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DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

TUAIRISC OIFIGIÚIL—Neamhcheartaithe
(OFFICIAL REPORT—Unrevised)

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SEANAD ÉIREANN

Dé Céadaoin, 15 Iúil 2026

Wednesday, 15 July 2026

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Machnamh agus Paidir.

Prayer and Reflection.

Teachtaireacht ó Chomhchoiste - Message from Joint Committee

An Cathaoirleach: The Joint Committee on Housing, Local Government and Heritage has completed its considerations of the Planning and Development (Exempted Development (Act of 2000)) Regulations 2026, the Planning and Development (Exempted Development (Act of 2000) (No. 2) Regulations 2026, the Planning and Development (Exempted Development (Act of 2000) (No. 3) Regulations 2026, the Planning and Development (Exempted Development (Act of 2000) (No. 4) Regulations 2026, the Planning and Development (Exempted Development (Act of 2000) (No. 5) Regulations 2026, the Planning and Development (Exempted Development (Act of 2000) (No. 6) Regulations 2026, the Planning and Development (Exempted Development (Act of 2000) (No. 7) Regulations 2026, and the Planning and Development (Licensing of Outdoor Events) Regulations 2026.

Gnó an tSeanaid - Business of Seanad

An Cathaoirleach: I have received notice from the following Senators that they propose to raise the following matters:

Senator Patricia Stephenson - The need for the Minister for Health to provide an update on the third phase of the women's health action plan.

Senator Fiona O'Loughlin - The need for the Minister of State with special responsibility for mental health to provide an update on an early intervention youth mental health service for Kildare.

Senator Mary Fitzpatrick - The need for the Minister for Housing, Local Government and Heritage to provide an update on the Government's response to the recommendations from the local democracy task force final report, in particular the local electoral boundary review.

Senator Mike Kennelly - The need for the Minister for Transport to make a statement on funding to ensure adequate transport is provided for national sporting events.

Senator Teresa Costello - The need for the Minister for Transport to make a statement on the timeline for a comprehensive review of the design manual for urban roads and streets.

Senator Aubrey McCarthy - The need for the Minister for Education and Youth to make a statement on the decision not to allocate an additional junior infant teacher to St. Corban's National School, Naas, County Kildare.

Senator Nessa Cosgrove - The need for the Minister for Transport to make a statement on the approval of tender documents for the construction of the eastern Garavogue bridge and approach roads in Sligo.

Senator Robbie Gallagher - The need for the Minister for Agriculture, Food and the Marine to make a statement on the roll-out of a nationwide DNA dog testing trial.

Senator Eileen Lynch - The need for the Minister of State with special responsibility for older people to make a statement on the provision of funding for further expansion and roll-out of the falls management exercise programme.

The matters raised by the Senators are suitable for discussion and I have selected Senators Stephenson, O'Loughlin, Fitzpatrick and Kennelly and they will be taken now. The other Senators may give notice on another day of the matters they wish to raise.

Nithe i dtosach suíonna - Commencement Matters

Women's Health

An Cathaoirleach: I welcome the Minister of State to the House. She is most welcome to Seanad Éireann.

Senator Patricia Stephenson: I thank the Minister of State for coming in. I wish to discuss the third phase of the women's health task force and action plan. Women's health has been neglected for too long in Ireland. Our pain has been minimised. Our voices are absent from medical research. Since my time as a Senator, I have been contacted by many women who have shared their health journeys with me. It is usually stories of frustration, long delays, disbelief at the system, disappointment and the experience of medical gaslighting. Some women outlined the impossible positions they have been put in financially that they cannot afford essential medication needed to manage their conditions. I have raised the question of Ryego with the Minister for Health and its funding through the drugs repayment scheme.

The action plan expands the GP programme for endometriosis diagnosis. I am grateful for that, but I am unclear if this is going to be mandatory for all GPs and if this is going to extend to all women's health conditions or specifically endometriosis. If a GP is not trained in women's health and gynaecology and if he or she is not listening to a patient or do not believe her, how are such women going to get a referral, and ultimately a diagnosis? Why do we not have more GPs across the country who can recognise the symptoms of polyendocrine metabolic ovarian syndrome, PMOS, adenomyosis and endometriosis, premenstrual dysphoric disorder, PMDD, and send patients for appropriate tests.

The task force does not go far enough to increase the number of expert gynaecologists providing front-line care. We are still sending women abroad. What is the Department is doing to attract expert clinicians to provide for women's health in Ireland? I was recently contacted by a woman called Aisling who had a successful endometriosis treatment in Ireland after undergoing the EndoSure test in the UK, which diagnosed her with both endometriosis and adenomyosis. Initial tests in Ireland found nothing wrong with her, so her GP would not refer her on to a consultant. She was fobbed off with hormonal contraceptives, which did absolutely nothing. She had to pay out of pocket for the tests in the UK. Aisling did find an excellent GP who helped her get treatment, but GPs like this seem to be rare.

Will the HSE be looking into and investigating the EndoSure testing procedure for Ireland? Will she provide a timeline for exploring that and doing that investigation? It could drastically improve diagnosis for endometriosis and adenomyosis in Ireland. I wish to highlight a very worrying aspect regarding the treatment of women-specific conditions. I have talked about medical gaslighting before. There is also the issue of gatekeeping. I have been contacted by women whose GPs are refusing to send them to gynaecologists. There are clinicians in the private health system who refuse to sign off on medical forms so women can avail of the endometriosis surgery abroad interim scheme, ESAIS. Women have been told that the pain in their heads or just bad periods. I am sure the Minister of State has heard similar things in her experience. It is kind of part of the ongoing oppression of women in Ireland that their pain is downplayed and they refuse to get objective investigation into their systems.

I welcome the prominent role that endometriosis has in this action plan. We still have no official statistics in Ireland about how long women are waiting for diagnosis and finally to be told that the pain is not in their heads and their pain is real. I am pleased to hear of the roll-out of the State-funded *in vitro* fertilisation, IVF, for women with endometriosis who are experiencing fertility issues. It is something that I have called for in this Chamber before. It is important, therefore, that we get early diagnosis for endometriosis instead of women languishing for years in pain, by which time they might have aged out of the eligibility for the IVF scheme. I wish to ask about some of the elements that are missing from the plan. There is no mention of adenomyosis, PMDD and PMOS, which was previously known as polycystic ovary syndrome, PCOS. These are all hormone related conditions affecting women which are poorly understood.

The plan has some mental health initiatives, which I am sure the Minister of State engaged with as well in her capacity. The commitments to suicide and self-harm reduction are brilliant. I am not sure if that strategy is going to incorporate PMDD. Will it be taking holistic care and interdisciplinary care into account? I also welcome the national menstrual health awareness campaign. Again, linked to that, is that going to include PMDD? Up until that point, it has been missing. Is that going to link into the Department of education in secondary schools to ensure that menstrual health and PMDD are being taught to girls and boys equally? There is a commitment to pledge €2 million into research, which is fantastic. Is that going to be multi-annual funding for women's research? We have a huge gender gap when it comes to women's research in Ireland. Ireland is not awash with senior academics in women's health. We have loads of early and mid-career people who are fantastic. How can we build them up to ensure that the funding in place for their academic research to prosper?

I welcome the perinatal mother and baby unit. We have spoken about this in Chamber before. How can we extend that? Perinatal is obviously acute crisis. What are we doing to expand the postnatal supports into the community? The Year of Care campaign has called for a year of holistic support. That is focused community support, both physically but also mental recovery from the birth. We need to get to that stage in Ireland.

Minister of State at the Department of Health (Deputy Mary Butler): I thank the Senator for the way she has portrayed this in relation to welcoming the positives because we have made a lot of changes in the past six years especially. I am taking this Commencement matter on behalf of the Minister for Health, Deputy Carroll MacNeill. I thank the Senator for the opportunity to update the House on the third women's health action plan that was launched on 8 July.

To be fair, the Senator asked about 25 questions, so there is absolutely no way I will be able to get through them all. I have to put on the record that in the past five years the Government has made considerable progress in women's health, publishing three women's health action plans setting out practical actions and targeted investments to improve experiences and health outcomes for women and girls across Ireland. Since the establishment of the women's health task force in 2019, more than €180 million in additional funding has been invested in women's health. That was needed, and we all agree wholeheartedly on that.

The Department of Health now has Deputy Jennifer Carroll MacNeill as Minister, but also two Ministers of State, namely Deputy Jennifer Murnane O'Connor and me. In the previous Dáil, it was the same in that there were two female Ministers. That is reflected in what we have seen in relation to the women's health task force, and from all the female Members in this Dáil, the last Dáil and the Seanad, who brought to the fore the fact that women's health had not been funded and was not given the respect it deserved. The plan will build on our knowledge of women's health through research and innovation and will spotlight important areas such as endometriosis and cardiovascular health.

Recently, the Minister announced €2 million in funding for women's health research. This is the first time Irish research funding has been dedicated specifically to women's health. The Minister has put a huge focus on endometriosis since she came into the role. It is important to note that, during our Presidency of the EU, one of the four major conferences that will be held in Ireland will be on endometriosis. Another will be on mental health, I am delighted to say.

The €2 million investment aims to address a historical gap in knowledge and understanding of women's health issues and the impact of gender on health outcomes and experiences. Major improvements are happening across services: enhanced access to proactive and preventive healthcare to support a better quality of life; the embedding and upscaling of women's health initiatives put in place through the implementation of the previous women's health action plans, including, as the Senator knows, free contraception, specialist menopause services, mental health services, ambulatory gynaecology clinics and postnatal hubs; the promotion of social inclusion, connectedness and equity to improve the experiences of marginalised groups of women; and the spotlighting of key areas that women and girls have asked us to prioritise, including endometriosis.

We know that endometriosis is one of the most common gynaecological conditions in Ireland, affecting approximately one in seven women, although the true number is unknown.

This plan will continue to focus on how we can improve access to specialist endometriosis care and treatment.

As the Senator knows, we have established two super-regional specialist centres, one in Tallaght University Hospital and another in Cork, alongside the development of five regional endometriosis hubs. There was specific investment of over €5 million in the provision of these specialised services between 2021 and 2025. This includes investment of over €2 million last year to further drive the development of these services.

The national endometriosis framework recognises the importance of timely fertility support for women. It promotes integrated care between fertility and endometriosis services, with structured referral pathways supporting women to access the most appropriate care for their needs. Fertility specialists can investigate and manage endometriosis and, where clinically indicated, refer patients for publicly funded assisted human reproduction treatment.

On the Senator's question, any consideration of the introduction or use of saliva-based genetic tests for endometriosis in the Irish public health service would be a matter for the HSE, in consultation with clinical experts in the field of endometriosis and the Department.

Acting Chairperson (Senator Malcolm Noonan): Before I invite Senator Stephenson back in, I welcome members of the Young Entrepreneurs Club to the Gallery. They are guests of the Minister, Deputy Jennifer Carroll MacNeill. Cuirim fáilte romhaibh go léir. We have a note here about no homework, but I want to allow that voucher to be carried forward to September, if that is okay, because it will still be relevant then.

Senator Patricia Stephenson: I thank the Minister of State, Deputy Butler. On the €180 million, the annual health budget last year was €27 billion. I am aware that women's health supports are covered in the annual health budget. In that context, the €180 million since 2020 for women's health feels shockingly small. I have tabled a parliamentary question on this and the Department's response will share the breakdown of where the €180 million goes. It is a question around the commitment to multi-annual funding for research and how we are using that funding. I appreciate that the Minister of State will not have the answers because the Department is getting the breakdown of the €180 million for me at the moment. If the free contraception scheme, the new State-funded IVF for women with endometriosis and the free hormone replacement therapy are covered under that, it seems even smaller in many ways. It is shockingly small compared with the overall health budget.

I appreciate that the Minister of State cannot answer this on the fly because the Department has not got the data yet, but it is something to consider when we examine the overall health budget versus the women's health budget. The latter feels very small, worryingly small, including when we take into account the decades of underinvestment.

Deputy Mary Butler: That is where I do not agree with the Senator. I believe €180 million of funding ring-fenced for women's health, when we have come from a low base, is absolutely unbelievable. If you look at the women's health action plan for the period 2026 to 2027, you see it is all about listening, investing, delivering and repeating in respect of women's health. We are listening to women, investing, delivering and repeating. The plan runs in two-year cycles, ensuring targeted actions and continued momentum for improvements to the health

experiences and outcomes of women and girls in Ireland. For example, HRT would be funded under the drugs budget, which is a massive €4 billion per year. It would not be coming out of here.

We now have 18 see-and-treat ambulatory gynaecology clinics. That has all happened in the past six years. We have 16 funded eating disorder teams. When I came into this post in 2020, we had one. We have six regional fertility hubs. Have we more to do? We absolutely do, but what we have is a dedicated focus, dedicated funding and a Government that wants to keep delivering for women's health.

Acting Chairperson (Senator Malcolm Noonan): I also welcome guests of the Tánaiste, Deputy Simon Harris, from County Wicklow. They are all very welcome. I congratulate them on their recent Tailteann Cup success.

Mental Health Services

Senator Fiona O'Loughlin: I thank the Minister of State very much for being here to respond to my Commencement matter. She and I have spoken both publicly and privately in relation to it. She is an incredibly strong advocate for preventive measures and for positive mental health, which we always need to focus on. We must ensure that everybody's, and particularly every young person's, mental health is valued and supported, and that where a young person needs early intervention, he or she can get that. That is the motto and the value of the organisation called Jigsaw. It is a terrific organisation and, most important, there is great trust in it, both from young people and their families and communities. We are always encouraging young people to talk about challenges or issues they may have with their mental health. Once they start talking about it and asking for help, they need to get that help. That is certainly something on which Jigsaw is very focused.

When we are talking about young people's mental health, we know that about 2% of those looking for support may need to go to child and adolescent mental health services, CAMHS, which entails an intervention at a more serious level. About 33% of those who need support do not need to go to an organisation like CAMHS but need to have support that is confidential.

Jigsaw works not just one-to-one in youth therapy. Very importantly, it also works with community programmes. It works with schools, sports organisations, youth clubs and community organisations, so it is really reaching young people where they are. We know young people are showing signs of stress or anxiety and that it is a very stressful and anxious world. Interventions can be made at this stage.

The reason I have tabled this Commencement matter is that I have been advocating for a long time for Newbridge to have a Jigsaw service. According to the census figures, Kildare has the highest proportion of young people aged under 24 in the State, representing 36.6% of our total population.

It is representing 36.6% of our total population. The number of under-25s in Kildare is actually higher than the total population of Offaly, Cavan, Sligo, Roscommon, Monaghan, Carlow, Longford and Leitrim. In 2020, the number of young people admitted to a child or adolescent psychiatric unit was far higher than the State rate in Kildare. There is a huge scale

of need. I always hate talking about these figures, but in terms of the rate of youth suicide, Kildare has the highest rate in Leinster. According to CSO figures, 14 people died by suicide in Kildare in 2023, in 2022 the figure was 26 and in 2021 it was 27. Demand is rising sharply for services. For other CAMHS services that are surrounding Kildare, parents and people in authority are contacting Jigsaw services that are outside Kildare. It is very evident. The case is made that we need to have the service. The case is also made in relation to the statistics that Jigsaw has itself in terms of its success rate. There is no doubt that more young people are reaching out and Jigsaw is certainly keeping pace. Young people are being seen sooner. If they need other referrals, Jigsaw can work with other organisations. When young people get support, it works. That is the most important thing. I stand here on behalf of the young people of Newbridge and the surrounding areas. If it was located in Newbridge, we would also have an outreach in respect of other areas. I hope the Minister of State has positive news for me today.

Deputy Mary Butler: I thank the Senator for raising this important matter in the House today and for her consistent and persistent advocacy in support of expanding youth mental health services in Kildare. This is not new to the Senator. She has been doing this for as long as I have known her, over her ten years in these Houses, in advocating for positive youth mental health supports, positive well-being and those crisis interventions when they are needed most.

In developing child and youth mental health services, the HSE aims to promote positive mental health. The Senator is quite right in what she said. We have about 1.2 million young people under 18 in Ireland now. Ten or 12 years ago that figure was about 900,000 so there is more of a demand for services. The Senator is also quite right that only 2% of young people thankfully will need the support of CAMHS. However there are a lot of other supports that we need to provide, whether through youth clubs, Foróige, family resource centres or the likes of Jigsaw, early interventions or primary care psychology. All of that working together can support an awful lot of young people so they do not end up needing the support of CAMHS.

I have worked with Jigsaw since coming into this role six years ago and compliment it on the work it does. Jigsaw will receive almost €16.5 million from the HSE under a service level agreement in 2026 from the mental health budget, to provide youth mental health services for those with mild to moderate mental health difficulties. As the Senator is quite aware, no new physical Jigsaw locations had been funded between 2020 and 2025, when the organisation pivoted to develop a suite of new digital services. I want to make it really clear that no matter where people are in the country, they can contact Jigsaw online. However, after Covid it became very clear again that young people like the physical interaction of being able to go to a physical location. In 2022 I opened a Jigsaw in Tipperary, which had been funded previously. We have not opened one since because the digital services were available to all young people. Jigsaw also went through a restructuring phase and has come out of that really well. It has reduced the waiting list, which is really important. We are currently working closely with it to support the expansion of Jigsaw services to Waterford and the south east, as well as to County Clare. The location of Waterford was picked because we have no services in the south east at all. It is great that we will have the hub and spoke model the Senator spoke about. Jigsaw will be based in the city but will have a spoke into west Waterford and other areas of the south east. It is also expanding to County Clare. We have a Jigsaw in Limerick and we are going to put a spoke in there.

Kildare is high on my agenda in respect of Jigsaw. It speaks for itself, with the statistics the Senator has provided and the number of young people. The HSE working with Jigsaw would have the ultimate decision on location but Newbridge having 36% of the population really speaks to a massive demand. We are just starting with the Estimates process now and I will be working really hard to secure the funding to expand a youth mental health service provision, as these go out to tender as well. My aim is to make sure that there will be another presence of Jigsaw within budget 2027. The Senator's area is very high up on the list to deliver a Jigsaw. We have a few areas that specifically need them, we all know where they are and Kildare is one of them. I will continue to work with the Senator on this because it is really important.

I was able to work very closely with Waterford City and County Council to secure a premises in Waterford. It is very difficult to provide the funding for the premises plus the services. If we were able to rent a premises in a particular area, working with local authorities and the community on the ground, it is very helpful.

Senator Fiona O'Loughlin: I thank the Minister of State for her positive response. In terms of premises, I had meetings with Jigsaw over the years in Newbridge and we did look at various premises. No later than yesterday, I spoke to the chief executive of Kildare County Council in relation to this. Local councillors Noel Heavey and Rob Power had a motion tabled in Kildare County Council regarding premises. As we all know, the population of Kildare has really expanded. We are actually short on space for existing services. Having said that, I have written to local estate agents and I have made contacts to other commercial entities within the area. I do appreciate that having the right space is important. We need to have a big space for Jigsaw to function. Hopefully it would be Jigsaw although I appreciate that it needs to go out to tender. We feel in conversation that we would need to have quite a sizable premises. I am undertaking that work together with the authorities. I know the Minister of State will appreciate that Newbridge is just totally squeezed. We do not even have a community centre there, which is shocking in itself. We need to have more. We have started that search. I am working with Jigsaw and certainly would hope, in conversations we have had with it, that we will have a positive announcement at budget time. That is really why I wanted to have the Commencement debate now. We know the Minister of State is working very assiduously with the Minister for Finance and the Minister for public expenditure in relation to getting the services but also rightly getting value for money. This has to be an absolute priority and I appreciate the positivity from the Minister of State today.

Deputy Mary Butler: I am hearing the Senator loud and clear. There is only a short time but there are two things I want to address now. The reply that has been provided also outlines the supports that are available in Kildare, which I will put on the record of the Seanad. Kildare In Sync provides a wide range of youth and family services. The Naas Child and Family Project is part of In Sync youth and family services. In Sync also provides youth counselling service to 11 to 25-year-olds, and supports the LGBT community. It is important to say that there are supports there. I visited the CAMHS teams in Linn Dara last year and want to compliment the really good work that is going on.

In relation to any proposal, a proposal for a new location requires a detailed business case, a premises, support from the regional HSE management, and the necessary funding to resource the staffing of the service. That is where I come into it and what I will be trying to do. Any

new proposal also requires agreement from the HSE national child and youth mental health office, which I work very closely with in the context of agreeing new service priorities. The whole focus now as we deliver services across Ireland is from a heat map of geographical locations pinpointing the areas that do not have a particular service. That is what I want to do.

I look forward to working closely with the Senator on this because I recognise, appreciate and acknowledge that it is crying out for a youth mental health service such as Jigsaw in her area.

Electoral Commission

Acting Chairperson (Senator Malcolm Noonan): Cuirim fáilte roimh an Aire Stáit.

Senator Mary Fitzpatrick: I thank the Cathaoirleach for selecting my Commencement matter. I welcome the Minister of State to the Seanad. It is always good to have a return visitor here in the Seanad and he is always very welcome.

This morning, I seek an update on the Government's response to the final report of the local democracy task force and particularly its recommendations around strengthening our local democracy and local government and reviewing or potentially revising the local electoral boundaries.

At the outset, I thank the councillors, including those from my own party, Fianna Fáil, and others, along with the Association of Irish Local Government, AILG, and the Local Authorities Members Association, LAMA, under the chairmanship of Mr. Jim Breslin, who worked on and produced an excellent final local democracy task force report.

As the Fianna Fáil spokesperson on local government here in the Seanad, this is an issue I have raised previously with the Minister of State and other Ministers. I raise it not just because I am a spokesperson on local government but I am a former city councillor myself. I fully appreciate the value of local government and local democracy and how local communities really value their elected local representatives. It is really important that the Government responds constructively to the local democracy report.

Last year, we had statements on the task force and at that point, I highlighted the need for the Government to take actions to strengthen local democracy and ensure that local councils can effectively represent their communities and respond to their communities' needs. More recently, in March, I sought an update from the Minister on the progress of the task force report. I again urged the Government to take on board the recommendations. It was in March that the local democracy task force actually submitted or presented its final report to the Minister, Deputy James Browne. I know the Minister has been considering it with his officials.

However, councillors and councils right around the country - we have 31 local authorities - and the communities they serve are really anxious to hear a response from Government to that report. They are really engaged in their local communities and in local democracy. One issue that is of particular importance is the potential for the local boundary reviews. The local elections will obviously take place in 2029. Population growth and changing demographics mean that electoral areas must be reviewed and it is really important to ensure that there is fair and adequate representation. Every citizen's voice should carry equal weight, regardless of

where he or she lives, so the boundary review is really important. It is also important for the communities because they want to know that their natural historic boundaries are going to be respected and protected.

I have a couple of questions for the Minister of State. What recommendations from the local democracy task force has the Government accepted? Is there going to be a review of the boundaries? How will that review take place? When will it take place? Has the Electoral Commission got the resources to undertake it and how are councillors and local communities going to be consulted on it? Our local democracy is of incredible importance. It is the part of government that is closest to the citizens and our communities and it is really important that there is transparency and clarity around this. I want a review or a response from the Government that is going to strengthen local government and local democracy, as well as empowering our elected representatives and our local communities. I look forward to the Minister of State's response.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy John Cummins): At the outset, I thank Senator Fitzpatrick for raising this important issue this morning. I am acutely aware of the strong interest that exists within this House in matters relating to local government. Members have consistently demonstrated their commitment to strengthening local democracy and supporting local authorities in their vital role.

As Minister of State with responsibility for local government and a former councillor for many years, I greatly value and appreciate the ongoing advocacy and engagement that comes from all sides of this Chamber. I am conscious that the establishment of the local democracy task force was a key recommendation arising from the Seanad Public Consultation Committee's report on the future of local democracy, which was published last year. In that context, I welcome the opportunity to address the House and to provide an update on the progress made today in advancing that recommendation and strengthening local democracy more generally.

The local democracy task force was established in June of last year as a key commitment under the programme for Government, with a broad and ambitious mandate set out in its terms of reference. The work of the task force built on the substantial body of research and analysis already undertaken in this area, including the Seanad Public Consultation Committee's report on the future of local democracy and important contributions from the Association of Irish Local Government and the Council of Europe on the powers, function and responsibilities of local government. The task force was charged with delivering its report within the challenging timeframe of six to nine months. However, considerable preparatory work already completed across the sector provided a strong foundation and enabled that timeline to be achieved.

The task force, as the Senator rightly pointed out, was chaired by Mr. Jim Breslin, a distinguished former senior public servant. Its membership reflected a broad range of expertise and perspectives, including representatives of elected members, local authority executives, the National Oversight and Audit Commission, the Local Government Audit Service and the Department of Housing, Local Government and Heritage, as well as a number of independent experts. To ensure a structured and comprehensive examination of the issues, the task force was organised under four work themes: structures, funding, functions and governance and accountability within the local government sector. Dedicated pillar groups, comprising subject

matter experts with extensive practical experience, provided detailed, evidence-based analysis that advised to inform the development of the task force recommendations.

In total, more than 50 individuals contributed to this work through the task force and its pillar groups. The task force itself met on nine occasions, while the pillar groups collectively met on more than 40 occasions, demonstrating a significant commitment of time and expertise. Meaningful stakeholder engagement was at the heart of the process. Engagement took place with a wide range of organisations and representative bodies, including employer and employee representatives, community and voluntary organisations, academic experts and other key stakeholders. The task force also invited submissions from political parties and the wider sector and it met with representatives of this House, resulting in a very strong level of participation and engagement. This extensive consultation process provides a strong basis for confidence that the recommendations reflect not only the views and experience of the local government sector itself but also those of communities, organisations and citizens who depend on local authorities for their everyday services.

The Senator specifically raised the matter of the boundary review. This was a matter that was considered as part of the local democracy task force. It was asked to take account of and consider options for a future framework for reviewing numbers and in doing so, to take account of significant population growth since 2014. As has been confirmed by the Minister, Deputy Browne and I on a number of occasions, that final report was submitted to us and we are carefully considering the recommendations, with the implementation at a very advanced stage and due to go before Government as soon as possible.

Acting Chairperson (Senator Malcolm Noonan): Gabhaim buíochas leis an Aire Stáit. We might get copies of the Minister of State's response. That would be useful for Senators.

Senator Mary Fitzpatrick: I thank the Minister of State for his response. It would be nice to have a copy of it; we will get it from the transcript. However, I have to say it is terribly disappointing. The Minister of State's response has essentially just described the process. We are all aware of the process. We are all very engaged in and understand how many people participated and contributed, and how many councillors and officials gave of their time, energy and talents to produce a report.

The Government has a very significant task and has an awful lot of demands on it.

I urge the Minister of State to push the Government to respond meaningfully to our elected representatives and, most important, our local communities. Our local authorities, councillors and communities deserve it. They want to know what the Government's response is to this detailed, evidence-based, informed report. They also want to know what action the Government will take to support local communities, local democracy and our elected local representatives.

When it comes to the boundary review, I would appreciate if the Minister of State would ask the Electoral Commission to come back to us with a written report or statement on how it proposes to undertake the boundary reviews. We are very conscious it is not just a local electoral boundary review. There are potentially general election and European election boundary reviews. The Electoral Commission is doing fine work, but is it really set up to

undertake three reviews in a short timeframe with all the other demands that are going on? It would be helpful to me and other Members if we could get such a statement from the Electoral Commission.

Deputy John Cummins: As Minister of State with responsibility for local government, I can assure the Senator that extensive work has been undertaken by officials in the Department since the task force presented its recommendations to the Minister, Deputy Browne, and me. As she can imagine, it is a very detailed report, for all of the reasons I set out in my initial response. As a result, we have to carefully examine all of those recommendations and put an effective implementation plan in place.

The boundary review element requires a Government decision, which is part of the local democracy task force report. That is being worked on, as I said. I assure the Senator that the Minister and I are determined to ensure that local democracy is strengthened, that the roles and responsibilities of councillors are enhanced and that they are able to effectively hold the Executive to account within the local authority system. That is the overall premise of the local democracy task force and the recommendations that have come out of it.

Communities receive about 1,000 services from local government and I am committed to ensuring that this next generation of reform will put local government in good stead, but we need to get it right. We need to consider the recommendations and it will need to go to the Government for a decision on it.

Public Transport

Senator Mike Kennelly: I welcome the Minister of State. My ask is for the Minister for Transport to liaise with Irish Rail and Bus Éireann to ensure that adequate transport is provided for all football supporters from Kerry and Mayo for the upcoming All-Ireland final.

I congratulate Kerry and Mayo on reaching this year's All-Ireland football final. I pay particular tribute to my own team, Kerry, and Jack O'Connor on their outstanding semi-final victory against our great rivals, Dublin, at the weekend. It was tremendous performance, displaying skill, determination and character, and it has again filled the kingdom with a real sense of pride and excitement. I also commend Mayo on an excellent campaign. I wish both teams every success in what promises to be a fantastic final on Sunday, 26 July.

However, as that excitement builds ahead of the biggest day in the GAA's calendar, there is again a growing concern among Kerry and Mayo supporters and others about how they will get to Croke Park. Last weekend, three additional rail services were provided for Kerry supporters travelling to Dublin, yet even the third train sold out online within 15 minutes. That train was added on the Thursday before the semi-final on the Sunday and it was just too late. That level of demand sends a very clear message that the appetite is there but the transport capacity is not. On average, a train pulling out of Tralee can transport 400 people. Twelve hundred people had been booked in by Thursday and then an extra train was put in place, carrying another 400 people. Ultimately, 1,600 were transported to Heuston. This is not just a Kerry issue or a Mayo issue; it is a national issue. We heard yesterday on the Order of Business that even Louth and Wicklow supporters had difficulties getting to Croke Park last Saturday.

The All-Ireland final is one of the largest sporting events in the country, bringing tens of thousands of supporters together. We must be prepared to think outside the box and explore every possible option to get people to Dublin safely, efficiently and affordably. This means looking beyond the standard timetable. It means considering additional rail services, extra Bus Éireann capacity, private coach partnerships, park-and-ride options and any other practical measures that can help meet the exceptional demand that occurs on occasions of this scale. Supporters should not be left scrambling for transport or be forced onto overcrowded roads because suitable public transport options are not available. Just as important, any decision on additional services must be communicated as early as possible, not just 24 hours before the game. Supporters of both sides are already making plans. Families, clubs, groups of friends and volunteers need that certainty. They need to know today, or no later than Friday, and not a few days before the game what transport options will be available so that they can organise their journeys, book their tickets and make arrangements with confidence.

Therefore, I urge the Minister for Transport to engage immediately with Irish Rail, Bus Éireann and all relevant stakeholders to assess the demand and put in place sufficient additional services for supporters from Kerry and Mayo. Early planning and clear communication will not only reduce stress for supporters but also help manage traffic, improve safety, which we all need, and ensure that everyone can focus on what should be a great celebration of Gaelic games.

Minister of State at the Department of Transport (Deputy Jerry Buttimer): Gabhaim buíochas leis an Seanadóir as an ábhar tábhachtach seo a thógáil. We might be a bit like Joe Canning and Dónal Og Cusack now talking about trains and buses but the Senator is right; it is an important topic. The travelling public and the supporters of Kerry and Mayo deserve certainty and require modes of transport other than cars to go to Croke Park on Sunday week.

The Minister for Transport has responsibility for policy and funding but his remit does not cover scheduling or the monitoring of routes. Those are matters for Bus Éireann and Irish Rail. Nevertheless, I have spoken to both providers about public transport for the All-Ireland final, as I did last year when Cork were in the final.

The NTA has responsibility for securing the provision of public transport passenger services. Its priority is to provide scheduled public transport services on the TFI network. It works with event organisers, operators, local authorities and An Garda Síochána to provide additional transport supports where it is possible to do so. The focus of the remit of the Department of Transport and the NTA with respect to events like the All-Ireland final is to provide additional transport to support large-scale events where required and where operators are in a position, in terms of drivers, fleet and available funding, to provide an additional service. In the case of Cork, Stephen Hackett of Irish Rail in Cork has always been very proactive.

I have been assured by Irish Rail that since last weekend when the All-Ireland final between Mayo and Kerry was confirmed, work has begun to provide additional services for Mayo and Kerry supporters. In this case, for Kerry and Mayo, as the Senator rightly said, it will see a high demand for scheduled and additional services. The Senator has outlined the volume of tickets sales. This is the busiest time for scheduled intercity services anyway, given that it is peak summer time, and that is a priority. In saying that, it is also important that we look at the Monday morning services and have those trains in place, which is part of where we are going, in the scheduling of additional train services.

Irish Rail will operate additional services for supporters from both counties. I thank the Senator for raising this matter and for his ongoing advocacy on behalf of the supporters of Cumann Lúthchleas Gael.

The number of extra trains will be determined by available fleet, drivers and infrastructure capacity. I understand from speaking to Irish Rail that it hopes to be in a position to confirm the number of additional services later this week - I am hoping this will be today or tomorrow - and it will advise customers as soon as these services are available to book. The Senator is correct that the travelling public, the supporter, deserves to know as soon as possible in order to make plans.

As Senator Kennelly outlined, it is expected that all additional trains will sell out very quickly, as was the case with the extra services operated for the quarter-finals and semi-finals. Dare I say it, even Kerry supporters travelled, and they are not used to travelling. As a Cork man, I will not go there today.

In the case of our friends from Mayo, Bus Éireann operates the Expressway route 22 from Ballina to Dublin. I understand from the company that the Expressway team is currently examining whether additional services on route 22 will be added on the morning of Sunday, 26 July.

The Department of Transport has ensured that significant collaboration is taking place between the National Transport Authority, NTA, and operators in order that sufficient public transport capacity is provided for major events. For example, in the last week or so, additional public transport services have been provided to service events on top of the scheduled transport services for the concerts in Malahide, the Aviva Stadium and Marley Park, as well as for the Croke Park match fixtures and events. Additional Luas tram services have been provided over that period of time and Dublin Bus provided numerous additional bus services to facilitate crowds. Additional bus services have also been added to facilitate events in Malahide Castle, the Aviva Stadium, St. Anne's Park, Marlay Park, Fairview Park and the 3 Arena. For those using toll roads, the toll booths will have extra staff. It is important that people recognise they can use their card at the tolls and should have the correct change if using cash. Using a toll tag also allows drivers to pass through the tolls quicker.

I wish both teams well on Sunday week, and I wish Limerick and Galway well this Sunday. I hope all the travelling public have a safe journey to and from the match. Go n-éirí leo go léir.

Acting Chairperson (Senator Malcolm Noonan): Mayo for Sam.

Senator Mike Kennelly: I welcome the Minister of State's comments and his assurance as regards Irish Rail's statement that, as soon as the all-Ireland football final was confirmed, work began to arrange additional services and the company hopes to be in a position to confirm the number of additional services later this week. I ask that the Minister of State double down with Irish Rail and Bus Éireann on whatever additional services are needed. The timing of this can take away people's fear about how they will get to Dublin. The Minister of State mentioned people travelling from Kerry to Dublin. The Kerry supporters are the most loyal supporters in the country-----

Deputy Jerry Buttimer: You cannot beat the Cork supporters.

Senator Mike Kennelly: Well, we can-----

Deputy Jerry Buttimer: Without Cork, the GAA would be a poorer place.

Senator Mike Kennelly: Unfortunately, Kerry is a very remote county. It is the most beautiful county in the country but we have people living in Ventry, for example, who need an hour and a half just to get to a train station and then have to make a four-hour journey by train to Heuston Station. I am raising my voice today to make sure extra services are put on before tomorrow to let people know they can travel from Ventry, Sneem and all over Kerry to Tralee and there will be extra capacity on the trains from there. I thank the Minister of State for his response. If we have the luck of the Cork people behind us going to Croke Park, I am sure it will be a great day out for the kingdom.

Deputy Jerry Buttimer: The Senator mentioned Sneem and Ventry. He and I will remember our great friends, the late, great John Egan and Paudie O'Shea, as well as the Senator's brother Tim. I get emotional because they were great GAA people. Cork and Kerry have the best supporters of the GAA. The Senator is right that it is important we provide additional transport. I will temper expectations, however, by making the point that there is only so much Irish Rail and Bus Éireann can do, as the Senator will know. We do not have routes that would support everyone travelling.

To be fair to the NTA, it has a dedicated team which attends pre-event meetings, so we do see planning. In the case of Irish Rail, I give the example of Stephen Hackett in Cork. There is a lot of work going on there, and I am sure the same applies in Kerry.

I commit to relaying the points the Senator has made on the floor of the House, and has conveyed to me in private, to the Department of Transport. To be fair to the Senator, it was not only this morning that he has articulated this. The travelling supporters of Kerry and Mayo deserve additional transport. I will impress upon Irish Rail, Bus Éireann and private tour and coach operators the need to have extra services available.

I hope that whatever happens on Sunday week, we will have a great all-Ireland final. There are many who think that Kerry has won enough of them and that Mayo deserves to win at least one in our lifetime, but that is a different matter.

The points are well made, and the Acting Chairperson, being an advocate of public transport, will recognise that.

We congratulate Wicklow on winning the Tailteann Cup last weekend. It was a great comeback. What we can agree on is that Cumann Lúthchleas Gael brings us all together. It is a wonderful organisation and our job is to ensure we can all enjoy it. I wish the best of luck to the four teams taking part in the all-Ireland football and hurling finals in the coming weeks.

Cuireadh an Seanad ar fionraí ar 11.25 a.m. agus cuireadh tús leis arís ar 11.33 a.m.

Sitting suspended at 11.25 a.m and resumed at 11.33 a.m.

Gnó an tSeanaid - Business of Seanad

An Cathaoirleach: I welcome to the Gallery two special guests of Senator O'Loughlin, Joeleen Dyland and her son James, who has a huge interest in politics. We look forward to James coming back to Leinster House in the future, perhaps to work in the office with Senator O'Loughlin and maybe later as an elected Member of Seanad Éireann or Dáil Éireann. We are delighted to have him here and we look forward to seeing him again in the Houses of the Oireachtas in the very near future.

It is also my pleasure to welcome the Belgian ambassador to Ireland, H. E. Nicolas Nihon. We will mark Belgian National Day later this month. There is a long and enduring friendship between our two countries dating back through the centuries to the time of St. Brigid, St. Dymphna and St. Foillan, who apparently spent time in Bruges. The Deputy Leader has been a great advocate of St. Brigid's Day. A part of St. Brigid's cloak is kept in the cathedral in Bruges. After the Flight of the Earls in 1607, a tragic time in our history, the Earl of Tyrone, Hugh O'Neill, and the Earl of Tyrconnell, Rory O'Donnell, spent time in Leuven with their families that winter. The Franciscan friars of the Irish College of St. Anthony hosted many of the O'Donnell clan and they are buried in the college. Later, nearly 11,000 Irishmen were buried in the Flanders fields and throughout Belgium during the First World War.

The relationship between our two countries has flourished as a result of our shared membership of the union of nations that is the European Union, where we have worked together on issues of multilateralism, shared interests and support for the United Nations. There are 10,000 to 15,000 Irish people working in Belgium, many of them EU staff. This year is the 20th anniversary of Belgium GAA, which includes the EC Gaelic Club in Brussels. Comhaltas Ceoltóirí Éireann and Conradh na Gaeilge, the Irish language organisation, also have branches there. This year marks the fifth anniversary of Irish being an official language of the European Union.

As we mark Belgium's National Day in Seanad Éireann, we are delighted to have the ambassador here. We look forward to building further relationships with Belgium, including at the EU. We are delighted also to welcome members of the parliamentary friendship group, including the convenor and the Leas-Chathaoirleach, who are with the ambassador in the Distinguished Visitors Gallery. I thank them for being here.

An tOrd Gnó - Order of Business

Senator Cathal Byrne: The Order of Business is No. 1, Regulation of Artificial Intelligence Bill 2026 - Committee Stage (resumed) and Remaining Stages, to be taken at 12.45 p.m., with the proceedings thereon, if not previously concluded, to be brought to a conclusion at 3.45 p.m. by the putting of one question from the Chair, which shall, in relation to amendments, include only those set down or accepted by the Government; No. 2, Israeli Settlements in the Occupied Palestinian Territory (Prohibition of Importation of Goods) Bill 2026 - Committee and Remaining Stages, to be taken at 4 p.m., and the proceedings thereon, if not previously concluded, to be brought to a conclusion at 7.45 p.m. by the putting of one question from the Chair, which shall, in relation to amendments, include only those set down or accepted by the

Government; and No. 77(4), Private Members' business, motion regarding protecting rural Ireland, to be taken at 8 p.m., with the time allocated to the debate not to exceed two hours.

Senator Fiona O'Loughlin: I join the Cathaoirleach in welcoming both the Belgian ambassador and my friends Joeleen and James. Anyone who has visited Chat N' Chew in Newbridge will have met Joeleen. I certainly hope her lunch today will be up to the usual standard at Chat N' Chew.

It was lovely to meet with our former colleague Catherine Martin last night. She brought in a group of musicians, artists and representatives of the Irish Music Rights Organisation, IMRO, including Colm Mac Con Iomaire, Danny O'Donoghue, Tom Dunne and others. They were in for a debate in the Dáil on protecting artists' creativity. There is a concern that Irish artists' copyright will be undermined by artificial intelligence. It is clear they need stronger legal protections, licensing rules, etc. I would like to see a debate on that in this House when we come back in September.

I wish Des Egan, teacher, poet and Newbridge resident, a very happy 90th birthday today. Des is creative director of the Gerard Manley Hopkins Literary Festival, which *The Irish Times* has always called the best literary festival in Ireland. Des is originally from Athlone and he and his wife, Viv, chose to live in Newbridge. The festival starts next week, on 24 July, with people from 27 countries coming to Newbridge. It really is a wonderful festival. I wish Des, Viv and their daughters the best of luck with it.

I am sure Members will join me in wishing Áine Lawlor well on her retirement last Sunday. Áine was a consummate professional, full of integrity and sincerity and very fair to everybody who was on her panel. Continuing the theme of Kildare connections, she is a grand-niece of the late Rathangan author Maura Laverty, who wrote many books and wrote the very first soap opera for RTÉ, "Tolka Row". We wish Áine well on her retirement.

I wish to talk about a serious issue relating to the blueway. The blueway and greenways are important for both visitors and residents. There is an urgent public safety issue affecting residents, particularly the residents of Ballyteague, around the use of the blueway in County Kildare. There has been the illegal use of scramblers and quad bikes on public roads along the blueway. This is causing considerable concern. It has escalated. It is not just an issue of antisocial behaviour now but an issue of public safety. Residents have suffered serious injuries. One had to have a three-hour surgical procedure. Another had to have 12 stitches in his head. In a separate incident, another resident was allegedly assaulted by a quad bike rider, dragged along the roadway and thrown into a parked vehicle. That incident also resulted in hospitalisation. It is only a matter of time before a fatality occurs. We are not asking for special treatment. We are asking for the most basic expectation of any citizens, which is that they should be able to live safely in their own communities. I am calling for an immediate multi-agency response involving the Garda, Waterways Ireland, Kildare County Council and the relevant Government Department. I would like to see the Leader escalating that issue. I would like a debate on the topic.

Senator Mike Kennelly: I express my deep concern at the devastating wildfire that affected Killarney National Park yesterday evening. It is one of the most treasured national landscapes in the country. Initial reports indicate that the fire was caused by human activity, with concerns

that the reckless use of disposable barbecues may have been a contributing factor. Killarney National Park is not just a tourist attraction. It is a unique habitat of national and international importance. The fire has damaged valuable peatland, bogland and native woodland, putting wildlife, biodiversity and fragile ecosystems at risk. Early assessments suggest that approximately 25 ha of land have been affected. At a time when we are experiencing exceptionally dry and warm weather, every one of us has a responsibility to act with care in our countryside and our public communities. The use of barbecues, open flames or any activity that creates a fire risk in such conditions is simply unacceptable. What may seem like a harmless act can, in a matter of minutes, destroy habitats that have taken generations to develop and places lives in danger.

