executive-director-un aids_en.pdf \(oireachtas.ie\)](#)

APPENDIX B

MEMBERSHIP

Deputies

- Charles Flanagan, *Chair (FG)*
- Cathal Berry, *(Ind)*
- John Brady, *(SF)*
- Sorca Clarke, *(SF)*
- Barry Cowen, *(FF)*
- Gary Gannon, *(SD)*
- James Lawless, *(FF)*
- Brian Leddin, *(GP)*
- David Stanton, *(FG)*

Senators

- Catherine Ardgah, *(FF)*
- Gerard Craughwell, *(Ind)*
- Niall Ó Donnghaile, *(SF)*
- Joe O'Reilly, *(FG)*
- Diarmud Wilson, *(FF)*

Orders of Reference, Scope and Context of Committees

Scope and context of activities of Select Committees (DSO 94 and SSO 70)

DSO 94

- (1) The Dáil may appoint a Select Committee to consider and, if so permitted, to take evidence upon any Bill, Estimate or matter, and to report its opinion for the information and assistance of the Dáil. Such motion shall specifically state the orders of reference of the Committee, define the powers devolved upon it, fix the number of members to serve on it, state the quorum, and may appoint a date upon which the Committee shall report back to the Dáil.
- (2) It shall be an instruction to each Select Committee that—
 - (a) it may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders;
 - (b) such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil;
 - (c) it shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Joint Committee on Public Petitions in the exercise of its functions under Standing Order 125(1)¹⁶; and
 - (d) it shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—
 - (i) a member of the Government or a Minister of State, or
 - (ii) the principal office-holder of a State body within the responsibility of a Government Department or
 - (iii) the principal office-holder of a non-State body which is partly funded by the State, Provided that the Committee may appeal any such request made to the Ceann Comhairle, whose decision shall be final.
- (3) It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a Bill on any given day, unless the Dáil, after due notice to the Business Committee by a Chairman of one of the Select Committees concerned, waives this instruction.

SSO 70

- (1) The Seanad may appoint a Select Committee to consider any Bill or matter and to report its opinion for the information and assistance of the Seanad and, in the case of a Bill, whether or not it has amended the Bill. Such motion shall specifically state the orders of reference of the Committee, define the powers devolved upon it, fix the number of members to serve on it, state the quorum thereof, and may appoint a date upon which the Committee shall report back to the Seanad.
- (2) It shall be an instruction to each Select Committee that—
 - (a) it may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders;
 - (b) such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Seanad;

¹⁶ Retained pending review of the Joint Committee on Public Petitions

- (c) it shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Joint Committee on Public Petitions in the exercise of its functions under Standing Order 108 (1)¹⁷; and
- (d) it shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—
 - (i) a member of the Government or a Minister of State, or
 - (ii) the principal office-holder of a State body within the responsibility of a Government Department, or
 - (iii) the principal office-holder of a non-State body which is partly funded by the State, Provided that the Committee may appeal any such request made to the Cathaoirleach, whose decision shall be final.

Functions of Departmental Select Committees (DSO 95 and SSO 71)

DSO 95

- (1) The Dáil may appoint a Departmental Select Committee to consider and, unless otherwise provided for in these Standing Orders or by order, to report to the Dáil on any matter relating to—
 - (a) legislation, policy, governance, expenditure and administration of—
 - (i) a Government Department, and
 - (ii) State bodies within the responsibility of such Department, and
 - (b) the performance of a non-State body in relation to an agreement for the provision of services that it has entered into with any such Government Department or State body.
- (2) A Select Committee appointed pursuant to this Standing Order shall also consider such other matters which—
 - (a) stand referred to the Committee by virtue of these Standing Orders or statute law, or
 - (b) shall be referred to the Committee by order of the Dáil.
- (3) The principal purpose of Committee consideration of matters of policy, governance, expenditure and administration under paragraph (1) shall be—
 - (a) for the accountability of the relevant Minister or Minister of State, and
 - (b) to assess the performance of the relevant Government Department or of a State body within the responsibility of the relevant Department, in delivering public services while achieving intended outcomes, including value for money.
- (4) A Select Committee appointed pursuant to this Standing Order shall not consider any matter relating to accounts audited by, or reports of, the Comptroller and Auditor General unless the Committee of Public Accounts—
 - (a) consents to such consideration, or
 - (b) has reported on such accounts or reports.
- (5) A Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Seanad Éireann to be and act as a Joint Committee for the purposes

¹⁷ Retained pending review of the Joint Committee on Public Petitions

of paragraph (1) and such other purposes as may be specified in these Standing Orders or by order of the Dáil: provided that the Joint Committee shall not consider—