I pay tribute to the extraordinary efforts of the firefighters yesterday evening, the National Parks and Wildlife Service, NPWS, and its service staff, the aviation helicopter crews and all the emergency personnel who responded so quickly and professionally to this incident. Their dedication, bravery and swift action prevented what could have become an even greater environmental catastrophe than that we saw on 23 April 2021, when nearly 2,000 ha of the Killarney National Park were destroyed. Yesterday was just a reminder of the of the serious consequences that can arise when risks are taken with fire. The land and trees are so dry at the moment that a spark could destroy every amenity we have.

I commend the organisers, volunteers, local businesses and everyone else involved in making the inaugural Horizon Festival in Ballybunion such an outstanding success over the weekend. What was achieved was nothing short of remarkable. A dedicated group of local people came together with a vision for their town and delivered a festival that attracted huge crowds and created an atmosphere that will live long in the memory of all who attended. For one weekend, Ballybunion's vibrant seaside town was truly alive. Its streets were filled with music, entertainment and visitors, while local cafés, restaurants, pubs and accommodation providers all benefited from the influx of people. It was a fantastic showcase of what can be achieved when a community works together with ambition, determination and pride in their place. The Horizon Festival has firmly put Ballybunion back on the map as a destination, not just for its world renowned beach and golf links but as a town capable of hosting major cultural and community events. I hope this is just the beginning and that the festival will go from strength to strength.

An Cathaoirleach: Before I call Senator McCarthy, I welcome his guests, Ms Emma Kelly and her son, Adam Egan. They are most welcome to Seanad Éireann. I call Seanadóir McCarthy.

Senator Aubrey McCarthy: I extend the welcome to Emma and Adam. I first met them through our homeless services at the Lighthouse Homeless Café. They came to access services. Adam is a bright lad. He is studying away. He is a fanatic when it comes to basketball and I hope that one day, he will play for Ireland, if not in the NBA in the US. Like so many others, his biggest obstacle is not his lack of ability on the basketball court. It is his lack of somewhere to call home. When I have Adam here as my guest, it is hard to allow talented young people to have their future determined by our housing crisis. He deserves the same opportunities as any other young person to pursue his education and follow his dreams. I hope that all of us in the Seanad, as Members of the Oireachtas, are remembered for removing and not creating

barriers. I hope we ensure that people such as Adam are given every chance to fulfil their dreams. I wish Emma and Adam every success. I thank Emma for volunteering at the Lighthouse with my manager, Mr. Rob Byrne. It is something special.

I welcome the Belgian Ambassador to the House. He is a wonderful representative of his country. His wife, Mrs. Poy Petklai Nihon, and son, Mr. Ananda Nihon, are very welcome to Ireland. I wish them a happy Belgium Day next week.

I want to mention employment opportunities. We hear a great deal in this House about the shortage of staff and the difficulties when people are trying to recruit. Perhaps we do not spend enough time looking at the many thousands of people who are willing to work but remain locked out of employment because of the way we recruit. I met a lady in this House yesterday called Ms Edel McSorley, who is one of the directors of Mr Price. Over the past 16 years, it has built 75 stores around Ireland and employs 2,000 people. Some 90% of the staff come through community employment partners rather than the traditional recruitment channels. What impressed me the most is that this is not just a corporate social responsibility project but its model of business. Instead of asking who fits a particular job, it looks at the person and asks how to build a role around them. It replaces barriers with opportunities. It recognises that interviews and certain work environments do not suit everybody and works hand in hand with community partners to make it work.

As someone who has spent over two decades in Tiglin, trying to get people from homelessness, addiction and domestic abuse back into employment and education, I can say that the Mr Price model works very well. The dignity that comes with earning your own wage, being part of a team, feeling included and knowing that you are valued cannot be overstated. A job changes far more than just giving an income. It changes confidence and independence. I congratulate Ms McSorley and everyone at Mr Price on having the courage to think differently when it comes to recruitment and also proving that inclusive employment is the right thing to do and makes good business sense. I hope that many other employers across Ireland look at this model and ask themselves why they are not doing the same thing.

Senator Chris Andrews: I start by wishing Argentina well tonight against England in the World Cup semi-final. I will support anybody who is playing England until England is not occupying Ireland. I wish Argentina well tonight.

Yesterday, I met 21-year-old Jodie Donovan, who, at the age of 14, noticed that her mobility was not like that of her friends. It took doctors five years to diagnose that Jodie has Friedreich's ataxia. It is a devastating diagnosis. Despite this, Jodie has a lovely, bright, warm personality, and despite all the challenges, she is a happy and resilient young person. It is truly amazing in light of what she is going through. Across the floor, there have been calls for Jodie and others with Friedreich's ataxia to get the medication that will significantly slow its progress and give them some hope. This should not be about politics. It should be about people such as Jodie. Those people got the news last night that the medication they need, namely, Skyclarys, was again further delayed by the HSE. This is devastating for all those with Friedreich's ataxia. The Government needs to make the right call and ensure that they get the medication they need. The HSE needs to stop stalling. Time is precious and the decision has been pushed out for another four weeks. People with Friedreich's ataxia do not have that time. They desperately need a better quality of life.

As I said, they are unbelievably positive despite the challenges they face.

I also raise the issue of the South Bank and Whitebank roads off the Seán Moore Road in Ringsend. Some 65 buses, along with cars, arrive when there are concerts in the Aviva stadium. They park at one end of the Seán Moore Road. The Aviva stadium management previously agreed to ensure sufficient Portaloos would be in place for those arriving. Apparently, some 3,500 people can arrive into that area through buses and cars.

Deke's Diner, located at the Seán Moore roundabout, can only do so much with the limited toilet facilities it has. He does what he can to support people, but he is being overwhelmed. Aviva management and Dublin City Council need to ensure that previously agreed arrangements are in place. It is unacceptable and the amount of public urination causes poor health standards. This is because the Aviva management is not doing what it agreed to do. It is important that Dublin City Council holds it to account and that the Aviva management steps up to its responsibilities in this regard.

Senator Teresa Costello: I wish to speak about Skyclarys. Yesterday's decision was disappointing. Any issue around health should also not be politicised. It is not helpful to patients. Clear and honest information needs to be relayed to patients. I had to speak to one politician who said that strings could be pulled for patients. These already upset people are being used. I have no time for it. There is no space for that in this Chamber.

Yesterday's decision was disappointing. It is not an outright "No" to Skyclarys. Instead, the HSE has referred it on for further consideration. It means the process is still alive. I am calling on the HSE to set out a clear and urgent timeline for the reimbursement of Skyclarys. People need to know the timeline. Families have already endured an extraordinarily long process. The health technology assessment began in September 2024. The National Centre for Pharmacoeconomics, NCPE, completed its review in December 2025 and commercial negotiations have taken place. Yesterday, instead of reaching a final decision, another stage was added. If it is about pricing, our pricing is in line with other EU countries. We cannot expect to get special treatment in Ireland and undercut everyone else.

Every week matters to a person living with Friedreich's ataxia. It is a progressive, degenerative disease. Time lost cannot be recovered. Mobility, independence and quality of life continue to decline while this process continues. I appreciate that the HSE has a job of work to do in this regard, and I know the decision yesterday was not a "No", but it is another wait for people who do not have time. After two years of assessment, review and negotiations, patients need certainty.

The bigger picture is that the process is not working. Decisions should never take this long. Last month, it was Givinostat and this month, it is Skyclarys. It will be something else next month. The process needs to change. I call on the Minister to come into this House because we need a discussion about the reimbursement process, orphan drugs, rare diseases and early access programmes.

Senator Evanne Ní Chuilinn: Today, we had the funding announcement for the women in sport programme. A total of €4 million is going into it. While this is something that happens every year, it is important to acknowledge it when it comes around because the moment we

stop acknowledging and calling for it is the moment it falls off the agenda and no longer becomes a fund that we get to announce every year. This programme was introduced in 2005. Since then, ring-fenced funding has amounted to €30 million. There are a few pillars in the programme that this funding supports, including officiating and leadership, governance, participation and visibility.

I want to make a point on visibility. When we talk about empowering girls and women in sport, putting them on a pedestal and making sure they are in the media and public eye, it is important to differentiate between celebrating Irish women in sport and giving out about what is wrong. There are media and social media companies out there whose *modus operandi* online is to be outraged and give out about what is wrong. It is not to celebrate the wins, victories and achievements of young girls and women in sport. I want to make that distinction because it is important. If we are going to be populist online and look for clicks to go viral, then we are not being solution-focused or putting women and girls on a pedestal or making sure that visibility piece is achieved. Online platforms that say they are trying to promote women need to actually do so, rather than always giving out about what is wrong.

I have seen social media companies complain and be outraged about something that happened to a woman in sport. On the same day, however, they could have been talking about a young Irish cricket player who got her first cap for Ireland or a young Irish swimmer who finally made the breakthrough with a national title. When we talk about women in sport, I want to make sure the visibility piece is proactive, positive and solution-focused, rather than populist and negative.

Senator Victor Boyhan: I am pleased to see Senator Byrne in the Leader's chair. I wish him well in that job. I also wish him well in his new position as Government Whip.

There are three items I wish to discuss today. First is the exempt development regulations, which are being covered extensively in the media. We know the committee met last night to discuss these regulations and they are before the Dáil today. We expect they will be before the Seanad tomorrow. There is much talk about these exempt development regulations. They have gone through a process, whatever issues anyone has about them. What I want to renew today, however, is a call for the Minister to release the 900 public consultation submissions to the exempt development public consultation process. A mockery is being made of the public consultation process. I know from my engagement with both the Department and the Minister that over 900 submissions to the consultation process were received. No Member or parliamentarian will have had the opportunity to consider the anonymised version of these consultations, which contain many good suggestions in favour of the regulations and many concerns in the contrary. It is a mockery that no one can see the content, however. I do not seek the names of individuals or the geographical spread.

I once again call on the Minister to release those submissions. He is no stranger to this appeal because I have been engaging with him in this regard. He is fully aware of it. I can confirm that last week, as I was getting no progress, I submitted a number of freedom of information, FOI, requests. The Department has confirmed it has received all of those requests. This will come about through that process. It is for the Minister to decide. Maybe he will do so tomorrow when the regulations are dealt with. However, when Senators are in this Chamber

discussing these regulations tomorrow, they will have no sight of any constituent who made a submission. That is my first item.

Second, I thank the Minister for education, Deputy Naughton, for organising a formal briefing today on the planning and building unit and its overview for 2026-27. It is an important opportunity for Oireachtas Members to attend today, given that issues around school building programmes are a regular occurrence.

I also commend the IFA, which is carrying out an engagement process for Oireachtas Members in relation to budget 2027 in the Mansion House this afternoon. That is an important process. I said to IFA representatives last night that I would flag it here. Everyone will have received a copy of its submission. Hopefully, many of us will meet each other in the Mansion House this afternoon where we will be discussing the IFA's critical suggestions and proposals – that is all they are – for agriculture in the context of budget 2027.

Senator Mary Fitzpatrick: I thank the Cathaoirleach for selecting my Commencement matter this morning. It called for the Government to respond to the final report from the local democracy task force. I submitted that Commencement matter as our party's spokesperson for local government. It is an issue that I have raised a number of times in the course of the past year. I commended the Government on establishing the local democracy task force and making its work plan time-bound. I commended the councillors, the Association of Irish Local Government, AILG, and the Local Authority Members Association, LAMA, under the chairmanship of Jim Breslin, on the fine work they did. Indeed, this work builds on the work of the Cathaoirleach and the consultations on local government in the previous Seanad.

Everyone in this House values local government. We all understand the value of our local democracy and the incredible role our elected representatives undertake to represent and champion their communities and ensure they are properly served.

12 o'clock

The Minister came into the House and gave a response which, unfortunately, there was not a hard copy of to share with Senators. We are assured we will get a copy but I do not understand what the issue was in the Minister's Department that no hard copy was readily available. What was more disappointing was that the response was essentially a description of what has gone on over the last year or so. Any of us worth our salt know what has been going on. We know the amount of engagement and we know the level of commitment and interest in that local democracy task force.

It was hugely disappointing. The response did not answer the question. It did not tell us how the Government is going to respond and it did not give any clarity on if and when there will be a review of the local electoral boundaries. These are not just important to the officials who will administer those local elections and to the councils, councillors and candidates who will contest them, but are actually more important to the communities they will serve.

My request to the Acting Leader is very simple. In the first week we return, I would like the Leader to arrange at least a two-hour debate for this House with the relevant Minister on the Government's response to the local democracy task force. Our communities, councillors and local authorities all want to know how the Government is going to work with them to support them to strengthen our local government.

Senator Manus Boyle: I will talk about home care for the elderly. I want to raise a heartbreaking case that highlights the deepening crisis in our healthcare for the elderly. I raised this last week and before on numerous occasions but nothing has improved. We are failing our older people. Young people are working, taking care of their elderly parents and looking after their own families and they have very little support.

I was contacted by the daughter of an elderly couple in Donegal who have been completely failed by the system. Her mother is 81 years old, has dementia and urgently needs care. While waiting on treatment, her condition deteriorated dramatically. She suffered repeated falls, loss of mobility and now requires assistance in every aspect of daily living. Despite being approved for home care, the family was told there are simply not enough carers available to provide this woman the care she needs. Instead of receiving care at home her condition worsened to the point she had to be hospitalised in Letterkenny. Her 85-year-old husband, who has a serious heart problem and is waiting for a pacemaker and surgery, has effectively been her stand-alone carer. The HSE delivered a hospital bed, a hoist and equipment to the family home, but what use is equipment without trained carers to operate it?

This is not an isolated case. It happens to families right across Donegal and Ireland. Patients are being assessed, approved for home care hours and discharged from hospitals only to discover there are no staff available to deliver these hours. Families are left carrying an impossible burden. Many patients end up back in the hospital because the care they were promised never materialises. We need urgent investment in our home care services, recruitment and retention of carers and a guarantee that when carers are approved it actually is approved.

Older people deserve dignity and families deserve support. We cannot continue to approve carers on paper while leaving vulnerable people without the service they deeply need. I am asking for the Minister to come in here and let us have a debate on this. To be honest, there is more than one case. This is just one email I got from a lady this morning in Donegal. It is happening weekly that people are being approved home care hours, they are sent home and when they get home there is nobody there to look after them.

An Cathaoirleach: I welcome the guests of Deputy Brendan Smith from the Hen's Shed in Cavan. They are most welcome to Seanad Éireann. Also from Cavan, I call now on Senator Tully.

Senator Pauline Tully: A lot of us here are familiar with the cross-Border scheme or the Northern Ireland planned healthcare. It is an option for people who are on public waiting lists for health procedures to use a different jurisdiction to have that procedure carried out in a more timely fashion. I was recently contacted by the mother of a two-year-old boy who was in a lot of pain and required an operation. The waiting list here was years long so they opted to have the operation carried out in Belfast. She followed the HSE guidelines, got a referral from the GP, sought a consultant in Belfast and the operation was carried out. It was very successful but when she sought reimbursement from the HSE she was refused because the HSE said the first appointment with the consultant from Belfast was held in Monaghan. The consultant arranged that consultation in Monaghan; it was nothing to do with the family. He is based in Belfast and that is where he carried out the surgery. He has frequently carried out initial consultations with patients in Monaghan and there has never been an issue before.

She is really upset. She said she is delighted the operation has been carried out because her son was in so much pain and it was really successful, but she feels this needs to be highlighted because others could fall into this trap as well. She has appealed the decision and the HSE has refused to reimburse her. She may take it further to the ombudsman but it is for others as well. If the consultation was arranged by the consultant based in Belfast but he arranged it in Monaghan, probably to save them having to travel the whole way to Belfast, then it should not be taken out on the family that required the operation. I want this to be highlighted to the Minister for Health and the HSE because I do not think it is appropriate.

Senator Robbie Gallagher: I too would like to raise the urgent case of the approximately 200 people in this country who are living with Friedreich's ataxia. It is a rare and progressive condition that gradually takes away a person's mobility and independence. Unfortunately, there is no cure for this condition but there is hope. The drug Skyclarys has already been approved in the United States back in 2023 and in Europe through the European Medicines Agency in 2024. It is not a miracle cure but it does slow the progression of this devastating disease and that means more time, a better quality of life and hope for the patients and their families.

Yesterday, a number of families affected travelled to Leinster House in the hope they would finally get some good news. The news they have been waiting for patiently is that this drug would finally be sanctioned. Unfortunately, they had to turn around and head home without getting that news. Ten other EU countries have already made this treatment available but Ireland continues to wait while this progressive condition for those who have it continues.

I call on the Minister and the HSE to bring this process finally to a conclusion without further delays. These patients deserve certainty and compassion but, most of all, they deserve access to a treatment that would make such a difference to their lives and the lives of their families. They have been waiting too long. It is time the decision was made. If it has been approved in the US and approved by the European Medicines Agency, I see no reason the HSE in this country would not approve it also.

Senator Gareth Scahill: I welcome the Acting Leader to his new role and wish him well with that. I will refer to a report that appeared in our local paper this morning. Local councillor, Micheál Frain, from Ballaghaderreen, County Roscommon, is calling for a 24-7 staffed Garda station in Ballaghaderreen due to an increased amount of antisocial behaviour, including reports of people with e-scooters on paths and loud music at night. There is no presence in the community on a regular basis when these situations present themselves.

It highlighted for me something we have been calling for in here. I and my three colleagues around me, who are all from rural areas, have repeatedly brought up the lack of a presence of our Garda force in large parts of rural Ireland. The model is not working. I have called for a new rural model to be introduced. I have called for debates in this House on this topic. There are protections there. There is legislation An Garda Síochána can use to deal with a lot of these situations but it is about the presence and the actual enforcement.

It is hard to enforce something if you do not have the presence and the manpower on the ground to do the job.

It is not acceptable that we have to keep coming in here every two or three months to call for this debate. I hope we will have a debate on policing in rural Ireland as early in September as possible. In rural Ireland we are dealing with an older population, larger geographical areas and longer response times. These people are more vulnerable. I hope we can look forward to a debate in this House with the Minister for justice as early as possible in the new term.

Senator Joe Conway: I want to be associated with the congratulatory remarks for Senator Byrne. I want to put on the record of the House the decorous and sincere apology given on behalf of the State by the Taoiseach and the Tánaiste, and attested to by the other party leaders, to the victims of the Kenneally abuse in Waterford. A chronicle of missed opportunities and neglect by the powers that be allowed the case to go unanswered for so long. It is particularly poignant for me because one of the abused men, Colin Power, was a fourth-class pupil of mine back in the day. It is heart-rending to remember a little child in all their innocence and to think they went through that awful abuse at the hands of the convicted paedophile. Well done to the State and the political leaders.

Yesterday, I had a meeting in Leinster House with a visually impaired artist and a namesake of mine, Emilie Conway from Mayo. She was the recipient of an Arts Council open competition bursary, which she was delighted to get. She thought it would make a big change to her life. It did, but it also had a downside. She found to her horror that receiving the bursary impacted negatively on her blind pension. It is counter-intuitive that that could be allowed to stand. I intend to write to the Minister for an explanation. If and when I get it, I will share it with the House. It is a situation that should not pertain.

Senator Shane Curley: I congratulate the Acting Leader in his role as Whip. I wish Galway the very best of luck in the All-Ireland hurling final. I know everyone in the room agrees it would be great to see Liam MacCarthy go west. Best of luck to Micheál Donoghue and the lads on Sunday. We will all be there shouting them on, if we can get a ticket.

I do not understand, in this day and age, how the Department of education sees it as inessential to have mandatory special educational needs training for all teachers as part of their practice. I cannot get my head around it. It came up in committee recently. I wrote to the Department and got a standardised response stating that every teacher who goes into mainstream and teaches children with special needs must have completed the professional master of education, PME. I understand that. There are modules in special educational needs in the PME, but there is no mandatory follow-up after that. As we all know, special educational needs involve ongoing upskilling and awareness and we are constantly figuring out more about them. We will never have enough knowledge and will be researching it for eternity. The Department's view, in my opinion, is, "Tick box - done; PME completed - you're qualified, you're perfect, off you go and teach". Teachers do not, on a mandatory basis, have to upskill after that. Consider the damage a teacher could do and the trigger that could be to a child. I want to be really clear that it is through no fault of the teacher's. It is purely because the Department does not provide training at times that are family friendly. In some cases, teachers have to travel many kilometres to the nearest training day. It does not make any sense.

I would welcome a debate in the House with the Minister on instructing Oide or some other body to carry out regular mandatory training in special educational needs for all teachers. We would do the children of Ireland a service if we did that.

Senator Paraic Brady: I rise to address a concern that Councillor Michael Boyle raised yesterday in respect of Donegal. I compliment him on raising what will be a huge concern all over Ireland. It is that Irish Water has sent out notification that it intends to switch off water. I know it is putting in a hose-pipe ban and that is fair enough because people do not need to wash cars or water lawns at this time of year. However, it is talking about switching off water when we have livestock and farmers and we have temperatures in excess of what we are used to. Some of these are elderly farmers. Some farmers might not even have received the notice. To switch off water on a farm during weather like this is cruel. It is inhumane. Cattle will go crazy if they do not have water. They can live without grass for a certain amount of time but we cannot switch water off for animals in this sort of weather.

In this day and age, I cannot understand how Irish Water cannot provide a service. There are water-harvesting systems all over the world. Do we not have a back-up system for when we get 14 or 20 days of good weather? Every year this happens. We see a hose-pipe ban and water shortages. It is crazy, given the amount of rainfall we get over the year, to say that we have a water shortage in Ireland again and to send out letters to elderly people. I hope somebody from Irish Water will address this in the media in the short term, rather than frightening farmers once again with talk about switching off water for their livestock.

Senator Cathal Byrne: Today, 15 Senators contributed on the Order of Business and I thank each one of them for that. Senator O'Loughlin spoke about artists, creativity, the protections they need from AI and the damage AI can do when there is not copyright protection for artists' important work. She congratulated Des Egan, a Newbridge poet, on a milestone birthday. She also spoke of Áine Lawlor's retirement from RTÉ and wished her well. She called for a debate on antisocial behaviour on blueways and spoke of the impact an alleged assault has had on people in Ballyteague, County Kildare. I am happy to raise that with our Leader.

Senator Kenneally spoke of the impact on Killarney National Park of a wildfire in recent days and expressed his gratitude to the firefighters, the helicopter crews, the NPWS and all the first responders to the fire. I join him in thanking the first responders and recognising that, while we have had quite a lot of publicity about the heatwave and sunny weather, it is also having an impact on the ground and is making conditions more susceptible to wildfires. In Mount Leinster in my county of Wexford, I see the impact they have on the native landscape, flora, fauna and biodiversity, as Senator Kenneally said. He also spoke about the great success of the Horizon Festival in Ballybunion and the huge crowds in attendance. There is no doubt that they are very good at putting on festivals and entertainment in Kerry.

Senator McCarthy welcomed two guests to the Gallery, Emma and Adam, who he is hosting in Leinster House. He also welcomed the Belgian ambassador. He spoke about the real-life consequences of difficulties experienced by people up and down the country in accessing housing. At my clinics in Wexford, I hear the harrowing stories and see the enormous difficulties in the private rental market. The Government is bringing forward initiatives in relation to planning and speeding up delivery of infrastructure and supports around housing.

That will certainly help. There will be more positive stories like Adam's story.

The Senator also spoke about Mr Price, having met key workers and staff there. Mr Price now has 75 stores. It uses a different type of hiring model, employing workers directly from

community involvement schemes. I am very familiar with the community involvement scheme process, having been the chairperson of a scheme for many years in my home area. I recognise the important contribution that the scheme can make in taking people from long-term unemployment, giving them opportunities and allowing them to get the training, support and wraparound services they need to get back into the workforce.

Senator Andrews wished Argentina the very best of luck in tonight's World Cup match. I am sure there will be more than a few people cheering for Argentina tonight. He also spoke about South Bank in Ringsend, and the impact the enormous crowds of people attending concerts in the Aviva Stadium are having on local residents. He called on Dublin City Council to live up to the agreements that were previously in place to provide portals and support the local area. There is a real impact on people living beside the stadium due to the enormous crowds coming in. I feel there is also a responsibility on Dublin City Council to allow for that and to support local residents in the area. In fairness to Senator Andrews, he has spoken about this before in the House. I am happy to take it up with the Leader.

Senator Andrews also spoke about his meeting with Jodie, who has Friedreich's ataxia, and the challenges she has faced. He referred to the difficulties that are currently being experienced by patients who have this awful, cruel condition, in particular, the difficulty they are having in accessing the Skylarys medicine. Having met some of the patients yesterday when they were in Leinster House, I recognise the enormous challenges in getting access to that medicine. I accept that a final decision was not made yesterday by the HSE as to whether it is going to make it available for public procurement. My understanding is that there are four more weeks until a final decision, so hopefully, that will come through. I am happy to raise it with the Leader.

Senator Costello also raised the issue of Friedreich's ataxia and the medicine Skylarys. She highlighted that after two years of waiting, patients need to know the timeline in order to have certainty. She called for a debate on orphan drugs and the early access schemes. It is certainly something that I am happy to raise with the Leader.

Senator Ní Chuilinn spoke about the important work that is being done on providing designated funding for women in sport. She spoke about the important distinction that exists between celebrating women in sport and being outraged by what is wrong, as well as the importance of being solutions-focused and proactive. I know that we will shortly have an announcement by the Minister on the sports capital grants scheme. I recognise that in the last round of funding, there was a requirement for equal access for both men and women in any sports group that would receive funding. I believe that was an important step in the right direction.

Senator Boyhan spoke about the exempted development legislation that is currently before the Lower House. He called on the Minister to make available and release the 900 public consultation submissions that have been made on exempted development. I am happy to raise that with the Leader.

Senator Boyhan also raised the meeting that is taking place this afternoon with the Minister for education and the planning and building unit. I know, from my own engagements with schools, the very high level of demand currently in the system to secure extra classrooms and

more space for schools. This is a welcome opportunity to make direct representations to the staff who work in the planning and building unit.

The Senator also spoke about the IFA's pre-budget submission, which I understand is taking place this afternoon. As somebody who comes from a rural county, I know first-hand the important work that the IFA does in representing not just farmers, but all of those who live in rural Ireland, and the important representational role it has as part of the budget process.

Senator Fitzpatrick spoke about the local democracy task force. She called on the Government to respond to its recommendations, building on the Cathaoirleach's work in the previous Seanad. I was a local councillor for two terms, totalling five and a half years. I know how difficult and challenging the important first-responder role of a councillor on the ground is. I know how important it is that they have certainty facing into the 2029 local elections as to what changes are going to be made, not only to their role, but to boundaries and to the balance of power between the executive at the local authority level and the elected members. I am certainly happy to raise her request for a two-hour debate on local government with the Leader. This is very important. It should take place at the earliest opportunity when the House comes back.

Senator Boyle spoke about home care for the elderly. He gave an example of an 81-year-old mother who has currently lost mobility and is suffering repeated falls. She has been approved for home care but has not been able to secure somebody to do that important work. In the last budget, we saw a record level of investment in home care, but the reality is that the challenges that Senator Boyle spoke about are going to continue because we have an ageing population. The Government will have to invest significantly and ramp up the provision of home care hours by ensuring there is a steady supply of trained professionals who are available throughout the country. The Minister of State, Deputy Kieran O'Donnell, is doing important work in this area. I am confident there will be progress in this area coming up to the budget.

Senator Tully raised the cross-border healthcare directive. She spoke about a constituent who had an operation in Belfast under the provisions of the directive. However, because the consultation with the consultant took place initially in Monaghan, the HSE refused that application. I encourage Senator Tully to perhaps raise this as a Commencement matter. There is an appeal mechanism through the HSE and the ombudsman. Perhaps that is an avenue for her constituent to pursue. In general, there should be greater clarity on the provisions of the healthcare directive. I have seen first-hand some of the difficulties that individuals have had in accessing the cross-border healthcare directive, particularly when many of the conditions do not seem readily apparent when people first apply.

Senator Gallagher also raised the issue of Friedreich's ataxia and the Skyclarys medicine. He highlighted that this medicine was approved in the US in 2023 and by the European Medicines Agency in 2024. However, an individual decision for patients in Ireland has not yet been made. I am happy to raise that with the Leader. I hope the request for further information by the medicines board here will bring certainty and clarity to that situation in the next month.

Senator Scahill referred to Councillor Micheál Frain's contribution in raising the need for a 24-7 staffed Garda station in Ballaghaderreen. He spoke in particular about the different challenges that exist for gardaí based in rural Ireland, and the increased distance that has to be travelled to respond to situations by members of An Garda Síochána in rural areas when

compared to urban areas. As a result, there is a need for a new model of rural policing. We are having a debate tonight on a Private Members' motion on the challenges in rural Ireland, so that might be an opportunity to raise it directly with the Minister. I know how passionate Senator Scahill is about this issue. I will bring it up directly with the Leader as well.

Senator Joe Conway raised the awful abuse that was inflicted by the convicted paedophile, Bill Kenneally, in Waterford. The Senator spoke about the State apology that took place yesterday to the victims of that awful evil.

Senator Conway spoke in particular about how it was not only put forward by the Government but also supported on a cross-party basis.

The Senator also raised the situation of the artist Emily Conway from County Mayo, who received an Arts Council bursary in recognition of her important contribution as an artist but which has created a scenario whereby her application for a blind pension has run into difficulty. I encourage him to put that down as a Commencement matter.

Senator Shane Curley spoke about the need for special education modules to be made mandatory for teachers, perhaps in a similar way that CPD exists for other professionals. He highlighted in particular the impact their comments and contributions can have on a pupil, particularly pupils who have special needs, although it might not be the fault of the teacher as they may be unaware. He called for a debate to take place with the Minister for education, and I am certainly happy to raise this with the Leader.

Senator Paraic Brady spoke about Councillor Michael Boyle in County Donegal, who spoke about the impact the hosepipe ban is having on rural farms and dwellers. The Senator particularly highlighted the fact that if we have 20 days of fine weather, there always seems to be, as sure as night follows day, a request by Irish Water to reduce the consumption of water. I am happy to raise that with the Leader.

Order of Business agreed to.

An Cathaoirleach: I welcome the Minister of State, Deputy Smyth, to the Gallery, along with the Belturbet hen's shed from Cavan. We are delighted to have our County Cavan crew here today and that the Minister of State is able to meet and greet them during her busy schedule while they are in the Seanad. I thank them for being here today.

Cuireadh an Seanad ar fionraí ar 12.32 p.m. agus cuireadh tús leis arís ar 12.48 p.m.

Sitting suspended at 12.32 p.m. and resumed at 12.48 p.m.

Regulation of Artificial Intelligence Bill 2026: Committee Stage (Resumed) and Remaining Stages

SECTION 32

Debate resumed on amendment No. 35:

In page 26, to delete lines 30 to 32.

-(Senator Lynn Ruane)

An Leas-Chathaoirleach: I welcome the Minister of State, Deputy Smyth, and her officials. When we adjourned the debate the previous day we were on section 32, amendment No. 35, in the names of Senators Stephenson, Higgins and Ruane. I understand Senator Stephenson was in possession on the last day.

Senator Patricia Stephenson: I thank the Minister of State for coming back to the House. I know when we left off we were talking about the question that Senator Ruane talked about, which is the term "gagging" and how it can be evocative and uncomfortable because no one wants to feel they are doing that. However, we strongly believe the provisions laid out in this Bill will make it very difficult for the CEO to express opinions on Government policy and to be scrutinised as a witness in committees. In order for the CEO to properly regulate and support Government policy, they need to be able to say what is good but also what is bad, and the provisions laid out in this Bill do not allow for that.

That is why we have amendments Nos. 35 and 36. They are to allow the CEO to have opinions on Government policy and to appear before committees. Without that, we are effectively gagging them, even if that is not the intention.

Minister of State at the Department of Enterprise, Tourism and Employment (Deputy Niamh Smyth): I thank Senators Stephenson, Higgins and Ruane, who I believe all spoke on the same matter the last day. The provisions in sections 32 and 33 are not new and do not create any precedents or special restriction on the AI office. They reflect an established model of accountability whereby senior officials and chief executives account for administration, governance and performance, while Ministers account for Government policy. The CEO is not prevented from appearing before Oireachtas committees, providing evidence, answering questions, identifying operational challenges or explaining the impact of policy decisions on the work of the office. The provision recognises that the assessment of Government policy is a matter for Ministers, who are democratically accountable to the Oireachtas. The CEO remains entirely free to explain how a policy is being implemented, the resources required to implement it, any operational difficulties arising in the implementation and the practical consequences for the work of the office.

The distinction has been blurred between commenting on the effect of policy and commenting on the merits of policy. Nothing in these sections prevents the CEO from informing an Oireachtas committee that a policy has operational consequences, that its implementation has challenges or that there are resource implications or unforeseen effects. The sections do not affect the ability of the office or the CEO to provide advice to the Minister under section 9(1)(f) or through other official channels. The Government will continue to benefit from the expertise of the office in the deployment and implementation of AI-related policy and regulation. These sections do not diminish the independence of the office; they preserve the constitutional and administrative distinction that has long underpinned accountability across the public service. The chief executive officer remains fully independent in carrying out the functions of the office and remains fully accountable to the Oireachtas for the discharge of those functions. However, Government policy is properly a matter for Ministers, who are elected representatives and are directly accountable to the Houses of the

Oireachtas for policies they adopt. For that reason, and in keeping with established governance arrangements across the public service, I cannot accept amendments Nos. 35 or 36.

Amendment put and declared lost.

Section 32 agreed to.

SECTION 33

Senator Patricia Stephenson: I move amendment No. 36:

In page 27, to delete lines 35 to 38.

Amendment put and declared lost.

Section 33 agreed to.

Section 34 agreed to.

SECTION 35

An Leas-Chathaoirleach: Senator Higgins has proposed that amendments Nos. 37, 37a and 37b be grouped together. Is that agreed? Agreed.

Senator Alice-Mary Higgins: I move amendment No. 37:

In page 28, after line 36, to insert the following:

"(3) Engagements under this section shall be subject to the Public Service Management (Recruitment and Appointments) Act 2004 and, where relevant, the Civil Service Regulation Acts 1956 to 2005."

Amendment No. 37 looks to the issue of the engagement of consultants and advisers. While there are careful measures in relation to those who are hired as staff of the proposed office, consultants and advisers may be taken on under such terms and conditions as are considered necessary or expedient. "Expedient" literally means that it can be done quickly or simply. There is nothing in relation to what measures will exist, including to ensure no conflicts of interest and to ensure best practice. All the careful checks and balances that are proposed for the staff have no equivalent for consultants and advisers. The legislation simply refers to expediency and how their fees are to be paid. There is a real concern here because there is quite a likelihood that the consultants and advisers taken on will have been consultants and advisers to, or even direct employees of, those bodies that are to be regulated. There is a concern that there is not an appropriate check and balance in relation to issues such as conflicts of interest and ensuring proper safeguards. I will come to that more specifically.

Again, amendment No. 37 relates to provisions in section 35 allowing for the engagement of consultants and advisers where it is considered necessary or expedient. The previous section, section 34, outlines the arrangements for the appointment of staff to the office and requires that appointments be subject to the Public Service Management (Recruitment and Appointments) Act 2004 and the Civil Service Regulation Acts 1956 to 2005. The safeguards in those Acts – for example, sections 54 and 55 of the Act of 2004 – include that it would be an offence for

someone to recklessly make an application for a position that was false or misleading in a material respect. They also deal with issues such as conflicts of interest.

Currently, there are no clear safeguards in place around the engagement of the office with consultants. As set out, the decision to engage consultants and advisers is purely at the discretion of the office. There are no protections against those who might commit the offence of being misleading in their dealings with the office. There are no protections in relation to conflicts of interest. There is not even clarity on which functions of the office consultants may be hired in relation to, including, potentially, consultancy in relation to the crucial areas of regulation, for example.

Amendment No. 37 simply seeks to apply the same kinds of safeguards and standards that apply to the staff of the office under the Public Service Management (Recruitment and Appointments) Act 2004 and, where relevant, the Civil Service Regulation Acts, to the hiring of consultants and advisers. Again, this is our endeavour to ensure that we do not end up in a situation where consultants become a risk in terms of unexamined or undisclosed conflicts of interest that could permeate or affect the operation of the office.

The related amendments, Nos. 37*a* and 37*b*, point to why this matter is so important. They relate to further concerns as to the role consultants and advisers are going to play within the AI office, particularly when we consider the "move fast and break things" mentality and the conflict between the AI-promotion function and the regulatory role the office is meant to play in ensuring no damage is caused by AI, including the very high-risk AI we have been discussing. There is a tension between the promotion role and the regulatory role. We are concerned about how this plays out, particularly for consultants.

The prohibition on the unauthorised disclosure of confidential information includes a reference to consultants who may disclose confidential information. This is what amendment No. 37*a* tackles. A couple of points arise in this regard. Section 36(1) states:

Subject to *subsection (2)*, a person shall not disclose confidential information while performing functions as—

- (a) a member of the Board or a committee of the Board,
- (b) a member of the staff of the Office,
- (c) the Chief Executive Officer,
- (d) a consultant engaged by the Office or other person providing services ...

There is an assumption here that consultants are being given access to confidential information. That goes back to the issue of there being no safeguards in terms of conflicts of interest. It is clearly envisaged by this section that consultants will be given access to confidential information that relates to the functions of the board.

1 o'clock

The other really important point is the fact that there are exceptions to the disclosure of confidential information set out in this section. The exceptions include where the disclosure of the confidential information by a person referred to in that subsection, which may be just a consultant hired for a particular purpose, is allowed when it is made in the performance of the

functions of the office. However, when we go back to the functions of the office, we see that they include promotion of AI innovation. Are we creating a scenario whereby a consultant can disclose confidential information for the purpose of promoting AI innovation? We are in a very dangerous space there. What are the limits? Is a consultant allowed to divulge confidential information to the CEO of a multinational tech company if he or she believes the disclosure of that information will foster or promote AI innovation?

The AI regulation unit has stated that retaining these companies in the country is an overarching national imperative. Are we looking at situations where confidential information will be shared by a consultant, without any trace of accountability, with those companies because that is deemed to be in the interests of AI innovation? Presumably, as part of its function to promote AI innovation, the AI office also wants to retain these companies. Can we have clarity around how confidential information will or will not be shared with companies to incentivise them to stay in Ireland or to encourage them to expand their interests in Ireland? Can it be shared by consultants who have been employed without checks as regards conflicts of interest?

I have serious concerns around the discretion the Bill gives to consultants to disclose confidential information and to have as a cover this function of promoting AI. The same discretion is given to the CEO and staff of the office. That is problematic in itself but it is particularly concerning when persons who are acting without a proper screening for conflict of interest may be in a position to disclose that information.

Amendment No. 37*a* seeks to prohibit entirely consultants from being able to disclose confidential information. It would mean they are not allowed to disclose information and there are none of the exemptions that are attached to the office disclosing that information. A consultant should not have leeway to say he or she is disclosing confidential information for the purposes of any of these functions that are in the office. Amendment No. 37*b* seeks to prohibit the disclosure of confidential information where it is done in the performance of a function to promote AI innovation.

I hope the Minister of State will accept these amendments, or at least give them very serious thought, because there are gaps in terms of a regulatory system and where one creates ambiguities, gaps or areas with lack of oversight, it opens the system up to potential abuse or even perceived abuse. I ask the Minister of State to address these concerns and look to the disclosures measures. If she accepts either of these approaches to try to close that gap and indicates what checks and balances will be in place with regard to the operation and function of consultants by the office, I might accept that.

Deputy Niamh Smyth: Section 36(1) establishes the restriction on the disclosure of confidential information by the office's board members, CEO and staff and any external consultants and advisers engaged in the office. Section 36(2)(d) ensures that a disclosure that qualifies as a protected disclosure under the Protected Disclosures Act 2014 is protected against criminal prosecution. The amendment, which would exclude persons referred to in paragraph (d) from this protection, would mean a consultant or adviser engaged by the office who becomes aware of suspicious wrongdoing could not make a protected disclosure without risking prosecution under section 36(3).

In addition, section 36(2)(f) allows disclosure to An Garda Síochána where the person believes the information may relate to an offence. The office will need to engage extensively with external consultants and advisers for expertise because the field of AI is so broad and is rapidly growing and evolving. Removing the protection for consultants and advisers would mean that someone in that category who discovers evidence of wrongdoing or a crime while working for the office would commit an offence by reporting it. While I understand the concern behind the amendment, which is that confidential commercial information should not seep out through consultants, I believe it is important that they are not stripped of the safeguards that allow them to report suspicious wrongdoing. For that reason, I cannot accept that amendment.

Section 36(2)(a) permits disclosure only where it is made in the performance of the functions of the office. This is not an unrestricted permission to disclose information. Any disclosure must be necessary and connected to the exercise of a statutory function. The function in section 9(1)(c) is to promote and foster AI innovation and literacy. That function is intended to support awareness, understanding, capability building and innovation in AI. It is not a vehicle for sharing confidential information obtained by the office in the course of regulatory activities. The amendment appears to assume that the innovation and literacy functions create a unique risk of disclosure. However, many of the office's other functions may require extensive engagement with stakeholders, including facilitating co-operation between authorities, supporting information sharing and enhancing public awareness. There is no clear policy basis for singling out one function. The office will need to engage with businesses, researchers, start-ups, public bodies and civil society organisations in carrying out its innovation and literacy role. Restricting disclosures in connection with that function could make it more difficult for the office to provide guidance, education resources and practical support.

Confidential information remains protected in any event. Section 36(4) narrowly defines confidential information as commercially sensitive information or information expressly designated as confidential by the office. The existence of the innovation and literacy functions does not weaken those protections. If there are concerns regarding the handling of commercially sensitive information, those concerns are better addressed to the governance arrangements, confidentiality obligations and authorisation procedures, rather than disapplying one particular statutory function.

The amendment may create legal uncertainty. A disclosure may simultaneously support several statutory functions, for example, promoting AI literacy, enhancing public awareness and facilitating regulatory co-operation. It may become difficult to determine whether a disclosure falls within or outside the exception.

The Bill is carefully drafted so that all of the office's statutory functions can be carried out effectively while maintaining appropriate confidential protections. Removing one function from the framework risks upsetting that balance without delivering any clear additional safeguard. For that reason, I oppose the amendment.

An Leas-Chathaoirleach: Before I call Senator Higgins, I acknowledge Deputy Michael Cahill in the Gallery. He is accompanied by Grace Kelly, John Kelly, Tara Kelly and Oran Kelly from Tipperary and Kerry. They are very welcome. I hope they enjoy their visit.

Senator Alice-Mary Higgins: This is a particular concern. The promotion function is very different. The core tension in this body is that, on the one hand, it is meant to be a regulatory body and, on the other hand, it is literally being given a promotional role, which we know has been described by the predecessor body as involving the financial interests of this sector as an overriding national imperative. That is a direct tension. On the one hand, it is the body responsible for ensuring that standards that have been set out collectively at European level are met and, on the other hand, it is pursuing the national imperative in terms of business promotion in this area. That is a real tension and that is why it is appropriate that we pick out that particular function of promoting AI innovation and literacy.

I do not agree that our proposal would interfere with the educational pieces because in the Minister of State's response, she described how there is a narrow definition of what is confidential information that explicitly includes commercially sensitive information.

Somebody who is hired to do an educational programme is not going to accidentally come into the commercially sensitive information and I do not see them using commercially sensitive information. They are not coming under the definitions of the kind of information. There is not a question that they are dealing with these kinds of pieces. The other purposes the Minister of State described do not map onto it. Where there is a potential clash is between commercially sensitive information and AI innovation and the idea that you can disclose commercially sensitive information for the purposes of promotion of innovation in AI. Put those two pieces together. That is the problem. The problem is the function - we have talked about the functions of the body - and the information.

Regarding the idea that this could inadvertently affect school programmes, it will not because they do not involve commercially sensitive information. It is the CEO and the staff of the office who have commercially sensitive information. Those who benefit from that potentially commercially sensitive information are commercial operations. There is an issue if that information is being disclosed potentially to commercial operators because the desire is to promote and foster AI innovation. If they are given commercially sensitive information to support their innovation, that is a problem in itself. However, it is a problem if a consultant who has not had to go through a process in relation to conflict of interest, and who is not under this Bill properly bound by conflict-of-interest measures, is in a position to disclose that information. That is the problem. As the Minister of State described it, it remains an issue. It is an example of some missteps being made at the earliest stage of this new body, which will affect both its ability to deliver proper regulation and public confidence in its operation. That is why we were looking to have safeguards put in here. It is unfortunate that the Minister of State was not able to accept those ones. What safeguards is the Government going to put in place tackle these issues?

An Leas-Chathaoirleach: Before I call on the Minister of State, I acknowledge our colleague Senator Manus Boyle and his guest Kieran Harvey from Killybegs. I hope he enjoys his visit.

Deputy Niamh Smyth: I do not have anything further to add. I appreciate where the Senator is coming from. As I said to her before, this is phase 1. We will be coming back to this. My door is always open. We can discuss it further at a later time. On this occasion, I cannot accept the amendments.

Amendment put and declared lost.

Section 35 agreed to.

SECTION 36

Senator Alice-Mary Higgins: I move amendment No. 37a:

In page 29, line 11, after “referred to” to insert “, other than a person referred to in *paragraph (d)*,”.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 37b:

In page 29, line 12, after “Office” to insert “, other than the function listed in *section 9(1)(c)*”.

Amendment put and declared lost.

Section 36 agreed to.

Section 37 agreed to.

SECTION 38

An Leas-Chathaoirleach: Amendments Nos. 38 to 40, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Lynn Ruane: I move amendment No. 38:

In page 30, line 4, to delete “and submit to the Minister”.

An Leas-Chathaoirleach: Does the Minister of State wish to comment?

Deputy Niamh Smyth: I cannot accept the amendment.

Senator Alice-Mary Higgins: The issues here are the same issues that have been highlighted before and concern the excessive control by the Minister in relation to the functioning of a body that should be independent. We previously highlighted that the Minister will get to determine certain elements. The Bill as drafted provides that the strategy statement would be submitted to the Minister. These amendments provide instead that it should be prepared in the form and manner that the office sees fit. They are trying to strengthen the independence of the office and the commission would, as soon possible after the publication of the strategy statement, make sure that it is laid before the Oireachtas. They would ensure that there is transparency in relation to the strategy statement and the Houses of the Oireachtas would have sight of that strategy statement as well.

Deputy Niamh Smyth: The amendment would remove the requirement that the office submit its strategy statement to the Minister after it has been prepared. The strategy statement

is an important governance and accountability document. It sets out the strategic ambitions and priorities of the office and provides a basis for assessing its performance over time. It is appropriate that the Minister, who is accountable to the Oireachtas for the legislative framework, receives the strategy statement. The requirement to submit the strategy statement to the Minister does not undermine the independence of the office. Rather, it forms part of the normal accountability arrangements that apply to statutory bodies throughout the public sector. The Bill also contains a range of provisions designed to ensure transparency and public accountability, including requirements related to publication and reporting. The removing of the requirement to submit the strategy statement to the Minister would weaken an important accountability mechanism without providing any corresponding governance benefit. Accordingly, I am satisfied that the existing provision is appropriate. I do not propose to accept the amendment.

Amendment put and declared lost.

Senator Lynn Ruane: I move amendment No. 39:

In page 30, to delete lines 13 and 14 and substitute the following:

“(3) A strategy statement shall be prepared in the form and manner that the Office sees fit.”.

Amendment put and declared lost.

Senator Lynn Ruane: I move amendment No. 40:

In page 30, to delete lines 17 to 22 and substitute the following:

“(5) The Commission shall as soon as may be after the preparation of a strategy statement under *subsection (1)* cause copies of it to be laid before each House of the Oireachtas.

(6) The Commission shall ensure that, as soon as practicable after copies of a strategy statement are laid before both Houses of the Oireachtas in accordance with *subsection (4)*, the strategy statement is published in such manner as the Commission considers appropriate.”.

Amendment put and declared lost.

Section 38 agreed to.

SECTION 39

Senator Lynn Ruane: I move amendment No. 41:

In page 30, to delete lines 38 to 40, and in page 31, to delete lines 1 and 2.

An Leas-Chathaoirleach: Does the Minister of State wish to comment on this amendment?

Deputy Niamh Smyth: The provision secures an important accountability and oversight function in the financial management of the office. As a publicly funded statutory body, the office will be entrusted with significant public resources. It is appropriate that mechanisms are

available to provide assurance regarding the proper management and use of those resources. The power provided for in this section is supplementary to and does not replace the normal audit and accounting requirements that apply to the office. Its purpose is to ensure that, where necessary, an examination of the office's books and records may be undertaken in the interest of transparency, accountability and sound financial governance. The existence of the powers does not imply any routine or ongoing interference in the management of the office. Rather, it provides a mechanism that may be used where circumstances warrant additional examination or assurance. Similar oversight and accountability provisions are found in the legislation governing a range of statutory bodies. Therefore, I am satisfied the provision represents an appropriate safeguard and forms part of the overall governance and accountability framework established by the Bill. Accordingly, I will not accept the amendment.

Amendment put and declared lost.

Section 39 agreed to.

NEW SECTION

Senator Lynn Ruane: I move amendment No. 42:

In page 31, between lines 2 and 3, to insert the following:

“Annual report

40.(1) The Office shall not later than 6 months after the end of each financial year of the Office prepare a report on its activities during that year, and the Office shall as soon as may be after preparing the report, cause copies to be laid before each House of the Oireachtas.

(2) Notwithstanding *subsection (1)*, if, but for this subsection, the first annual report would relate to a period of less than 6 months, the report shall relate to that period and to the year immediately following that period and shall be prepared, and the Office shall cause copies to be laid before each House of the Oireachtas as soon as may be, but not later than 6 months after the end of that year.

(3) A report under *subsection (1)* shall include information on the performance of the functions of the Office during the period to which the report relates and without prejudice to the generality of the foregoing, shall include such other information in such form as the Office thinks fit or the Minister may request.

(4) The Office shall ensure that, as soon as practicable after copies of an annual report are laid before both Houses of the Oireachtas in accordance with *subsection (1)*, the annual report is published in such manner as the Office considers appropriate.”.

Deputy Niamh Smyth: Amendment No. 42 would replace the existing annual reporting framework contained in the Bill and would remove the Minister from the process by which annual reports are laid before the Houses of the Oireachtas. The Bill adopts a standard governance model used across many statutory bodies, whereby annual reports are submitted to the responsible Minister, who then causes them to be laid before the Houses of the Oireachtas.

This reflects the Minister's accountability to the Oireachtas for the legislative framework and governance arrangements applying to the office.

The existing provisions already ensure the activities of the office will be reported publicly and will be made available to both Houses of the Oireachtas. The Minister's role in this process is administrative and accountability based. It does not give the Minister any role in drafting, approving or altering the content of the annual report. The annual report remains a report of the office and is an important mechanism through which the office demonstrates transparency and accountability in the performance of its statutory functions.

The Bill already contains comprehensive requirements regarding reporting, publication and accountability, and I am satisfied these provisions provide an appropriate balance between operational independence and democratic oversight. Retaining a consistent reporting framework throughout the Bill also provides clarity and coherence in the governance arrangements applying to the office. Accordingly, I do not accept the amendment.

Amendment put and declared lost.

Sections 40 to 42, inclusive, agreed to.

SECTION 43

An Leas-Chathaoirleach: Amendments Nos. 43 to 45, inclusive, are related and may be taken together by agreement. Is that agreed? Agreed.

Senator Lynn Ruane: I move amendment No. 43:

In page 32, line 3, after “a” to insert “publicly accessible”.

Amendment No. 43 relates to the AI register and seeks to make that register publicly accessible. The Minister of State has stated the AI register is not currently intended to operate as a public-facing register. She also stated the AI office may in time consider making elements publicly accessible in a way that protects confidentiality and commercial and data protection interests.

It is important to note what the AI register will contain. It will contain all incidents of prohibited AI practices under Article 5 of the AI Act; all serious incidents of high-risk AI systems in the State, reported under Article 73; high-risk AI systems that are employed in critical infrastructure; and any other AI-related incidents or notifications in the State required to be reported under the AI Act. We have subsequent amendments adding to what is contained in the register, including copies of fundamental rights impact assessments for every high-risk AI system deployed in a public body.

It is strongly in the public interest that the information contained in the register is publicly accessible. Commercial interests should not prevent the public knowing information about the AI register, such as incidents of prohibited AI practices and other serious incidents involving high-risk AI systems. Prohibited practices listed in Article 5 include facial, emotional and social recognition systems, as well as other biometric identification and categorisation systems, and other AI systems that deploy subliminal techniques as purposefully manipulating individuals or trying to otherwise exploit the vulnerabilities of certain groups.

The AI register will contain the details of incidents of those prohibited practices. What commercial interests should prevent people having sight of this prohibited use? It is the commercial interest of the companies involved in the development or deployment of these prohibited technologies. This certainly should not be put ahead of the need to give the public access to information, particularly in instances where these technologies are affecting people's lives and, in some instances, their liberties and freedoms. The Minister of State has said the AI register should be seen as complementing that wider transparency framework. It is difficult to understand how this could be true if the information contained is not accessible to the public.

Amendment No. 44 provides that the register shall contain copies of fundamental rights impact assessments for high-risk AI systems deployed by public bodies. This aims to give a statutory mechanism to Article 27, which states that prior to deploying a high-risk AI system, public body deployers should perform an assessment of the impact of fundamental rights the use of such systems may produce. The assessment should contain: the deployer's process in which the high-risk AI system should be used in line with its intended purpose; a description of the period and frequency with which each high-risk AI system will be used; the categories of people likely to be affected by its specific use; descriptions of implementation of human oversight measures; and the specific risks of harm and the measures that will be taken if those risks materialise.

The AI register seems like a sensible place to create a repository of the information and, again, it is highly in the public interest for this information to be publicly available. These high-risk systems include biometric identification systems that will be deployed for the purpose of law enforcement. This is incredibly dangerous. This is technology that has profound impacts on our freedoms and civil liberties, and we should have sight of the impact assessments completed before these systems are deployed.

It is also important to highlight the dangers of creating our own definitions for the deployment of high-risk AI systems, particularly relating to the Government's recent use of the novel term, "biometric analysis", as previously discussed in another piece of legislation. Despite the fact biometric analysis requires the use of biometric identification systems, it is unclear if the deployment of biometric analysis will have to undergo the same type of fundamental rights impact assessments that are required for defined biometric practices under the AI Act.

Deputy Niamh Smyth: I thank Senators Ruane and Higgins for these amendments, as well as Senator Stephenson. I will take amendments Nos. 43, 44 and 45 together.

While the amendments are framed differently, they seek to achieve the same objective, namely, to require the AI register maintained by the office to be publicly accessible. Transparency is an important objective and one that is strongly reflected throughout the AI Act and this Bill. However, in considering these amendments, it is important to view the national arrangements in the context of the broader transparency framework already established at European level. In particular, Article 71 of the AI Act requires the establishment of a European database of certain high-risk AI systems. That database is intended to provide a significant level of public transparency, and will contain information that is publicly accessible, reachable and user-friendly.

Public authorities deploying certain categories of high-risk AI systems are also required under the AI Act to register those systems in the EU database, ensuring a substantial degree of transparency regarding the use of such systems. The AI register established under section 43 serves a different purpose. It is intended primarily as a regulatory and supervisory tool to assist the office in carrying out its oversight functions. It may contain information relating to prohibited AI practices, serious incidents, ongoing investigations, enforcement activities and other notifications received under the AI Act.

For that reason, information held on the register may include material that is commercially sensitive, security related, subject to confidentiality obligations, related to ongoing supervisory or enforcement activity, or may involve data protection considerations. While I support the objective of transparency, I do not consider it appropriate at this stage to place a statutory obligation on the office to make the entire register publicly accessible. Such a requirement could create difficulties for information required for careful assessment before publication, where disclosure could prejudice investigations, undermine supervisory activity, compromise security interests or affect legitimate commercial interests.

As the office becomes established and experienced in gaining and operating the regime, it may be appropriate to consider whether certain information contained in the register could be published in a manner that promotes transparency, while also protecting confidentiality, information, security considerations, commercial interests and personal data. I also do not consider it necessary to prescribe in primary legislation the specific means by which information would be published. The office should retain flexibility regarding how information is made available to the public, as technologies and publication practices evolve. Accordingly, I am satisfied the Bill strikes the appropriate balance between transparency, accountability and effective regulation.

I do not propose to accept either amendment.

It is important to distinguish between transparency and publication. The Government supports transparency. However, a regulatory register may contain information relating to, as I said, investigations, commercially sensitive information and so on. The Bill seeks to strike a balance between public transparency and effective regulatory oversight.

On section 44, I thank the Senator for the amendment. Having transparency and accountability around deployment of high-risk AI systems by public bodies is a legitimate and shared objective. The Bill already pursues that directly. The AI Act establishes obligations in relation to fundamental rights impact assessments for specific categories of high-risk AI systems. Those obligations are directed towards ensuring that the deployer assesses and mitigates risks before deployment and that competent authorities can exercise appropriate oversight, where required. I refer to the requirement in Article 27 for a fundamental rights impact assessment for every high-risk AI system deployed by a public body prior to its first use. This obligation applies primarily to public bodies and private organisations providing public services and users of certain high-risk AI systems, identified in annexe III of the Act. The purpose of the assessment is to identify and evaluate any potential negative effects that the AI system could have on individuals' fundamental rights and freedoms before it is deployed.

The assessment must describe how the organisation intends to use the AI system and the processes in which it can be involved. It must also explain how often the system will be used

and over what period. The organisation must identify the individuals or groups who may be affected by the system and consider any risks of harm that could arise from it. These risks should be assessed in light of information provided by the AI system's provider, including any known limitations, risks or conditions of use.

In addition, the organisation must explain what human oversight measures will be put in place to supervise AI systems and ensure that the human decision-makers can intervene, where necessary. It must also document the actions that will be taken if risks materialise, including governance arrangements, procedures for managing incidents and the mechanisms through which affected individuals can make complaints and seek redress.

Where an organisation has already completed a data protection impact assessment under GDPR or the data protection directive for law enforcement functions, the fundamental rights impact assessment does not replace that work. Instead, it should build upon and complement the existing data protection impact assessment, DPIA, ensuring that the broader fundamental rights considerations are also addressed. In practical terms, the provision of Article 27 of the AI Act requires organisations to think systematically about how high-risk AI systems may affect people, identify and mitigate potential risks, establish appropriate oversight and complaints mechanisms, document their findings and demonstrate compliance before the system is put into operation.

Last year, the Department of Public Expenditure, Infrastructure, Public Service Reform and Digitalisation published its guidelines for the responsible use of AI in the public service to provide practical information and resources for all public servants and Government officials on how to design, develop, deploy and maintain AI solutions responsibly. Additionally, under Article 71 of the AI Act, the European Commission, in collaboration with member states, is required to set up and maintain an accessible and public available EU database containing information concerning high-risk AI systems and the market surveillance authorities, MSAs, are obliged to report on serious incidents to the EU AI office and our own AI office.

As I mentioned, the AI Act and this Bill already contain a broader framework for the fundamental rights oversight through the designation of relevant fundamental rights bodies, the powers of market surveillance authorities, complaints mechanisms, incident reporting obligations and enforcement powers. In particular, section 43 establishes the AI register, maintained by the AI office, and subsection (2) sets out an exhaustive list of what it must contain. These are: prohibited practices under Article 5; serious incidents reported under Article 73; high-risk AI systems referred to in annexe III in accordance with Article 49(5); and any other AI-related incidents or notifications required to be reported under the regulation.

While I support the objective of ensuring that the office is visibly overseeing fundamental rights impact assessments carried out by public bodies deploying high-risk systems, I am satisfied that this objective is already met in the Bill. Section 60(2)(c), read with Article 27(3), already ensures that every such notification made by a public body deployer is sent to the office, through the relevant market surveillance authorities, and the existing paragraph (d) of section 43(2) already captures that material within the register. On this occasion, I oppose the amendment.

Senator Alice-Mary Higgins: I do not really see how section 62 satisfies our requirement in respect of fundamental rights impact assessments for high-risk AI systems because the section

deals with the reporting of infringements and the protection of reporting persons. I am not sure if I perhaps misheard what the Minister of State was implying. The complaints mechanisms are set out at that point.

The fact is that Ireland's record on enforcement applied to large technology companies is relatively poor. This has been criticised and called out by others in Europe. It has led to situations where European data protection authorities have had to step in when they felt it was not being addressed properly in Ireland.

I am passionate about GDPR. There are key parallels and predecessors here that need to be looked at. What has led to actual rights and the actual enforcement are the really important citizens' rights, public rights and rights of the individual that were set out under GDPR. These were largely championed by individuals. It has been civil society groups and groups like Digital Rights Ireland. It has been those who have taken class action cases against big tech companies. It has been those who have highlighted and publicly scandalised their own experiences of the inadequacy and sometimes abusive practices they have encountered in their engagements with big tech companies. What has driven action in this area has been civil society and public champions.

Sadly, it is not the case that Ireland has, through its governance mechanisms, led the way in zealously delivering the highest possible standards and interpretations in respect of those regulations. Now we have the new AI regulations. Ireland is in a core position, yet again, because so many of the largest tech companies are located here. The public got on board. It was a glorious moment in terms of GDPR because there was a new recognition of rights. It was like this incredible push-back against the idea that people are just the subjects, the serfs or chattel, to be pushed through a commercial model. It said that people own their own data. The public embraced that and said what they were not happy with. They led in this regard. That is what gave meaning to GDPR. That is what led the position where, instead of having to opt out, people need to opt in to cookies. All of these were steps taken by those who championed the issues. If we go into this new AI era, which is seeking to embed itself in everything and everywhere, where there are countless new factors even recognised as high risk and if we do not have transparency about the problems and issues and we do not have transparency as to how fundamental rights are being implemented and enforced and checked, it will not only be very worrying in terms of the outcomes for the public, but it will also be deeply disempowering for the public, who have been the actual watchdogs in terms of rights and standards.

It is the public who started shouting about Grok. It is the public who led the way on opt-outs and opt-ins. It is the public who said certain kinds of data are personal, that they can see that it is personal and how it is being used. This has happened before. Now we have this new system, this register, and on the idea of it not being public-facing, the Minister of State said it might happen in time, but we are at a crunch point now. This is when the massive scale-up is happening and the gazillion new data centres, which, absurdly, are being allowed to use up all of our electricity and water to such a crazy degree, are happening. It is a time when Ireland is embedding itself in this with a huge vulnerability. This is a time when AI is at a make-or-break, with many people pointing to the emperor's new clothes factor in that it is not very financially secure, but we are looking at embedding it, when wild risks are being taken and when we have seen from some of the companies that are championing and leading on AI intensely anti-

democratic language and direct statements of their intentions to interfere in democracy. The very minimum we can do is ensure the public gets to see what is happening.

I do not think it is okay to leave it on the basis of we will work with the industry for a while and, down the line, we will see if there are certain elements we might make accessible to the public in a way that protects confidentiality and commercial and data interests. Why are commercial interests being given such a high rating in this? There are protections on certain commercial interests but we can choose what we are going to prioritise here, and I say to the Minister, who is someone I really respect and who I wish was in a different brief, frankly, because I know she comes with a strong community and cultural background that is about society, that we need to not make this be a black box. We cannot have it that the AI register is just something that happens as a little conversation between the regulator-promoter and the companies. It is dangerous and anti-democratic. It is going to lead to regulation that does not work and it is going to lead to corporate capture to an even greater degree. When the scandals break, if it turns out that the red flags for those scandals were sitting inside this register and not being looked at or examined, that is going to be a reckoning as well.

I urge the Minister of State to say that this is public information and, even if she does not accept the full wording of our amendment that any of such information that there is would be publicly accessible, which is what I want to see, then at a minimum, that any information that is in the public interest should be made accessible. As we are having Committee and Report Stages rammed together, we cannot go into that nuance, but that would allow you to balance your commercial or other data protection interests while any such information that is going into this register that is considered to be in the public interest would be made publicly available. We have looked for full public accessibility. I urge the Minister of State, in her role, to think about even a compromise in terms of information that is in the public interest, because otherwise we are in a dangerous space.

The Minister of State said it is complementing a wider transparency framework, but this is where the core information is going to be. That piece about fundamental rights impact assessments at a minimum needs to be looked at. People's digital rights are one thing, as is the general data protection regulation, GDPR, but there are also those core fundamental rights and the human rights we have. Article 27 of the AI regulation refers to "deploying a high-risk system" and that public body deployers "shall perform an assessment of the impact on fundamental rights that the use of such system may produce". That is a process that has to happen in respect of fundamental rights. That is required under the regulation. Why would we not share that information? In what realm would we not share the fundamental rights impact assessment? If I said the information generally on the register that is in the public interest should be shared in the public interest, I cannot see any argument why the assessments done in relation to fundamental rights and their impact on them would not be in the public interest to share.

If we are going to say commercial sensitivity trumps clarity on the impact on fundamental rights, done in an objective way in respect of this assessment, then I do not accept that and I do not think the public will accept it. I am saying to the Minister of State to look to the register, look to making transparent and available not just the bits it wants to let her know about but anything that is in the public interest, and look to that question of the impact assessments on fundamental rights. These are public bodies that are meant to serve the public. They are meant

to be doing this assessment for the public in relation to these systems and that information regarding the assessment of the impact on the fundamental rights of the public should be public. If companies have something to hide in that, then they need to change their practices. One of the first solid measures we can do to ensure companies start delivering on fundamental rights is that, if they know if they come out poorly from an assessment, everyone is going to see. Maybe that will get taken up legally or politically in Ireland but maybe it will get taken up in one of the many other countries where the companies headquartered here operate. It would allow individuals in France, Luxembourg and Sweden to point to a really problematic practice that one of these big companies has which was found in a fundamental rights impact assessment to be a problem for fundamental rights and maybe take it up locally. That is the duty of Ireland.

I have listened so many times to the people who want us to spend a bazillion on arms and all the rest of that hype and playing our part when it comes to cyberattacks, etc. This is it; this is the cybersecurity bit; it is here. The fundamental role of Ireland stepping up is not us buying a couple of tanks or joining in any wars of interest. Where we step up for our colleagues in Europe is by taking our role as the centrepiece for digital and AI regulation really seriously and dealing with it transparently.

I will leave that with the Minister of State. She said these Bills will be back. It is before the summer now. I genuinely appeal to her to show leadership on this not just for Ireland but for all of our colleagues across Europe.

Deputy Niamh Smyth: I thank the Senator. I feel, as I am sure everyone in the room feels, the Senator's passion about this. I am of the same mindset and I know we have a real opportunity here. Unfortunately, I cannot accept the amendment because I have a deadline. I know the Senator will say deadlines are not good enough but I am concerned about the prohibitive practices piece and how AI is impacting all of society. I am equally concerned that the fundamental rights of people trump everything here. While I cannot accept the amendment, I will give the Senator a commitment that, following this, even over the summer duration or into the autumn when we are coming back to this, my door is always open. I am happy to sit down with the Senator and my very smart, bright and intelligent officials here to see what more we can do to copperfasten and give her and the public absolute confidence. The Senator is absolutely right. Our 27 member states need to be able to look to Ireland and see that these companies have reached the benchmark for empowering people and are not infringing their fundamental rights. While I agree with the Senator and on this occasion I cannot accept her amendment, my door will always be open.

Senator Alice-Mary Higgins: I thank the Minister of State.

Deputy Niamh Smyth: I want to say one other thing. It is a correction. Maybe it was me; I am not sure. It relates to section 60(2)(c) rather than section 62(c). I may have said it wrong, or maybe the Senator did. I just wanted to clarify that.

Senator Alice-Mary Higgins: I thank the Minister of State for clarifying that and for her commitment to engagement.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 44:

In page 32, between lines 11 and 12, to insert the following:

“(d) a copy of the fundamental rights impact assessment for every high-risk AI system deployed by a public body;”.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 45:

In page 32, between lines 18 and 19, to insert the following:

“(5) The AI register shall be made publicly available via the Office’s website.”.

Amendment put and declared lost.

Section 43 agreed to.

SECTION 44

Senator Alice-Mary Higgins: I move amendment No. 46:

In page 32, line 28, to delete “Minister” and substitute “Government”.

Amendment put and declared lost.

Section 44 agreed to.

NEW SECTION

Senator Alice-Mary Higgins: I move amendment No. 47:

In page 32, between lines 31 and 32, to insert the following:

“Co-operation forum

45.(1) The Office shall establish a co-operation forum which shall include representatives of Oifig IS na hÉireann, Market Surveillance Authorities and Fundamental Human Rights Bodies, to meet a minimum of once per quarter and to discuss issues such as but not limited to—

(a) assignment of complex adjudications,

(b) co-operation strategies,

(c) means of information exchange, and

(d) other issues relevant to the enforcement of this Act, at the discretion of Oifig IS na hÉireann as the case may be experts may be summoned to give evidence regarding a matter before the Co-operation Forum.

(2) Where two or more Market Surveillance Authorities receive a complaint relating to the same potential breach of this Act they shall determine between themselves the lead Market Surveillance Authority who shall then appoint an authorised officer and

shall be responsible for liaising with the other relevant Market Surveillance Authorities regarding the case.

(3) Should under *subsection (2)* the relevant Market Surveillance Authorities fail to agree the lead Market Surveillance Authority within 14 days the matter shall be referred to Oifig IS na hÉireann which shall appoint a lead Market Surveillance Authority.”.

This is an amendment put forward by Senator Stephenson. It is looking to establish a co-operation forum that would include representatives of the market surveillance authorities, the fundamental human rights bodies, and oifig IS na hÉireann, to meet a minimum of once per quarter to discuss issues including, but not limited to, the assignment of complex adjudications, co-operation strategies, means of information exchange and other issues relevant to the enforcement of this Act and, implicitly so, also to the enforcement of the regulation. It is at the discretion of oifig IS na hÉireann as the case may be in terms of experts who may be summoned to give evidence regarding a matter before the co-operation forum. Where two or more market surveillance authorities receive a complaint relating to the same potential breach of the Act, they will determine between themselves who the lead market surveillance authority will be. They will then appoint an authorised officer who will be responsible for liaising with the other relevant market surveillance authorities regarding the case. Under subsection (2), should the relevant market surveillance authorities fail to agree the lead market surveillance authority within 14 days, the matter will be referred to oifig IS na hÉireann, which will appoint a lead market surveillance authority.

The fundamental rights bodies have been inserted again into this. Crucially, the amendment seeks to ensure that adjudication of decisions, processing and enforcement are happening and that we do not end up with people being sent from pillar to post or, in the worst scenario, something akin to forum shopping from those who may be the subject of investigation, surveillance or adjudication, where they would be able to choose to go with this market surveillance authority rather than that one. It is crucial that there is a clear pathway that ensures that action is being taken, and that we do not have a number of different potential authorities wondering who will take the lead and how it will be led forward, ending up in a limbo. It is also important that those who are being adjudicated on do not get to choose who they want to do the adjudication because of a lack of a clear process. There must be a proper process whereby the regulatory system itself will determine who is going to lead on the adjudication, having the oifig as a fail-safe if that decision becomes difficult, along with the useful insight of fundamental human rights bodies such as IHREC and others, who may be there to have a perspective.

This is a very good-faith attempt by Senator Stephenson to ensure that we do not end up with breaches falling between stools and not being properly acted upon or ambiguity as to how they are being brought forward. Is the Minister of State interested in the co-operation forum the Senator has proposed in good faith, or an alternative mechanism to ensure that we do not end up with gaps or a situation where those making the breach can almost choose where they are going to be adjudicated from?

Deputy Niamh Smyth: I thank Senator Higgins for speaking to this amendment and Senator Stephenson for putting it forward. I fully agree on the importance of co-operation and co-

ordination between competent authorities in the implementation and enforcement of the AI Act. Indeed, one of the central purposes of the office is to facilitate co-operation, co-ordination and information sharing among the various authorities with responsibilities under the AI regulatory framework. However, I do not consider it necessary or appropriate to prescribe in primary legislation the detailed structures or operational arrangements proposed in the amendment.

The AI Act is a substantial and evolving regulatory framework and it is important that the office retains sufficient flexibility to develop co-operation mechanisms that respond to operational experiences and emerging needs. The amendment would establish a highly prescriptive statutory forum, including requirements relating to membership, meeting frequency, agenda items and dispute resolution processes between authorities. While these matters may be useful operational arrangements, I do not consider that they require specific provision within primary legislation. The Bill already provides the office with co-ordination and co-operation functions and enables it to support engagement between competent authorities and other relevant bodies. In practice, co-operation arrangements may need to evolve over time as the AI regulatory system develops and it is preferable the office has the flexibility to determine the most effective structures for achieving that objective. I am also conscious that aspects of the amendment overlap with co-operation obligations and institutional arrangements already provided for under the AI Act itself. Accordingly, I am satisfied that the existing provisions within the Bill provide an appropriate framework for co-operation and co-ordination and I do not propose to accept the amendment.

Amendment put and declared lost.

Section 45 agreed to.

SECTION 46

Acting Chairperson (Senator Pat Casey): Amendments Nos. 48 to 54, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed. Is Senator Higgins moving Senator Stephenson's amendment No. 48?

Senator Alice-Mary Higgins: I am not moving it.

Amendment No. 48 not moved.

Section 46 agreed to.

SECTION 47

Senator Alice-Mary Higgins: I move amendment No. 49:

In page 33, line 29, after “purposes” to insert “other than the personal data of a child,”.

Amendments Nos. 49 to 53, inclusive, seek to ensure that the personal data of a child shall not be collected for the purposes of developing, training and testing AI systems in a sandbox. Article 59 does allow for the training of AI systems in a sandbox, however, paragraph 3 of Article 59 also allows for member states to develop national law which excludes the processing of certain kinds of personal data. Those are choices that can be made at a national level. Our

amendments seek to utilise this discretionary power to prevent the personal data of children from being used to develop AI systems in a sandbox. That is a very minimal piece.

2 o'clock

There has been a strong focus on the question of access to the Internet for children and all of that. We had that debate in 2017 and 2018 when the Data Protection Act was going through. This is an important point. At the time the Data Protection Act was going through, Senator Ruane and I put forward a new section, which, rather than focusing on the child and the child's access to the Internet, focused on the practices of the companies that operate on the Internet. We put forward an amendment at that time explicitly stating that the personal data of children should not be available to those companies for use for commercial purposes. That is basic. Here is the thing: that amendment passed. It went into the Bill. It was a part of the Bill but that section was never commenced. That is why I sometimes take it with a grain of salt when I hear people saying it is terrible where children and companies are concerned and the fact, for example, that Grok is available to children. It is not just the availability. We made this point back then, almost a decade ago. It is not solely about children accessing these services. It is the idea that children's data is used for commercial purposes. The specific requirement was that children's data could not be used commercially for micro-targeting and the development of profiles. We were told at the time there was not a definition of "micro-targeting", or some other excuse was given for non-commencement. I urge the Minister to revisit that issue. There is a cross-party mandate from the Oireachtas. The Seanad agreed and voted with us on that amendment. Government Members voted with us on it. There is not a monopoly on caring about that issue. It went into the Act but was not commenced for technical reasons, etc. Nothing happened then for years and years. There is now a high-profile thing about under 16-year-olds going on the Internet but the real problem is that companies are commercially using children's information. They create products. You can buy advertising that is targeted at children. You can sandbox products that are designed to commercially target children or use children's data in a commercial way. That is the problem. The business models of tech companies are based on the exploitation of children's data. That is the bigger problem. It is not whether children can access the hellish room where all the horrible stuff is happening. It is that there is a hellish room where horrible stuff is happening. That is the other fundamental problem. Part of the things happening in that room are based on the commercial exploitation of children's data, the building of profiles and the kinds of algorithms that target it. They should have been part of Commissioner McGrath's measures but were not sufficiently included in terms of tackling the issues of algorithms.

We now have another shot. We have another area. We have another sandbox. This is why I was concerned about the transparency in the register. When you create these boxes, there is concern around what is happening in them. The Minister has the opportunity and the right under the regulation to explicitly exclude children's data from what is going to be happening in the sandbox. This is to be strongly considered.

I will speak the rest of our amendments in this section. They seek to use the discretion to prevent the data of children being used to develop AI systems, including commercial AI systems, in a sandbox. It is the same thing we have been looking for since 2018 but now the dangers are even more acute.

Amendment No. 51 relates to the processing of repurposed personal data for the development, training and testing of certain AI systems in a sandbox environment. On personal data being given for a particular purpose, going back to that issue under the GDPR, you own your data. This new dilution, which we know is in the AI omnibus Act, makes a carve-out for AI training as a reason that personal data can be used. That should be hugely opposed. Personal data that was given for one reason can just be grabbed up and sucked up and used for the testing of certain AI systems in the sandbox environment. The AI regulatory sandboxes are controlled environments where developers and researchers test new AI systems under the direct supervision of the regulatory authorities. The Bill empowers the new AI office to establish the regulatory sandboxes in which new technologies can be tested in real-world scenarios. They are subject to oversight. The idea is that we are going to ensure the technologies comply with legal fundamental rights and ethical standards. The GDPR generally prohibits the use of personal data for a new, secondary purpose, unless that purpose is compatible with the original reason for collection. However, the AI Act is allowing, and we know the AI omnibus Act continues this, the repurposing of personal data in controlled regulatory requirements, subject to certain safeguards. In this context, the Bill proposes that personal data gathered for other purposes may be processed to support the development, training or testing of AI systems.

Our amendment seeks to introduce an additional privacy safeguard that will require that any repurposed personal data being processed in sandbox conditions must first be anonymised so it can no longer be linked to an identifiable individual. We know that data is considered anonymised when the data subject cannot be identified or is not identifiable having regard to all methods reasonably likely to be used by the data controller or other persons to identify the data subject directly or indirectly. This applies to direct or indirect identification. Carried out effectively, such anonymisation can assist in the privacy rights of individual data subjects. We must bear in mind that we also have our constitutional imperative on privacy here in Ireland. The anonymisation can allow the data controllers to achieve the balance between the right to privacy and other interests. This is an additional safeguard, but to be frank, it is a minimum safeguard because the core of the GDPR is not just your right to privacy. It is not a privacy piece. It is about your right to ownership of your data and your right to decide what it gets used for and does not get used for. There is often a misnomer when people talk about data protection. They say that the data is anonymised. The anonymity is an essential, and should be a safeguard in these sandboxes. That is a core consideration. You should not be able to recognise anyone from their data. As I say, there is a constitutional imperative, leaving aside anything else.

The other piece is that we should be with the spirit of the GDPR, which was a high watermark for Europe. We hear about innovation and competitiveness. The GDPR was one of the great fosterings of innovation. It is what forces good innovation so that the products and technologies fit with society's needs and rights. That is good innovation. It is not just about money maximising. That is not the only form of innovation. It is also about making things better. That is why strong regulations, such as the GDPR, fostered areas where if we were genuinely competitive and Europe was genuinely looking to be competitive - I am going to sidetrack for one moment on the competitiveness we hear about - we would be looking to have those high standards to set the benchmark for all the technologies that are operating within Europe, which is a huge market, so that then companies within Europe that meet those high standards will have a competitive advantage. I sometimes hear about the competitiveness

agenda and then I see the Commissioners going into rooms with Exxon Mobil, Microsoft and all the rest. If it is about European competitiveness, why are they letting giant US tech companies and commercial entities set the agenda and get you to lower the bar so they have more access to European markets and European companies, which invest and do the work of trying to do good technology, are at a disadvantage? That is a side point on competitiveness.

There is a question of privacy. That is the basic that we are looking for here. When people's data is being repurposed, they should be informed of that and should be given a right to object. That is a stronger reading of the GDPR for which we have not even pushed in this amendment. I am just pointing out that is my view.

Amendment No. 52 imposes an obligation on the AI office to consult with the Data Protection Commissioner before an AI regulatory sandbox is established, insofar as the sandbox involves issues related to personal data. This encourages early engagement on privacy and data protection matters, as opposed to addressing these issues only after the sandbox is operational and data has been repurposed and processed. We need to consult beforehand, not just after we have scraped the data and are already using it.

As drafted, the Bill empowers the Data Protection Commissioner in a supervisory capacity after the sandbox is operational. While I welcome the supervisory role for the commissioner, it should be there before the fact. The data impact assessment and all of that piece should be beforehand. The role of the Data Protection Commissioner should come in before the data is taken and processing has begun. The amendment would ensure privacy and data protection safeguards would be built into regulatory sandboxes at the development process, preventing privacy risks and rights risks being overlooked in the design stages. That would help build public confidence in what the Government is trying to do with sandboxes, that AI innovation and so forth.

Amendment No. 54 seeks to ensure any personal data lawfully collected for other purposes that is used in the training of an AI system would be subject to a data protection impact assessment, as I mentioned. The Minister of State has stated that the purpose of the Bill is to put in place governance structures necessary to implementing the AI Act. Amendment No. 54 seeks to ensure there is an appropriate governance structure. It is in line with what the AI Act has called for, namely effective mechanisms to identify if there are high risks to the rights and freedoms of data subjects. Doing the data impact assessment beforehand is what allows us to comply with the AI Act and the requirement to identify risks. We do not want to identify risks after the fact. The data protection impact assessment is the mechanism we have for that. These are good faith amendments to ensure the sandbox delivers what it is hoped it will deliver.

Deputy Niamh Smyth: I thank the Senator for her comprehensive arguments on each of those amendments. As regards the use of personal data, including children's personal data, within the sandbox, I understand and support the underlying concerns motivating the amendment. Nobody in the House disputes that children's personal data warrants the highest standard of protection, including in the context of AI.

Article 57 of the AI Act requires member states to establish an AI regulatory sandbox. The purpose of the sandbox is to promote AI innovation, support the development of compliant AI systems and facilitate regulatory learning across the AI ecosystem. Article 57 also mandates

that the national competent authorities must involve national data protection authorities in the establishment and operation of AI regulatory sandboxes.

Article 59 of the AI Act expands on the use of personal data in the sandbox framework. Section 47 of the Bill gives effect to Article 59, which permits personal data, lawfully collected for one purpose, to be further processed solely within an AI regulatory sandbox and for the purpose of developing, training and testing certain AI systems. Article 59 provides a robust safeguard in terms of processing sensitive personal data in the sandbox. Those conditions include, among others, that the AI system is being developed to safeguard a substantial public interest such as public health, safety or the environment, and that the processing of personal data would require consent from the data subject in certain circumstances.

Article 59 does not disapply the general data protection regulation; it operates within it. The GDPR provides that children merit specific protections because they may be less aware of the risks involved. That principle runs through the regulation. Where consent is the basis relied upon for an information society service, Article 8 of the GDPR requires parental consent below the relevant age threshold, which section 31 of the Data Protection Act 2018 sets at 16 in this jurisdiction. The Data Protection Commission's published guidance on children's data goes further, requiring controllers to treat the best interests of the child as a primary consideration, and takes the view that profiling or automated decision-making in respect of children will rarely be justifiable.

None of this is disturbed by section 47. A sandbox participant processing any personal data must identify a lawful basis, satisfy data minimisation and purpose limitation, and conduct a data protection impact assessment, where required, and is directly answerable to the Data Protection Commission, as provided in section 47(2) of the Bill.

The amendment, therefore, does not add a protection that is missing; it duplicates protections that already bind every controller in the State. While I share the underlying objective of ensuring children's data is never processed carelessly in an AI sandbox, I do not accept that the amendment is necessary to achieving that. Article 59 of the AI regulation, faithfully transposed by section 47, confines this process to a narrow, closed set of public interest purposes subject to isolation, no adverse decision, deletion and continuous monitoring conditions, with the Data Protection Commission statutorily embedded in oversight under section 47(2). The GDPR, including child-specific protections under Article 8 and Recital 38, and the enhanced domestic threshold in section 31 of the Data Protection Act 2018, continues to apply over and above all of that, undiminished.

The Department is required to consult with the Data Protection Commission pursuant to Article 36(4) of the GDPR and section 84(12) of the Data Protection Act 2018 with respect to the personal data provisions in the Bill. The Department has concluded that consultation and I am satisfied the personal data provisions in the Bill are well developed and in line with requirements set out under the GDPR.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 50:

In page 33, between lines 31 and 32, to insert the following:

“(2) No personal data for the purposes outlined in *subsection (1)* shall be used without the permission of the data subject.”.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 51:

In page 33, between lines 31 and 32, to insert the following:

“(2) Any personal data intended to be processed subject to subsection (1) shall first be effectively and sufficiently anonymised so as not to relate to an identifiable person.”.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 52:

In page 33, between lines 34 and 35, to insert the following:

“(a) consulted with prior to the establishment of the sandbox in relation to those aspects of the sandbox relevant to data protection,”.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 53:

In page 33, after line 37, to insert the following:

“(3) The personal data of a child shall not be collected or processed for the purpose of developing, training and testing certain AI systems in a sandbox.”.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 54:

In page 33, after line 37, to insert the following:

“(3) Personal data shall not be processed under this section without a Data Protection Impact Assessment having first been undertaken.”.

Amendment put and declared lost.

Section 47 agreed to.

SECTION 48

Acting Chairperson (Senator Pat Casey): Amendments Nos. 55 to 60, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Alice-Mary Higgins: I move amendment No. 55:

In page 34, line 18, after “60(4)” to insert the following:

“and has clearly established how a risk management system referred to in Article 9 will be implemented”.

Section 48 outlines the provisions for the testing of high-risk AI systems in real-world conditions. We are out of the sandbox now and into real-world conditions. We oppose this section. We have also offered a number of significant amendments to it. As I will outline, the provisions in the section are highly concerning.

High-risk systems that might be permitted for testing in real-world conditions under this section include AI systems used in law enforcement, the administration of justice, biometrics and access to education and essential services like healthcare. Paragraph 7(a) of Annex III outlines high-risk AI systems that may be tested in relation to asylum, including polygraphs.

What the section provides for is the approval of the testing of AI lie detectors in real-world conditions. This is one of the most discredited technologies, yet we are going to have AI operate it. It is an experimental mechanism that gets everything wrong all the time. AI hallucinates and has sycophantic tendencies. These are all things about AI that make it one of the most problematic and discredited mechanisms to operate in real-world conditions on vulnerable people, including asylum seekers. It is dystopian.

What this section provides for is the testing of these systems. This could have a massive impact on freedoms and civil liberties. "Real-world conditions" is a weird way of describing reality. It is not "real-world conditions". It is the real world, with testing on real people. It is important to be very clear that this is about testing not just any AI systems, but those identified as high-risk AI systems, on real people. We are back to the "move fast and break things" piece. They are moving fast, trying stuff out and breaking things, but in these cases, the things that may be broken are people, their lives and their life chances. That is the experimental space we are in. That is the space being facilitated by this section, and it is why we will be opposing it.

As well as opposing it, we have also proposed a few amendments to try to safeguard against the mass of potential damage of this kind of reckless provision. Again, this is where the tension comes in. Are we experimenting in these real-world conditions? Will that be done for the sake of AI innovation and to promote it? A lot of what we are doing that affects society seems not to be about AI helping us to do what we want to do as a society, but how society can help AI as an incredibly overleveraged new economic experiment, with the money flowing to a very few individuals, predominantly. It is about how society can help to make that work. That is the fear I have. It is real-life experimenting with high-risk AI systems, not just AI helping people to find their way or provide maps or food services. These are identified high-risk areas.