- (a) the Committee Stage of a Bill,
 - (b) Estimates for Public Services, or
 - (c) a proposal contained in a motion for the approval of an international agreement involving a charge upon public funds referred to the Committee by order of the Dáil.
- (6) Any report that the Joint Committee proposes to make shall, on adoption by the Joint Committee, be made to both Houses of the Oireachtas.
- (7) The Chairman of the Select Committee appointed pursuant to this Standing Order shall also be Chairman of the Joint Committee
- (8) Where a Select Committee proposes to consider—
- (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 133, including the compliance of such acts with the principle of subsidiarity,
 - (b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,
 - (c) non-legislative documents published by any EU institution in relation to EU policy matters, or
 - (d) matters listed for consideration on the agenda for meetings of the relevant Council (of Ministers) of the European Union and the outcome of such meetings, the following may be notified accordingly and shall have the right to attend and take part in such consideration without having a right to move motions or amendments or the right to vote:
 - (i) members of the European Parliament elected from constituencies in Ireland,
 - (ii) members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
 - (iii) at the invitation of the Committee, other members of the European Parliament.
- (9) A Select Committee appointed pursuant to this Standing Order may, in respect of any Ombudsman charged with oversight of public services within the policy remit of the relevant Department consider—
- (a) such motions relating to the appointment of an Ombudsman as may be referred to the Committee, and
 - (b) such Ombudsman reports laid before either or both Houses of the Oireachtas as the Committee may select: Provided that the provisions of Standing Order 130 apply where the Select Committee has not considered the Ombudsman report, or a portion or portions thereof, within two months (excluding Christmas, Easter or 19 summer recess periods) of the report being laid before either or both Houses of the Oireachtas.¹⁸

SSO 71

- (1) The Seanad may appoint a Departmental Select Committee to consider and, unless otherwise provided for in these Standing Orders or by order, to report to the Seanad on any matter relating to—
- (a) legislation, policy, governance, expenditure and administration of-

¹⁸ Retained pending review of the Joint Committee on Public Petitions.

- (i) a Government Department, and
 - (ii) State bodies within the responsibility of such Department, and
- (b) the performance of a non-State body in relation to an agreement for the provision of services that it has entered into with any such Government Department or State body.
- (2) A Select Committee appointed pursuant to this Standing Order shall also consider such other matters which –
 - (a) stand referred to the Committee by virtue of these Standing Orders or statute law, or
 - (b) shall be referred to the Committee by order of the Seanad.
- (3) The principal purpose of Committee consideration of matters of policy, governance expenditure and administration under paragraph (1) shall be—
 - (a) for the accountability of the relevant Minister or Minister of State, and
 - (b) to assess the performance of the relevant Government Department or a State body within the responsibility of the relevant Department, in delivering public services while achieving intended outcomes, including value for money.
- (4) A Select Committee appointed pursuant to this Standing Order shall not consider any matter relating to accounts audited by, or reports of, the Comptroller and Auditor General unless the Committee of Public Accounts—
 - (a) consents to such consideration, or
 - (b) has reported on such accounts or reports.
- (5) A Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Dáil Éireann to be and act as a Joint Committee for the purposes of paragraph (1) and such other purposes as may be specified in these Standing Orders or by order of the Seanad: provided that the Joint Committee shall not consider-
 - (a) the Committee Stage of a Bill,
 - (b) Estimates for Public Services, or
 - (c) a proposal contained in a motion for the approval of an international agreement involving a charge upon public funds referred to the Committee by order of the Dáil.
- (6) Any report that the Joint Committee proposes to make shall, on adoption by the Joint Committee, be made to both Houses of the Oireachtas.
- (7) The Chairman of a Joint Committee appointed pursuant to this Standing Order shall be a member of Dáil Éireann.
- (8) Where a Select Committee proposes to consider—
 - (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 116, including the compliance of such acts with the principle of subsidiarity,
 - (b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,
 - (c) non-legislative documents published by any EU institution in relation to EU policy matters, or
 - (d) matters listed for consideration on the agenda for meetings of the relevant EC Council (of Ministers) of the European Union and the outcome of such meetings, the following may be notified accordingly and shall have the right to attend and take part in such consideration without having a right to move motions or amendments or the right to vote:
 - (i) members of the European Parliament elected from constituencies in Ireland,

- (ii) members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
 - (iii) at the invitation of the Committee, other members of the European Parliament.
- (9) A Select Committee appointed pursuant to this Standing Order may, in respect of any Ombudsman charged with oversight of public services within the policy remit of the relevant Department consider—
 - (a) such motions relating to the appointment of an Ombudsman as may be referred to the Committee, and
 - (b) such Ombudsman reports laid before either or both Houses of the Oireachtas as the Committee may select: Provided that the provisions of Standing Order 113 apply where the Select Committee has not considered the Ombudsman report, or a portion or portions thereof, within two months (excluding Christmas, Easter or summer recess periods) of the report being laid before either or both Houses of the Oireachtas.¹⁹

Powers of Select Committees (DSO 96 and SSO 72)

DSO 96

Unless the Dáil shall otherwise order, a Committee appointed pursuant to these Standing Orders shall have the following powers:

- (1) power to invite and receive oral and written evidence and to print and publish from time to time—
 - (a) minutes of such evidence as was heard in public, and
 - (b) such evidence in writing as the Committee thinks fit;
- (2) power to appoint sub-Committees and to refer to such sub-Committees any matter comprehended by its orders of reference and to delegate any of its powers to such sub-Committees, including power to report directly to the Dáil;
- (3) power to draft recommendations for legislative change and for new legislation;
- (4) in relation to any statutory instrument, including those laid or laid in draft before either or both Houses of the Oireachtas, power to—
 - (a) require any Government Department or other instrument-making authority concerned to—
 - (i) submit a memorandum to the Select Committee explaining the statutory instrument, or
 - (ii) attend a meeting of the Select Committee to explain any such statutory instrument: Provided that the authority concerned may decline to attend for reasons given in writing to the Select Committee, which may report thereon to the Dáil, and
 - (b) recommend, where it considers that such action is warranted, that the instrument should be annulled or amended;
- (5) power to require that a member of the Government or Minister of State shall attend before the Select Committee to discuss—

¹⁹ Retained pending review of the Joint Committee on Public Petitions.

- (a) policy, or
 - (b) proposed primary or secondary legislation (prior to such legislation being published), for which he or she is officially responsible: Provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil: and provided further that a member of the Government or Minister of State may request to attend a meeting of the Select Committee to enable him or her to discuss such policy or proposed legislation;
- (6) power to require that a member of the Government or Minister of State shall attend before the Select Committee and provide, in private session if so requested by the attendee, oral briefings in advance of meetings of the relevant EC Council (of Ministers) of the European Union to enable the Select Committee to make known its views: Provided that the Committee may also require such attendance following such meetings;
- (7) power to require that the Chairperson designate of a body or agency under the aegis of a Department shall, prior to his or her appointment, attend before the Select Committee to discuss his or her strategic priorities for the role;
- (8) power to require that a member of the Government or Minister of State who is officially responsible for the implementation of an Act shall attend before a Select Committee in relation to the consideration of a report under Standing Order 197;
- (9) subject to any constraints otherwise prescribed by law, power to require that principal officeholders of a—
- (a) State body within the responsibility of a Government Department or
 - (b) non-State body which is partly funded by the State, shall attend meetings of the Select Committee, as appropriate, to discuss issues for which they are officially responsible: Provided that such an office-holder may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil; and
- (10) power to—
- (a) engage the services of persons with specialist or technical knowledge, to assist it or any of its sub-Committees in considering particular matters; and
 - (b) undertake travel; Provided that the powers under this paragraph are subject to such recommendations as may be made by the Working Group of Committee Chairmen under Standing Order 120(4)(a).

SSO 72

Unless the Seanad shall otherwise order, a Committee appointed pursuant to these Standing Orders shall have the following powers:

- (1) power to invite and receive oral and written evidence and to print and publish from time to time –
 - (a) minutes of such evidence as was heard in public, and
 - (b) such evidence in writing as the Committee thinks fit;
- (2) power to appoint sub-Committees and to refer to such sub-Committees any matter comprehended by its orders of reference and to delegate any of its powers to such sub-Committees, including power to report directly to the Seanad;
- (3) power to draft recommendations for legislative change and for new legislation;
- (4) in relation to any statutory instrument, including those laid or laid in draft before either or both Houses of the Oireachtas, power to –

- (a) require any Government Department or other instrument making authority concerned to –
 - (i) submit a memorandum to the Select Committee explaining the statutory instrument, or
 - (ii) attend a meeting of the Select Committee to explain any such statutory instrument: provided that the authority concerned may decline to attend for reasons given in writing to the Select Committee, which may report thereon to the Seanad, and
- (b) recommend, where it considers that such action is warranted, that the instrument should be annulled or amended;
- (5) power to require that a member of the Government or Minister of State shall attend before the Select Committee to discuss–
 - (a) policy, or
 - (b) proposed primary or secondary legislation (prior to such legislation being published), for which he or she is officially responsible: provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Seanad: and provided further that a member of the Government or Minister of State may request to attend a meeting of the Select Committee to enable him or her to discuss such policy or proposed legislation;
- (6) power to require that a member of the Government or Minister of State shall attend before the Select Committee and provide, in private session if so requested by the attendee, oral briefings in advance of meetings of the relevant EC Council (of Ministers) of the European Union to enable the Select Committee to make known its views: Provided that the Committee may also require such attendance following such meetings;
- (7) power to require that the Chairperson designate of a body or agency under the aegis of a Department shall, prior to his or her appointment, attend before the Select Committee to discuss his or her strategic priorities for the role;
- (8) power to require that a member of the Government or Minister of State who is officially responsible for the implementation of an Act shall attend before a Select Committee in relation to the consideration of a report under Standing Order 168;
- (9) subject to any constraints otherwise prescribed by law, power to require that principal office-holders of a –
 - (a) State body within the responsibility of a Government Department, or
 - (b) non-State body which is partly funded by the State, shall attend meetings of the Select Committee, as appropriate, to discuss issues for which they are officially responsible: Provided that such an office-holder may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Seanad; and
- (10) power to-
 - (a) engage the services of persons with specialist or technical knowledge, to assist it or any of its sub-Committees in considering particular matters; and
 - (b) undertake travel; Provided that the powers under this paragraph are subject to such recommendations as may be made by the Working Group of Committee Chairmen under Standing Order 107(4)(a).

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