Amendments Nos. 55 and 56 seek to ameliorate the damage by requiring that the approval of any application for the testing of high-risk AI systems in real-world conditions would be subject to a clearly established risk management system, as referred to in Article 9 of the EU AI Act, being presented to the relevant market surveillance authority making the approval decision. It is the minimum that a risk management system would be presented and be part of the process, and that is what is envisaged in Article 9 of the EU law. Clearly establishing these risk management systems should facilitate the relevant market surveillance authorities in making better, safer and more informed decisions with regard to approving any high-risk AI system for training in real-world conditions, in the real world, on real people. The risk management measures outlined under Article 9 of the EU AI Act include detailing how

identified risks can be eliminated or reduced, including detailing the risks that cannot be eliminated. This information will be extremely useful for the relevant market surveillance authorities when making an informed decision on permitting the testing of high-risk AI systems in real-world conditions. That is what we are trying to ensure as part of the process.

Amendment No. 58 is an important amendment that seeks to ensure that fundamental rights considerations are an explicit factor in decisions on the granting of permissions for the testing of high-risk AI systems in the real world, with particular reference to the rights of vulnerable persons. Under the Bill, providers must apply to relevant market surveillance authorities for permission to conduct testing of their high-risk AI systems. The Bill does not provide sufficient information as to what are the aspects of a system, or the potential impacts that the market surveillance authority will be considering when making the decisions. We know that they have to apply, but we do not really know what is getting properly considered or how it is getting considered.

The real-world use of experimental systems, or systems that are being tested, can expose individuals to very serious risks and harms before those systems have been demonstrated to be safe or, crucially, non-discriminatory. We know there is a very real situation of discrimination and prejudice with AI systems. The excellent research done by Abeba Birhane during her time in UCD, and in her work at MIT, has shown this. It is a known fact that there are huge issues of prejudice and discriminatory applications. This is an opportunity to try to comply with fundamental rights and privacy protections.

The amendment seeks to ensure that any decision to permit or facilitate testing is informed by an assessment of the potential impacts, shifting the focus beyond purely technical or commercial considerations, and requiring regulators to assess the human consequences of high-risk systems. The amendment specifically highlights the fundamental rights of vulnerable persons who are likely to be disproportionately affected by AI system errors, bias, discrimination or misuse, and, therefore, require special consideration. We use the term "vulnerable persons" because there is precedent for that term in Irish law. The intention is to capture within it the wide range that we know of. I have sat in on the AI committee, and I substitute regularly for Senator Ruane. We have heard from older people, younger people, people with disabilities, people with mental health difficulties, people with limited literacy or digital literacy, and people from marginalised communities and backgrounds. A lot of different vulnerable communities are being captured here. I point to the obligation to look at special measures for vulnerable persons that is in the original EU AI Act. We want to know how that is being applied to the crucial decision to let an AI model test itself on real people in the real world. I should say that within that "vulnerable persons" category are those from ethnic minority backgrounds who have been shown to have been mistreated and impacted.

With regard to testing in real-world conditions, there is talk of testing it on law enforcement, on the administration of justice, which could be on an asylum application, which is life or death for some people, on access to education, which is the absolute core foundation of people's life chances, and on essential services like healthcare, where there is vulnerability upon vulnerability. These are serious points. Everybody is vulnerable when they are seeking to engage with education, the justice system or healthcare. Then there are people who are even more vulnerable.

On amendment No. 59, witnesses and stakeholders who have spoken to the Joint Committee on Artificial Intelligence have expressed real concern as to how their data will be processed in the development of high-risk AI systems and whether their fundamental rights will be imperilled. This is a genuine concern on the ground from representative bodies of all kinds. They want the primary legislation to give effect to the EU AI Act, which acknowledges the need for fundamental rights and privacy, and speaks about vulnerable persons. Amendment No. 29 provides that in making a determination to permit the testing of a system in the real world, the market surveillance authorities shall have due regard to the potential impact of such testing on climate, biodiversity, environmental protection and our obligations under the Paris Agreement.

There is an intrinsic link between the use of AI and energy consumption. Ireland is an absolutely absurd outlier, with a quarter of our electricity going to this one industry. It is wild. We are far away from anything like what the norm is anywhere else in relation to this matter. There is the energy issue, but there is also the water issue.

We have seen in the United States huge issues in relation to the environmental impact on water of these AI systems. When you test or train a system that is all energy usage and it is also water usage. I am sure the Minister of State is hearing from people who get frustrated when they are told to turn off their taps when they are brushing their teeth and then they see data centres down the road guzzling water. We know Uisce Éireann is not currently even documenting properly what is happening with water consumption.

Senator Patricia Stephenson: Yes.

Senator Alice-Mary Higgins: The *Dublin Inquirer* has done incredibly important reporting on that. The national usage Uisce Éireann was suggesting is less than how much one individual data centre reported for itself so the figures are all up on this. These are factors. This relates to AI systems, high risk systems that could result in massive energy consumption. There is also the question of AI systems related to critical infrastructure in paragraph 2, which might involve the supply of water, gas, heating, electricity or the management or operation of what is called critical digital infrastructure. Paragraph 5 could include AI systems being given access to essential public and private services and infrastructure in their testing phase. It could include things like eligibility for healthcare services and categorising responding to emergency calls. These areas are really not areas for testing or experimenting.

The Paris Agreement and an environmental assessment in terms of doing things, is it worth doing it and is the cost worth what we get, needs to be part of the calculation, in general, in regard to AI, but particularly to the testing and experimenting related to AI in the real world.

I am coming to near the end. Amendment No. 60 seeks to provide for an ethical review of the testing of high-risk AI systems on an annual basis. There are obvious ethical concerns arising from this section. It is important we have a clear sight of the concerns and our amendment provides to undertake an annual ethical review of the operation of this section of the Bill. I do not think annual is too much in the context of an area that is so fact moving and when the risks are so clearly delineated. It reflects Article 60, paragraph 3 of the EU AI Act, which states:

The testing of high-risk AI systems in real world conditions under this Article shall be without prejudice to any ethical review that is required by Union or national law.

When the Minister of State states we are just implementing what is there, there are a lot of choices. There are choices around excluding vulnerable groups, like I mentioned earlier. There are choices around particular categories of data. There are choices around the ethical framework and I ask the Minister of State to choose to have an ethical review on an annual basis.

One of the listed functions of the office in the Bill is AI innovation. I am moving to a slightly different note. My last amendment, No. 63, is in this grouping. This amendment, No. 63, seeks to shorten the maximum timeframe within which a provider must comply with a request by a market surveillance authority to suspend, terminate or modify the testing of a high-risk AI system in the real world. As the Bill is drafted, providers are provided with a 14-day period within which the suspension, termination or modification of the testing should take effect. Bear in mind, that is 14 days after alarm bells have been raised, in which they can continue to experiment in the real world, on real people, on real infrastructure within real public service systems. When the market surveillance authority says "stop", they need to stop. They should not get two more weeks.

Article 76 of the AI Act sets out the powers of the market surveillance authority to ensure compliance and to say they can suspend or terminate testing if serious incidents occur or if the conditions of the testing permissions are not met by the provider. When those two things happen, the off-switch has to happen right away. This is a time when the State needs to move fast. It is positive that there is a mechanism to allow the suspension, termination and modification but we have put seven days in the amendment. I personally think it should be, not later than seven days. Two weeks is simply too long. Not only does it allow the damage to continue but it also creates the space for a spin to be generated around the damage, for the minimising of it and the potential removal of relevant evidence. It is not okay.

Senator Patricia Stephenson: Yes.

Senator Alice-Mary Higgins: If somebody is already breaking the conditions, they should not get two weeks to cover their tracks. There should be a stop, and where necessary an investigation by the market surveillance authority. That concludes my amendments in this grouping and I will pass over to my colleague to speak to the remaining amendments.

Acting Chairperson (Senator Pat Casey): Senator Stephenson has four amendments in this grouping.

Senator Patricia Stephenson: Yes. I will speak to amendment No. 61, which is linked to what Senator Higgins was just referring to on the 14-day notice period for revocation or amendment of a real world testing permit for high risk systems. I will add to what Senator Higgins discussed. The idea there would be a 14-day window through which a harmful, high-risk system is allowed to continue implementing or using the practice that has been found to break some sort of regulation is nuts. The Grok AI scandal is a perfect, recent example of how the provider could maintain that system for a 14-day period even though we know it had

harmful impacts on society. That is why my amendment No. 61 talks about how it "shall come into provisional effect immediately unless otherwise specified in the notice provided to the provider", so the provider will take the system off immediately, as soon as they possibly can, due to the severe risk they pose. A fair appeals process can still be included within that. The provider can appeal and if the appeal finds the testing is not damaging then the provider can reinstate that. If there are any concerns around any high-risk systems being implemented that have the potential to endanger society they should be immediately removed for the period during which that appeal takes place. The outcome of the appeal might be that in fact it is a high-risk system and it should be taken down and therefore, we would have been correct in doing so immediately.

Amendment No. 57 provides that:

In making a determination on permitting or refusing to permit testing, the market surveillance authority shall have due regard for the potential impact of this testing on the fundamental rights of those exposed to the high risk system.

The "fundamental rights of those exposed to the high risk system" is really the main point here. We are legally and statutorily obligating companies that are engaging in high-risk systems while performing real world testing - us, existing in the real world and not in a safe sandbox, as I know has been discussed earlier - to consider fundamental rights. I suspect the Minister of State might say the fundamental rights of any individual will be protected through other instruments or statutes, perhaps through the EU AI Act itself, but given the potential risk to individuals - again I will use Grok since it was such a recent and major example - the potential for people's fundamental rights to be undermined with these high risk systems is endless. Therefore, putting that on a statutory footing really does matter. We can point to other directives or constitutional rights and all of these things but this is such new legislation that, by not including that we are inadvertently, or advertently, sending the message that fundamental rights are not as important as the testing of these products.

Deputy Niamh Smyth: I thank both Senators for speaking to these amendments. I will cover amendments Nos. 55 to 65, inclusive, with the indulgence of the Acting Chairperson. Before addressing individual amendments, it may be helpful to briefly outline the framework that already applies in real world testing of high-risk AI systems. Under Article 60 of the AI Act, real world testing is not unrestricted. It is one of the most heavily regulated aspects of the AI Act. Testing may only take place where permission has been granted under the relevant market surveillance authority and where the detailed conditions set out in Article 60 are satisfied.

Those conditions already require, among other things: a documented testing plan; appropriate risk management measures; human oversight arrangements; safeguards for health, safety and fundamental rights; compliance with applicable union law; regulatory supervision and oversight; record keeping and documentation requirements; and powers for authorities to suspend, modify or terminate testing where concerns arise.

In addition, Articles 61 and 62 provide specific protections for natural persons participating in or affected by real world testing, including informed consent requirements and safeguards for participants. The AI Act therefore embeds risk management, participant protection and fundamental rights safeguards directly into the authorisation and operation of real world testing.

Against that backdrop, I will address the individual amendments.

Amendment No. 55 would require an applicant seeking authorisation for real-world testing to clearly establish how the risk management system referred to in Article 9 will be implemented. I fully agree that effective risk management is a critical element of the AI Act framework. However, Article 60 already establishes a detailed and harmonised set of conditions governing real-world testing of high-risk AI systems. Those conditions must be assessed by relevant market surveillance authorities before authorisation may be granted. The amendment would introduce an additional national authorisation criterion beyond those contained in Article 60. Authorisation decisions must continue to be assessed against the harmonised criteria set out in the AI Act itself. Introducing additional national requirements risks creating uncertainty regarding the relationship between national law and the harmonised framework established by EU law. Accordingly, I cannot accept amendment No. 55.

Amendment No. 56 would require an application for real-world testing to be refused when the applicant has not clearly established how Article 9 risk management systems will be implemented. Again, I fully recognise the importance of risk management. However, Article 60 already sets out the conditions that must be met before testing may be authorised, including safeguards relating to risk management, oversight and participant protection. This amendment would, in effect, create a new mandatory ground for refusal beyond those provided for in the AI Act. Decisions to authorise or refuse testing should continue to be determined by reference to the criteria specified in Article 60. Accordingly, I cannot accept amendment No. 56.

Amendments Nos. 57 and 58 concern fundamental rights considerations. The amendments would require a market surveillance authority to have explicit regard to the impact of testing on fundamental rights and, in the case of amendment No. 58, the rights of vulnerable persons. I fully agree with the protection of fundamental rights as a central objective of the AI Act. However, these considerations are already embedded throughout that Act and specifically within the framework governing real-world testing. Article 60 requires testing to take place under a controlled and supervised framework, with appropriate safeguards in place. Article 60 forms part of a wider framework of safeguards within the AI Act. In particular, the regulation contains extensive provisions relating to risk management, human oversight, informed consent, participant protection and fundamental rights. Real-world testing under Article 60 must operate within the broader regulatory framework. Accordingly, market surveillance authorities are not assessing real-world testing in a legal vacuum. Article 60 already contains detailed safeguards that must be applied in the context of the wider protections contained throughout the AI Act, including those related to participant protection and fundamental rights. Introducing an additional national statutory requirement risks creating overlap and uncertainty as to whether a different threshold is intended to apply in Ireland from that provided for in the AI Act. I am satisfied that the protection of fundamental rights, including the protection of vulnerable persons, is already fully embedded within Article 60 of the framework. Accordingly, I cannot accept amendments Nos. 57 and 58.

Amendment No. 59 would require market surveillance authorities, when deciding whether to authorise real-world testing, to have regard to climate, environmental protection, biodiversity and obligations under the Paris Agreement. I fully recognise the importance of environmental protection, biodiversity and climate action. However, as I outlined earlier, section 48 gives effect to Article 60 of the AI Act, which establishes a harmonised framework

for authorising real-world testing. The role of the market surveillance authority is to assess whether the conditions specified within Article 60 have been met. While the AI Act recognises environmental protection as a broader objective, Article 60 does not require separate assessments of climate and biodiversity impacts or compliance with the Paris Agreement when determining whether testing may proceed. This amendment, therefore, would introduce additional national authorisation criteria that do not form part of the harmonised EU framework. That could create uncertainty regarding the basis upon which authorisations should be granted or refused, the scope of the authority's assessment, how such impacts can be measured and how those considerations relate to the conditions already set out in Article 60. For those reasons, I cannot accept amendment No. 59.

Amendment No. 60 would require the Minister to undertake and publish an annual ethical review of the operation of section 48. Real-world testing should be undertaken responsibly and ethically. However, a separate statutory annual ethical review is not necessary. The ethical and fundamental rights considerations identified by the amendment are already integrated directly into the AI Act framework. Article 60 itself contains extensive safeguards, while Articles 61 and 62 provide additional protections relating to informed consent and participant protection. In addition, the AI Act contains formal review and evaluation provisions at EU level. Under Article 112, the European Commission is required to assess the operation and effectiveness of the regulation and to report on its implementation. This provides an existing mechanism through which the functioning of the AI Act, including its real-world testing framework, can be reviewed and evaluated over time. The amendment also introduces the concept of ethical review without defining its scope, the standards that should be applied, who should conduct it or how it should interact with the existing regulatory framework. I consider that the existing real-world safeguards and oversight mechanisms provide meaningful protection. Accordingly, I cannot accept amendment No. 60.

Amendments Nos. 61, 62, 64 and 65 would introduce the concept of a proposal taking provisional effect immediately and then no longer coming into full effect. The existing provision sets out a clear statutory process and provides certainty as to when decisions take legal effect. Introducing concepts such as provisional effect and full effect risks creating uncertainty regarding the legal status of testing and the applicable safeguards at various stages of the process. The current framework already provides clarity, certainty and appropriate regulatory oversight. Accordingly, I cannot accept amendments Nos. 61, 62, 64 and 65.

Amendment No. 63 would reduce the current period of 14 working days to a period of no more than seven days. The purpose of section 49 is to balance regulatory intervention with fair procedures. The existing framework allows authorities to suspend, modify or terminate testing where concerns arise, while ensuring affected parties have an opportunity to make representations. The current 14-day period forms part of a coherent procedural framework and provides legal certainty for all parties involved. Replacing it with a shorter and less certain timeframe could reduce the opportunity for affected parties to respond, create uncertainty regarding implementation dates and be particularly challenging where complex, high-risk AI systems are involved. I consider that the 14-day period strikes an appropriate balance between responsiveness and procedural fairness. Therefore, I cannot accept amendment No. 63.

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 56:

In page 34, line 21, after "60(4)" to insert the following:

"or has not clearly established how a risk management system referred to in Article 9 will be implemented".

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 57:

In page 34, between lines 23 and 24, to insert the following:

"(5) In making a determination on permitting or refusing to permit testing, the market surveillance authority shall have due regard for the potential impact of this testing on the fundamental rights of those exposed to the high risk system.".

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 58:

In page 34, between lines 23 and 24, to insert the following:

"(5) In making a determination under *subsection (4)*, the market surveillance authority shall have due regard for the potential impact of this testing on the fundamental rights of those exposed to the high risk system, with particular regard to the fundamental rights of vulnerable persons.".

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 59:

In page 34, between lines 23 and 24, to insert the following:

"(5) In making a determination under subsection (4), the market surveillance authority shall have due regard for the potential impact of this testing on—

- (a) climate;
- (b) environmental protection;
- (c) biodiversity, and;
- (d) our obligations under the Paris agreement.".

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 60:

In page 34, between lines 28 and 29, to insert the following:

"(6) The Minister, in consultation with the Office, shall, within 12 months of the passing of this Act and annually thereafter, undertake and publish an ethical review of the

operation of this section and, following such a review, may make regulations in relation to the ethical operation of this section."

Amendment put and declared lost.

Question, "That section 48 stand part of the Bill.", put and agreed to.

SECTION 49

Senator Patricia Stephenson: I move amendment No. 61:

In page 35, to delete lines 1 to 3 and substitute the following:

"(c) inform the provider or prospective provider that the proposal shall come into provisional effect immediately unless otherwise specified in the notice provided to the provider or prospective provider, and".

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 62:

In page 35, line 12, after "into" to insert "full".

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 63:

In page 35, line 12, to delete "14 working days" and substitute "as soon as is practicable and no later than 7 days".

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 64:

In page 35, line 23, after "into" to insert "full".

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 65:

In page 35, line 25, after "into" to insert "full".

Amendment put and declared lost.

Section 49 agreed to.

Sections 50 to 52, inclusive, agreed to.

NEW SECTION

Senator Patricia Stephenson: I move amendment No. 65a:

In page 37, between lines 19 and 20, to insert the following:

“CHAPTER 6

Policy coherence

Report on policy coherence

53.The Minister shall publish, within 12 months of the passing of this Act, a report on policy coherence by Government departments, on the implementation of the Artificial Intelligence Regulation.”.

This is around policy coherence and reporting of same. Amendment No.65*a* calls for a report that looks at the coherence in the implementation of the AI regulation across various Departments. As was discussed in relation to amendment No.1, the Minister for justice recently passed legislation permitting the use of biometric analysis by An Garda Síochána. The AI Act contains many safeguards regarding the use of biometric technology by law enforcement. However, the term “biometric analysis” does not feature in the AI Act. We have concerns that it may avoid the safeguards provided for in the regulation by not having that language within it. Using novel definitions of AI technology that are considered high risk in the AI Act is not consistent or coherent with the implementation of the AI regulation.

The implementation of the AI regulation will involve co-ordination across government. AI will affect many, if not all, parts of our lives and it will touch on the responsibilities of a wide range of Departments. There should be a reflection on how effective that co-ordination is to ensure that proper enforcement of safeguards contained in the AI Act. The idea that we have coherent policy across different Departments is fundamental.

When the Minister for justice, Deputy O’Callaghan, was in the Chamber passing legislation with definitions that diverge from the AI Act, he said:

When it comes to domestic Irish legislation we are perfectly entitled to use our own definitions and our own interpretations or interpretation and that is what has been done in this legislation.

The idea that we can choose to define words in any given way in our legislation is quite incoherent and inconsistent with the implementation of the AI regulation. There needs to be a concerted effort to promote that cohesion across different Departments. I hope the Minister of State will consider this amendment. It is simply about making the role she holds easier when coherence is put on a statutory footing.

Deputy Niamh Smyth: I thank the Senator for her amendment. I recognise the objective behind the amendment but I cannot accept it. Under sections 38 and 40 of the Bill, the office is already required to prepare a strategy statement every three years setting out its key objectives as well as a review of its work, annual report and performance of its functions. Moreover, these sections are well developed and clearly specify who is consulted, the form and the manner in which the Minister may direct and what the statement or report may contain. The Bill also provides that both reports must be laid before Houses of the Oireachtas and published.

In addition, section 43 establishes a co-operation forum specifically to enable co-operation, co-ordination and information exchange among the competent authorities in order that there is

consistent implementation of the AI act in the State by the competent authorities. Many of the regulators are long-standing market surveillance authorities, MSAs, in their sector and are accustomed to working together on matters that need consideration and co-operation between the relevant authorities. The AI office unit is working with those regulators to leverage their experience and existing practice to inform an approach in the context of the regulation of AI.

A new, one-off ministerial report on policy coherence, as proposed, alongside the well-developed provisions related to the offices accountability and functions in the Bill, which are already designed to support the coherent enforcement across the competent authorities, would not add any substantial value to what is already provided for in the Bill.

This amendment is also rather vague and lacks legal clarity on the meaning of policy coherence, the Departments it would cover, the criteria the report would assess and the words that would count as compliance. On this occasion, I have to oppose the amendment.

Senator Patricia Stephenson: Can I confirm that we are speaking to amendments Nos. 65a, 68 and 69 as a grouping?

An Leas-Chathaoirleach: We are discussing amendment No. 65a.

Senator Patricia Stephenson: That is fine. The screen is wrong. I was just checking against the screen, which states that amendment Nos. 68 and 69 are included.

Amendment put and declared lost.

Amendment No. 66 not moved.

Section 53 agreed to.

SECTION 54

An Leas-Chathaoirleach: Amendments Nos. 67 and 72 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Patricia Stephenson: I move amendment No. 67:

In page 38, between lines 13 and 14, to insert the following:

“(3) A relevant market surveillance authority shall ensure that any affected person subject to a decision which is taken by the deployer on the basis of the output from a high-risk AI system, and which produces legal effects or similarly significantly affects that person in a way that they consider to have an adverse impact on their health, safety or fundamental rights shall be able to obtain from the deployer clear and meaningful explanations of the role of the AI system in the decision-making procedure and the main elements of the decision taken, as referred to in Article 86.”.

Amendment No. 67 is seeking to create a mechanism by which a person can secure their right to a meaningful explanation where they have been significantly affected by a decision taken on the basis of output from a high-risk AI system. We discussed this on Second Stage. I received the Minister of State’s letter in this regard. I would like to note that she wrote to me

outlining some of the issues I raised on Second Stage, particularly with regard to a person's right to an explanation as to why an AI system has made a decision about them. This is important because, as I mentioned in the previous debate, in the Netherlands, social payment decisions made by an AI system discriminated against certain groups in society. They did not receive their social welfare payment as a consequence of that decision taken by a non-human.

Incidentally, that is a great example of AI putting people out of work. If we automate decisions on social welfare payments - which is probably coming down the line for most Departments - we are putting those potential civil servants out of work. Often, when it comes to job losses as a result of AI, I hear the Government talk about job losses in the technology sector, but there will be job losses in every sector of society. For example, such losses will be seen among engineers because they will be able to do their drawings online. They will also relate to civil servants reviewing applications for social welfare payments. While that may not necessarily happen in Ireland, we have seen it happen elsewhere. It might be coming for us as well, depending on how Departments choose to hire and use automated systems. We are not taking the issue of job losses seriously.

To return to the amendment, in the Minister of State's correspondence, she said that:

The purpose of this Bill, therefore, is not to recreate those substantive rights but to establish the national supervisory and enforcement framework through which compliance with those obligations can be monitored and enforced.

This is exactly what amendment No. 72 is seeking to achieve. Currently, there are no statutory provisions in the Bill that provide for the enforcement of a person's right under Article 86. We have to allow people the right to get a meaningful explanation as to why an AI system has made a certain decision about them on an application or in any walk of life. Otherwise, there is absolutely no transparency. We know AI systems have in-built bias, depending on who originally wrote the code.

Similarly, amendment No. 72 seeks to provide for the right of a person affected by an automated decision-making system developed by a public body to human intervention. It would allow a person to receive a meaningful explanation and a formal review of the decision conducted by a natural person, that is, a human. When we are going to start seeing automated decision-making systems rolled out *en masse* – it will happen – it is crucial that there is the option for people to have human intervention. If anyone has ever operated within a system where they are speaking to a chatbot, whether it is for customer service or finding out why a decision has been made, they will personally understand how difficult it can be to speak to a human. If public bodies are using automated systems to make decisions on individuals, people should be entitled to human intervention in order to hear about the decision from a human, that is, a natural person.

Amendment No. 72 inserts a subsection in section 61 of the Bill, which relates to complaints concerning infringement of AI regulation. It also provides for the enforcement of a person's right under Article 86.

Deputy Niamh Smyth: I will respond to amendment Nos. 67 and 72. The rights set out in these amendments are already provided for directly by Article 86 of the AI Act. Article 86 is one of the principal individual rights created by the AI Act. It was introduced to address

concerns that individuals may be significantly affected by decisions based on high-risk AI systems without understanding how those systems contribute to the outcome.

3 o'clock

The provision applies where a decision is taken on the basis of an output of a high-risk AI system listed in Annex III; the decision produces legal effects and similarly significant effects; or the person considers that the decision adversely affects their health, safety or their fundamental rights. The obligation falls on the deployer of the system and it is intended to provide meaningful transparency regarding the role played by AI in the decision-making process. Article 86 grants any affected person the right to obtain from a deployer clear and meaningful explanations on the role of a high-risk AI system in the decision-making process and maintain elements of the decision taken where the decision produces legal effects and similarly significant effects on that person.

As the right arises directly under the AI Act, it is not necessary to recreate or restate that right in national legislation. The Government has generally sought to avoid unnecessary duplication of directly applicable provisions of EU law throughout the Bill. Replicating Article 86 in domestic legislation could create uncertainty if the national texts were interpreted differently from the regulation or if future amendments to the regulation were not reflected in domestic provision.

In addition, the amendment would replace an obligation on the relevant market surveillance authorities to ensure that a person can obtain such explanations. However, Article 86 places the underlying obligation on the deployer, not on the market surveillance authority. The deployer is the entity responsible for providing explanations to affected persons, while market surveillance authorities have a distinct supervisory and enforcement role under the AI Act. The amendment therefore risks blurring the allocation of responsibilities established by the AI Act. It could be interpreted as imposing a new statutory duty on the market surveillance authorities beyond those contemplated by the regulation. I am aware that Article 86 was included in the AI Act specifically to strengthen transparency and accountability in relation to high-risk AI systems. It provides a direct right for affected persons and applies independently of the enforcement arrangements established by member states. The Bill does not remove or limit the right in any way.

Similarly, the objective underlying amendment No. 72 is already substantially addressed by the existing framework of the general data protection regulation, GDPR. The GDPR already contains protections in relation to certain forms of automated decision-making involving personal data, including safeguards related to human involvement and the ability to contest decisions in circumstances falling under Article 22 of the GDPR. These protections continue to apply alongside the AI Act where relevant.

Amendment put and declared lost.

Section 54 agreed to.

SECTION 55

An Leas-Chathaoirleach: Amendments Nos. 68 and 69 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Patricia Stephenson: I move amendment No. 68:

In page 38, between lines 18 and 19, to insert the following:

“(2) Should a request be authorised under *subsection (1)*, the completion of necessary conformity assessment procedures shall be undertaken without undue delay.”.

This section provides for derogations for conformity assessment procedures to take place. The article in the EU AI Act states that this is to provide time for the assessment to happen, so it should then happen as soon as possible. We need to include the wording "undue delay" because we do not want companies to wait for longer than is necessary. They could be operating systems that have not gone through conformity procedures and that could potentially be putting out damaging tech into our societies and communities without any oversight. Derogation should only be allowed for the shortest possible time period. The specific parameters of the AI Act should be transposed, which will not necessarily have happened. This is requesting that the wording of "undue delay" be added when it comes to conformity assessment procedures.

Amendment No. 69 is similar. Before high-risk AI systems can be put onto the market, they will be subject to strict conformity assessments. That is a good thing. They determine whether the system meets certain requirements of the AI Act, including in relation to risk management, data governance, technical documentation, record-keeping transparency and the provision of information, human oversight - which is crucial - and accuracy, robustness and cybersecurity, which is also crucial.

Derogations from the usual approval process for high-risk AI systems can be sought by providers in certain circumstances wherein a market surveillance authority can temporarily allow these high-risk systems to be used for a period while they are being assessed. According to the AI Act, derogations can be sought in certain justified circumstances, including for public safety and environmental protection reasons, but also in urgent situations where law enforcement or civil protection authorities might seek to use these systems without full approval. Given the potential risks posed to the fundamental rights and protections of citizens by high-risk AI systems, it is imperative that derogations are only granted in the most limited of circumstances and, where they are sought, that a full conformity assessment is undertaken without undue delay.

I recognise that there might be instances where high-risk systems have to be used without going through the proper conformity assessment, but with regard to that piece around undue delay, we do not want any legislative misunderstanding about the period in which that derogation can be allowed. Amendments Nos. 68 and 69 provide for conformity assessments to be undertaken without that delay after a derogation is granted. While recognising that there will be circumstances where a derogation may be needed, the assessment has to come as soon as is practically possible. This would ensure that high-risk systems that are operating subject to a derogation can ultimately be terminated or suspended if it is demonstrated that they do not meet the specified criteria, preventing temporary derogations from posing undue harm to members of the public because that is a risk. It is a risk that we might provide a derogation for a particularly high-risk system. If it has not gone through the conformity assessments, we do not know where the risk might be for society.

An Leas-Chathaoirleach: I acknowledge the students from the National Print Museum. They are guests of Deputy Bacik and are very welcome. I hope they enjoy their visit to Leinster House today.

Deputy Niamh Smyth: I will respond in relation to amendments Nos. 68 and 69. The purpose of amendment No. 68 is to place an expressed statutory obligation on the provider to complete any outstanding conformity assessment procedures as quickly as possible following the granting of an authorisation. I fully agree with the objective that any necessary conformity assessment procedures should be completed as soon as practicable where an authorisation has been granted under this section. However, the provisions of the AI Act already establish detailed requirements regarding conformity assessment procedures and the obligations that apply to providers of AI systems.

Section 55 of the Bill gives effect to Article 46 of the EU AI Act which establishes a carefully calibrated mechanism by which, in limited and exceptional circumstances, a relevant market surveillance authority may authorise the placing on the market or putting into service specific high-risk systems in advance of completion of a conformity assessment. Article 46.1 makes clear that such derogations are only permitted in narrowly defined situations, including for reasons of public security, the protection of life and health, environmental protection or the protection of key industrial and infrastructural assets. It further provides that any such authorisation shall be time-limited and subject to appropriate conditions, including that necessary conformity assessment procedures are to be carried out. Importantly, the regulation already provides that the completion of those conformity assessment procedures must be undertaken without undue delay, taking into account the exceptional circumstances justifying the derogation.

Where an authorisation is granted under this section, the provider remains subject to all relevant obligations under the AI Act, including any requirements relating to conformity assessment and compliance. Introducing an additional requirement in the Bill that such procedures are completed without undue delay would not materially alter those obligations. The wording is also potentially open to interpretation and could create uncertainty as to whether a separate or additional legal standard is intended to apply beyond that already provided for under the AI Act. I am satisfied that the existing framework already ensures that providers are required to proceed with conformity assessment procedures in accordance with their obligations under EU law. Accordingly, I do not consider the amendment necessary and do not propose to accept it.

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 69:

In page 38, between lines 18 and 19, to insert the following:

“(2) Should a request be authorised under *subsection (1)*, a conformity assessment, in accordance with Article 43, shall be undertaken without undue delay.”.

Amendment put and declared lost.

Section 55 agreed to.

Sections 56 to 60, inclusive, agreed to.

SECTION 61

An Leas-Chathaoirleach: Amendments Nos. 70 and 71 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Patricia Stephenson: I move amendment No. 70:

In page 40, between lines 35 and 36, to insert the following:

“(3) Should the Office be the subject of the complaint in question, the Office shall ensure its assessment under *subsection (2)* is conducted by an independent person appointed by the Office.”.

As a regulator, complaints against the office should be dealt with independently. This section deals with complaints with market surveillance authorities. If the complaint is about the office, it should not investigate itself. That feels like a no-brainer. It aims to address any potential conflict of interest where the office is effectively subject to a complaint concerning an infringement of the AI regulation. While the AI office would ordinarily be responsible for assessing the complaints, if the complaint concerns the office's own actions or decisions, it would be put in a position of reviewing and assessing a complaint about the office itself. The amendment, therefore, proposes that in such circumstances, the assessment is carried out by an independent individual appointed by the board of the AI office as opposed to the office itself so that there is an appropriate gap between who is carrying out the assessment of a complaint and the subject of the complaint. Where the office is itself the subject of a complaint, we are of the view that it is incredibly inappropriate for the office to assess that complaint internally as this risks creating a conflict of interest. Requiring an independent person appointed by the board to conduct the assessment will strengthen confidence in the complaints process, ensure impartial decision-making and help maintain trust in the State's AI regulatory framework. I know that this came through in the Dáil as well and the Minister of State did not accept there. This is a good and sound amendment that will bring about independence, accountability and fairness within the system. We need the public to trust the AI office. The Minister of State would agree with that. There are serious concerns around independence, governance and the role the Minister plays in direction and so on. We spoke about it previously. We are talking about the need for an independent complaints process. The Minister of State could not investigate a complaint against her and I could not investigate a complaint against me so the office should not be able to investigate a complaint against it. It is a sound amendment and I really hope the Minister of State takes it on board.

Deputy Niamh Smyth: I recognise the objective underlying amendment No. 71, namely, to ensure that complaints concerning the office are assessed in an independent and impartial manner. I fully agree with the importance of maintaining public confidence in the integrity of the complaints process. However, I do not consider that this amendment is necessary. The proposed amendment would introduce a specific statutory requirement that in a particular category of cases, an assessment must be conducted by an independent person appointed by the board. This represents a departure from the established approach, which is to ensure independence at an institutional level rather than through the creation of bespoke procedure

arrangements for individual cases. As part of the setting up of the office, the complaints procedure will be put in place and aligned with the code of practice for the governance of State bodies and the Ombudsman guidance on complaints handling, as well as relevant legislation. As with other the statutory bodies, if individuals are not satisfied with the management of their complaint, they can make a complaint to the Ombudsman.

The objective underlying amendment No. 72 is already substantially addressed through an existing provision in EU law, including the AI Act and where personal data is involved, the general data protection regulation. In particular, Article 86 of the AI Act provides a right for affected persons to obtain clear and meaningful explanations of decisions taken on the basis of the output of certain high-risk AI systems where those decisions produce legal effects or significant effects that are considered by the individual to adversely affect his or her health, safety or fundamental rights. Furthermore, the GDPR already contains protections in relation to certain forms of automated decision-making involving personal data, including safeguards relating to human involvement and the ability to contest decisions in circumstances falling within Article 22 of the GDPR. These protections continue to apply alongside the AI Act where relevant.

I would be concerned that the amendment would create a separate national rights regime that differs from and potentially overlaps with the rights and obligations already established under directly applicable EU law. This could create legal uncertainty regarding the category of AI systems covered, the relationship between the proposed right and Article 86 of the AI Act, the relationship between the proposed right and existing GDPR protections and finally the scope of the term "essential public service provider", which is not defined in the Bill. The amendment would also apply to any automated decision-making system whereas the AI Act adopts a more targeted and carefully calibrated approach that focuses on specified categories of high-risk AI systems and decisions producing legal or similarly significant effects.

In addition, the Bill is primarily concerned with governance, supervision and enforcement of the AI Act. It is not intended to establish a parallel national framework of substantive individual rights beyond those provided for under the regulation itself. I consider that introducing additional rights of human intervention and review in this manner could create inconsistency between national law and a harmonised EU framework grammar.

Senator Patricia Stephenson: Under the current process, if there is a complaint against the AI office, it will still investigate itself under the current legislation. Is that correct?

Deputy Niamh Smyth: The answer is "No". The Government supports the principle that individuals could appropriately be protected where AI systems are used in decision-making, however, rights relating to explanation, transparency and human oversight are already addressed through the AI Act and, where applicable, the GDPR. The proposed amendment would create a parallel national regime and uncertain interaction with existing EU laws rights and would extend beyond the approach adopted by the AI Act. For those reasons, the amendment cannot be accepted.

Senator Patricia Stephenson: For clarity, the AI office normally handles complaints about other organisations such as social media companies but were I to make a complaint about a

decision made by the office, who would handle that complaint? What is the process behind that? The Minister of State may have said it and I might have missed it but in simple terms, who would be responsible under this legislation for that complaint?

Deputy Niamh Smyth: It would be the relevant market surveillance authority and it would depend on the AI system or the sector. Therefore, the individual market surveillance authorities would take the Senator's complaint. I will come back to her with further detail but on this occasion, I cannot accept the amendment.

Senator Patricia Stephenson: I understand that but the Bill states it is the office that will be handling that complaint. I believe the Bill states that this is the case. Certainly, my reading and interpretation of the Bill is that the AI office will be responsible for a complaint concerning its own actions. The Bill says the office will handle these complaints and that is where our concern lies. If that is the case, it is bad governance. If the Minister of State is saying that this is actively not the case, I will take that, go back and read the Bill. If it is the case, we might bring amendments later down the line in a new form of legislation.

Deputy Niamh Smyth: To clarify, my own mumblings may not have been clear but the Bill actually says that the AI office will transmit that complaint to the relevant market surveillance authority.

An Leas-Chathaoirleach: How stands the amendment?

Senator Patricia Stephenson: I will press it.

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 71:

In page 40, between lines 35 and 36, to insert the following:

“(3) Should the Office be the subject of a complaint under this section, any assessment under *subsection (2)* shall be conducted by an independent person appointed by the Board.”.

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 72:

In page 41, between lines 16 and 17, to insert the following:

“(6) A person affected by an automated decision-making system deployed by a public body or an essential public service provider shall have a right to human intervention, a meaningful explanation of the decision, and a formal review conducted by a natural person.”.

Amendment put and declared lost.

Section 61 agreed to.

Section 62 agreed to.

NEW SECTION

Senator Joe Conway: I move amendment No. 73:

In page 41, between lines 20 and 21, to insert the following:

“Report on the protection of whistleblowers

63. The Minister shall within 12 months of the commencement of this Act lay a report detailing how whistleblowers who expose information related to artificial intelligence technologies can receive enhanced protections apart from what is listed in the Protected Disclosures (Amendment) Act 2022.”.

The amendment states that the Minister shall within 12 months of the commencement of this Act lay a report detailing how whistleblowers who expose information related to artificial intelligence technologies can receive enhanced protections apart from what is listed in the Protected Disclosures (Amendment) Act 2022.

As I said at the outset, the amendment is largely self-explanatory. It centres around three items: duties of care, protection and transparency.

Deputy Niamh Smyth: I thank Senator Conway very much. I appreciate the amendment. I recognise and share the Senator's underlying concern to ensure people who expose wrongdoing in AI systems are properly protected. I do not accept that this amendment is necessary to achieve that, though. Section 62 already applies the full Protected Disclosures Act 2014 framework, as strengthened by the 2022 Act, to the reporting of AI regulation infringements, in direct implementation of Article 87 of the regulation. That framework already offers broad personal scope, tiered reporting channels, a reverse burden of proof, interim relief, confidentiality and criminal sanctions for retaliation. In addition, Article 87 of the AI Act provides that Directive (EU) 2019/1937, the EU whistleblowing directive, applies to the reporting of infringements of the AI regulation and the protection of people who report them. I believe a bespoke AI-specific report on enhanced protections would not improve that. For that reason, I am not in a position to accept the amendment.

Amendment put and declared lost.

SECTION 63

Senator Patricia Stephenson: I move amendment No. 74:

In page 42, line 1, to delete "The Minister and any other relevant Minister" and substitute "The Government".

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 75:

In page 42, line 7, to delete "Minister and any other relevant Minister" and substitute "Government".

Amendment put and declared lost.

Section 63 agreed to.

Sections 64 to 82, inclusive, agreed to.

An Leas-Chathaoirleach: Amendment No. 76 is in the name of Senator Keogan. She is not present to move it.

Amendment No. 76 not moved.

Section 83 agreed to.

Sections 84 to 93, inclusive, agreed to.

SECTION 94

An Leas-Chathaoirleach: Amendment No. 77, in the name of Senator Stephenson, has been ruled out of order. Would the Minister of State like to say something or is she okay?

Deputy Niamh Smyth: I am okay.

Amendment No. 77 not moved.

Section 94 agreed to.

Sections 95 to 101, inclusive, agreed to.

SECTION 102

An Leas-Chathaoirleach: Amendments Nos. 78 and 79, both in the names of Senators Higgins and Ruane, are related and may be discussed together, by agreement. Is that agreed? Agreed.

Senator Patricia Stephenson: I move amendment No. 78:

In page 68, lines 27 to 29, to delete all words from and including "or" in line 27 down to and including line 29.

Part 6 of the Bill provides for a general administrative sanctions regime to be utilised by the applicable market surveillance authorities, allowing administrative fines to be imposed on those in breach of their obligations under the AI Act. Amendments Nos. 78 and 79 relate to the procedure following an adjudication of an infringement or breach of the AI regulation. In circumstances where an independent adjudicator finds a breach of the AI Act, this will include a finding as to the amount of the administrative fine that should be imposed and the date by which it must be paid. When an infringement is deemed by an independent adjudicator to have been committed, the relevant market surveillance authority is empowered under the Bill either to adopt the finding or adjudication, or indeed to decline it. Concern has been expressed by a large swathe of civil society representatives regarding the provision that empowers market surveillance authorities to decline to adopt a finding or adjudication under the section. We are proposing the deletion of the section as a consequence.

Allowing a market surveillance authority to decline to adopt an adjudicator's findings risks undermining the whole purpose of the adjudication process. If the authority can just say it is going to opt out, not going to acknowledge the finding or not going to proceed with or act on it, then what is the purpose of the adjudication process? What is the purpose of it if the authority is going to follow only those findings it accepts?

Public confidence and trust in regulation and oversight of AI systems are fundamental to this whole process. If suspected breaches have taken place and an adjudicator finds that there has been some sort of breach but an AI market surveillance authority can decline to adopt that finding, it is an issue in terms of the process but also in terms of how people perceive the AI regulation system and process and can have faith that they are working.

Deputy Niamh Smyth: I oppose amendments Nos. 78 and 79. Section 102 establishes an important safeguard within the adjudication framework. While the adjudicator is responsible for independently determining the facts of the case and making findings under sections 99 and 100, the applicable market surveillance authority remains the statutory authority responsible for enforcement of the AI Act within the system. Accordingly, section 102(1)(b) permits the applicable market surveillance authority, in limited circumstances, to decline to adopt a finding that an infringement has occurred where it is not satisfied that a breach of the AI Act has been established.

I consider that the provision reflects the fact that the adjudicator's role is to make findings and recommendations, while the final regulatory decision remains with the statutory authority charged with enforcement responsibility. Similar decision-making structures exist in a number of Irish regulatory bodies where investigative, adjudicative and enforcement functions are separated. The provision, therefore, forms part of the overall constitutional and administrative architecture of Part 6. The amendment would remove that safeguard and would effectively make the adoption of an adjudicator's findings mandatory in every case where an infringement is found, irrespective of the views of the responsible market surveillance authority. The Government does not consider that such an approach would be appropriate.

As regards amendment No. 79, which proposes the deletion of section 102(4), I do not accept it. Section 102(4) provides the procedural consequences where the applicable market surveillance authority declines to adopt a finding under section 102(1)(b), or where the adjudicator finds that no infringement has occurred and that finding is adopted under section 102(2). In such circumstances, the authority is required to notify the adjudication subject and take no further action against the person in relation to the matter. This provision is an important element of legal certainty and fair procedures. It ensures that, where enforcement action is not being pursued, the person concerned receives formal notification of that fact and the matter is brought to a conclusion. If subsection (4) were removed, the Bill would no longer specify what happens where an adjudicator finds no infringement or where the authority declines to adopt a positive finding. That would create uncertainty for both the authority and the person concerned and would leave a significant procedural gap within the adjudication process.

An Leas-Chathaoirleach: Before calling Senator Stephenson, ba mhaith liom fáilte a chur roimh Katie agus Gerry Kelleher chuig an Seanad. Mr. and Mrs. Kelleher recently celebrated their 50th wedding anniversary, so congratulations to them. They are the parents of our colleague Senator Garret Kelleher and are very welcome here today.

I also welcome former Deputy Cathal Berry and his guests. May they enjoy their visit here today.

Senator Patricia Stephenson: I am wondering about the guardrails that are in place if a market surveillance authority can just refuse to accept a finding. Are there criteria or grounds laid out under which it can refuse to accept that finding? If we are just saying it can refuse to accept a finding and, therefore, adopt that finding and act upon that finding within its own practices, it does not really strike me that we are holding these market surveillance authorities to account in any way. If we are just saying they can refuse to accept a finding by an adjudicator that they just do not like and does not work with what they are doing, I find that incredibly problematic. At the very least, if we had some sense of safeguards or guardrails in place like a series of grounds upon which it can do that, that would be something. I do not think it would be enough, but it would be something.

Deputy Niamh Smyth: I thank the Senator. It may be argued that the provision allows a regulator to disregard the work of an independent adjudicator and creates unnecessary additional steps to the enforcement process. The provision does not permit arbitrary disregard of an adjudicator's work. Rather, it recognises the adjudicator and the market surveillance authority perform distinct functions within the statutory scheme. The adjudicator independently determines the facts and makes the findings while the authority remains responsible for the ultimate enforcement decision. The Bill intentionally separates those functions and section 102 gives effect to that structure.

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 79:

In page 69, to delete lines 9 to 14.

Amendment put and declared lost.

Section 102 agreed to.

Sections 103 and 104 agreed to.

An Leas-Chathaoirleach: Amendments Nos. 80 to 82, inclusive, are in the name of Senator Keogan but she is not present to move her amendments.

Amendments Nos. 80 to 82, inclusive, not moved.

Sections 105 and 106 agreed to.

An Leas-Chathaoirleach: Amendments Nos. 83 to 86, inclusive, are all in the name of Senator Keogan who is not present and, therefore, they cannot be moved.

Amendments Nos. 83 to 86, inclusive, not moved.

Sections 107 to 109, inclusive, agreed to.

An Leas-Chathaoirleach: Amendments Nos. 87 and 88 are in the name of Senator Keogan who is not present to move them.

Amendments Nos. 87 and 88 not moved.

Sections 110 to 115, inclusive, agreed to.

SECTION 116

Senator Patricia Stephenson: I move amendment No. 89:

In page 75, line 4, to delete “Minister” and substitute “Government”.

Amendment put and declared lost.

Section 116 agreed to.

SECTION 117

Senator Patricia Stephenson: I move amendment No. 90:

In page 75, line 17, to delete “Minister” and substitute “Government”.

Amendment put and declared lost.

Section 117 agreed to.

Sections 118 and 119 agreed to.

SECTION 120

Senator Patricia Stephenson: I move amendment No. 91:

In page 76, line 36, to delete “Minister” and substitute “Government”.

Amendment put and declared lost.

Section 120 agreed to.

Sections 121 to 139, inclusive, agreed to.

SCHEDULE 1

An Leas-Chathaoirleach: I welcome the Ambassador of the State of Palestine to the Distinguished Visitors Gallery. I hope she enjoys her visit and business in Leinster House today.

Senator Patricia Stephenson: I move amendment No. 92:

In page 96, line 26, after “oath” to insert “or affirmation”.

Amendment put and declared lost.

Schedule 1 agreed to.

Schedules 2 to 4, inclusive, agreed to.

Title agreed to.

Bill reported without amendment.

An Leas-Chathaoirleach: When is it proposed to take the next Stage?

Senator Linda Nelson Murray: Now.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Bill received for final consideration.

An Leas-Chathaoirleach: When is it proposed to take the next Stage?

Senator Linda Nelson Murray: Now.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Question put: "That the Bill do now pass."

The Seanad divided: Tá, 25; Níl, 13.	
Tá	Níl
Ahearn, Garret.	Andrews, Chris.
Blaney, Niall.	Collins, Joanne.
Boyle, Manus.	Conway, Joe.
Brady, Paraic.	Cosgrove, Nessa.
Byrne, Cathal.	Flynn, Eileen.
Byrne, Maria.	Harmon, Laura.
Casey, Pat.	McCarthy, Aubrey.
Comyn, Alison.	Murphy, Conor.
Conway, Martin.	Noonan, Malcolm.
Costello, Teresa.	O'Reilly, Sarah.
Crowe, Ollie.	Ruane, Lynn.
Curley, Shane.	Stephenson, Patricia.
Flaherty, Joe.	Tully, Pauline.
Kelleher, Garret.	
Kennelly, Mike.	
Lynch, Eileen.	
Murphy, P. J.	
Murphy O'Mahony, Margaret.	
Nelson Murray, Linda.	
Ní Chuilinn, Evanne.	
O'Donovan, Noel.	
O'Loughlin, Fiona.	
O'Reilly, Joe.	
Ryan, Dee.	
Scahill, Gareth.	

Tellers: Tá, Senators Cathal Byrne and Pat Casey; Níl, Senators Patricia Stephenson and Nessa Cosgrove.

Question declared carried.

An Cathaoirleach: I welcome the men of Sagres, who are intrepid walkers. Tadhg O'Brien, Harry Canning, Pat McEvoy, Gabriel McHugh, Tom Cunnane and Brendan McNamee are guests of Senator Joe Conway. Apparently they have done the Camino a couple of times, so anyone looking for spiritual guidance will find them in the Visitors Gallery.

Cuireadh an Seanad ar fionraí ar 3.54 p.m. agus cuireadh tús leis arís ar 4.08 p.m.

Sitting suspended at 3.54 p.m and resumed at 4.08 p.m.

4 o'clock

Israeli Settlements in the Occupied Palestinian Territory (Prohibition of Importation of Goods) Bill 2026: Committee and Remaining Stages

SECTION 1

An Cathaoirleach: I welcome the guests of Senator Eileen Flynn, Deputy Catherine Callaghan, Deputy Cormac Devlin, Senator Fiona O'Loughlin and Deputy Ken O'Flynn.

I welcome the Minister, Deputy McEntee, to the House.

Amendments Nos. 1, 4, 7 and 17 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Frances Black: I move amendment No. 1:

. In page 3, between lines 25 and 26, to insert the following:

“ “Israeli settlement” means any residential area, outpost, or economic zone established, supported, protected or otherwise administered by Israel, in violation of international law, in the Occupied Palestinian Territory (including East Jerusalem) that was brought under Israeli administration since June 1967;”.

There are many issues to be dealt with today, as we all know, including the most substantial one of trade in services, which we will get to in good time. The first set of amendments are more technical but are very important. The aim is to ensure that no Palestinian goods are accidentally captured by this legislation. I fully accept that this is not the intention of the Government. I listened closely to the debates on this point on Committee Stage in the Dáil, but it is important to deal with it on the record of this House also. The Government Bill relies on a postcode system managed at EU level to identify illegal Israeli settlements. The postcode list is updated regularly and there is a clear logic to using it. However, as the Government has accepted, it is not perfect.

About 90% of the postcodes map directly onto an illegal Israeli settlement, but about 10% do not. They may include some Palestinian communities, particularly in East Jerusalem. That is the concern. Everyone here today agrees these Palestinian communities, who have seen their homes encircled by illegal settlements and who face displacement nearly every day, should not be covered by this ban. That is not the intention of the legislation set out in its Long Title and is not what the Government intends, but what is written in the legislation really does matter.

How do we prevent this? That is the question we must ask. To ensure Palestinian goods are not accidentally captured, we would prefer the legislation to make clear that it bans goods that meet two criteria instead of just one: first, that they are from a listed postcode and, second, that they are produced in an Israeli settlement. This is preferable to using the postcode system alone, which is a blunt tool. It is why my original occupied territories Bill was drafted differently and with great care. I give credit to Gerry Liston from GLAN and Sadaka for all their work on those elements, not forgetting my friend and colleague, Conor O'Neill, who has done phenomenal work on this issue.

On Dáil Committee Stage, the Government responded to these concerns by stating this is not necessary because, for administrative reasons, Palestinian goods will simply be allowed through regardless of whether they are from a banned postcode. That is a concerning way of going about this and I will explain why. The logic is Israeli exporters trade under the EU-Israel Association Agreement, which governs trade with Israel, but Palestinian exporters trade under the EU-Palestinian Authority trade agreement, which governs trade with Palestine. The latter agreement uses different administrative arrangements and does not require Palestinian exporters to list the illegal settlement postcodes in the same way. The Government has stated customs officials will not seize the products because they will not have a banned postcode printed on the important document on the box. I accept this is likely in practice but it is still basically ignoring rather than applying the law. Regardless of whether the customs officials seize the goods or not, by a literal reading of the Bill, those Palestinian products would be banned by statute. That is what the Bill states clearly. Section 5 states: "the importation of goods originating in a postal code to which this Act applies is prohibited." There is no distinction made. It does not matter what trade deal you export them under, what is printed on the box or where the community is from. The statute says any goods originating in a specific geographic area, that is, the postcodes, are banned. Effectively, we would be banning all goods from these postal codes but working on the basis that Palestinian goods will slip through the net because they will not be marked with the relevant code on the box and thus will not be seized. They will still, by statute, be banned.

I am not trying to be pedantic. This is genuinely concerning. I have spoken to the Minister personally. We have precedent in other jurisdictions for what can happen. Would anyone be surprised if opponents of Palestinian rights tried to make use of this ambiguity in the law? That is the question. Imagine if a scarf or a bottle of olive oil from a Palestinian community in one of these postcodes is allowed to enter Ireland. As the Minister says, it will not be seized by officials. It is then placed for sale in a shop here. What is stopping any individual from asking that it be removed from the shelf on the basis that, under section 5 of this Bill and under the Customs Act, as amended, it is banned. Does the Minister accept they would have at least a plausible case under a literal reading of the law?

We must remember the Bill amends the Customs Act 2015. It therefore bans not just the import of goods but also possession, custody, transport, deposit or otherwise dealing with any banned goods. As such, it, like the original occupied territories Bill, bans their importation but also their handling or sale. It will be an offence to sell that bottle of Palestinian olive oil if it comes from a listed postcode, regardless of how it arrives into the country or what is printed on the box. We therefore propose a straightforward, workable amendment that would leave no doubt and solve the issue based on the precedent in proposed Government legislation in the Netherlands and Belgium of applying a two-test section on the goods before banning them, instead of using postal codes alone. I do not see any good reason we would not do this, rather than leaving a clear ambiguity in the law.

Senator Patricia Stephenson: I will reiterate a little bit of what Senator Black said. The intended purpose of the Bill is to ensure companies involved in the occupied Palestinian territories are not profiting from their involvement on illegally stolen land, but there is a risk. I read the transcript of the debate on Report and Final Stages in the Dáil so I understand the Minister's perspective on this. There are Palestinians living within Israeli communities, particularly in East Jerusalem, given the way the occupation has taken place there with Israelis moving into Palestinian land. It is really about avoiding unintended consequences. I know the Minister agrees we would not want any Palestinians negatively impacted by this or facing any economic impact should they try to trade. Crucially, we are referring to the 1967 territory, since significant swathes of land have been stolen up to this point.

Despite what the Minister outlined on Report Stage in the Dáil, there are still concerns that the Bill states goods cannot be imported if they come from specific postcodes - "the importation of goods originating in a postal code to which this Act applies is prohibited." I know it is not the intention of the Minister or the Department but we believe there is a risk. The amendments in this grouping are designed to provide a safeguard and a definition for the postcodes, and to ensure there is no risk of Palestinian goods being impacted by this legislation. As Senator Black said, similar language is being used in Belgium and the Netherlands. The assurance the Minister tried to give on Report Stage, that the DPP will know whether a good originates from a Palestinian trader, is not very clear. It is certainly not legally clear in the Bill as written.

Senator Alice-Mary Higgins: The issues have been spelled out well by others and I will not reiterate them. I do not believe it is an intentional consequence but it is an example of how the tools need consideration. The failure to make proper distinctions in this is somewhat reminiscent of the issue relating to Morocco and Western Sahara, where the European Commission's measures that were supposedly for the population of Western Sahara ended up indirectly benefiting settlers. We have a kind of reversal of that now, where measures intended to target goods from settlements and settlers may indirectly target Palestinians.

We should bear in mind this is not really the core purpose of the Bill. It is not around a particular good; it is around what the purchase of the good facilitates. The key purpose of the Bill is to take steps to prevent trade relations that contribute to the maintenance of Israeli settlements in the illegally occupied territories. We need to keep that in mind. It is not about targeting the geographic origin of goods. The actual purpose is explicitly in relation to settlements. You could argue that targeting the goods of Palestinians in those territories could

compound the situation by narrowing the market for them. It is almost working against the purpose of the Bill. I will not expand further on that, as others have done so.

I will speak to two other amendments I have in this grouping. One of them tackles a number of issues and may be a way to address this. It is an amendment in respect of the postcode system. It asks that there would be a review. This is amendment No. 17. It asks for a review and a report on postal codes and whether they are working as an appropriate mechanism for delivering on the purpose of the Bill. Within six months, there would be an examination of the extent to which the EU postal codes accurately capture illegal Israeli settlements. I say this in a number of contexts. One is the astonishing - perhaps it is not astonishing given the signals the world has sent Israel - and shocking expansion of Israeli settlements, including expansion into territories where there have never been settlements before and zones, such as the EEZ, which are core to the possibility of a two-state solution. The expansion of settlements needs to be monitored. There is also the question of potential future settlements in Gaza. I would like to be clear. Will we be waiting for the EU to assign postcodes in respect of settlements in Gaza? How will we be tackling the core issue of illegal settlements and illegal occupation in Gaza? These are issues that need to be monitored along with those that have been highlighted by others. Even if the Minister cannot accept the amendment, I suggest she commit to report on this anyway so that we can be confident as to how this mechanism is working out and that illegal Israeli settlements on occupied Palestinian land are not traded with, having failed to be brought into the net of this Bill because of a technicality of the European postcode documentation.

I will highlight another matter because I am concerned that the postcode mechanism may prove inadequate in the ways I have signalled. The intent is clearly there. I am speaking purely about the effective operation of the provisions of the Minister's Bill. In amendment No. 4, I have suggested that, in addition to the question of the postcodes set out by the customs union, the phrase "corresponds to an illegal Israeli settlement in an occupied territory" be included. I have worded that in a particular way, and not only because I think it could address those issues of illegal Israeli settlements in occupied territories that have not been captured by the European Union's postcode system as a result of expansion in the West Bank or the appalling carve-up we are seeing in Gaza at the moment. It was disappointing to see Ursula von der Leyen tweeting about a meeting she attended about reconstruction plans in which Jared Kushner took part via a phone call. There are people involved who have been absolutely clear on their plans for the colonial exploitation as Gaza. They have been as transparent as they can be.

I have worded the amendment in that context but also because we sadly need to recognise the fact that Israel has not limited its interest in illegal occupation to the occupied Palestinian territories. Israel is currently illegally occupying large parts of Syria. It has stated that it intends to stay there for an unlimited time. These parts of Syria contain towns. Just like individuals in occupied Palestine, individuals in these towns are now effectively subject to Israeli occupation. I am referring to towns like Abdin. I could list many other towns. Israel has also been very clear about its intention not to withdraw from southern Lebanon. The minister, Israel Katz, has spoken about this. It has been clear that the 200,000 people it has displaced will not be allowed to return. That is what its minister is saying. On the 1.2 million displaced in Lebanon, Israel has been clear on its absolute intention to occupy Lebanon as far as the Litani river and to demolish the towns and villages in those areas of occupation. That is why I am

suggesting that it might be worth slightly expanding the frame in order to capture illegal Israeli settlements in any occupied territories.

These are important questions and the same principles and points of international law must apply. We must not be in any way complicit in colonial expansion and exploitation by the Israeli state and the breaches of human rights that accompany them. I ask the Minister to give strong consideration to these amendments. If she cannot accept them at this point, I would like an indication of how she intends to tackle these issues.

Senator Chris Andrews: I welcome the Palestinian ambassador to the Chamber. It is an important day for Palestinians and for the ambassador, who has put in a huge amount of work advocating for Palestine over the years. I acknowledge the work and determination of Senator Frances Black on the occupied territories Bill over the better part of the last decade. I am pleased that the Opposition is unified in supporting and co-signing her amendments to this legislation. I also acknowledge Conor O'Neill from Christian Aid, Eoin Hamill from Trócaire, and Sadaka. I also acknowledge the work and commitment of the general public in campaigning for and supporting the occupied territories Bill and supporting people in Gaza and the West Bank. Without that pressure, we would not even have the watered down legislation the Government is proposing. Very few Bills from Independent Senators make as lasting an impact on the public as the occupied territories Bill. It is a testament to Senator Black's commitment to this cause and to the Irish people's strength of feeling when it comes to Palestine. This issue has been prominent since the Bill was introduced in 2018. Back then, Fianna Fáil was happy for the Bill to pass through the Seanad, only for it to be stopped by Fine Gael in the Dáil.

In 2018, the occupied territories Bill was hugely important in the context of blatantly illegal Israeli settlements in the West Bank and the clear attempt by the Israeli state and Netanyahu's Government to undermine any potential for an independent and viable state. Since then, the need for legislation imposing sanctions on these illegal settlements has become all the more urgent. Israel is doing everything in its power to wipe Palestine and Palestinians off the map. It has slaughtered tens of thousands in Gaza and displaced, starved and tortured hundreds of thousands more. In the West Bank, Israel is accelerating its settlement policy, with settlers acting with sickening impunity, killing and maiming any Palestinians they wish to without any fear of legal repercussions. It is pure state-sponsored terrorism on the part of Israel and the international community has done next to nothing to condemn or punish it for its breaches of international law. Ireland should be stepping up and showing leadership at an international level, taking real action to oppose Israel's crimes and showing that some countries are willing to stand up for what is right. Ireland has decided not to do that, however.

The vast majority of Irish people want the Government to take action to hold Israel to account. There has been huge frustration over the many years during which the Government has sought to delay, if not outright oppose, the occupied territories Bill. We should remember that the Government parties gave a commitment before the last election to enact the occupied territories Bill, no doubt taking into account the level of support for Palestine among the electorate. It is enormously disappointing that Fianna Fáil and Fine Gael have backtracked on this commitment and are instead pursuing a critically weakened version of Senator Black's Bill. I will speak to this point later on but the choice to exclude services from this legislation is clearly its most serious flaw. This was discussed extensively in the Dáil and in the foreign

affairs committee but I do not see a strong legal argument to exclude services. There is certainly no moral argument to do so. Instead, I see a political argument, designed to put the Government on the path of least resistance. We are all united in wanting to ensure that those involved in illegal occupation and illegal settlements in Palestine are not profiting in Ireland and that these settlements are not sustained and facilitated by illegal commercial practices. With this in mind, I hope the Minister will keep an open mind during today's debate to ensure this Bill is as effective as possible.

Amendment No. 1, as has been referred to by previous speakers, seeks to address the potential flaw with the Bill in that Palestinians who are living in a postal code shared with illegal settlements could be denied the opportunity to trade. The postcode labelling is flawed. Clearly, the EU updates it and it is a moving process. There needs to be a double safety net to ensure that the occupied territories Bill that Europe is opposing is effective. Clearly, Palestinians who want to export their goods and services to Ireland should be facilitated in doing so. For this reason, I believe it is important to define "illegal settlement" to allow for more precision in the measures proposed by this Bill and to ensure that the legislation does not have an inverse effect than that intended by discouraging trade with Palestinians suffering from occupation and apartheid.

Senator Patricia Stephenson: Both Senator Black and I talked about The Netherlands and Belgium. I would add that Spain's language is that Israeli settlements in the occupied Palestinian territory is what it is banning trade with, and obviously the ban of advertising and services. In Norway, they use the language that it is forbidden to import goods originating in the Israeli settlements within Palestine. In The Netherlands' legislation, they say that it is unlawful settlement in the Israeli occupied territories listed in the EU postcode list. Therefore, the other countries in Europe which are introducing similar legislation have this safeguard in place and they specifically recognise that there are Israeli settlements on stolen Palestinian land and putting the safeguards in place for that. These are existing examples that this Bill would be greatly strengthened by, if we chose any of them and, therefore, had that safeguard to ensure that Palestinian goods can move freely.

Minister for Foreign Affairs and Trade (Deputy Helen McEntee): I thank all the Senators for being here and, indeed, for the points that they have raised. I also acknowledge the Palestinian ambassador, who is present.

Maybe to start with that last point, I appreciate when you look at the different translations they all form a different form of words. In looking at our own legislation and our own wording, we have engaged with those countries. We have engaged with other member states. What we have set out here is very clear in our intention and what they have set out is very clear in their intention that they would comply with and that their language would adhere to the EU-Israel Association Agreement. That is what we want to align with because that is where we know we are using the same language, we are using the same postcodes, and we are not establishing something new where there can be any confusion or where we are then different to other member states or other countries. On the translation of theirs, when you speak to them they are clear that their language is so that they are complying with the association agreement, that they are complying with the postal codes used through the association agreement and then the technical agreement so that we are all applying it in the same way. I am confident that the

language that we have allows for that and our intention and objective here, from all of us, is the exact same. The association agreement refers to Israeli settlements in the occupied Palestinian territory because it means any Israeli settlement is illegal. Under the International Court of Justice, ICJ, ruling of 2024, any Israeli settlement is illegal so we do not need to differentiate between what is legal and what is illegal. Anything under the ICJ ruling that is in the occupied Palestinian territory is illegal.

To create our own definition of an Israeli settlement would, in itself, pose its own challenges and risks. I am not sure it would add to the Bill. Goods from settlements in designated postcodes would remain prohibited and the mechanism for providing limited exemptions would remain the same as well.

In terms of the existing process, the association agreement but namely, the EU-Israel Technical Arrangement, which is based on the list of postal codes referenced, the other European countries are also taking action by using this list of postal codes. We are very much aligned. We are engaging with those countries as they are progressing theirs, although ours is the only Government that is bringing it forward via primary legislation and ours is somewhat more comprehensive in that way.

The list itself is comprehensive. It is regularly updated. I brought this with me to the committee, but there is a clear list published on the European Commission website. Once this Bill is enacted, it will be clear for people to see on our own website as well.

The list is fluid in the context of the fact that there are persistent settlements. It is consistent. The Israeli Government has been clear that it intends that there be more. This is not going to stop. That is why we want to make sure that our legislation aligns with the EU and the Commission.

I believe that the EU and the Commission have been faithful in identifying those settlements. I would not suggest that they are not making sure that every new settlement is put in this list. I believe that they are because they are bound as well by the technical agreement. While we might not agree with it at present, it is essentially the case that, because Israel gets preferential trade treatment under the association agreement, in order to differentiate between the occupied territories and Israel, the technical agreement is there to make sure that no trade coming from the occupied territories gets that preferential treatment. They have to comply with that as well. This is an EU technical arrangement. They have to make sure that they are very specific, as we are, in identifying where the illegal occupied territories are and we do not want to deviate from this system.

On amendment No. 17, as to a report on postal codes, we will be updating every time there is an update on new settlements. Essentially, it is a new report every time there is an update. As for having one in six months' time, there may or may not be new settlements. Either way, they will be updated on our website. They will be updated on the Commission website. They will be there for people to see.

Senator Black touched on the postal codes and part 1 and part 2. I probably did not get into this in the same detail on Committee Stage in the Dáil. Approximately 90%, as the Senator says, of the postal codes listed are part 1 postal codes and these are directly correspondent to Israeli settlements. Less than 10% of the codes are part 2 postal codes and these are essentially the locations that fall on both sides of the green line - the pre-1967 Israel-Palestine border. In

practice, it means we are still talking about Israeli settlements, but it is in Israel and in the occupied territories or in the Israeli settlement postal codes. In part 2, the operators are advised to contact the customs authority but this is specifically to state whether they get preferential treatment or otherwise. The part 2 element of it is to identify whether the Israeli settlements are on the Israel-proper side of the line or whether they are on the settlement side so that they do or do not get preferential trade treatment.

What Senator Black is talking about is within that, if you have a Palestinian exporter that may be part of the part 2 postal code. I would say it is a very small category of individuals, if they do, because Palestinians are not living in settlements. They would not be trading under the association agreement or the technical agreement. They would be trading under the EU-Palestinian Authority trade and co-operation agreement. To the Senator's point, if there is a good that has come from a Palestinian trader, they will not have a marking that has the association agreement on it. If it gets to Ireland, there would be very clearly a marking that would be specific to the EU-Palestinian Authority trade and co-operation agreement and there would be no need for them to have to have it taken off the shelf. For them to get that, they have to get approval from the Palestinian Authority and you would not have somebody from an Israeli settlement getting approval from the Palestinian Authority to have that particular route. They rely on the preferential tariff-free access. They do not require the different postal codes. They just have to get that approval from the Palestinian Authority and we are able to differentiate on that basis. To introduce something new or something different, I suppose you are not making it more straightforward. You are potentially creating challenges in that regard.

In terms of the postal code, this would not come up as an Israeli postal code because they would have to go through the EU-Palestinian Authority trade and co-operation agreement.

I completely understand and appreciate that the amendments are intended to make absolutely certain that nobody from the Palestinian community will be captured by this. I believe that, based on the fact that you have the association agreement, the technical agreement and, separately, the Palestinian Authority trade and co-operation agreement, there is a clear delineation as to where the products are coming from or where the communities are coming from, but it is important that the Customs is checking that and that they are complying with this. That applies to all member states individually. To be honest, this is a debate. While we are having other discussions at a European level around banning trade, there are some member states raising the question around how do we make sure that what we have there now is fully compliant, that the technical arrangement is being applied appropriately and that requires each member state to make sure that its customs service is checking that it is compliant with its own obligations as well. No matter what we do here, we have to make sure at home that the Customs is clear as to what it needs to check for, what is allowed and what is not. Every member state has to do that, but also you have the Customs on the ground as well that is asked to check which area it is coming from.

It is for those reasons that I will not be accepting the amendment, but I believe our overall objective is exactly the same here and we want to achieve the same outcome. I am satisfied that what is here and the rules that are currently in place are in line with what other member states will be progressing. It makes sure that those who might be in that very small minority within subsection (2) of the postal code section will be protected under this.

Senator Alice-Mary Higgins: Will the Minister comment very briefly on my concerns in relation to what the plans will be for a six-month review of postcodes and on other illegally occupied territories in the Israeli settlements?

Deputy Helen McEntee: I referenced the reports. The report would be on the postal codes but the postal codes will be updated as they are applied. They are already on the Commission website here, but they will also be posted as they are added to the website. They will be there. There may be something we can do to review at some stage. It is something I am open to doing. On the approach that is being taken by the EU, while there may be differences of opinions within member states as to how far we should go, there is a very clear view that these are, under ICJ law, illegal territories and, therefore, the EU has an obligation to make sure that each occupied territory is noted and that the postal codes are there for people to see. In the legislation itself, the scope is very clearly on the occupied Palestinian territories. I appreciate what the Senator is saying about going beyond that, but I wanted to make sure this legislation is specific to what we are trying to achieve. The complexity of this alone is very clear. To start including others would obviously add an extra layer to what we are talking about here because it would be outside the occupied Palestinian territory.

Senator Alice-Mary Higgins: This will be my last time to come in on this, but it is important to specify it is particularly in relation to Gaza, which is an occupied Palestinian territory, but in terms of what postcodes are going to look like in relation to that and the question of illegal settlements. That is why I am asking the Minister to review. I understand her rationale for saying she wants to use this mechanism that is in place. Just for context I will make this sole point, which will relate very heavily to the debate we are going to have shortly on services. The very fact of these being labelled and there being a marking when things are coming from illegal settlements and settlements was not something the European Union or the Commission just did. They did it because they were forced to do it by individual countries taking action. That was really important. It was the UK then which was part of it. It was Denmark and, I believe, Belgium. In a row, each country started labelling the postcodes in terms of illegal settlements. The fact that they acted then created a situation where a case was taken about their actions, and that case being taken set the precedent that forced the EU as a whole to act. It is a really important example, in terms of the discussion we are going to have later, that this postcode system, which we will rely very heavily on here, was only brought in by the pressure of individual states giving leadership and acting beyond what the European Union was doing or claimed it had to do. That is what created these codes as a starting point. That is why it is appropriate that we not simply be complacent on how these postcodes and so forth will operate but that we have a strong monitoring role in relation to them and we bear in mind that they are something the European Commission was forced to introduce. In that context, it is very appropriate that there would be a review as to the operation. I know the Minister mentioned a review. Explicitly, whether or not the Minister wished to take in Syria, Lebanon and so forth, the key point on Gaza is that we monitor how that system within the European Union is going to accurately reflect the illegal settlements that are certainly planned and, indeed, extractive colonies that are explicitly planned for Gaza, including by some of those who have been participating in EU discussions about the future of Gaza. It is in that context that I am asking the Minister to keep track of it. This is not an infallible mechanism and it is not one which was

done as part of due diligence. It was done when forced to be done by individual states giving leadership, as Ireland should be giving leadership in relation to this question of trade at all.

Deputy Helen McEntee: I would say that we are showing leadership through this legislation. I appreciate we will debate the view that we are not going far enough, but this is against the view of much of our friends in the EU. We are going further here. I fully accept what the Senator is saying. There is obviously a huge concern in the fact that there is an ambition now that 70% of Gaza would be occupied and the Israeli Government has said that very clearly, even though the second stage of the peace agreement is that it would start to withdraw as Hamas starts to disarm and that there would be a rebuilding. The Senator is right. That was the discussion we had in the donor group the other evening. It is very difficult to talk about rebuilding when people are focused on surviving. The main tenor of my discussion with the Prime Minister that evening was how we make sure we support people in the here and now so that they can quite literally survive, and then look beyond rebuilding. We cannot rebuild if 70% of Gaza is occupied by the IDF. There is still a way to go before we concede that this is not going to change.

I cannot, and I do not think we should, concede that this is where they are and they are there to stay. That is absolutely unacceptable and completely contrary to international law. However, at the moment we have had no movement. We have to continue to advocate for the peace process to move on to stage two where we start to see a withdrawal from Gaza and an ability for more aid to get in. From a rebuilding perspective we need to focus on more humanitarian aid getting in because there is not enough. That is the plan. That is what has been agreed. We can all see that the attention is somewhat elsewhere at the moment. We absolutely need an agreement in Iran. We know the conflict and the impact that is having on the wider region. The more there is a focus on Iran and on Ukraine, the less ability we have to move forward the second stage of the peace plan, which is essential if we are going to ensure the Israel Defense Forces pull back from Gaza and that there is an opportunity for people on the ground to rebuild their lives.

I fully agree with the Senator and this is something that will be constantly kept under review and monitored. This will be an agenda point for every single meeting we have during the European Presidency, and even in between our meetings. We need to make sure every single effort is made to progress the peace plan. It might be imperfect. It is wholly imperfect. It is not operating as it should, even at the first stage, but it is has to be something we can work towards and try to achieve because at the moment there is nothing else there for us to be able to progress. It is wholly imperfect but we have to make sure that that in itself, coupled with what we are doing here, makes progress. If we make no progress on the West Bank, the overall objective of that two-state solution and self-determination is gone. This is also where we have to focus, as well as making sure the next stage of the peace process can be progressed. It is difficult at the moment. I was at the meeting, as was said, when Jared Kushner spoke. Whether we agree or disagree with what was said, there were a lot more people in the room who were of the same mind and the same vein as us in terms of what we want to achieve. What I took from that meeting is that the vast majority of countries from around the world have the very same views as us and that is why we are focused on what we were focused on in that meeting in particular, which is supporting people immediately.

Amendment put and declared lost.

An Cathaoirleach: Amendments Nos. 2 and 10 to 12, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Chris Andrews: I move amendment No. 2:

In page 4, between lines 4 and 5, to insert the following:

“ “settlement service” means a service provided in whole or in part within a postal code or relevant occupied territory to which this Act applies;”.

Regarding the comment the Minister made a few minutes ago when she said people would feel the Bill is not going far enough, that is an understatement because clearly, and by the Minister's own admission previously, we are not complying with the ICJ judgement or with international law. We are here because you would imagine we would be trying to comply with international law. We should be complying with it, not trying to. We have an opportunity to comply with international law. As this occupied territories Bill has been watered down, it is not going to comply with international law and the ICJ judgment. We are also here because of the brutal treatment of Palestinians by the Israel occupying force, IOF.

One person who probably represents the horror that Palestinians are facing is Dr. Hussam Abu Safiya, a paediatric doctor, who was kidnapped by the Israeli authorities. He had no charges and he has been beaten and tortured daily. His legal team has stated that he believes, with good reason, that he is going to be killed. It seems to be only a matter of time before he will be murdered by the Israelis unless there is some sort of intervention by governments. I ask that the Irish Government intervenes and makes it known that the treatment of Dr. Abu Safiya is completely unacceptable. He is a man of huge humanity. He stayed when many would have left. He has huge humanity, which is something that is lacking from the Israeli Government and the IOF. Dr. Abu Safiya served the sick and the dying and he dedicated himself to his people, the Palestinian people. He was beaten in detention and there are serious fears for his life. For many Palestinians, their life means nothing to the Israelis. The Government needs to add its voice to the condemnation of the treatment of Dr. Hussam Abu Safiya. It is really important this happens.

In relation to these amendments and amendment No. 2, the vast majority of trade between Ireland and the occupied Palestinian territories takes the form of services. To purposely exclude this trade from the Bill undermines the spirit and purpose of the Government's effort here. This is the fundamental issue with the legislation. It is disappointing that the Government chose to ignore the conclusion of the foreign affairs committee when it conducted pre-legislative scrutiny on this topic. Amendment No. 2 defines "settlement service" as "a service provided in whole or in part within a postal code or relevant occupied territory to which this Act applies". Likewise, the other amendments in this group relate to reinserting a ban on trade and services into this legislation, as was proposed in Senator Black's occupied territories Bill, and introducing a ban on the advertising of services originating in the occupied territories. From the Dáil debates on these points, I fail to see any compelling, legal, political or moral reason for services not to be included within the scope of this Bill. Services make up 70% of the trade with these illegally occupied territories and settlements. The Government needs to go beyond merely tokenistic gestures when it comes to sanctioning occupation and illegal settlements.

If the purpose of this legislation is to have Ireland lead by example and build momentum on an international level by taking a strong stand against these illegal settlements, then diluting the Bill by excluding services can only cripple the leadership the Government claims to want to show. Ireland can be a leader when it comes to sanctioning these settlements but not when we back down at the slightest whiff of opposition. Likewise, if the purpose is to inflict a real economic penalty, then excluding the vast majority of economic activity from the sanctions makes this legislation practically useless.

I fully accept the need for this legislation to be legally sound and able to withstand a challenge within the courts. I also fully accept that trade with the Israeli West Bank settlements is illegal under customary international law, including trade in both goods and services. The Minister for foreign affairs has also stated that she accepts this ruling, yet by choosing to exclude services from this legislation she puts us further away from compliance with this ruling. The Government has stated that in an ideal world it wants to be in compliance with the legal ruling but that it is not allowed to take action at a domestic level solely because the Attorney General advised it that this is the case. Unlike the Minister, I do not take the word of the Attorney General as gospel. Experts in EU law have told us that Article 62 of the Treaty on the Functioning of the European Union enables Ireland to take this action and that there are notable examples of member states taking actions to restrict illegal external trade. Some of the most esteemed and recognised experts in European law say that Ireland is well within its rights to restrict trade and services within our borders, yet the Government chooses to put its head in the sand. To me this seems to be another example of the Attorney General's advice being used as a get out of jail card by Ministers looking to backtrack on their election promises.

Senator Frances Black: The Minister will know that the big substantial issue I have with this legislation is the decision to exclude services, which has been core to the debate on the occupied territories Bill. I would like to use this opportunity to address it. I will not make a big long statement or speech but there are a few specific points I would like to put on the record of this House to justify these amendments, which seek to reinsert a ban on services into this Bill. Before I start, I welcome the Palestinian ambassador. It has been an honour to work with her over the last few years.

I will be absolutely clear. International law requires a full ban on all trade with the illegal Israeli settlements, both goods and services, full stop and no ifs or buts. In July 2024, the International Court of Justice held that the Israeli occupation of Palestinian land is illegal and the settlements built on that occupied land are illegal and therefore all countries, including Ireland, are obliged at a minimum not to trade with the settlements. In paragraph 278 of its advisory opinion, the ICJ held that all states are under an obligation "to abstain from entering into economic or trade dealings" and "to prevent trade or investment relations" with the settlements. Effectively, international law requires that all economic support for the settlements must end. Indeed, as Blinne Ní Ghrálaigh has stated, Ireland needs a much fuller audit of our economic relations with Israel. Some of the most eminent legal experts in the world have told the Dáil foreign affairs committee that international law makes no distinction between trade in physical goods like fruit and vegetables on the one hand and trade in services like tech and IT on the other.

A euro of support is a euro of support. The ICJ was clear that all must end. Crucially, the Government agrees. It has stated: "considering the 2024 [ICJ] advisory opinion in the wider

context of international law ... the only reasonable reading of the Opinion is that a complete prohibition on trade with Israeli settlements is required." During the Dáil Committee Stage debate in the select committee on 23 June, the Minister accepted that the international legal obligation on Ireland to end trade with illegal Israeli settlements "includes services and goods." The Minister stated that a full ban on both goods and services is required to be "fully compliant with the ICJ ruling". This Bill, however, will bring us into partial compliance only. Therefore, this Bill does not comply with our obligations under international law. The Government is knowingly passing legislation that will leave us in breach of our international legal obligations by choice. It is intended to stay like that up until such point that a full ban is agreed at EU level, which as we know may never arrive. My colleague, Senator Higgins, will speak more on this aspect later.

These obligations regarding services existed long before the ICJ advisory opinion in 2024. There has been a narrative from the Government that having opposed my occupied territories Bill for several years, everything changed because of the ICJ ruling in 2024 and that now we can do it, or at least some version of it. It is important that we are clear this is not the case. The ICJ in its advisory opinion of July 2024 did not make new law. Instead, it clarified existing international law that was already binding on states since long before. My colleagues and I made this argument back in 2018, as did several legal experts, including Dr. John Reynolds and Dr. Tom Moerenhout.

5 o'clock

Crucially, however, that was also the Government's position. On 22 February 2024, five months before the ruling, Attorney General Rossa Fanning represented Ireland at the ICJ proceedings that led to the historic advisory opinion. He set out very clearly not only the serious breaches of international law related to the occupation and the settlements but also what this means for the rest of us - in light of these breaches, what must we do? At paragraph 37 of his intervention, the Attorney General said:

In Ireland's view, these obligations require all States, as well as international organisations with external trade competence (in Ireland's case, the EU), ... to take steps to prevent trade that assists in the maintenance of the situation created by the settlement activity, or that implicitly recognises or serves to entrench or legitimise Israel's settlement or annexation of that territory.

The Irish Government deserves credit for this intervention. It helped to bring about the advisory opinion, which, let there be no doubt, has been very important. Ireland went to the ICJ five months before the ruling and stated very clearly that international law already required a ban on trade with illegal settlements. It stated that this obligation applies to the EU, yes, but the cumulative language of "as well as" makes clear that it is additional - the obligation also applied then to Ireland as an individual State.

We should be clear, then: the law did not change in July 2024. It was already the legal position of the Government of Ireland that we must ban trade with settlements. Of course, nothing changed in this period in EU law either. The EU treaties are unchanged. The "public policy exemption" under EU law that the Government now relies on to pass this Bill is exactly the same public policy exemption my colleagues and I set out in this Chamber in 2018.

What has actually happened is politics. A genocide has taken place in Gaza, the public marching on the streets demanded action and the ICJ advisory opinion, as authoritative as it is, gave the Government an opportunity to change course. I am glad the Government took it, but we should be clear that it was a political decision. I truly regret that we did not arrive at this position eight years ago. We did not need to wait for a genocide to act on this.

Third, if services are to be included through these amendments, how does the EU public policy exemption apply? Having told us for six years that the public policy exemption does not apply whatsoever, for the Government to now say it applies for goods only and not services is simply not credible. Some of the world's most eminent legal experts have made absolutely clear, in the Dáil committee last year and in several detailed legal opinions published in 2018, 2024 and again in 2025, that it applies to both goods and services. There is just no clear reason we cannot ban both.

We should not wrongly characterise this as a case of "external experts say A but the Attorney General says B and, therefore, our hands are tied". The advice from the AG, which has leaked and is in the public domain, is qualified. Of course it is, given the strong legal arguments made by those experts that we can include services.

As my colleague Senator McDowell, who is here in the House, himself a former Attorney General, made clear on Second Stage, what to do with this advice is ultimately a political decision. The AG will outline to the Government a series of legal arguments that can defend a ban on services based on public policy, as well as his view on potential challenges. There is absolutely no doubt whatsoever, given the views of so many eminent legal experts, that we have a strong case in either direction. We could include services and defend that full ban on the basis of what the Government itself recognises is a binding obligation under international law, and I have no doubt that we would win. If we lost, however, under the European Communities Act 1973 we could simply repeal that aspect of the legislation and maintain the goods ban, so there is absolutely nothing to lose and everything to gain.

This is the approach Spain has taken. Spain's legislation is not perfect and does not ban all services outright but it does ban the advertisement of certain services. The effect is that online tourism companies like Airbnb can no longer list illegal Israeli settlement properties. That is financial support no longer flowing to the settlers. It has been cut off in Madrid and it should be cut off in Dublin too. For the purposes of EU law, Spain's ban is undeniably over the line. Spain took the step and is ready to defend it. Spain restricted trade in those services, and nearly a year later what has been the response? Absolutely nothing. The EU has not initiated infringement proceedings or any challenge. Spain has not even needed to go to the EU courts. The relevant companies have largely complied and delisted the properties. Crucially, and this is the real crux of this matter, the economic sky has not caved in. US companies continue to operate and trade in Spain as normal. Of course they do, because they did not move there because they loved Spain's foreign policy but because they want to do their business and turn a profit, which they can easily still do. I really regret that services have ultimately been removed from this legislation because of fearmongering about the United States and economic threats that have no real basis in evidence.

Lastly, we have been told that a ban on services is just too complicated to implement. Frankly, of all the excuses given, that is the most risible. What we are asking for here is not new. We have done it before - in 2014, when Russia occupied Ukrainian territory, and rightly

so. We saw a ban on the importation of goods but also investment and the provision of certain services in those territories. That ban has been in place for over a decade. IBEC told the Dáil foreign affairs committee that its members complied with the law. If Irish businesses can be required by law to stop providing services to the Russian companies tearing up Ukraine, why can they not be asked to do likewise with the Israeli companies tearing apart the West Bank? The Government has given us absolutely no answer to that.

Ultimately, services are where the money is. About 70% of Ireland's external trade is in services. By exempting these flows from the Bill, the Government is implementing a trade ban that deliberately omits the vast majority of Irish trade. It is consciously letting large companies providing tech, IT and other service-based trade off the hook. To me, that is a tragedy. If we are serious about opposing the settlements, an absolute minimum measure, we should do it right. In fact, we should be doing so much more.

I urge the Government to be brave, to accept these amendments and to ban trade in services, as international law requires. We cannot just wait on an EU ban that may never come. If we are not successful today, I will a hundred per cent be back in this House in September to move legislation to extend the ban to include services. We will keep going as long as we need to - until both our moral and our legal obligations are met.

Senator Chris Andrews: Well said.

Senator Michael McDowell: I welcome the Minister here. I fully accept that the Government in general terms follows the advice of the Attorney General. I also fully accept the proposition that, in general terms, the advice given to the Government by the Attorney General is first of all confidential and, second, generally not published. I have no problem with those propositions. However, I fully agree with every single word Senator Black has just spoken, and the reason I want to intervene at this point is as follows.

First, I want the Minister to tell the House, has any EU institution communicated to Ireland in any way that Ireland, as a member state, is prohibited as a matter of EU law from prohibiting trade in services emanating from or provided by entities in the occupied territories?

Has anybody in Europe ever said we may not do this? I would like a clear yes-no answer to that. If we have been told we cannot do it, that is one thing, because the Attorney General would then have to say that we are facing a challenge from the EU. The issue then moves from being one in which it is possible to hold *bona fide* views on either side of the question. The real question is this. Has any EU institution communicated to Ireland in any way that members states are prohibited as a matter of EU law from prohibiting trade and services emanating from, or provided by entities in, the occupied territories? If so, we would like to hear about it, and we are entitled to hear about it. That is not a secret. It is not confidential. If somebody in Europe says we cannot do this and may not do it as a matter of EU law, then the Irish people are entitled to know that is what the European institutions have said. That is the first thing.

Turning to the Attorney General, has the Attorney General categorically advised the Government that any member state that bans trade in services emanating from, or provided by entities in, the occupied territories would be in breach of EU law? Has he said that in his view, as a matter of European law, no member state can do this? Has he said that categorically, or

has he said there are two views on this and that he favours one view rather than another? It is possible the European Court of Justice would take one view rather than another. However, if I were asked by the Government to argue the case, I would be happy to argue that no member state can lawfully ban trade in services with entities in the occupied territories.

The litmus test is the third point I would like clarification on. Senator Black described how Spain has limited the advertisement by companies like Airbnb of residential services in the occupied territories. If a member state like Spain were brought up before and challenged by the Court of Justice of the European Union for breaching EU law on that account - the issue arose in the Court of Justice of the European Union in Luxembourg as to whether that was lawful - would Ireland go in there and say that our view is that Spain cannot do this, and urge the court to tell Spain it is acting unlawfully? Would the Attorney General, who has gone to the Court of Justice of the European Union, say that? Would he say that he wants to tog out, so to speak, against Spain on this issue and represent it as Ireland's view that Spain may not take even the limited steps it has taken in relation to services? That is the question. Would Ireland intervene in those proceedings to say that no member state can do this as a matter of European law and that we invite the European Court of Justice to rule that Spain is acting in violation of European law. If we would not do that, why is that the case? If we say it is so important that Ireland cannot do it but that it is not so important that any other member state can even take modest steps in this regard, then what is the explanation for Ireland's attitude? For instance, has the Attorney General said that it would be unlawful by law to do in Ireland what the Spanish have done, which is to prohibit advertisement of Airbnb-type services where they are located in illegally occupied territories? Are we to believe that Ireland's position is a rigid position? Or are we to believe, which I think is more likely, that it is an on-balance view of the Attorney General one way rather than another, but that either outcome is arguable if the matter were challenged in European law? I would love to see what the Attorney General would say, in his professional advice to the Government, is the likely outcome of such a challenge at this stage. I think we are entitled to know if we are going to have the Attorney General's advice given to us as a reason for not dealing with a ban on trade. We are entitled to have a clear view as to the strength, force and determination of Ireland to adhere to this position if the matter becomes the subject of a dispute between the Commission and, for example, Spain in the European Court of Justice.

There is another question I would like the answer to. This legislation has passed all Stages in Dáil Éireann and come to us for consideration. Did the Taoiseach, pursuant to the Constitution, provide a money message in respect of this Bill? We were told at one stage that was a reason it could not even get going in the Dáil. I would like to know if there is a money message for this legislation. Has the Taoiseach said that this involves a potential charge or appropriation on the people and that the risk of some kind of fine or whatever coming from the European Union is such that he is recommending it for the purposes of the particular article of the Constitution? The absence of such a message was clearly identified as a reason Senator Black's Bill could not go anywhere in the past. We have to remember, as I said on Second Stage, that the Fianna Fáil Party supported Senator Black's Bill then. The Government was in a minority in Dáil Éireann. The fig leaf it resorted to, to prevent the Fianna Fáil members doing in the Dáil what they had done here, was to signal that the legislation as proposed by Senator Black would require a money message and that such would not be forthcoming from the Government. I would like to know if that has happened on this occasion.

The American ambassador to Ireland has described even this legislation as a stunt. It is not normal behaviour for any diplomat to say to a sovereign parliament that it is engaging in a stunt, or to accuse a government, even in respect of goods, to be engaging in a stunt. Services can be easily relocated as to their origin. If I live in Ranelagh and I provide an opinion as a barrister, it could be provided in the Four Courts or it could be provided in my house. It could be provided in my holiday home if I want. Services are so mobile, except for the kinds of services the Spanish are prohibiting.

If you are talking about the difficulty and impracticality of deciding where services are originating from, what is the realistic, truthful political justification for saying we cannot ban trade in them as emanating from one part of the Middle East, namely, the unlawfully occupied territories, rather than the rest of Israel, which would not be caught by it? I do not know. I do not want to belittle anything but if you are talking about tokenism, that cuts both ways. If the Minister is saying it is difficult to police, that cuts both ways in relation to services because the simple fact, as I read it, is that virtually any service can be provided anywhere, even if the people who have actually done the work are located somewhere else. Working from home is one thing; working from an illegally occupied settlement is another thing. Proving where the service actually emanates in the great majority of professional services is virtually impossible, unless the person providing the service is blatantly stamping it all over their contractual documents or whatever that it emanated from one place or another. If this is as the American ambassador so unfortunately, rudely and disrespectfully refers to as a stunt as regards goods, the suggestion that somehow its extension to services would present special difficulties cuts both ways. We can say, along with the Spaniards, that something that is clearly identifiable as the provision of a service is to be prohibited as regards its provision in the State for reward, but surely, in practical terms, being honest and truthful, it would be so easily evaded if it was applied to services and that including services is highly unlikely to have any significant practical effect.

There are a lot of people who went public - some of them to my gravest disappointment; I think they were cowardly – and said if we keep on with this Bill, even in respect of goods, the consequences will be terrible for Ireland. They have not been, and they will not be. We will not be the subject of retaliatory this or that. America, because of the situation that now exists there, is a different place from the place it was even a year ago. The notion that Ireland will be punished by tariffs or anything else or that a non-investment will take place in Ireland because of a view that we take about whether this Bill should or should not apply to services is fanciful in the extreme. The point that annoyed me about the Chicken Littles who said the sky was going to fall if we proceeded with this legislation is they have now gone silent because the Government has decided to proceed with it as regards goods. We should be courageous enough to extend it to services because the sky ain't going to fall on that account either.

Senator Patricia Stephenson: I also acknowledge the Palestinian ambassador for joining us, Senator Black and her team and Conor O'Neill for the incredible for the incredible work they have done for the last eight years, and all the activists because they are the people who have actually got us to this stage. Without the continued political pressure from everyday people in Ireland, I do not believe we would be here.

The Minister said last week and again today that there is a view that we are not going far enough. As I said last week, it is not that there is a view that we are not going far enough, it is

that we are just not compliant with international law. We are not meeting our obligations under international law. I cannot believe we are passing legislation which is knowingly non-compliant with international law. Mark Rubio recently said the ICC was waging a war with the US through international law. We have a situation where international law on every corner is being utterly undermined globally and we participate in that by passing legislation that does not meet that threshold or standard. By the Minister and her Department acknowledging that we are only partially compliant, we are actually contributing to the erosion of international law. We are on the precipice of a changing world order, where people in the US, like Marco Rubio, say that the institutions that uphold international law, such as the ICC, are wrong and are waging a war on the US. Up is down and left is right. It is absolute chaos. The norms that we rely on are being undermined and we are contributing to that erosion. There are no two ways about it.

We are pushing the weakest form of the Bill. I remind the Minister, as she well knows, that the occupied territories Bill with services was an election promise.

Deputy Helen McEntee: That was not in our programme.

Senator Patricia Stephenson: It was not in the programme for Government but when asked and pushed that it be with services, it was included.

Deputy Helen McEntee: No. It was not.

Senator Patricia Stephenson: The legal justification for not including services is empty and weak. Technical arguments are given for why implementation will not work but we had 18 hours of pre-legislative scrutiny in the foreign affairs committee, in which the legal pathway and the implementability of services was made crystal clear. I cannot fathom that we are moving ahead with this course, while acknowledging that we are in breach of our obligations under international law. It is quite extraordinary.

Briefly, on the ceasefire and peace plan that we are moving forward with, the IDF has killed four people per day, on average, in Gaza since the so-called ceasefire was put in place. That is why we need to hold Israel accountable for its ongoing impunity.

We often hear about a two-pronged approach. We are told we will not pursue services because we prefer collective action by the EU. Collective action at EU level would be everybody's preference. It would have a bigger impact, of course, but it is unclear if the two-pronged approach to bring us into compliance with international law will have any significant bearing or bear fruit because we know the realities in EU member states. We have heard Germany talk about blocking action on Palestine. We know the attitude of many member states on this. The question is how long we will wait for the two-pronged approach to work. Will the Minister make a commitment today that in six months, at the end of the Irish Presidency during which we will probably have the most influence or impact, she will revisit the inclusion of services? Will we wait 18 months or two years before we decide that if collective action by the EU does indeed fail, we will have to take action?

We hear often that the question around services is not legally robust. Again, we have lots of evidence that the public policy derogation of the EU extends to all trade. In fact, there is no

distinction in international law between trade. As I said last week, we are tying ourselves in knots to make up a fake distinction between services and goods. Trade is trade under international law; there is no distinction between those two things.

The Minister has talked a lot about supporting a two-state solution. We are running out of time in relation to the two states. The lines agreed during the Oslo Accord are breached daily. The West Bank is becoming smaller and smaller. Gaza has become smaller and smaller. The idea of a two-state solution is crumbling before us. While recognition was important and crucial, it has not changed the facts on the ground for people in Gaza or the West Bank.

The Minister has spoken of huge challenges with the effective implementation and enforcement of restrictions on trade in services. She said that services are in many cases digital, intangible and subject to a number of different regulatory regimes. We have heard before of the Crimea example. Are companies that say they have banned trade in goods and services in Crimea not doing it? Is that what we are saying? Are these companies are not doing it? Are we saying they do not know where their services are generated and they are not mapping it, meaning services from Crimea are going ahead?

I do not think that is the case. We heard from IBEC when it was at the foreign affairs committee that its members were able to actively implement a ban on services and follow the law. It can be done in the case of Palestine too. I know the retort to this will be that Crimea was collective action at the EU level. I understand that will be the retort but regardless of that, it is a question of whether it can be implemented. Can a company identify where a service is generated? It might be someone sitting in a bedsit, working for a consultancy, billing headquarters and having his or her address in a settlement. It could be an organised service like Airbnb, Expedia or *Booking.com*. They are services which are generated in specific places. It is implementable.

The fact that it has been implemented by businesses operating in Ireland with regard to Crimea shows that a ban on services is implementable and that it is not intangible. Services actually are something tangible. We know where a service is generated. We know where there is a staff member generating that service, if he or she is physically in a location, or where a service is being provided. Companies definitely know that. We have this narrative that a services ban is not implementable. I do not think that has been demonstrated by the Department or the Government, and it certainly was not demonstrated in the foreign affairs committee. Companies are able to track, monitor and record the services in Crimea, and they can do the same in the occupied Palestinian territory. Under the EU-Israel Association Agreement, as the Minister knows, companies are obliged to make that distinction between goods and services made or generated in occupied Palestine.

Companies are already tracking these things under existing rules. They are already tracking where services are generated geographically. It would be very easy to implement a ban on goods and services, and also legally necessary. We are perpetuating the two-tier response on Palestine. We are basically saying that Palestinian lives matter less. I know that is not what the Minister feels, but that is the outcome of this type of legislation.

How do we deter companies from generating a service in illegally occupied territory in illegally occupied Palestine? There is the idea that they will just do it and not notify us that they are doing it, but we will have criminal sanctions and penalties like we have in Crimea if

the company does that. Most companies do not really want criminal penalties and sanctions. That will be the effective deterrent.

Regarding collective action, international law does not say we only expect countries to act if they act in unison. It would be more suitable if we acted together, but at least 73,000 deaths later, we have not achieved unison or collective action. It is time to move forward with our own action. I know this Bill does it to an extent but we are setting a limit or a cap. The EU Commission will be putting forward proposals on an EU-wide ban on trade with the occupied Palestinian territory but in reality, I believe what we are going to see from that is an EU-wide ban on goods, instead of an EU-wide ban on goods and services, because Ireland - a country which I recognise that EU member states look to - chose to only go with goods. It chose the least ambitious, least aspirational version of the legislation. We could include services and then the EU would follow suit but I do not believe, at this stage, that the EU will go for more ambitious legislation when we have effectively set a ceiling on that ambition and how far this legislation could go. I have no doubt it would be a difficult conversation in Brussels but I believe in the Minister and the Department's diplomatic ability to put services over the line in those negotiations in Brussels. I think Ireland could do that.

My sincere, genuine worry is how we can be defenders of international law when we are knowingly not implementing it. The retort would be to get your own house in order first if we were trying to bandy around claims to other countries that they should be compliant with international law. They could say we have not, because we had a debate in both Houses of the Oireachtas and acknowledged that we had not. We lose our ability to be moral voices on the international stage, a voice that we claim to hold.

I have not been presented, in the committee last year, when I read all the Dáil debates, or throughout this Bill moving through the Seanad, with any argument put forward by the Government that holds weight as to why we would not include services. I know it is not the norm but there has been precedent for sharing the Attorney General's advice. Senator McDowell alluded to the fact that this is such important legislation with such public interest that, while there has been precedent to share the Attorney General's advice, rare though it is, it is within the Government's gift. I know it is the Government's private legal advice but it is within the Government's gift to share it, should it like to quell the concerns that so many of us have that this Bill is both implementable and legally sound with services.

The legal experts before the foreign affairs committee agreed that the only way to test the legal question would be to pass the Bill with goods and services and defend it at EU level. Ireland can do this. It was also agreed by the legal experts that Ireland would be entitled to do this in good faith without any real prospect of fines or penalties. In the face of genocide, would the Commission take infringement proceedings against us? It has not taken infringement proceedings against Spain. We know that with regard to the ban on advertising and services. Do we expect the Commission would take infringement proceedings against Ireland for meeting its international law obligations? It is unlikely. Deputy Roderic O'Gorman, when he was in Cabinet, talked about the Attorney General advice that he saw. That advice once again made no distinction between goods and services and basically alluded to the fact that it was a political choice whether to test the public policy derogation or not.

It is important to note that we have previously heard that the Government was only able to act and move forward on this legislation because of the ICJ advisory opinion, which gave us a

legal foundation on which to move forward. Senator Black has mentioned that it did not change the law, of course. It only clarified the legal position for countries to take action. We are acting, which is great, albeit many years later, but we have the legal clarity from the ICJ's advisory opinion, but we are again knowingly not implementing the ICJ's advisory opinion to the full extent.

I know that the original leaked Attorney General's advice said there were concerns around Ireland unilaterally defining what an occupied territory is. However, of course, the EU recognises the 1967 borders, as does the EU-Israel Association Agreement. The EU has repeatedly said that it does not recognise illegal settlements in occupied Palestine and that they are illegal under international law. That would not be an issue in unilaterally defining what an occupied territory is.

Senator Black has alluded to this point already. In February 2024, the Attorney General, five months before the ICJ advisory opinion, said that obligations require all states to review their trading relationships with settlements in occupied Palestine. It requires them to take steps to prevent trade and assist in the maintenance of the situation created by settlement activity. We are literally still assisting in the maintenance of the situation in Palestine with illegal settlements if we do not ban services. It is just such a contradiction, yet the ICJ opinion is not legally binding, but it is a very clear statement on what is happening and our own obligations under that. We should be abstaining from entering into economic or trade dealings with Israel concerning occupied Palestine or doing anything that may entrench its unlawful presence in the territory. To trade in services does indeed entrench the unlawful presence of Israel in Palestine. We should not be rendering any aid or assistance in maintaining the situation created by Israel's illegal presence in Palestine. We would literally be assisting in maintaining the situation when we include goods.

The Attorney General also said that unilateral member state action in an area exclusive to EU competence can only be justified in the most exceptional and narrow of circumstances. What could be more exceptional than more than 73,000 people being killed, thousands displaced from their communities and the UN independent inquiry providing horrific detail of the violence and murder of children, and not just murder but the violence done to their corpses in the most horrific circumstances? What could be more exceptional than genocide?

The Attorney General referred to legal difficulties in passing the Bill with services but never said that it was illegal. To respond to Senator McDowell's point, there has been no evidence that any of that would be illegal. Maybe there would be legal difficulties but Ireland could be the country that challenges it in the courts, brings it forward and sets a precedent for other countries. Blinne Ni Ghrálaigh, an amazing, eminent human rights lawyer, said Israel's violation creates obligations on all states and international organisations to ensure compliance, such is their foundational importance to the international legal order and the international community. She said that Ireland is thus duly obligated not to recognise as legal the situation arising from Israel's unlawful presence in the occupied Palestinian territory nor to render aid assistance in maintaining that situation.

It is also important to touch on the potential breach to our own Constitution that this watered-down version of the Bill might represent. I mentioned this last week but I would like to get the Minister's opinion on this in her response, in particular on Article 29.3 of the Constitution, which commits Ireland to respecting international law as its rule of conduct in its

relations with other states. Are we doing that when we are knowingly passing legislation that does not meet our obligations under international law? I have mentioned previously that at a time when international law is under such threat, rather than championing it in its entirety, we are undermining and eroding it.

On the question of the public policy derogation, I mentioned last week that EU courts and case law have been clear that EU law must be interpreted in a way that allows individual EU member states to uphold their obligations under international law. This was made very clear by the two professors who spoke at the committee. It is almost obvious that, of course, EU law cannot prevent a member state from doing this. Case law makes it clear that an EU member state cannot be prevented from meeting its obligations under EU law. It would be astounding if that were permitted. As Professor Koutrakos and Professor Tridimas mentioned, and I said this last week but I would like to repeat it, the public policy derogation provides a derogation not only from the free movement of goods but also the freedom to provide services. In fact, the EU is subject to public policy exemptions, which we find in Article 62 of the Treaty on the Functioning of the EU in conjunction with Article 52 of the Treaty on the Functioning of the EU. Trading goods within the EU and with third countries is also subject to a public policy exception and that is crucial. It would be very odd if EU law were interpreted to mean that the power of member states to restrict trade in services with third countries was significantly more curtailed than the power to restrict trade in goods and capital.

One of the considerations that is important to any government is the impact on jobs and, of course, as legislators we should always consider the impact of what we do domestically as well as internationally. However, the Government has consistently failed to provide any evidence of the economic impact this Bill will have. The foreign affairs committee asked the Government to make an assessment of this but we have not seen it. We have seen letters from US politicians suggesting they will be very unhappy with Ireland's position if we pass this legislation, in any form but definitely with the inclusion of services, but that is not a sufficient reason not to pursue services. Upsetting a few Congress people in the US is not a good enough reason not to uphold our obligations under international law. IBEC told the committee it is not of the view that the companies in question would pull out of Ireland if services were included. Further to that, during pre-legislative scrutiny IBEC acknowledged that very few of its member companies would have any involvement in the illegal settlements.

I do not understand why we are setting the lowest possible precedent and creating the least ambitious pathway. We should be asserting our values as a member of the EU on international law on human rights. We should be leading with ambition and creating not a ceiling but a floor that the EU Commission can follow with even greater provisions to hold Israel accountable for its genocide in Gaza. Hundreds of listings have been banned in Spain since December. It is cutting off crucial revenue for companies operating in Palestine. Effectively it is a ban on services. The ban on advertising is effectively a ban on services. Spain has set a bar that we are aiming to go lower than. Revenue streams from stolen land have been shut down. How positive that is. Why would we not be doing the same? Critically, no infringement proceedings have been taken against Spain and the sky has not fallen in.

A comment was made on Second Stage by the Minister of State, Deputy Richmond, that Ireland will be the only parliament in the EU to pass legislation such as this. That is great but the Spanish Parliament did vote on it. While it may have been voted through by royal decree,

the Spanish Parliament still took a vote. The question of how Spain introduced a ban on services is neither here nor there. I do not think it has a bearing. The fact that it has done it and that it has it in legislation is what is crucial.

We hear the Government has advice from the Attorney General but we do not know what that advice is because the Government has chosen not to share it. We have advice from a plethora of highly respected legal advisers who have made it clear that there is a pathway for the inclusion of services. Sometimes the Government says the Palestinian people are very happy with what we have done and with this ban on goods alone. I am sure it is true that the Palestinian people appreciate the solidarity but I also speak to a lot of Palestinian people who want more and who do not think Palestinian statehood recognition or a ban on goods is going to change the facts on the ground. It will not cause change them being dragged out of their homes in the middle of the night, displaced and taken away from their livelihoods and farming land. I was in Palestine last September and I heard that from people. Everyone in Palestine is deeply aware of this Bill. It is an exciting piece of legislation. However, the people I spoke in to the communities I went to could not fathom why we would not meet our obligations under international law.

I know the Bill will have an impact worldwide and will send a message but that is why I cannot understand why we are not going with the most ambitious version of it and why we are potentially reducing the message by only having goods. I really worry that we are just sending a message to the Palestinian people that international law is not black and white but grey and that we are going to interpret it as it suits us. Communities have been crying out for decades for support but the international legal systems are failing them. Al-Haq, the Palestinian Centre for Human Rights and Al Mezan Centre for Human Rights, organisations that we support through Irish Aid and that have been sanctioned by the US, are finding it difficult to operate. The International Criminal Court has been sanctioned by the US and is being handcuffed in doing its work in documenting human rights violations.

International law is under attack. The way to protect the world is under attack. The systems and frameworks that we developed after the horrors of the Second World War are failing but international law cannot fail because it is written down. It is text we have signed up to. The member states that have signed up to international law are the ones that are failing. Failing to implement international law is the issue, not the law itself. We participate in that by knowingly passing legislation that does not meet those obligations. Maybe it is over for international law. Maybe might makes right and whoever has the most guns or the most economic power is going to win, but for the Palestinian people that is an absolutely terrifying thought. To truly stand in solidarity with them, we would at least meet the bare minimum obligations we have under international law. It is the bare minimum that we could and should be doing.

Senator Chris Andrews: The Government regularly talks about the services element not being implementable, saying restricting trade in services is not implementable. In my view, that is misleading. Last December, the Spanish authorities wrote to seven online tourism platforms ordering them to remove hundreds of advertisements for tourism accommodation in illegal settlements.

As of today, six of those seven companies have complied. Ireland is effectively proposing to let similar companies based here, like Airbnb, off the hook. Will the Minister explain because

I still cannot figure it out how Spain can do it and Ireland cannot? It comes down to a political decision taken by the Government to try to not offend anybody and at the same time, in doing so, offend everybody. Why not do it right and include services? Will the Minister explain why Spain can write to companies like Airbnb, stop them from advertising and we cannot? I still do not fully understand that.

Senator Laura Harmon: I agree with colleagues on the points around services. I want to put on the record again today that we believe services should have been included in this Bill. We are very clear in our later amendments in relation to that. Services make up 70% of overall trade with the occupied territories. That trade, including financial services, tourism, tech and booking platforms, is a huge boon to the illegal Israeli settlements there and it must be tackled. It is hard to fathom that we would pass a Bill we know is not fully compliant with international law. We are either compliant with international law or we are not. I would like to hear from the Minister how she intends for us to become fully compliant after today. I welcome the Palestinian ambassador. I commend her on her work representing Palestine in Ireland and globally. She is very welcome.

It is not just disappointing but extremely disheartening. This has been going on for so many years since Senator Black first brought forward her legislation. I commend her team and Conor O'Neill on their work on that and for getting us to this point. I do not believe we would even be at this point today if it was not for Senator Black. We would not even have this watered-down legislation if it was not for Senator Black; I think we would have nothing. It is disappointing. It does not represent the will or the feeling of the Irish people. I do not believe that is what this proposed Bill represents. It represents a highly watered-down version. We had an opportunity to be the leader on this issue within Europe - not just a leader but the leader. We often talk about politicians in the past and might say that person was ahead of their time on that issue, but we can only ever be of our time. We cannot be ahead or before our time. We only get one life and unfortunately for many of those in Palestine and the West Bank, their lives were cut short because of genocide and the State of Israel, aided and abetted by the US in what it has done. We have stood by. We have had a lot of statements but have not taken enough action as a country. Given our history of being under colonial rule, it is disheartening. It does not do us justice as a people that we have allowed this to be watered down to this point.

Of course, this legislation is not without meaning, as I said. There is meaning in the goods piece but services have a much bigger impact and would have hit them a lot harder financially. Unfortunately, we have succumbed to pressure and hearsay in relation to whether people will lose their jobs or whether companies stay in Ireland, but the humanity of the Irish people can never be bought or sold. We either uphold international law or we do not. After this Bill fully goes through the Houses, we need to understand from this Government and the Minister how we will become fully compliant and pressure other countries to do the same. It is important. There are marches every week in Ireland for this cause. In Cork, we erected a plaque a number of weeks ago in the middle of the city where the march meets every Saturday. People are crying out for more action. I would have been extremely proud of our Government and the first to say it if services had been included as part of this Bill. It would have been such a proud moment. It is such a disappointment that we did not have enough courage to include services.

It would still be great to see the view of the Attorney General published in terms of the legal advice to get the depth and breadth of the advice given, and to be able to compare that with

other legal experts who have said we could have included services as part of this Bill. The Bill is not without meaning but it is so disappointing that it has been watered down. Whatever about us as Senators or elected representatives, at the end of the day, it is the people of Palestine who are suffering because of this. We cannot allow the State of Israel and other rogue nations to go unchecked when it comes to upholding international law. International law has been made a mockery of over the past few years. We are allowing dictators and authoritarian governments to undermine international law whereas we here in a democracy have a responsibility to uphold international law and to be compliant. God forbid, we do not know in Ireland in future generations what will happen in the world. We may be calling on other countries to uphold international law to protect us. We cannot predict the future. We needed people to protect us in the past when we were under colonial rule. We cannot be hypocritical either about our own past. Ultimately, services should have been included. We need to see further action after this Bill to ensure we are compliant without delay with international law.

Senator Alice-Mary Higgins: I will not reiterate a huge amount of what has been said. We have been saying for almost a decade that international law obliges us. This is not a lovely gesture or taking a stand in an abstract way, or a gesture of solidarity or even a sanction or boycott; it is compliance with international law. The Minister will be aware of the deep crisis international law is facing at the moment. I think Arundhati Roy described the western liberal order as sitting beneath the rubble in Gaza. International law has been in the firing line in what we have seen in recent years. International law's strength is in its implementation.

6 o'clock

It is in countries acting and taking it seriously. Ireland has championed international law and said it will be a centrepiece of our values as we enter the EU Presidency, but there is a misalignment between the Minister's understanding of international law, as she has set it out and as the Attorney General has set it out, and what she is actually doing here.

The International Court of Justice paragraph 278 is crystal-clear that all states are under an obligation to abstain from entering into economic, trade or investment relations which contribute to the maintenance of the illegal settlements in the occupied Palestinian territories. That is clear. That is the Minister's comment on the advisory opinion. The advisory opinion is only the highest authority in the world telling us what the law already was. We said that was the case in 2017, and we were correct. The advisory opinion confirmed an interpretation the Government of that time had resisted. The then Government participated in the historical case that led to the ICJ advisory opinion. Its Attorney General argued in favour of the prohibition of trade and the Minister's comment is, considering the ICJ advisory opinion in the wider context of international law, the only reasonable reading of the opinion is that a complete prohibition on trade with Israeli settlements is required.

In relation to being compliant with the ICJ, the Minister said she believed more needs to be done. She has said we are moving towards compliance. The Bill is to provide for compliance by the State with an international legal obligation. That is the first line in the Bill, yet the Minister said, I think, on Committee Stage in the Dáil that this would be partial compliance. There is a real question about knowingly putting forward legislation that is only partially compliant. It is really ambiguous. Others have mentioned constitutionality. It is a problem

from a legal perspective, potentially, but certainly from the perspective of commitment to international law.

When the Minister spoke on Second Stage, the rationale she gave did not stand up. I will come back to the two-pronged approach. The Minister said the reasons for this approach were that she wanted it to be legally defensible and practically enforceable, and that she was mindful of Ireland's wider economic interests. Where does that sit under international law? Where is the carve-out under international law that says you only do the bits that serve your economic interests? If we have an *à la carte* approach to international law and say it is okay not to do something because of wider economic interests, what signal does that send to everybody else who has an economic interest that might be suited by breaching, ignoring breaches or being complicit with breaches of international law?

It is not acceptable under the law and is not acceptable to the public, who do not want to see bodies on the ground or the many cases we do not have time to go into. I was looking at one case just the last day of a three-month-old whose father begged the Israeli forces to shoot him if they needed to shoot somebody, when they were denying his three-month-old access to an ambulance. On the same day his birth certificate was authorised, he died. That is what is happening in these places we are going to buy services from. If you want to set up a business on that land you have taken and you want to sell services, we are all part of pretending that is okay by some logic. It does not matter if a big company is part of it - it is never okay.

The Minister referred to the two-pronged approach to compliance. I will bring amendments later in respect of a timeline for that approach. The problem is when you lower the bar. This is something Blinne Ní Ghrálaigh spoke about eloquently to the committee. The committee heard, as to the practical implementation of it, that the Government can do it and that it is doing it to Russia. Legal experts told us clearly it is legally defensible and, not only that, but it would be useful to legally defend it. That is the point I made earlier. It was useful that countries acted individually and that there were legal cases taken. That forced the EU to act. It is useful when countries take the lead and that gets challenged because it forces the EU to come into compliance. That is also a two-pronged approach, if you want to take leading action that demands a response from the European Union. This is Blinne Ní Ghrálaigh's point. Precedent can be good or bad. Blinne Ní Ghrálaigh talked about the value of precedent by ambitious implementation and ambitious action. She also talked of the danger when you lower the bar in terms of ambition. This is a concern.

Ireland is clear on what it wants. It wants services in there. The Government chose to only tackle goods. Of course it contributes to a lowering of the collective ambition at European level if the supposed leaders and champions, who are holding on so tightly to their name as leaders and champions, are saying goods are enough. The Minister told me in the committee that she believes Europe should be banning goods and services. By saying she believes Europe should do that and then setting an example for Europe of only tackling goods, it kind of weakens the message.

Can we stop congratulating ourselves on being the first Parliament? We are technically getting around the fact Spain did it by another mechanism. The point is that Spain did it. Senator Black, Conor O'Neill and I, hosted by Lynn Boylan, met with many Spanish parliamentarians a year ago. They listened and they acted. They did it very quickly. It did not take a decade. Spain has acted and has included the advertisement of services, which means it

goes beyond goods. The principle of going beyond goods has already been established by Spain and we are rolling it back a bit. There is an amendment in this grouping to at least step up to where Spain is, which takes the important step of breaching the idea that it is goods only. It is a first and important step. We called on other countries to leap forward and do this. Spain put its head above the parapet and then we ducked our heads down a little. That is not good enough. A ban on goods is not good enough. A ban on goods is not compliant, is not strong enough in scale and is not the leadership we should be providing. I will come back later in the discussion to the two-pronged approach because there is a timeline on that if the Minister is serious about compliance and about Ireland's role.

Senator Michael McDowell: I understand there was a money message from the Taoiseach when the Bill was going through the Dáil.

It is interesting to note what that message stated, "to authorise such payments out of moneys provided by the Oireachtas as are necessary to give effect to any Act of the present session to provide for compliance by the State with its international legal obligation, as identified by the International Court of Justice in its advisory opinion of 19 July 2024". In fact, the money message states that any money that has to be paid out of public money in respect of this is authorised out of moneys provided by the Oireachtas. I want to say this in relation to the Standing Orders of this House. The original argument about money messages was all about whether something was a potential charge on the people, which is not the authorisation of moneys in the manner covered by the money message.

Senator Stephenson mentioned something and I should have mentioned it earlier. Between the Second Stage debate on this Bill and today, the Secretary of State of the United States, Marco Rubio, has gone public. He has stated that they are now deploying a strategy internationally to dismantle the International Criminal Court. I ask the Minister, as Ireland's Minister for foreign affairs, to take this opportunity to roundly condemn this campaign which has been announced by the Secretary of State of the United States of America to bring about the dismantling of the International Criminal Court. The reason I think this is the opportunity to do it is that Ambassador Walsh is in the Phoenix Park announcing that this legislation is a stunt. That is insulting to Ireland. It is far worse than that. His boss, so to speak, in the American Administration is calling upon the 125 signatories of the Rome Statute to dismantle the International Criminal Court. I will not use any further example except to say that while 70,000 people and more, including 25,000 children, nearly all of whom are entirely innocent of anything, have been killed in Gaza without any condemnation from the United States of America, there was a time when Serbian generals sorted out over 7,000 Muslim men having overrun the UN-protected enclave in Srebrenica. They took them out and machine-gunned them into mass graves. The people who did that were brought before the International Court of Justice and condemned and imprisoned. If Ireland does not clearly state that there are to be consequences for people who do things like what Mladić, Milošević and Karadžić were brought to account for, if we are incapable as a State of publicly saying that what Secretary of State Rubio is now attempting to do, which is to dismantle the only instrument of international justice and the international rule of law that dealt with that without any objection from the Americans at the time - they were quite happy to see these men condemned - the only conclusion you can draw is that America proposes that war crimes of that kind go unpunished unless somebody in Washington does a snatch squad job on whoever it may be in Venezuela or fires a missile at

whoever they may want to obliterate in Iran and that is to be international law and the rule of law internationally from now on. I am asking the Minister in this debate to take the opportunity to talk about what Secretary of State Rubio said about the ICC, which is mentioned in the title of this legislation and something Ireland supports, and that we condemn utterly and without reservation a plan by the Trump Administration articulated by Secretary of State Rubio to dismantle that court and, worse still, he said to use all economic pressure they can on states to secede from the Rome Statute.

It is happy that the Hungarian change of regime in Budapest has stopped the proposed rejection of the International Criminal Court suggested by Viktor Orbán. It is not an exaggeration to say that this is a battle between good and evil. It is not just some lawyer's argument. If we cannot, as a State, say publicly to Rubio, "Hands off the International Criminal Court", when they were quite happy when the people who did the 7,000 murders in Srebrenica got their just desserts, but when there is any suggestion that what has happened in Gaza, with 70,000 innocent people killed by aerial bombardment and land bombardment and 25,000 children dead in the slaughter, they are quite happy to say now that the institution which has condemned that as genocide and called on all member states to cut off trade relations with the illegal occupation should itself be swept aside because it is inconvenient for American foreign policy, and if we are not capable of making a clear statement in public to Ambassador Walsh to bring back to Secretary of State Rubio and President Trump that Ireland utterly rejects that campaign, condemns it and stands by the International Criminal Court, we are a flaccid, weak democracy.

Deputy Helen McEntee: I thank the Senators. I will try to cover all of the different points. While I appreciate we are speaking to one or two amendments, a lot of different issues have been raised. To be honest, I have avoided touching on this point in any of the debates because, as far as I am concerned, it is somewhat irrelevant, but it has been said a number of times in this debate that the Government is rowing back on commitments what we have made. The programme for Government changes and whatever we set or agree can be changed or adapted. We have always given a commitment that we would progress this legislation on goods. I am only saying this because it has been said a number of times in this House and the other House that, as a Government, we are rowing back on commitments we made during or after an election. That is not the case. Again, it is an aside to the debate because the relevance and importance of what we are discussing is important. It is to put it on the record of the House. We have been very clear in what we would progress. We have also been very clear coming straight into Government that we would seek legal advice on the basis that a committee had made recommendations and this is something we wanted to explore as to whether we could and should move forward with services.

We are discussing our own obligations here to adhere to international law. Nobody is disagreeing, so we are completely at one when it comes to the ICJ ruling and what it is that we need to do. Our own regulatory impact assessment states that the only reasonable reading of the opinion is that a complete prohibition on trade with Israeli settlements is required. I have said that and will say it again. That is absolutely clear. That is what we need to do. We are pursuing the two-pronged approach for the reason I outlined now. It has been said that this is only partial compliance and Senators have implied that this would leave us in breach of our international legal obligations identified by the court. I remind Senators that we are subject to

other international law as well. We signed our Treaty of Accession in 1972 to what is now the EU, and we are now equally bound by our international legal obligations as set out in the European treaties.

I said this very clearly in the committee. While we have a two-pronged approach with a legal element and implementation, I also said very clearly that we have to comply with our European obligations as well. The Senators will appreciate the difficulties with the argument that we should interpret one rule of international law as requiring us to breach another rule of international law to be compliant with international law. The treaties we have signed up to as part of the European Union require us and set international legal obligations. In bringing forward this legislation, we are trying to make sure that we are compliant. I fully accept that we are going towards it and have said that very clearly, but by making sure at a European level that we then move on services, that will allow us to respond to this. Any suggestion that the Government is not being proactive, or that we are not a Government or a country that takes our legal obligations seriously, is simply not borne out by facts. I have to stress that.

On the actual legal basis, I have been very clear on what the Attorney General has said, and indeed the Senator has said that it is a decision for Government to take based on the advice. It is not that we have received something from the Attorney General that says we absolutely cannot and must not. The advice is very clear also that the legal basis for moving in goods is different from what applies in respect of services. There have been a number of different articles referenced. The public policy exemption we are focused on here in respect of goods is Article 24.2 of the regulation of 2015 on the importation of goods. There is no equivalent for services. Articles 52 and 62, which were referenced here today and in the committee, deal with the freedom of movement of persons, services and capital within the EU Single Market. That is the Internal Market. We are talking about external goods and services that are coming from outside the EU. Absolutely, as the Senator said on Second Stage, any legislation is open to challenge. I am sure legislation I have introduced in this House before has been challenged. To knowingly introduce legislation, as a Minister, that does not have a strong legal basis is not something that Government tends to do. We want other countries to follow suit, to set a precedent and show there can be movement at EU level, as we are seeing now in respect of the Netherlands. I know Slovenia has moved back but had been moving forward. There is Belgium and Norway, and other countries are now talking to us about legislation that have not said it publicly. Others are looking to move to introduce legislation. Doing so knowing the legal basis is not strong is not the approach that Government tends to take and I do not think it would encourage others to move forward.

On how it is implemented, people said that I would say it is like Crimea and that this is an EU-wide response, but there is a difference in all member states moving forward to implement and to ban services and what that means for companies and individual member states as opposed to one country moving on its own. That is not the sole reason but there is a challenge. People say we should do it anyway and it is just sending a message, but they also say that what we are doing here now is not good enough and it only sends a message. Yes, we want to send a message, but I also want to introduce legislation that we can implement, that is legally sound and is not going to be open to challenge, and that sends a very clear message that we as a Government do not support the actions of the Israeli Government. I cannot be any clearer than that. Some Senators have said that this is about courage and having the gumption to bring it forward, and that we are afraid of others. I do not accept that for a second. The Government

and I as Minister have been in this House bringing forward legislation that was not supported, that perhaps did not have the support of the House. Sometimes you are successful and sometimes you are not, but you do it for the right reason. That is exactly why the Government is bringing forward this legislation, because it is the right thing to do. What I am also doing at EU level is advocating that we move at that level as well, so that we can be fully compliant and Europe is fully compliant.

On that basis, there has been movement. We are not where we want to be yet. We just had a Foreign Affairs Council on Monday. What we have seen and what I have seen since coming into this role in November was, at the outset, a handful of countries that supported any movement against Israel. I have said this before, but it was maybe three or four countries - ourselves, Spain and Slovenia - at the time. Now we have quite a significant number of countries that are advocating for change. They are advocating for a ban on services, goods, and trade. Some are advocating, as we are, for the suspension of the EU-Israel Association Agreement. It is very clear that there is not consensus or an overall majority to vote for the suspension of the EU-Israel Association Agreement. That is why we have advocated through the common commercial policy, which would allow qualified majority voting, QMV, that we would vote on a ban on trade. The paper the Commission presented to us had three options, and this is what we discussed at the Council on Monday. The first is a tightening of what is currently in place through the technical agreement I referred to earlier. This is preferential and non-preferential treatment of Israeli settlements depending on where they were. The second focuses essentially on higher tariffs for goods that are already coming in, and the third is a ban on goods. Obviously the first two, as far as I am concerned, legitimise trade in the occupied territories so we made very clear going for them is not an option. The third option is something I have advocated would be put forward as a formal proposal by the Commission and that we would move on this. Again, it does not go far enough. That is why we need to continue to advocate at EU level so that we do ensure we are fully compliant. This is not a matter of picking and choosing or saying we are only going to do so much because that is all we feel we can do. We have an obligation. We have signed our treaties of accession. There are international legal obligations set out in those treaties. It is about how we square that circle and make sure we are compliant with international law, as we always strive to be, achieve our objectives while at the same time adhering to our own legal parameters.

In response to some of the specific questions, both the EU institutions and individual member states deal with the law as it is. That is how we interpret it and the position that we find ourselves in now. It is not as we would like it to be but as the law is. This is how we are interpreting it. The Senator might correct me but my understanding in respect of the money message previously was that it was based on the previous Bill and on the basis that we would be breaching our obligations and that there could be fines. That was where the money message was at the time. This is our Government Bill that has been introduced, and the view is that it is now legally compliant for the reasons I have just outlined. Again I will just get clarity that this is my interpretation in terms of the previous element.

On international law being under attack, one of the reasons we chose values as one of our three priorities for our Presidency is that we as a country feel that it is absolutely essential, now more than ever when institutions are being attacked and when money is being taken away from those who are providing support to those need it most, including UNRWA and Irish organisations on the ground in Gaza, the West Bank and beyond, to show that our European

values are the very basis of everything we do. We have to stand up for those European values of protecting basic human rights, human dignity, the rule of law, respect for international bodies, and respect for the multilateral rules-based system that favours everybody, particularly small member states like Ireland. That is why it is one of our three priorities. We will always stand up for international law. We will always stand up for the International Criminal Court. It is the most important international and independent body that we have. We will stand up for it no matter what. I believe that, when these types of things have come to the fore, when challenges have been put forward, be it by the US or others, the EU as a whole has actually been stronger than it has ever been. I have seen that over the last number of years, where the EU has been absolutely united in responding to make sure that these types of institutions are protected. We will have to do that again if this is the route that is being taken, and have no doubt as to where Ireland lies when it comes to the ICC more broadly.

On the potential implications here, I stressed in the committee that this was a factor. It is not the sole factor, to be honest, but as a Government we do have to take into consideration implications for people at home. That has to be the case, no matter what we do. We have to support people and take them into consideration. The US ambassador was clear that any legislation would not be welcomed by the US. If we were simply listening to the US, we would not be bringing forward any legislation and we would not be doing anything in this regard at all. I fully understand the depth of feeling here and I agree with the Senator. We all want to do more, we all want to change the actions of the Israeli Government. I believe the tide is turning. I do believe genuinely that, in other countries, including the US, public opinion has shifted, and that can only be welcomed. It is a good thing. I also believe we need to make sure we can effect and bring about change. Where we have moved collectively with other member states in the past, it has helped create a domino effect. I do not say "we" to take credit as a Government. This is Ireland Inc. This is the Government, Opposition, Government parties and public opinion moving together, whether it is recognising Palestine or bringing forward this legislation. I acknowledge Senator Black and those who have worked on this, and the ambassador.

Whether it is the work we do in providing for humanitarian support on the ground, advocating for the support of agencies on the ground or advocating for a consensus at a European level, we do all of this because it is the right thing to do, people need our support and assistance and we want to effect change. While we are a small country, I believe we have an opportunity to do that here. At the same time, we have to balance all these different obligations and implications, which is why we are bringing forward this Bill.

I thank Senators for the points they made and I appreciate that there may be a difference of views and opinions on this issue. However, we want to achieve the same objective and goal here, which is to effect change and, most importantly, to support the Palestinian people and those who need us most.

Senator Alice-Mary Higgins: As embarrassing as it would be, I would prefer if we were just honest about the lack of courage. What the Minister outlined is actually a disservice in terms of international law. It would be better to say we lack courage than to put forward wrong arguments at a time when an understanding of international law is so crucial.

It is profoundly incorrect to say that there is a balancing between international law and European law, or that there is a tension there. Let us think what it means to suggest that there is a tension between European law and international law. What an irresponsible thing that is, frankly, to be saying at a time like this in the world. The fact is that European law sits within international law. In fact, a number of mechanisms have been put into European law to ensure there is compliance with international law. This idea that we balance one obligation against another obligation, this kind of creation of an artificial separation between European and international law, is unhelpful from a country which is supposedly leading discussions on international law for the next few months. I urge the Minister to rethink this, just for pure accuracy, because it may be a useful thing to say right now but it is not useful or correct.

Professor Panos Tridimas and Professor Takis Koutrakos, two of the most eminent experts in EU law, have stated in respect of this clash that the understanding of public policy in EU law follows also in this regard. This is about the public policy exemption, and it is not like a minor technical thing around customs. It is a key principle. It is an objective within EU law, the EU legal structure and the treaty to avoid a situation where interpretation of EU law would make it impossible for member states to fulfil their international legal commitments. The intention is that member states can abide by international law. There is nothing in the treaty that says European law should be prioritised over international law. It is the absolute contrary. Measures and principles, like the public policy exemption, are put into European law to ensure member states can meet their international obligations.

There is an obligation under international law to ban trade in services and it is not correct to say otherwise. In the hearings we had in the foreign affairs committee, we had two of the world's leading experts in. When we looked at this as an obligation originally, in 2017, we published our advice that was clear around the public policy exemption. We made it very clear how it could be used. The Government, on the legal advice it had then, denied it. In 2024, the Government finally accepted that the public policy exemption does offer a narrow pathway to ban trade with settlements at the national level. A distinction was not being made at that time between trade in goods and trade in services. The Minister has said that trade is trade and that includes goods and services under international law.

In the foreign affairs committee, Professor Koutrakos and Professor Tridimas explicitly stated that public policy provides a derogation, not only from the free movement of goods but also from the freedom to provide services. For the reasons explained, they said, the prohibition of settlement goods and services, to the extent that they fall within the scope of EU law, is also justified by public policy. They saw no objective reason services might be differentiated from goods. They continued: "We take the view that a ban such as that provided for in the Bill, and which could be extended to services, would be justified on grounds of public policy". That is the evidence the committee heard and no one contradicted it. Even one of those who came in with the contrary perspective on the occupied territories Bill, Professor Graham Butler, said, "I am in total agreement with what Professor Koutrakos said about the existence of the exception even if it is not explicit for services in the same way as it is for goods".

The public policy exemption is there as the tool. We are not asking the Minister to break EU law, and it is disingenuous and dangerous to suggest that is what is being requested. We are asking that the public policy exemption be interpreted in the way all these legal experts have said can be done. No legal experts have credibly come forward to say this cannot be done.

The committee as a whole stated that we believed the right thing to do was to move ahead, take that action as a public policy exemption and say that these were our grounds.

By the way, what would happen if a case was taken? The committee was absolutely confident that such a case would set a useful precedent and would force EU action not only in respect of goods and services. Rather than the long path to persuasion that we have been taking for a decade while everything has got worse followed by another long path to persuade others on services, it would actually require action. There was value in a case potentially being taken. Even in the worst-case scenario, if Ireland somehow did lose such a case, we would then simply have to adjust the law. There is no other penalty or consequence. There is no downside to taking the ambitious step.

I regret that the Minister has come into the House with arguments that undermine other countries that might have the courage to take action in relation to services and take a narrow interpretation of public policy which is in conflict with every legal expert. If the Minister were to say that she wishes to wait and so forth, that would be one thing. To come up with something that is not backed by anything we have heard in the public domain - that the public policy exemption cannot apply to services - is unacceptable and, frankly, irresponsible.

I will hand over to others. We are keen to move forward. We have a number of amendments to get to.

Senator Patricia Stephenson: I want to come in on that point, but first, both the Tánaiste and Taoiseach were asked during Leaders Questions if they would pass the occupied territories Bill. The only legislation which existed at that time was Senator Frances Black's occupied territories Bill, which did include services. It is disingenuous to say that that is not what the electorate believed and understood from that contribution. Only Senator Black's Bill was in existence, so there was no Bill with anything else in it. The Taoiseach and Tánaiste were asked if they would pass the occupied territories Bill, which was Senator Black's Bill.

I mentioned in my first contribution that EU law and international law do not clash. The EU courts and EU case law make it incredibly clear that member states must be able to comply with international law first and foremost, as Senator Higgins outlined. The idea that international law would not take precedence over EU law and that we would have to follow an EU law which would be of a lower standing is ridiculous. It is also not what the experts told us in the committee. We do not even know that services would breach EU law. The only way to know that is if we test it by implementing it, as Spain has done and it has not faced infringement proceedings. These are the nuts and bolts of the situation. Spain has introduced a ban on advertising services and it has not faced infringement proceedings. It is actually testing the idea that there is indeed a public policy derogation for a ban on services. Of course there is, because there is no such thing as goods and services being distinct in international law. Trade is trade.

It is a red herring argument. As Senator Higgins said, it is a dangerous precedent to set to suggest that there is any distinction between goods and services, and also that EU law takes precedence over international law somehow, so that if we choose to follow international law, we will be facing some sort of infringement proceedings from the EU. How could we be a member state within a union that would not let us be in compliance with international law

which we have also signed up to? That is just not how the treaties of the European Union work. It is not how the case law of the European Union works.

Senator Chris Andrews: I mentioned in my last contribution, and I missed it in the Minister's answer, that Spain wrote to seven online tourism platforms and got them to block advertisements of settlement properties, yet we allow it. How can Spain do that? What is the process? What are the legal reasons Spain can do it and we cannot? We let the likes of Airbnb off the hook. As I said the last time, I still do not know why Spain can do something like that and we in Ireland cannot.

Senator Garret Ahearn: I find it incredible that people say the programme for Government says this. I have it in my office. I can bring it down and show it to the Senators. At no point does it say that it would be Senator Black's Bill that would be introduced. I cannot remember how many times the Taoiseach and Tánaiste said at the time that the Bill was not workable and that it needed to be looked at and changed. That was said numerous times. The programme for Government said the Government would bring forward an occupied territories Bill on goods.

I find it incredible for people to talk about a lack of courage. I do not know whether the Senator has read, listened to or seen any of the comments by American politicians about Ireland because of what we are looking to introduce. Ireland has been called antisemitic and everything under the sun, which is totally unfair. In fairness, Senator McDowell has mentioned it a few times. Those are awful things to say about a State and its people.

It is incredible to suggest we lack courage, when, knowing the implications it could have on our relationship with America in a political sense and possibly an economic sense, we still have the will to do what is right. It is amazing the Senator talks about a lack of courage. I am just back from the UN in New York where I met representatives and we will talk about it in the committee the Senator and others in this House are on. They thanked us for our courage. They did not talk about lack of courage. They thanked us for our courage and for standing up. Everyone welcomed the ambassador here today. She has thanked us for our courage, not our lack of courage. It is an incredible thing to say.

The Senator asks that we stop patting ourselves on the back and not to talk about being the first Parliament to introduce it. That is significant. It is not just done by the Government. All of us in this House are introducing it. That is important. Rather than asking us to stop thanking ourselves, I ask the Senators to stop talking about Spain. When the Opposition does so, it is as though Spain has introduced everything entirely. If the Senators on that side of the House were on the opposition side of the Spanish Parliament, they would be accusing the Spanish Government of a watered down Bill and a lack of courage. Do not paint Spain as though it has done absolutely everything, because it has not.

The Minister has outlined strongly what she wants to do. The Opposition's problem is with how she does it but we are all in alignment in that we want to do the right thing. We want a full ban but how we get there is important. The Minister has been doing that for the past 18 months. She has been almost on her own doing it. She started with just one or two countries supporting her and now has 17 countries. The Opposition criticises her and says she is not doing enough when 17 of the 27 EU member states have come on board.

We have difficulties with some. Rather than putting their energy into criticising the Minister, I ask some of the Opposition Senators to put energy into influencing their sister parties in countries that do not support it and call them out for a lack of courage, as opposed to the Minister here. That is what they should be doing. This is a significant day for this House and for the people of Palestine. That is why the ambassador is here.

Senators can give their views. I have no issue with that. We did so during the committee meetings, but they should not throw out phrases like "watered down", "lack of courage" and "no vision". There is no minister in Europe who has pushed harder to try to be a voice for the people of Palestine. All I heard yesterday at the UN was that Ireland is the country that can be trusted to stand up for values and international law.

An Cathaoirleach: Before I call the Minister, I welcome Senator Casey to the Distinguished Visitors Gallery. He is there because he has a large delegation with him, including family members John, Tomás, Peter and Helena, Councillor Pat Kennedy, Jim Lehané and the legendary Sonia. She has been a great friend to us in Leinster House. I thank her for being here and I thank Senator Casey for bringing them all. They are here to mark the anniversary of the passing of Senator Casey's mother. We remember her fondly too.

Deputy Helen McEntee: I will come back on two points. In terms of our obligations, I am not saying one takes precedence over the other. The international court made it clear that there is a legal obligation on Europe to comply. However, under European treaties, we have legal obligations and international legal obligations within them.

The Union has exclusive competence in external trade. For the reasons I have outlined, we have to comply with that. It is appropriate we comply with our international legal obligations under the International Court of Justice, but at the same time, within our international legal obligations as set out in the European treaties, which we also signed up to. It is clear that the exclusive competence for external trade rests with the Union. We have the public policy exemption in respect of goods. I have set this out. It is Article 24(2) of the 2015 regulation. There is no equivalent for services and, where there have been references to Articles 52 and 62, they are specific to the freedom of movement of persons, services and capital within the EU's Single Market, which is the internal market. We are talking about external services and trade more broadly. For this reason, we are taking a two-pronged approach. It is not that I am saying we have finished and this is all we want to do, that we are happy with being partially compliant and only going a certain way. I am saying clearly that, for all the reasons I have outlined, we are taking this two-pronged approach.

It is not straightforward and it is not easy. I wish the EU were doing more. I echo the sentiments of Senator Ahearn that we all need to make sure we are engaging with our colleagues at a European level. That includes my party colleagues, among whom there are different views for different reasons, historical or otherwise. We must continue to advocate and have the difficult conversations. Even the countries that are clearly choosing a different path and voting in different ways all fully agree with us that what is happening is wrong, that it is not compliant with international law and that the ICJ ruling applies to every illegal settlement in the occupied territories. That is why it is frustrating being at the European Council where there is not full agreement. Although we all agree the settlements are illegal and that the actions by the Israeli Government are not appropriate and we all want to work

towards a two-state solution - that is the objective of everyone in the European Parliament - we are not able to reach a consensus. We have to work and build a consensus. This will assist. There are countries that have not said so publicly but are looking to make progress on legislation and to see how we can move together on that.

Spain has specifically introduced a targeted amendment to its consumer protection law to prohibit the advertisement in Spain of services provided in the illegal settlements. It is specific to one company in how it is being applied. We have to see whether it will go further, but it is specific to one company and one piece of legislation. When we talk about services more broadly, as I referenced previously, we are talking about a number of different sectors of services and global trade. There are 12 separate sectors and 150 sub-sectors and there is the World Trade Organization's agreement. There is far more than what was implemented in Spain. However, we want to be ambitious and at the same time compliant.

Senator Michael McDowell: While we are on the subject, I take Senator Ahearn's point. We cannot make the best the enemy of the good.

On the question of services, I do not agree that there is a significant difference. As a matter of international law, "trade" covers both.

I thank the Minister for her remarks about the International Criminal Court. We hold the Presidency of the EU. The American Government is sanctioning judges of the International Criminal Court and making their lives impossible by telling the likes of Visa, Mastercard and banks that they may not deal with these people. They are threatened with criminal prosecution in the United States if they do so. It is easy for me to say this but I think the European Union should stand up clearly against those sanctions and impose counter-sanctions on any company that obeys American law in this respect. It should make adequate provision for the people who are the subject of these sanctions. It should stand up for them and make sure they are not driven into poverty, isolation and incapacity to function as ordinary people in a complex society as the result of bullying from Washington. I do not know how the Minister could do so but, as we now hold the Presidency, if we really do believe in the ICC, we have to collectively stand up and say to the American Administration, even if Visa and Mastercard are frightened of American sanctions, that they will be sanctioned in Europe for undermining the ICC. We should tell Washington that and see how it goes down. We in Europe are very naive. I am not suggesting the Minister or the Irish Government is in any way lacking in this respect but the whole of Europe has to say that we believe in the ICC, that any attack on it is contrary to the European Union's fundamental values and that we will take steps against any company that co-operates with American sanctions against the judges, prosecutors and staff of the ICC with a view to damaging that institution or, to use Secretary of State Rubio's phrase, dismantling it and causing countries to abandon it.

An Cathaoirleach: I remind Senators that we are nearly at 7 p.m. and we are still on section 1. I am allowing a lot of latitude. It is up to the Senators themselves but we will not get next or near a lot of amendments.

Amendment put and declared lost.

Section 1 agreed to.

Section 2 agreed to.

SECTION 3

An Cathaoirleach: Amendments Nos. 3 and 23 to 25, inclusive, are related and may be discussed together, by agreement. Is that agreed? Agreed.

Senator Frances Black: I move amendment No. 3:

In page 4, line 14, to delete “may,” and substitute “shall, within 3 months of the commencement of this section, and may thereafter”.

As mentioned earlier, this legislation's ban on the import of settlement goods depends on the designation of specific postcodes by the Minister. These postcodes are drawn from two lists managed at EU level and periodically updated by EU authorities. However, the Bill as drafted leaves it entirely up to the Minister's discretion when or if to make these designations. I do not doubt the Minister's intention to do this but I am concerned that the door is still open and that if things change politically or if some administrative roadblock is erected, there will be no firm obligation under the legislation to put that ban in place. When this Bill is passed by these Houses today and signed into law by an tUachtarán Connolly, it will not actually ban trade with settlement goods. Instead, it gives the Minister the power to do so. She will have the power, with the stroke of a pen, to designate postal codes and put a ban in place. In my view, it would be far better to ensure that any Minister would be clearly mandated and obliged by statute to make such a designation so that the ban can come into effect within a reasonable timeframe. I believe six months is appropriate.

On Dáil Committee Stage, the Minister argued that simply substituting "may" for "shall" could potentially be read as only allowing the Minister to make the designation of postcodes once when, in reality, they will need to be updated periodically at EU level, and perhaps domestically as well, as the geographic reality changes on the ground. The amendment has therefore been changed to allow for this. If the intention is to make designations and put this ban into effect quickly, I do not see any reason for the Government not to accept these amendments.

Deputy Helen McEntee: I fully appreciate amendment No. 3, with which the Senator has responded to the discussion and debate we had in the committee, where I outlined that the amendment saying "shall, within 3 months" potentially meant that any changes could not be included after those three months. The words "and may thereafter" has now been included to counter that issue. This may leave us back where we started. The legislation states: "The Minister may, by order, designate as a postal code". This allows for the Minister to include additional postal codes at any time without the constraint of a certain time period. The amendment adds "shall, within 3 months" but, to prevent that becoming a cut-off point, also adds "may thereafter", again leaving it open-ended. We are kind of cancelling each other out in the legislation. We are trying to enact this before the summer and the amendment essentially brings the Bill back to its original state. It just counters the initial amendment that said this must be done within three months.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 4:

In page 4, line 22, to delete “customs union.” and substitute the following:

“customs union;

or

(c) corresponds to an illegal Israeli settlement in an occupied territory.”.

Amendment put and declared lost.

Section 3 agreed to.

Section 4 agreed to.

NEW SECTION

Senator Nessa Cosgrove: I move amendment No. 5:

In page 4, after line 35, to insert the following:

“Agreements for importation of certain services

5. (1) An agreement for the reception by a person in the State of a service from a supplier established in a postal code to which this Act applies, where the place of supply of the service is the State, is void and unenforceable.

(2) A court shall not recognise —

(a) a judgment or order of the court of another state, or

(b) an award made by an arbitral tribunal under an arbitration agreement, for the enforcement of an agreement to which *subsection (1)* applies, on the ground that enforcement of such an agreement is contrary to public policy.

(3) In this section —

(a) “service” and “supplier” have the meanings assigned to them by the Value-Added Tax Consolidation Act 2010, and

(b) the question whether the place of supply of the service is the State shall be determined in accordance with section 34 (a) of that Act.”.

This amendment aims to effectively ban - we have gone through all of that and I am not going to go over it again - the import into the State of services from a postcode related to an illegal settlement. It would do so by making the relevant contracts completely void and unenforceable in Irish law. The courts would not recognise commercial agreements or any rights or obligations they created. Through its courts, the State would be demonstrably shunning economic and trade dealings that support or entrench Israel's unlawful presence in the occupied territories. This approach would match the ICJ jurisprudence.

We have discussed at length how disappointed we are that services are not included. This amendment puts forward an easily enforceable and actionable way to bring services within the scope of the Bill. I hope the Minister will consider the amendment.

Deputy Helen McEntee: Without opening up the previous debate, while it is not a full ban on trade in services, it is obviously partial. For the reasons I have outlined in the previous debate, we will not accept the amendment.

Amendment put and declared lost.

SECTION 5

Senator Frances Black: I move amendment No. 6:

In page 5, line 2, to delete “originating” and substitute “produced in whole or in part”.

This amendment is designed to ensure that any goods produced in illegal Israeli settlements, even in part, are captured by the ban. We have seen similar language to capture goods wholly or partially obtained or produced in the settlements in the draft legislation from the Dutch and Belgian Governments so we would not be alone in this. It is there in the texts they have published, just as the Irish Government has published this Bill. On Dáil Committee Stage, the Government responded that there are existing EU customs rules to determine the economic nationality of certain goods, for example, where a product is produced across two or more jurisdictions.

7 o'clock

Article 60.2 of the European Union customs code states:

Goods the production of which involves more than one country or territory shall be deemed to originate in the country or territory where they underwent their last, substantial, economically-justified processing or working, in an undertaking equipped for that purpose, resulting in the manufacture of a new product or representing an important stage of manufacture.

This means that goods that are produced to a significant extent in the illegal Israeli settlements but then undergo final substantial economically justified processing in Israel itself will fall outside the ban implemented by this Bill. Such goods, regardless of whether they are deemed to originate under EU customs rules, clearly assist in the maintenance of Israel's illegal occupation of Palestine which is what the ICJ said must end. In paragraph 278 of its advisory opinion, the ICJ held that states must "prevent trade or investment relations that assist in the maintenance of the illegal situation created by Israel in the Occupied Palestinian Territory". This is the obligation that the Government says it is seeking to meet. So, the confinement of the ban in the Bill in this way is therefore also clearly contrary to the obligations identified in the 2024 advisory opinion, as well as the stated purpose of the Bill. To comply with our obligations under international law, any goods coming even partly from the settlements should be banned.

Senator Patricia Stephenson: Under current EU rules, the norm is a 55% origin threshold for products. If less than 55% of a product is made up of materials from a particular area, it is not considered as originating from that area. We need a much broader definition under this Bill because we cannot contribute in any way to the continuation of the settlements. Any good that has any part coming from the illegally occupied settlements must be considered, for the

definition of the Bill, to have the whole scope of it. We cannot to be participating in anything that entrenches those settlements. That is why the amendment is really important. Rather than "originating", we talk about "produced in whole or in part".

Senator Alice-Mary Higgins: I will give a very clear example of this. There is a question about parts and components. In the technology area and so forth, part of something may be produced in the occupied Palestinian territories and then that component goes into a final product. We are still contributing to the maintenance of the illegal situation if we allow components, whether 20%, 10%, 15%, 30% or 45%, to be purchased. We are contributing to the economic viability and profitability of businesses operating in illegally occupied territory by illegal settlers. It is doing that job. At a very blunt level, if we look again to goods, there is a concern with the originating thing. The last meaningful processing of a good can be where it is determined. If olives are taken from stolen land and then processed by being pickled or stuffed with almonds or pimentos down the line in Israeli territory, will that get captured or not? Maybe it will fall through, and that is the danger. Particularly with natural products like olives, there is a danger whereby processing may occur and that could fall outside this definition. That is the kind of concern. It is just a very practical concern.

Deputy Helen McEntee: Unfortunately, we are seeing the complete destruction of many of the olive trees across the occupied territories but I fully appreciate what the Senators are saying about the objective of the Bill. From a legal perspective, it is important for us to make sure that the Bill aligns with the association agreement so that we can implement it. Again, it comes back to making sure that we have a Bill that we can implement, that is legally enforceable. The decision based on the location of the origin of a given good is a strict legal term and is a benchmark for ascertaining the economic nationality of goods for the purpose of international trade agreements globally. Rules of origin are requirements that are carefully devised between parties to a trade agreement and agreed to in that trade agreement. The concept of origin and rules of origin for the purpose of the EU-Israel trading relationship are laid down in protocol 4 of the EU-Israel Association Agreement. To depart from the rules of origin within the association agreement which we are complying with here would render the Bill legally unworkable.

This point was raised at the last committee hearing. We have engaged with other colleagues, in the Netherlands most recently, and they are very clear with us that the rules of origin they are setting out are in line with the association agreement. It is to make sure that we are working to the same agreement. Set out in that, there is a certain percentage and that has to be complied with in terms of where the components, ingredients or items have come from.

It is important to come back to the fact that this now has to be implemented. Customs have to implement this and there have to be strict oversight mechanisms. That is within the EU but also within Customs and Excise here as well. Beyond this legislation, we need to make sure that we are doing everything in our power to ensure the rules of origin are applied appropriately. Where we can, and where checks and balances need to be improved, we should do that as well.

An Cathaoirleach: Before putting the question, I welcome Senator Aubrey McCarthy to the Gallery. He is not in the Chamber because he is with some guests, Ann Thompson, Ann Lane, Mary Kennedy, Tracy Piggott and Liz O'Donnell. I thank them for being here. Mary gave

great joy to many people down through the years through her work with RTÉ and her work with charities and community organisations. I thank her for being here. Tracy Piggott also gives great joy to people and a lot of great tips. I thank her for being here and for her work with the horse racing industry. Liz O'Donnell did great work behind the scenes and in front of the scenes during the negotiation of the Good Friday Agreement. I thank her for work in the Department of Foreign Affairs at a pivotal moment in Irish history.

Amendment put and declared lost.

Senator Frances Black: I move amendment No. 7:

In page 5, line 2, after “in” to insert “an Israeli settlement in”.

Amendment put and declared lost.

An Cathaoirleach: Amendment No. 8 has been ruled out of order and cannot be moved.

Amendment No. 8 not moved.

Section 5 agreed to.

An Cathaoirleach: Amendment No. 9 has been ruled out of order and cannot be moved.

Amendment No. 9 not moved.

Section 6 agreed to.

NEW SECTIONS

Senator Patricia Stephenson: I move amendment No. 10:

In page 5, between lines 36 and 37, to insert the following:

“Prohibition of trade in State of certain services

7. (1) The sale or offer for sale to a person in the State of a service provided, or to be provided, in an illegal settlement in a postal code to which this Act applies shall constitute an offence.

(2) “illegal settlement” in this section means any residential area, outpost, or economic zone established, supported, protected or otherwise administered by Israel, in violation of international law, in the Occupied Palestinian Territory (including East Jerusalem) that was brought under Israeli administration since June 1967.

(3) A person who is guilty of an offence under *subsection (1)* is liable—

(a) on summary conviction to a class A fine or to imprisonment for a term not exceeding 12 months or to both, and

(b) on conviction on indictment to a fine not exceeding €250,000 or imprisonment for a term not exceeding 5 years or to both.

(4) Where an offence referred to in *subsection (1)* has been committed by a body corporate and it is proved that the offence was committed with the consent or connivance, or was attributable to any wilful neglect, of a person who, when the offence was committed, was a director, manager, secretary or other officer of the body corporate, or a person purporting to act in that capacity, that person, as well as the body corporate, is guilty of an offence and may be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(5) Where the affairs of a body corporate are managed by its members, *subsection (4)* applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.”.

Amendment put and declared lost.

Senator Frances Black: I move amendment No. 11

In page 5, between lines 36 and 37, to insert the following:

“Prohibition on the sale or offer for sale in the State of certain services

7. (1) It shall be an offence to sell or offer for sale to a person in the State a service provided, or to be provided, in an Israeli settlement in a postal code to which this Act applies.

(2) A person who commits an offence under this section is liable—

(a) on summary conviction, to a fine of €5,000 or imprisonment for a term not exceeding 12 months or both,

(b) on conviction on indictment, to a fine not exceeding—

(i) €125,000, or

(ii) where the value of the service concerned, including the duty and tax payable on them, is greater than €250,000, three times that value,

or imprisonment for a term not exceeding 5 years or both.”.

Amendment put:

The Committee divided: Tá, 13; Níl, 24.	
Tá	Níl
Andrews, Chris.	Ahearn, Garret.
Black, Frances.	Boyle, Manus.
Boyhan, Victor.	Brady, Paraic.
Clonan, Tom.	Byrne, Cathal.
Collins, Joanne.	Byrne, Maria.
Cosgrove, Nessa.	Casey, Pat.
Harmon, Laura.	Comyn, Alison.
Higgins, Alice-Mary.	Conway, Martin.
Murphy, Conor.	Costello, Teresa.
Noonan, Malcolm.	Crowe, Ollie.

Ruane, Lynn.	Curley, Shane.
Stephenson, Patricia.	Fitzpatrick, Mary.
Tully, Pauline.	Flaherty, Joe.
	Gallagher, Robbie.
	Kelleher, Garret.
	Kennelly, Mike.
	Lynch, Eileen.
	Murphy, P. J.
	Murphy O'Mahony, Margaret.
	Nelson Murray, Linda.
	Ní Chuilinn, Evanne.
	O'Donovan, Noel.
	Ryan, Dee.
	Scahill, Gareth.

Tellers: Tá, Senators Frances Black and Alice-Mary Higgins; Níl, Senators Cathal Byrne and Pat Casey.

Amendment declared lost.

Senator Frances Black: I move amendment No. 12:

In page 5, between lines 36 and 37, to insert the following:

“Prohibition on offer for sale in the State of certain services

7. (1) It shall be an offence to offer for sale to a person in the State a service provided, or to be provided, in an Israeli settlement in a postal code to which this Act applies.

(2) A person who commits an offence under this section is liable—

(a) on summary conviction, to a fine of €5,000 or imprisonment for a term not exceeding 12 months or both,

(b) on conviction on indictment, to a fine not exceeding—

(i) €125,000, or

(ii) where the value of the service concerned, including the duty and tax payable on them, is greater than €250,000, three times that value, or imprisonment for a term not exceeding 5 years or both.”

Amendment put:

The Committee divided: Tá, 14; Níl, 26.	
Tá	Níl
Andrews, Chris.	Ahearn, Garret.
Black, Frances.	Blaney, Niall.
Boyhan, Victor.	Boyle, Manus.
Clonan, Tom.	Brady, Paraic.
Collins, Joanne.	Byrne, Cathal.
Cosgrove, Nessa.	Byrne, Maria.

Harmon, Laura.	Casey, Pat.
Higgins, Alice-Mary.	Comyn, Alison.
McCarthy, Aubrey.	Conway, Martin.
Murphy, Conor.	Costello, Teresa.
Noonan, Malcolm.	Crowe, Ollie.
Ruane, Lynn.	Curley, Shane.
Stephenson, Patricia.	Fitzpatrick, Mary.
Tully, Pauline.	Flaherty, Joe.
	Gallagher, Robbie.
	Kelleher, Garret.
	Kennelly, Mike.
	Lynch, Eileen.
	Murphy, P. J.
	Murphy O'Mahony, Margaret.
	Nelson Murray, Linda.
	Ní Chuilinn, Evanne.
	O'Donovan, Noel.
	O'Reilly, Joe.
	Ryan, Dee.
	Scahill, Gareth.

Tellers: Tá, Senators Frances Black and Alice-Mary Higgins; Níl, Senators Cathal Byrne and Pat Casey.

Amendment declared lost.

Section 7 agreed to.

NEW SECTION

Senator Chris Andrews: I move amendment No. 13:

In page 6, between lines 12 and 13, to insert the following:

“Penalties

8. (1) A person who has been found guilty of an offence under section 14 of the Customs Act 2015, shall, for the purposes of this Act, be liable—

(a) on summary conviction to a class A fine or to imprisonment for a term not exceeding 12 months or to both, and

(b) on conviction on indictment to a fine not exceeding €250,000 or imprisonment for a term not exceeding 5 years or to both.

(2) Where an offence referred to in *subsection (1)* has been committed by a body corporate and it is proved that the offence was committed with the consent or connivance, or was attributable to any wilful neglect, of a person who, when the offence was committed, was a director, manager, secretary or other officer of the body corporate, or a person purporting to act in that capacity, that person, as well as the

body corporate, is guilty of an offence and may be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(3) Where the affairs of a body corporate are managed by its members, *subsection (2)* applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.”.

Amendment No. 13 would clarify that a corporate actor or an individual acting as a director or related position in that corporate actor can be found guilty of an offence for violating this legislation.

Deputy Helen McEntee: The relevant penalties for this Bill are already set out in the Customs Act. They are on the Statute Book. The amendment proposes the creation of separate penalties, because there are a number of elements to this, only applicable to the Bill which would be different to the penalties already existing under the Customs Act. It is important we adhere to the Customs Act already on the Statute Book.

For the avoidance of doubt, section 21 of the Customs Act also provides for proceedings to be brought against a body corporate and/or a director or other officer of a body corporate where there was such consent or conveyance to an offence committed under the Customs Act. Therefore what the amendment seeks to achieve is under the Customs Act already.

An Cathaoirleach: I welcome Deputy Carroll MacNeill and family members of some of her staff. Thank you for being here.

Is the Senator pressing the amendment?

Senator Chris Andrews: Yes.

Amendment put and declared lost.

Section 8 agreed to.

Sections 9 and 10 agreed to.

NEW SECTIONS

Senator Chris Andrews: I move amendment No. 14:

In page 7, between lines 25 and 26, to insert the following:

“Annual report

11. The Minister shall, within the first six months of the year, lay before both Houses of the Oireachtas a report outlining the application of this Act, providing an update on—

(a) how many successful actions were brought under section 14 of the Customs Act 2015 relating to the offences listed in this Act,

(b) how many attempted actions were undertaken,

- (c) the monetary value of such attempted forms of trade,
- (d) the persons engaged in such trade and/or the bodies corporate who have engaged in such trade, and
- (e) any other the matter the Minister considers relevant or necessary.”.

Amendment No.14 would compel the Minister to lay a report before the Oireachtas detailing the implementation of the Act and the listed figures and information. It is vitally important that this legislation is successful in preventing illegal occupation and illegal settlements of Palestine from profiting in Ireland and that these settlements are not sustained and facilitated by illegal commercial practices. The Government should be transparent in its level of success.

Deputy Helen McEntee: There are standing orders in relation to post-enactment reporting which will, of course, be complied with. Standing Order 204 of the Dáil states:

Twelve months following the enactment of a Bill, save in the case of the Finance Bill and the Appropriation Bill, the member of the Government or Minister of State who is officially responsible for implementation of the Act shall provide a report which shall review the functioning of the Act and which shall be laid in the Parliamentary Library.

The amendment would add new and expansive reporting requirements but also requirements that are there for Revenue and the authorities. The authorities will be providing any relevant statistics that can be shared with Senators in relation to the implementation of the Bill.

This might be on the second amendment relating to advertising, but there is already relevant information from this Bill on our website at the moment and Revenue will also have to put that information on its website. Therefore, the information will be there and will be accessible. Beyond the normal reporting of a Bill what we are focused on is implementing it and making sure its focus is on implementing it and making sure the resources are there. There will be information that is required. If it is sought through the authorities it can be provided to the Senators or anyone who seeks it. For that reason, I will not accept the amendment.

Amendment put and declared lost.

Senator Chris Andrews: I move amendment No. 15:

In page 7, between lines 25 and 26, to insert the following:

“Advertisement of prohibition

11.(1) The Minister for Finance shall ensure that the prohibition on trade in goods, or in services, and in the extraction of resources, with the postal codes to which this Act applies and to relevant occupied territories, is advertised on the website of the Department of Finance, and of the Revenue Commission, and wherever else he or she deems necessary.

(2) The Minister for Foreign Affairs and Trade shall ensure that the prohibition on trade in goods, or in services, and in the extraction of resources, with the postal codes to which this Act applies and to relevant occupied territories, is advertised on the website of the Department of Foreign Affairs and Trade.”

Similarly to amendment No. 14, amendment No. 15 seeks to require a degree of transparency regarding the implementation of this legislation. The amendment would compel the Ministers for Finance and Foreign Affairs and Trade to publish information on their Department websites about any ban adopted regardless of its content.

Deputy Helen McEntee: Apologies, I spoke to this on the previous amendment. It is the case already that any of the documents relating to this are on the Department's website. Once the legislation is enacted all the details will be there for people to see but also will be on the Revenue website. With the passage of the legislation, it can be certain that it will be known that it has passed so, through our website and the Revenue website, people will be able to see the details of the Bill. Most importantly, work has already started on the details needed for implementation. Once the legislation has been signed by the President, I intend we will enact it immediately and that detail will be posted on our website as well. How Revenue intends to implement it will also be posted. Those details will be there, which is the ambition of the amendment.

Amendment put and declared lost.

An Cathaoirleach: Amendments Nos. 16, 18 and 19 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Alice-Mary Higgins: I move amendment No. 16:

In page 7, between lines 25 and 26, to insert the following:

“Report on EU policy relevant to compliance

11.The Minister shall, within 6 months of the passing of this Act, lay before both Houses of the Oireachtas a report outlining the application of the Act, any relevant EU-level proposals regarding trade with illegal Israeli settlements to ensure compliance with its international legal obligation, as identified by the International Court of Justice in its advisory opinion of 19 July 2024, and detailing any further steps Ireland may take to ensure compliance through the implementation of national policy.”.

The amendment looks at the core idea of the two-pronged approach the Minister has spoken of at such length. It outlines that within six months of the passing of this Act she would lay before Houses of the Oireachtas a report outlining the application of the Act, any relevant EU-level proposals regarding trade with illegal Israeli settlements has taken place. The Minister's position is we will do partial compliance on the goods bit and that compliance with the services part, which she has acknowledged is actually a requirement for compliance in terms of the International Court of Justice ruling, will be done through the work and co-operation at European level and that those changes will be made. Where we are now is that after tens of thousands of deaths of children, families and in a situation which has got worse and worse, we still have not had action from the European Union.

We are only now seeing an option for limitation in trade and goods and a prohibition of trade and goods from illegally occupied territories. This is only coming now. I do want to commend Ireland and others who have made it very clear and who are legally correct that this is a qualified majority vote issue, but we are even seeing attempts to knock the process back and

push the decisions on that to an unanimity requirement. We do not have much time and we have a number of amendments to get through so I cannot go into great detail here. Here is the thing. The Minister has absolutely confirmed that compliance with the International Court of Justice advisory opinion requires prohibition of the trade in both goods and services. She has said she plans to deliver that prohibition on the trade in services through co-operation at European level. My question is on what happens if that is not done. Then it goes back to national responsibility, although it is a national responsibility anyway.

I really feel the public is frustrated with anything that looks like further passing of the buck and further stalling. Ireland has the Presidency of the European Union for the next six months. Ireland, during a Presidency of the European Union, will have the huge weight of evidence, the European Union's own evidence which it has presented to the Council of Minister saying that there are breaches in human rights and telling what is happening. It will have the weight of the world's guidance and opinions, of the genocide case there and all of these other cases, as well as the statements that Israel is making weekly - daily - in relation to its intentions to breach international law. If, in that context, the Council of the European Union does not take action to ban the trade and services after that six months and if the Minister cannot deliver that in the next six months during our Presidency, then we have to say that delivery of this measure through persuasion alone does not look likely, and it certainly does not look likely within a timeline that represents justice. What I want in that report is that in six months' time, the Minister will come back as our next step, and tell us what has happened at EU level. I genuinely wish her the absolute best and we will support her in pressing for these things, but either she comes back telling us that the EU is now delivering its part of the two prongs and that it has agreed to ban trade in goods and services from illegal Israeli settlements in occupied Palestinian land, or she comes forward with steps and processes that Ireland may take, and can take as has been clarified again and again under public policy grounds, to ensure compliance through the implementation of national policy. What this is saying is that there is a six-month limit on how long we should be waiting to see if we can persuade people to move. I say that because back in 2017 and 2018 when Senator Black and I and others brought the Bill forward again, we listened for far too long to Simon Coveney and to everybody else to the speeches he gave about bringing people with us and how we were slowly making progress. I do not think anybody is going to pretend that the Israeli position has been progressing in a constructive way now. That is not what happened. Years and years were lost when the international law was clear and action was not taken. If Ireland had pushed forward then in something like this prohibition on illegal goods, if Israel had had to fight it out in terms of international law and actually had to defend its position in relation to international law at that time, rather than being able to act and continue in a culture of impunity expanding indefinitely, which has now become so rampant, it would have been good. It would have been good if we had actually shown leadership then rather than relying on persuasion and it is really important that we show leadership now. Will the Minister come back in six months? If it does not deliver at EU level, what is going to happen next? What is Ireland going to do?

The other two amendments are very simple. Amendment No. 18, looks for, within 6 months of the passing of this Act, "a report on equivalent international legal obligations to prevent trade that assist in the maintenance of illegal occupation." Our time is limited so I will come to-----

An Cathaoirleach: As it is now 7.45 p.m.-----

Senator Alice-Mary Higgins: We thought it was 8 p.m.

An Cathaoirleach: As it is now 7.45 p.m., I am required to put the following question in accordance with the order of the Seanad of this day: "That amendment No. 16 is hereby negatived in Committee; section 11 is hereby agreed to in committee; in respect of each of the sections undisposed of, the section is hereby agreed to in Committee; the Title is hereby agreed to in Committee; the Bill is accordingly reported to the House without amendment; Fourth Stage is hereby completed and the Bill is hereby received for final consideration; and the Bill is hereby passed."

Question put and agreed to.

An Cathaoirleach: Would the Minister or Senator Black like to say a few words?

Senator Frances Black: I will take a minute, if that is okay. I know everybody is anxious to see the match but I feel it is imperative I thank the people I have been working with for the last eight years who have stood by me. First, I thank my CEG colleagues, Senators Ruane, Higgins and Flynn, but particularly Senator Higgins, who has been an unbelievable support. I also thank some of my colleagues who are here in the Chamber. From Sadaka, I thank Éamonn Meehan and Val Roche who are here, and Marie Crawley who could not be here; from Trócaire, Eoin Hamill, Selina Donnelly, Sinéad Loughran and Sibéal Devilly. I also thank Garry Walsh who was with Trócaire and is now with Oxfam Ireland, and Fiona Ryan. These are all people with whom I have worked so closely. I also thank Karol Balfe from Action Aid Ireland and the Palestinian ambassador. It has been an unbelievable journey. Of course, I am not forgetting Conor O'Neill and Gerry Liston who are the drafters of the original Bill and then my own PA, Emma Quearney, who has been my rock. All of those people have been so important to me over the last eight years. It has been an incredible journey. I know we have not got services. I thank the Minister because she has always been straight up with me. She has never promised me something she could not deliver. Being honest, I cannot say that about all of the Ministers I have met. She has always been straight up. She never made any promises. I also know she is passionate about what is going on in Palestine and I believe she is doing her very best in Europe. I am going to fight tooth and nail for services when I get back. I hope to continue the negotiations with the Minister in September. We have had many meetings this year and I will continue to have those meetings with her. I really believe we will get services at some point. I have said that to the Minister many times. I really want to thank the activists and all the people who have been out marching for the past - I do not know how many - years and have supported this. I have travelled the length and breadth of this country to have public meetings. I said to the Minister when we had our last meeting that I was in Kerry up a mountain not too long ago where we spoke to a packed meeting about the occupied territories Bill and everybody wanted to know about services. It is incredible how people have taken such an interest in this Bill. I could not do any of it without all of those people I mentioned - I hope I have not forgotten somebody. My husband who is here has also been my rock, as has my family. It is the activists but it is also the Palestinian people who we are all here for. We cannot stop this work. We have to keep going. We have to never give up. I have said to the Minister that we need full sanctions. We absolutely need full sanctions and we need to do what we did back in 1984 around South Africa. I will continue to keep going and I will get there as long as I am still in

this Chamber. As long as I am still a politician I will never ever give up. None of us should ever give up. I finished on this last week when I spoke and I really mean it: none of us are free until the Palestinian people are free.

It represents what is happening in the world. It is absolutely outrageous. That young woman asked why the international community has given up on them, while I sitting around a conference table in Gaza with all of the NGO groups. I do not know if they are dead or alive. I do not know who is alive or dead at this point, and I am sure that little community hall is gone. She asked why the international community has given up on them, but I really believe the Irish people have not given up on the Palestinian people. We just need to keep going and never, ever give up on them because, honestly, their freedom is absolutely key on the world stage.

Gabhaim buíochas leis an Aire for coming to the Chamber and I also thank her team. I look forward to our meetings in September when I will bring in the legislation on services. I thank everybody here tonight.

Senator Lynn Ruane: Hear, hear.

An Cathaoirleach: Does the Minister wish to respond?

Deputy Helen McEntee: No. I think it is appropriate to leave the last word to Senator Black. I thank everybody here.

Cuireadh an Seanad ar fionraí ar 7.51 p.m. agus cuireadh tús leis arís ar 8.02 p.m.

Sitting suspended at 7.51 p.m. and resumed at 8.02 p.m.

8 o'clock

Teachtaireachtaí ón Dáil - Messages from Dáil

An Leas-Chathaoirleach: Dáil Éireann passed the Domestic Violence Judgments Register Bill 2026 on 15 July 2026 without amendment.

Dáil Éireann agreed on 15 July 2026 to the amendments made by Seanad Éireann to the Guardianship of Infants and Child Care (Amendment) Bill 2026, changed from Guardianship of Infants (Amendment) Bill 2026.

Dáil Éireann agreed on 15 July 2026 to the amendments made by Seanad Éireann to the Criminal Law, Civil Law and Defence (Miscellaneous Provisions) Bill 2026, changed from the Criminal Law and Civil Law (Miscellaneous Provisions) Bill 2026.

Dáil Éireann passed the Health (Provision of Contraception Prescribing Service in Retail Pharmacy Businesses) Bill 2026 on 15 July 2026, to which the agreement of Seanad Éireann is desired.

Protecting Rural Ireland: Motion

An Leas-Chathaoirleach: I welcome the Minister, Deputy Calleary, and his officials.

Senator Joanne Collins: I move:

“That Seanad Éireann:

acknowledges that: -

- rural communities are central to the social, economic, cultural and environmental wellbeing of the State;
- family farms, fishing communities, small businesses, schools, childcare services, community organisations and voluntary groups are the foundation of rural life;
- many rural areas continue to experience population decline, reduced public services, inadequate transport links, limited access to healthcare, childcare and housing, and declining frontline Garda visibility;
- productive agricultural land is a strategic national asset that must be protected to safeguard food security, support family farms and sustain rural communities;
- the transition to renewable energy and the development of critical infrastructure must be carried out in a manner that respects local democracy, protects the environment and ensures meaningful community participation;
- rural Ireland requires fair access to affordable energy, reliable broadband, quality education, healthcare, childcare, policing and other essential public services in order to thrive;

notes with concern:

- the continuing pressure on productive farmland from competing land uses;
- ongoing uncertainty regarding updated national wind energy guidelines and the impact this has on communities affected by onshore wind development;
- the reduction in Garda station accessibility and frontline visibility in many rural areas;
- staffing shortages across childcare, healthcare and other essential services serving rural communities;
- rising costs facing households, farmers and small businesses, including energy, insurance and production costs;

calls on the Government to:

- publish and implement a comprehensive Rural Ireland Protection and Renewal Plan with clear targets, timelines and annual reporting to the Oireachtas;
- better protect productive agricultural land through strengthened planning policy and ensure that food security is recognised as a strategic national priority;

- guarantee that any designation of projects as critical infrastructure preserves planning independence and meaningful public consultation;
- immediately publish updated Wind Energy Development Guidelines, including clear provisions relating to setback distances, noise, shadow flicker, cumulative impacts and community protections;
- increase frontline Garda resources in rural areas, ensure adequate staffing of rural Garda stations and expand dedicated roads policing units across rural counties;
- accelerate investment in rural healthcare, home support services, childcare, schools, public transport, broadband and affordable housing;
- provide targeted supports for family farms, fishing communities and rural small businesses, including measures to reduce unnecessary bureaucracy and improve economic viability;
- ensure that the transition to a low-carbon economy delivers tangible benefits for rural communities through local employment, community participation and fair distribution of investment; and
- report to Seanad Éireann within six months on the actions taken to implement the measures outlined in this Motion.”

An Leas-Chathaoirleach: Senator Collins is sharing time with Senator Tully. Is that agreed? Agreed.

Senator Joanne Collins: I welcome the Minister. It is great to have him here. I know he too is passionate about rural Ireland, and it shows in the work he does. This motion is important to each of us because it touches on every walk of life, including healthcare and justice. It is about rural communities and farming. It is environmental. Being from a rural community in County Limerick, I thought it fitting to lay out what we see as lacking within our communities, or what has been brought to our attention if we have not seen it ourselves.

I start by saying that I will be rejecting and voting against the amendment that was put forward. The simple reason is that it suggests that the Government is brilliant in everything it does. It claims that the Government has done everything possible for rural Ireland, and it does not call on the Government to do anything, which I find kind of shocking. It means that no more needs to be done for rural Ireland. Motions always call on the Government to at least put something into it. I find it shocking. I stand here most weeks and bring up issues about rural Ireland, as do my colleagues on this side and Senators on the opposite side of this House. They bring up rural issues because a lot of them are from rural areas. It was only two weeks ago that Senator Boyle brought up issues with wastewater treatment in his rural area. Senator Kennelly brought up the loss of jobs going back to early last year between west Limerick and north Kerry and how it is affecting his rural community. I cannot understand why the entire motion would be wiped and amended to suggest that nothing needs to be done by the Government.

I will go through one or two things we would like to be implemented. We have been calling for a long time for the wind energy guidelines to be updated. I do not know about everybody in this House, but in County Limerick six wind farm developments have been proposed. Two

have been going through planning with An Coimisiún Pleanála. There are huge issues with the fear of noise, the flicker, the health implications and what it is doing to rural villages across Limerick. A couple of houses will have 12 turbines within sight. They will be looking out each window to see turbines not that far away. I do not see why it is a big deal to ask for the guidelines that were due in 2009 to be released so that we can see if the new ones being proposed are up to standard and are the correct standard. We are looking for that to be released.

We want more gardaí for our rural communities. We often speak in here about how there might be two local gardaí in a Garda station and if an accident happens on the main road, the gardaí have to attend the accident and if something else happens, there is no garda there. The station is shut down. We have seen it across Ireland in our rural areas where a lot of Garda stations were closed or put on reduced hours. I have spoken to a lot of farming families who have the fear of theft on their farms and there are no gardaí around to come over when they ring. People illegally hunt or shoot on their land and they fear they will be overwhelmed. They cannot approach them because they fear that person will turn on them for objecting to them being on their land.

There are so many different aspects to this motion. On healthcare, we are always saying we need more home support. I do not see why that could not stay in it. On childcare, we are looking for extra availability and sustainable fees for our rural communities to ensure that parents can go back to work if and when they want to go back to work. The declining population in certain areas means we have the possibility of losing teachers and SNAs from schools in our rural communities.

I went to the IFA conference briefing today and asked what issues were high on their agenda for rural Ireland. There were two specific asks. One-off housing is so important for people to be able to build on their own land, especially if farming their land, and to be able to live there and not have to commute to and from work when it is their farm. The second one is about protecting agricultural land. I have said a few times that we need energy security, but we also need food security. The two should not be attacking each other. They need to work in tandem. Good agricultural land is being taken up for solar panels. Farmers are asking if they can put solar panels on their sheds. They are applying to a scheme and one in ten is getting approved, yet they all have to pay the fee to apply for it and they say they are not getting refunded the fee. We should not take up the agricultural land when we can put the panels off the ground.

Wind farms are again taking over good agricultural land. We have lots of land in this country that cannot be used for agriculture. Put them there or put them offshore like we have been saying we want for years.

On the whole issue of one-off housing, if those young people cannot build on their own land or near where they grew up, they will move away. Eventually, the village will end up losing its pub because there is not anybody to go and have a pint. It will lose its shop because there is not somebody picking up groceries or getting diesel and petrol there. We will eventually erode our communities. I think our motion was quite balanced. We had a couple of asks, including increased gardaí and ensuring that our schools stay running. I do not understand why everything had to be taken out and the Government Senators do not call on the Government to do anything. It fathoms me.

Senator Pauline Tully: The motion that we have put forward is very broad and covers many aspects that affect us in rural life. I too am astounded by the amendment tabled by the Government because it does not call for anything, which gives the impression that everything that is needed is there, yet many colleagues across the room here ask for more gardaí in their local area, increased childcare, more supports for roads and transport and so on. I am amazed by it. I live in rural Ireland and grew up in it, on a small farm, where my parents were able to rear a family of ten without having to work off-farm. That is not possible any more.

We are facing a real crisis in farming, especially in family farming, if we do not deal with the age profile of our farmers. One third of our farmers are over 65 in this country and only 4.3% of them are under 35. We need a properly funded and robust succession scheme to ensure that the family farm can continue. We have a worldwide reputation for the production of good-quality food that is traceable from farm to fork. We will lose that if it becomes part of an intensive farm without our country.

We also need to incentivise younger farmers who want to farm but do not feel it is possible. There are some good schemes. The targeted agricultural modernisation schemes are good. They encourage people to farm in an efficient, environmentally friendly manner, but the money is not behind them at the moment. Out of ten farmers who get approval for the increased slurry scheme or solar scheme, only one is being given the grant, and the money is just not there. Farmers want to use solar. They want to put solar panels on their sheds or on their farm buildings, not over agricultural land but on farm buildings. They have to provide additional slurry. There are new regulations coming in by 2028. If we do not do that, we as a country will face fines of billions for not reaching our targets in reducing emissions by 2030. Why can we not just find the money somewhere? It is better to borrow it and invest in our young farmers or farming sector and ensure that we do not end up having to pay fines, which is dead money to me, when it could be invested in making sure that our farms are viable and we keep people working that family farm.

We pay some of the highest energy costs in Europe, possibly worldwide, and that is having a huge impact on households, businesses and our farms. We should be looking at investing in and putting in proper infrastructure for wind energy and our solar panels. I echo the call that we need updated wind energy development guidelines. We also need to work with communities. It should not just be a foreign company coming in here and providing the infrastructure then taking all the profits. We need to see investment by the State in community wind energy, working with communities, and offshore too, to ensure that we can provide our own energy, get away from using fossil fuel and away from our dependence on oil and gas that is coming in from other countries.

Many times here, I have raised the condition of the roads in Cavan. Cavan is a very rural county. It is a Border county. There is no rail service to Cavan, Monaghan or Donegal. We are a region without a rail service and we are dependent on our roads. We have public transport in the form of buses. There are sometimes problems with them but generally it is a good service. We are seeing an improving Local Link service all the time, with more and more routes being added, which is great and I welcome that. The national and regional roads are in generally reasonable condition but the rural roads are a disaster. I have called a number of times for the Minister for Transport, Deputy Darragh O'Brien, to come in here and debate the funding that he gives to rural roads in Cavan, in particular, and how it compares with other

counties relative to the size of the county, and he has not done that. I see the roads around me and they are disintegrating. The weather is not helping. We have very wet weather for some parts of the year, which we have witnessed already, and now we have extremely hot weather which is melting the tar. We will have to expect this type of weather for the next few years. We need to plan for that and we need to ensure that we invest in our roads and they are built to last through the different types of weather conditions that we have.

Regarding rural transport, I was talking to an older woman in Shercock on Saturday. She had an appointment in Monaghan hospital. She had no option but to get a taxi from Shercock to Monaghan hospital and back. It cost her €250. For an old age pensioner who is depending on her pension, she had barely enough to just buy a few groceries after that. We need to look at a better public transport system, especially looking after our older people in isolated communities. Even to support our rural pub, we need to look at some sort of incentive for a taxi service that is affordable for people, so we can maintain our rural pubs and look after our older people.

Regarding health, in my local village of Kilnaleck, there was always a GP service. We have lost it. There is another sizeable village in Cavan, Ballyhaise, which has a lovely health centre. A lovely health centre in Kilnaleck is idle, and there is no doctor or service in the one in Ballyhaise. The HSE is using it for administrative purposes. The people want to see a GP service in their local area. We need to see far more GPs in our communities. We need to have them in our rural communities too and not have people travel all the time. Sláintecare is being rolled out too slowly, so we need to see proper resourcing of community healthcare. It avoids people ending up in acute healthcare settings, which are overcrowded. I see a dangerous trend where many people are being referred from areas such as Cavan and Monaghan to Dublin for acute care. There is a lack of specialist services in the rural areas. We need to see our hospitals maintained in rural areas.

There is a lack of capacity in childcare services, which is causing a huge problem. There are about 40,000 children on a waiting list for childcare services. There was supposed to be investment in derelict buildings, of which we see many in our towns and villages, to repurpose them as community childcare facilities. I do not see any movement on that. That needs to be looked at and invested in. Community and voluntary services on the ground, which are vital for providing supports and services to many sectors of the community, including older people and younger people, are not seeing sufficient funding to help them to keep running, to recruit and retain staff within the youth sector, for example, to maintain buildings if they have them, and to pay rent if they have not. Transport is an issue that young people bring up with me all the time too. They cannot get to these youth services if they do not have sufficient transport.

The motion is wide-ranging. It raises many different issues. We want it to be addressed and kept on the agenda. We want to see a proper, updated policy put in place to ensure that rural communities remain vibrant. Rural Ireland is a good place to live but we need to make sure that it remains as such. I note that the north and western region of Ireland is ranked something like 218th out of 234 EU regions for transport infrastructure, which I already talked about. That is very concerning. There is a lack of investment and public funding, and we need to see far more investment in those areas. The M3, for example, comes from Dublin to the Cavan-Meath border and stops. We have a bottleneck at Virginia and have been waiting for a Virginia bypass for over 26 years. We will have to wait another few years if it happens this time. There

are many issues in this motion. I am amazed that the Government is opposing it. It could have accepted it and added to it if necessary. I am amazed.

Senator Fiona O'Loughlin: I move amendment No. 1:

To delete all words after "That Seanad Éireann:" and substitute the following:

“acknowledges that:

- supporting rural Ireland is a top priority for Government;
- a whole of Government approach to rural development is in place under the umbrella of Our Rural Future; this approach has been strongly endorsed by the Organisation for Economic Cooperation and Development in its recent review of Irish rural development policy;
- since its launch in 2021, Our Rural Future has delivered vital investment and supports to rural areas, strengthening local economies and improving the quality of life for people across rural Ireland;
- significant achievements across the lifetime of the Our Rural Future policy to date include:
 - unprecedented growth in Government investment in rural areas under the Rural Development Investment Programme;
 - improvements in digital connectivity through delivery of the National Broadband Plan;
 - the delivery of the Connected Hubs Network of over 400 remote working hubs;
 - continued improvements in essential services including community healthcare and public transport in rural areas;
 - targeted supports for regional employment and enterprise growth delivered by Government in partnership with our enterprise agencies;
 - the broadening of educational opportunities for rural dwellers through initiatives such as the establishment of four new Technological Universities;
 - continued support for the central role of the agri-food sector as a key driver of our economic growth and our environmental ambition;
 - progress on climate and environmental sustainability in rural areas, including via enhanced local opportunities in key areas such as retrofitting and renewable energy;
 - implementation of the Rural Safety Plan and the rollout of Local Community Safety Partnerships;

notes that:

- between 2016 and 2022 there was a 5.8 per cent increase in the number of people living in rural areas;

- a new iteration of Our Rural Future for the period 2026-2031 is currently being finalised;
- this new policy will continue the whole of Government approach, building on the progress and investment delivered to date and setting out a renewed vision for the years ahead;
- the new policy is firmly rooted in an extensive public consultation process that has ensured the voices of rural communities across the country are being taken account of;
- it will also ensure that rural Ireland continues to benefit from extensive and strategic investment; for example, there are more schemes available through the Department of Rural and Community Development and the Gaeltacht than ever before, with the highest ever budget allocation of €611 million in Budget 2026;
- importantly, the new policy will be underpinned by ambitious actions for delivery across Government with clear reporting in place in relation to progress;
- and rural Ireland remains a central plank in our national economic and social wellbeing, and support for rural Ireland remains a central priority across Government.”

It is a pleasure to speak on behalf of Fianna Fáil on this motion.

It is important we take every opportunity we can to talk about rural Ireland and look at ways to strengthen rural Ireland and the people who live there, while protecting biodiversity and the land of which we are custodians.

I support the countermotion. Today, there are more people living and working in rural Ireland than at any other time in the history of the State. They can only do that with the supports the Government has put in place. One example is the roll-out of high-speed broadband nationwide. It got off to a rocky start, but it is now thankfully ahead of schedule. The increase in remote working means more people now have the opportunity to live close to where they grew up and in the communities which formed parts of them and to have that intergenerational aspect. That is hugely important. Some 400 remote working hubs were also put in place, particularly following the Covid-19 pandemic, when we all had the realisation that some work - not all work - can be done remotely.

The local enterprise boards are doing an incredible job in rural areas. I am speaking from experience. A lot of people think Kildare is urban, but a lot of it is rural, particularly south Kildare, where I am from. The local enterprise office is second to none in helping to support rural enterprises. We have seen a lot more of them in recent years, particularly around the blueways and greenways. It is wonderful to see them and to see the support they are getting.

We need to recognise the distinct needs and opportunities of rural Ireland. Planning was mentioned and the draft planning statement that was introduced two weeks ago goes a long way towards that. No matter where any of us live, as public representatives we have no doubt seen situations where people could not build on their land and generations of families could not live beside their parents. That meant that perhaps parents could not help with children and as they got older, they could not have support. I hope that will be resolved in the new planning guidelines. They are just a draft at the moment and we have to go through the process. It was an incredible vote of investment in our rural future.

The Our Rural Future policy has supported rural Ireland in many ways, particularly in helping to develop community resilience. I was asked recently on a radio programme who lobbies for community centres. I am a firm believer in having strong community centres. My genuine answer was that community centres do not need a lobby group because the Minister, Deputy Calleary, has done so much in helping to support community centres - the next call will be for new ones - to modernise and add on. I have seen it in my local community centre in Rathangan and it is great. It is also about supporting GAA clubs and other sporting clubs, which we are certainly doing through sports capital grants, the next round of which will open at the end of this month. Our local authorities are also supporting local festivals through national funding a lot more than they used to.

The Minister is working on the new iteration of Our Rural Future for the period 2026 to 2031. The consultation process was important. In eight different areas, people had the opportunity to come physically. There was also an online process and a youth assembly process because the voices of young people are hugely important, as is encouraging them to live in their areas.

I agree with the comments on transport. Connectivity is hugely important. I am lucky to live in a place that has a good train service - it could always be improved - which makes a big difference, and the Local Link is generally working well. Again, there are a few gaps. I genuinely feel for those in rural areas who do not have connectivity. It is vital for every generation, such as an older person who cannot drive any more and needs to be able to go and get a prescription filled independently, without having to ask a family member. My family is going through that at the moment and I completely understand how difficult it is for people who have been independent all their lives to be dependent if no public transport is available. It is important for young people in opportunities for work and study and now, because there are issues with accommodation around universities, it is important they have the option to travel. That point was well made.

I was at the Irish Farmers Association, IFA, today. The ongoing negotiations on the multi-annual financial framework, MFF, are crucial to the IFA, particularly around the Common Agricultural Policy, CAP, and food security. The Senator is also correct in saying we need the guidelines on wind energy and solar farms. While we have to support renewables, there must be guidelines. I have raised this previously in relation to equestrian land. I have seen good stud farm land going to solar farms. We should have solar panels on all our farm buildings. They could be subsidised and supported.

Therefore, when we talk about Our Rural Future-----

An Leas-Chathaoirleach: Go raibh maith agat.

Senator Fiona O'Loughlin: -----there are a lot of excellent initiatives. We can always do better and we always should.

Senator Eileen Lynch: I thank the Minister for being here this evening. This is an important motion. It is vital to discuss rural Ireland and its continued and ongoing development. It deserves policies that recognise its value and invest in its future. I am from north-west Cork, which is quite rural. I see every day the strength of rural communities in Mallow, Millstreet,

Macroom and the village I am from, Aghabullogue. There are many people who keep rural Ireland going, from community groups to farmers and school groups. They are the soul of rural Ireland and are breathing life into these villages.

I acknowledge the launch of the Our Rural Future policy in 2021. It brought real progress in the development of rural Ireland. It brought record investment into communities, with expanded broadband and the development of more than 400 connected hubs. It has improved Local Link services, supported regional enterprise and invested in community facilities across the country. I commend the Minister on the work he is doing on community facilities as well as previous Fine Gael Ministers in that Department, including former Deputies Heather Humphreys and Michael Ring. They did fantastic work. Another village near my home, Rylane, received €1.8 million. The Minister was there for the opening of our new community centre, which will make an invaluable difference to the community.

There is still work to do. We need to focus on access to housing, healthcare, childcare and transport because they are all challenges in many areas. However, I do not agree these challenges are being ignored. They are being addressed through a whole-of-government approach, rather than with piecemeal measures, and that is vital.

In north-west Cork, we have seen the benefits of this investment. The completion of the Macroom bypass has transformed travel on the N22. It has improved safety and made Macroom town a much better place to be. It has improved things for businesses and residents. The continued progress on the M20 from Cork to Limerick, albeit a little slow, will be equally important in improving connectivity across the region and supporting economic growth. I welcome the initial funding granted for the N22 Macroom to Ovens route. It needs to be treated with a level of urgency. I hope the pace of progress will not be as glacial as it was with the Macroom bypass.

There has been a lot of Government investment through the various schemes, including the town and village renewal scheme, CLÁR, the community centres investment fund, CCIF, and the outdoor recreation infrastructure scheme. They have supported many projects across the country in smaller communities.

Remote working has also created new opportunities for rural Ireland. Better broadband, although there is still work to do on it, and connected hubs allow people to work closer to home while supporting local businesses and reducing long commutes. Recently, we saw the former Coláiste Iosagáin building in Ballyvourney being repurposed as a fantastic development hub with hot desks and meeting rooms as well as office space. It is great that the building has been brought back into use and the services it now provides will be invaluable to Gaeltacht Mhúscraí.

My colleagues who have spoken have raised the matter of agriculture. This is very much at the heart of rural Ireland. Our farmers are central to our economy and to our communities and it is important that the Government continues to support family farms while helping the sector adapt to future challenges. I was at the IFA briefing today and there are challenges facing the agricultural industry when we talk about generational renewal, food security and the uncertainty of the new CAP. It is important that we continue to support our farmers who for so long were the backbone of our rural economy.

I welcome the progress made under the rural safety plan, including the roll-out of local community safety partnerships. It is an area we need to focus on where we have seen increases

in rural burglaries. We need to look at how we could make people feel safer in their own homes. It is not simply a matter of increasing Garda numbers, and we cannot have a Garda in every house or every area of every housing estate, but a cross-departmental approach to rural safety is required. This is something we can continue to focus on and progress.

I appreciate it is not in the Minister's portfolio but I want to mention the Vintners Federation of Ireland's proposal on rural pubs and its sustainability scheme. I appreciate it is a finance issue but we are seeing many closures of rural pubs. They are community hubs as well and it is vital that the Government supports them because we are seeing so many closures in villages which now do not have places for people to meet. Many of them provide a community service and the scheme needs to be looked at in budget 2027.

Looking ahead more generally to the new Our Rural Future strategy for 2026 to 2031, there was extensive public consultation, which is to be commended. Policies need to be fed into by the people they will affect and there was quite an extensive consultation period on this new policy.

The record allocation of €611 million for the Department of Rural and Community Development and the Gaeltacht in budget 2026 shows the Government is backing its commitment with real investment. We are following through on what we said we would do. The job is not finished and there are still challenges to address. We must continue to invest in housing, healthcare, childcare, transport and further economic opportunities, but it is important to acknowledge what has been achieved. Rural Ireland is growing and investment is reaching communities. More people are choosing to live and work in rural areas. I believe the amendment recognises this progress while committing to build on it. I look forward to seeing the next phase of Our Rural Future and I hope we will continue to strengthen rural communities throughout the country.

Senator Victor Boyhan: I welcome the Minister and the official to the Seanad. This is particularly important Private Members' business. I thank Senators Collins and Tully for setting out the background and the rationale behind their Private Members' motion. I acknowledge the Minister's exceptional commitment to rural Ireland and his Ministry. It is an amazing Ministry and I acknowledge the significant work the former Ministers, Heather Humphreys and Michael Ring, did in this area. It is a very special Ministry. There is not a day that statements do not come from the Minister. On a personal level I thank him for the level of engagement he has always shown to me in a most timely and professional way in relation to any representation I make on behalf of our rural county councillors and with regard to my interest in agriculture on the committee here. This is important to say.

I have to say I am somewhat surprised with the general Government response. Senators O'Loughlin and Lynch have spoken very positively about all of the issues and I do not understand why there is a countermotion. A countermotion is the Government's prerogative but this one is an add-on to what has already been said. I do not understand why it is one or the other. I genuinely say this as someone who likes to collaborate and work constructively with people. Both Senators come from constituencies that have rural and urban parts. There are urban parts in all of our areas. I am somewhat surprised by what the amendment tabled to the motion proposes to delete and it is important to say it to people are looking in at this debate.

How could the Government have a problem with the statement that "many rural areas continue to experience population decline, reduced public services, inadequate transport links, limited access to healthcare, childcare and housing, and declining frontline Garda visibility". There are reasons for these things and it is not laying the blame on anybody. The motion also states that "productive agricultural land is a strategic national asset that must be protected to safeguard food security, support family farms and sustain rural communities". There is no problem with that and I do not think the Minister has a problem with it.

The next paragraph reads "the transition to renewable energy and the development of critical infrastructure must be carried out in a manner that respects local democracy, protects the environment and ensures meaningful community participation". Senator O'Loughlin spoke very eloquently about the need for critical infrastructure and supported it. I do not understand how someone could suggest all of this should be scratched out. It is something I think is very positive. These are just two or three examples of what the motion includes.

The motion calls on the Government to "protect productive agricultural land through strengthened planning policy and ensure that food security is recognised as a strategic national priority". The motion also mentions accelerating investment in rural healthcare, home support services, childcare, schools, public transport, broadband and affordable housing. How could someone have an issue with this? How could someone suggest all of this is not good enough? Interestingly, these are all keywords and AI is a very interesting tool when used responsibly. All of this appears in the programme for Government. All of these key messages that the Government somehow seems to have a problem with are all positive ambitious plans in the current programme for Government. This is worth saying. I am very supportive of the motion and I thank Sinn Féin, in particular Senators Collins and Tully, for having this debate. It is important we have respectful and meaningful debate and I acknowledge this.

I am conscious of the Minister's public consultation, and I acknowledge it and thank them for it, in relation to the Our Rural Future work programme in 2025. In fairness to him, he did not stop at that. I received a further update when I requested it from his office very recently. It set out an intermediary between the two documents of ongoing commitments. It is very impressive and I acknowledge this. I know the public consultation is complete but it is important we publish it. We saw with regard to exempted development that 900 citizens made a submission and, as of today, the housing Department has not published the consultation. This is a bit disappointing. When people engage in a consultation process, they want to feel that their voices are heard. The only way they will see this is when it is published. I am not looking for the names of the people to be published but it is important that we publish the outcome of it. We know the programme for Government includes a commitment to publish the replacement of this. It has been a very successful blueprint and it is great when a Minister has a whole policy to attach to it. I am also conscious of the fact the OECD principles on rural policy clearly set down 11 objectives and I know they are embedded into this as a given.

I want to touch on a few issues before I finish. It is important we recognise the diversity in the demographics of rural Ireland. We recognise the planning challenges and opportunities ahead of us and we must be ambitious. Sinn Féin's Private Members' motion mentions employment opportunities, developing smarter towns and villages, community infrastructure and our ambition for housing, education, healthcare and childcare. The motion also mentions the importance of the Irish language, to which the Minister is fiercely committed, and rightly

so, and this is very admirable. It references the importance of coastal communities and the islands to which, again, the Minister is fiercely committed. I thank him for the announcement made yesterday on funding for a number of coastal communities and the islands. It is significant.

The Private Members' motion commits to supporting a just transition, to which I know the Minister is fully committed. It also mentions the agrifood sector and the importance of diversification in agriculture, the maritime sector, coastal communities and fishing communities in terms of rural policy. Consideration should also be given to heritage and culture, tourism opportunities and sport, including the GAA, the FAI and all other local sports organisations. We could go on and on and include Tidy Towns and credit unions. It is important we have rural proofing of every and any policy the Government espouses.

That should go regardless of any policy the Government espouses.

I would have liked to think we could integrate both of these - what my colleagues to my left have proposed and what the Government is setting out in its record because it does have a strong record. Let us be fair and reasonable and acknowledge that. It is a pity it should come to this. The one thing the public wants and expects of us is unity in these political arenas, the House of the Oireachtas, such that we represent constituencies. They want us to support one another. It is not about arguing all the time and demolishing ideas. No one has a veto over ideas or concepts. It is a pity it has come to this. I do not know what thought put or strategy was put into it but it sends a bit of a negative. I will support the Sinn Féin motion. I am happy also to support the track record, in particular the Minister's, in this area.

Senator Nessa Cosgrove: I too know how interested the Minister is in rural Ireland and in his brief. I cannot understand why the Government would not support the motion, either. It is a fantastic motion. A lot of us are representatives of rural areas. It is great to have everything in together. I do not think there is anything negative about it. I fail to understand why the Government has an amendment at all. The motion could easily have been supported.

The motion could not state the reality of life more clearly, "Rural communities are central to the social, economic, cultural and environmental well-being of the State". My constituency is very representative of that, made up of small towns in Sligo, Leitrim and south Donegal. Under the national planning framework, all towns with a population of fewer than 10,000 people are classed as rural settlements meaning that every town, village and settlement in Sligo, Leitrim and south Donegal with the exception of Sligo town is a rural settlement. That is indicative of most of our constituencies. As a nation that is what we are made up of. It takes me ten minutes to walk into town one way and if I walk the other, I can walk to agricultural land in ten minutes. Urban settings rely on rural settings and *vice versa*. There is nothing in this motion I would not support.

I know it is not the Minister's brief but I am concerned about the approach the Government has taken to the environment in general. We are not transitioning to renewable energies as quickly as we should. Independents who represent rural areas are supporting the Government. In an area like mine, there is a real threat from LNG development. I am surprised, in light of the national planning framework and the critical infrastructure Bill, that environmental measures will be overlooked. That is my main worry about rural Ireland. Places like Leitrim can be seen as a sacrificial zone because we have really good natural resources. Already 20%

of its land is covered with forestry compared with the national average or 11.6%, mainly non-native Sitka spruce. There is exploitation of gold mining, fracking and giant windmills. We have spoken about wind energy. They are unsuitable. There is a proposed development in Leitrim again on Dough Mountain. It will be built on peatland so there is huge objection. The countermotion refers to local involvement. It is very easy for a planner in Dublin to look at where wind farms should be if there are not a lot of dwellings nearby but that often overlooks the impact these giant wind farms have. No one is against renewable energy. We all need to transition to that but it is about being careful about not developing them in areas where they will really affect not only quality of life but also the environment with disasters like landslides, which are a big concern in Leitrim.

So many grassroots groups have come together. Rural Ireland is at its best when groups come together. There are Love Leitrim, Save Leitrim and Treasure Leitrim. They are all concerned people living in the local areas who work closely with Government representatives and with the Opposition, with all groups, and want to bring people with them. Again, that is why I cannot understand why this motion is not fully supported. I too was at the IFA submission event. It was said twice to me that trust is being lost between politicians and farmers, which we all need to take on board as political representatives.

I am delighted to support the motion. In this House, we spend a lot of time talking about rural Ireland. It is wonderful to have it all in one specific document.

Senator Gareth Scahill: I welcome the Minister to the House. Like so many of the previous speakers, it would be disingenuous of me not to concede I agree with some of the points in the motion. However, having read the countermotion and having benefited significantly from the Our Rural Future policy in the past and looking forward to its future iterations, I note that none of the speakers so far have mentioned that budget 2026 was the largest the Department Rural and Community Development and the Gaeltacht has ever had. There was €611 million towards the delivery of initiatives across rural Ireland. Rather than calling on the Government, I know there is a programme for Government. There are clear timelines and targets in place across a number of areas incorporating a number of Departments. That is what we are all working towards and want to see delivered. Deputy Calleary is a rural Minister. Ideally I would have liked one of my party colleagues to be in his role but if there was to be someone else in it, a someone from a neighbouring county such as Deputy Calleary would be the ideal scenario. We have welcomed him to Roscommon on numerous occasions since he was appointed. I hope that continues and I hope we continue to see the investment from his Department in delivery in our areas.

There were announcements about the national broadband plan. Certain counties already have 100% delivery. My home county is due to have 100% delivery by November. When that initial idea was proposed, people thought it was pie in the sky, that it was not possible, that it was madness and asked how much were we going to spend on it. It came in on time and under budget. It has made a significant impact across rural Ireland. The amendment to the motion states that between 2016 and 2022, there was an increase in the population of rural Ireland of 5.8%. That would not have happened without that infrastructure empowering those people and giving them the opportunity to move to a part of the country they choose because of the quality of life they could get from that. The Minister has visited many of the connected hubs. The last time he was down in Castlerea, he was in the enterprise hub. I am a member of the Kiltullagh

enterprise hub. There is another remote working area in Ballinlough. The whole country has these facilities now, meaning that should we ever experience something like Storm Éowyn in 2025 again, we will have supports to allow people to continue to work remotely, provide for their families and live where they want to.

Only this morning, I referred to Councillor Micheál Frain from Ballaghaderreen calling for 24-7 staffing of the Garda station in Ballaghaderreen. In the programme for Government there is no commitment to opening or staffing rural Garda stations but there is a commitment to support a visible Garda presence in our communities.

There are commitments in the programme for Government to encouraging policing resources that are allocated based on operational need and to tackling rural crime. That is why I have repeatedly called for a different model of policing for rural Ireland. I do not believe one size fits all in Ireland. The Minister's county, my county and Longford are all in one big district and we have not benefited from additional Garda numbers in quite some time. Due to the geographical spread and the age demographic, we are suffering because of our low crime numbers, which is a blessing in one sense, but we cannot be complacent in that area. I will continue to call for those measures. I will continue to call for a different model but I will continue to acknowledge what is in the programme for Government and what we have committed to delivering. If things can be done better, I will suggest those and see where we can go with them.

The Minister's Department administers the town and village scheme and CLÁR funding. It supports the LEADER programme and the community recognition fund. Only three weeks ago, I called for a support fund for community groups, not for capital costs but for operational costs because that is where voluntary committees tell me they are struggling. The message in the Commencement matter came back that it is something the Department is looking at. That is delivery within Our Rural Future and it is answering the call that we have for rural Ireland.

It would be remiss of me not to acknowledge the reference to education and healthcare in Sinn Féin's motion. With regard to healthcare, we also suffer in rural Ireland because of the distribution model of some of our ambulance services, especially in counties such as my own where we do not have an accident and emergency department. The dynamic distribution model is not fair on counties such as Roscommon, Longford and Leitrim, to name but a few, but that is something we can work with the National Ambulance Service on. We will work to try and address and deliver on that.

I acknowledge within this that the creation of the technological universities was a game-changer but I also recognise the recent announcement in the Minister's home county, in Castlebar, for the college of the future and the delivery of apprenticeships. That is very important because that is relieving the pressure on the urban areas where we already have universities and large student populations. I have been an advocate in this House on one or two occasions, and maybe more, for a similar facility for Roscommon. The Minister, Deputy Lawless, is open to it. He was not open to the initial site, but he is open to that. That is something I will continue to press for.

We are in a very good place. A lot has been done. I look forward to the new rural future strategy because there has been significant engagement. For the next time the Minister visits Roscommon, I draw his attention to the town teams that have been in existence in Roscommon

since 2015. Some would say they have replaced the town councils but the delivery that has been achieved through the voluntary effort of these committees is something that we need to continue to support. We need to look at some sort of strategy where their voluntary hours can be seen as a contribution to the matched-funding element. That is something that was there in the past. Volunteers' time is something that we need to put a value on.

I acknowledge and support the countermotion.

Senator Cathal Byrne: I welcome the Minister to the House. I will also be supporting the countermotion.

I will make a couple of brief points in relation to the Department. I very much appreciate the high level of activity that the Minister has brought to the role since he took it up and the many visits he has made to my own home county of Wexford. These successful visits have been an opportunity for the Minister and his officials to meet and engage with so many of the people who make up the real fabric of the rural community right across south Wexford.

I wanted to speak on that theme about CLÁR funding and the opportunities that currently exist in CLÁR funding for emergency first-responder groups. I recently met with a group of first responders in the Kilmore community first responders. They explained to me that their role is to be contacted through the emergency services when somebody has a cardiac event, in particular, in that small rural peninsula on the Wexford coastline. They said that in many instances they arrive on the scene before the emergency paramedics and the ambulance service arrive. As a result, in many instances they are the people who are applying the defibrillator pads to the patient. We are very fortunate that the CLÁR scheme has been extended to Wexford. The scheme, as currently constituted, provides such groups with the ability to access a vehicle, which would be essential if they were the Coast Guard, mountain rescue or a different group like that, but unfortunately it does not provide support for the day-to-day cost of these pads. They have said to me that when you put the pads on, you cannot take them off and put them on to somebody else, and that they are one-use only. They are not reusable. The pads can cost several hundred euro. They are running quite a lot of fundraisers just to get access to the pads. I ask that in the next round of CLÁR perhaps the Minister and the Department could look at some sort of grant scheme for those individual defibrillator pads. They are not asking to be funded for the day-to-day work that they do. They are not asking to be funded for any other ongoing costs they have but it is a capital cost in the sense that this is much-needed equipment. The CLÁR scheme that is there for these first responders covers the cost of a high-profile high-level defibrillator machine but these are the handheld portable ones that they bring out on the scene as the first responders. I ask that the Minister and the officials might take a look at that.

The second matter I want to speak about is the enormous success that the community centres investment fund has been. I wonder whether there is an opportunity for perhaps an amount of money that is currently too big for the community enhancement scheme and too small for the overall community centres investment fund. I am talking about projects, such as if you need to put in a full new floor in a community centre, that are too big for the €5,000 grant and are not necessarily major capital projects that will cost €100,000 plus. Is there an opportunity there for a new tier that would capture some of those projects? A lot of the groups that I have engaged with are a little daunted by applying for the main fund because they do not feel that it applies

to them. Maybe it is the case that they should be putting in for that, but perhaps there is an opportunity to have a second tier there.

I commend the work the Minister and his officials, who I see are here this evening, are doing.

Senator Paraic Brady: I welcome the Minister. I, too, support the countermotion. My colleagues have raised a number of issues but I would like to touch on the GAA's demographics report. It is about how we support those clubs in the countryside that are finding it hard to get players and the population to stay in that area. In my home village, it is all about supporting two local schools. In the case of the one in Ballinamuck, if we can support keeping even three families around and there are two children in each family, we keep a national school open and we keep a teacher there. With that, we keep a bus on the road and we also keep a GAA field alive.

It is very important that we understand what rural Ireland actually means. It means, with the likes of the farm assist, that when a farmer gets the farm assist he is staying at home. He is farming. He is working the land, but he also maybe has another job block-laying or whatever he is at locally. However, his family is reared there. He is buying his groceries in the local shop. He is spending all the money locally. He is probably doing a small bit of farming, drainage and whatever else. Everything is local. Everything is supporting local jobs and local communities. That, in itself, is very important.

9 o'clock

When you go out to the west of Ireland and look out across the sea, the nearest school could be 23 miles away. Glangevlin and Dowra are what we classify as rural where people have to travel for 23 or 24 miles to get to local schools. It is all about supporting those schools, supporting communities and keeping communities alive. I welcome it and thank the Minister for his attendance today.

Minister for Rural and Community Development and the Gaeltacht (Deputy Dara Calleary): Gabhaim buíochas leis na Seanadóirí Collins agus Tully as an rún agus le gach Seanadóir atá tar éis labhairt anocht. Is príomhthosaíocht don Rialtas seo tacú le tuath na hÉireann, agus fáiltim roimh an deis labhairt i Seomra an tSeanaid faoi na ceisteanna tábhachtacha seo. Mar Aire, agus mar Rialtas, tá tiomantas agus uaillmhian againn do thuath na hÉireann agus muintir na tuaithe. Tá pobail tuaithe nasctha, acmhainneacha agus cuimsitheacha i gcoílár ár bhfise don fhorbairt tuaithe. Gan tacaíocht agus infheistíocht leanúnach inár gceantair thuaithe, ní féidir linn an fhorbairt eacnamaíoch, shóisialta, chultúir agus chomhshaoil a bhaint amach a thacóidh le cáilíocht beatha gach saoránach.

I welcome the chance to speak to this motion this evening. Recent figures from the CSO show that there is a 5.8% increase in the number of people living in rural areas between 2016 and 2022. In areas classified as highly rural and remote, the increase was 6.4%. These findings align with the analysis of the OECD, which in its recent independent review, quoted by Senator Boyhan, found that the rural and remote regions in Ireland recorded the highest population growth of all OECD countries between 2001 and 2021. That evidence does not support the claim that there is widespread rural depopulation. Of course, I acknowledge that there are

significant variations within these statistics. There are areas that are facing particular challenges that we must and will support, but the Government recognises this, and supporting the sustainability of all rural areas remains a key priority.

Employment continues to be strong in rural areas. Incomes are rising. As we all agree in this Chamber, rural Ireland has a much better overall quality of life. This is why the Our Rural Future policy takes a whole-of-government approach to rural development. Launched by the then Minister, Heather Humphreys, in 2021, the policy has delivered vital investment and supports to rural areas, strengthening local economies and improving quality of life for people across rural Ireland. Significant achievements, which are not acknowledged in the main motion and which is why we have tabled an amendment, include improvements in digital connectivity, referred to by Senator Scahill, and the development of a national network of over 400 remote working hubs and improvements in essential services in rural areas.

Our flagship projects include the rural regeneration development fund, RRDF. This has delivered over €440 million to 164 major projects countrywide since 2020, bringing new life into previously dilapidated buildings and structures. Senators have referred to CLÁR. In that time, over 1,500 projects have been allocated funding of €65 million under the CLÁR programme, funding projects in areas of rural need. I have taken on board Senator Byrne's proposals around emergency first responders. I have seen at first hand the extraordinary work they do.

In 2025 alone, the Minister of State, Deputy Buttimer, and I allocated a spend of €53.8 million on RRDF; €30 million on LIS for non-public roads and laneways; €58 million on SICAP to support disadvantaged urban communities; €21.9 million on the town and village renewal scheme; €58 million on the community services programme, CSP; €16.8 million on the offshore islands for passenger and cargo transport and key infrastructure projects; breis is €12 milliún chun tacaíocht a thabhairt do chúrsaí Gaeltachta; agus breis is €11 milliún chun an Ghaeilge a úsáid sa tríú leibhéal.

We are now working on a new version of Our Rural Future. I spent some of today in my lateral meetings with colleagues across government. We will publish it in the autumn. As had already been acknowledged, we have done so with a public consultation which gather the views of well over 2,000 participants. We will share those views, as Senator Boyhan has proposed. The engagement was online and included a series of eight public and stakeholder events and a public written consultation. Most importantly, as has been referred to, it included a formal rural youth assembly, which we hosted last autumn, ensuring that young people from some of the most rural areas in the country had an input into the policy.

Key themes that emerged included much of what has been discussed this evening, namely, supporting local economies and strengthening the resilience and sustainability of rural communities, villages and towns, to continue to promote balanced regional development. We also commissioned the OECD to do an independent review of rural policy in Ireland as part of the preparation of Our Rural Future. That demonstrates we are not precious and we are open to new ideas. That review was published in January of this year. It acknowledges the substantial progress that has been made in Ireland, both under Our Rural Future and more broadly since the establishment of my Department in 2017 under the then Minister Michael Ring.

Ireland is recognised as unique among OECD countries for its whole-of-government approach to rural development and for the high level of awareness and visibility given to rural need across Departments. It is my intention to continue that visibility and awareness. It is my job as Minister for rural affairs to put the studs on for rural Ireland. That is something we do daily and they are used where is necessary. The plan will be supported by ambitious, clear, practical and measurable actions. I have spoken to some of the funding programmes available within my Department. As has been referred to, we have secured €611 million in budget 2026, the highest ever allocation to the Department, which demonstrates my Government's commitment to investing in rural communities.

Tá tiomantas láidir ann freisin, ní hamháin don tír ach do na hoileáin amach ón gcósta agus do phobal na Gaeltachta. Sin an fáth go bhfuil an méadú is mó le blianta anuas sa mhaoiniú don Ghaeltacht mar chuid den ardú suntasach sin de €611 milliún. Tá an t-airgead seo á úsáid chun an Ghaeilge agus cultúr Gaelach a chur chun cinn agus a chosaint ar fud oileán na hÉireann agus ar fud an domhain. Táim tar éis cuairt a thabhairt ar gach ceantar Gaeltachta chun plé fairsing a dhéanamh leis na pobail sin chun a fháil amach uathu féin cén cineál tacaíochta ar féidir a chur ar fáil dóibh chun cabhrú leo. Táim chun leanúint ar aghaidh leis an obair sin sa bhuiséad le teacht agus na buiséid eile.

The rural development investment programme includes RRDF, which I have already referred to. The sixth call for category 1 applications remains open until later this month. We are engaging with local authorities around the country. Last month, I turned the sod on major works to the Ballintubber Abbey Visitor Centre, which has been allocated €6.4 million, and the Edenderry regeneration project in County Offaly, which received €15 million. The 2026 CLÁR programme, which is a €12 million investment, opened in March. It provides the funding for the small-scale projects in some of our smallest rural areas that we have all spoken about. A total of €61 million is being allocated to projects under the current LEADER programme. A total of €20 million has been allocated to the outdoor recreation and infrastructure scheme, ORIS, which is currently open for applications. Since 2020, over 1,000 projects have been supported by €140 million of funding under the town and village renewal. The community centre investment fund closed on Monday at 3 p.m. To be clear, the initial tranche is €25,000, not €5,000, and it goes to €100,000. Individuals do not have to apply for the €100,000. We have record interest in this year's refurbishment programme.

The Minister of State, Deputy Buttimer, and I are committed to launching new builds programme so that people such as a community in Rylane can have the kind of advantages that are offered. I will speak to Rylane. I want to make a more general point. I visited many areas. I visit many voluntary groups and one of the strengths of rural Ireland is that it is driven by women across the country. The Rylane group, particularly Senator Lynch, comes to mind. We met a group in Limerick this time last year.

It is local women driving rural projects forward. I compliment and thank them. Senator Tully also found that in Cavan earlier this year. It is important and really significant.

Urban communities are being assisted as well, through SICAP, where core funding of €147 million has been allocated. One of the unsung heroes of my Department is the community services programme, CSP, which provides services to many of the voluntary organisations that have been referred to. The Minister of State, Deputy Buttimer, and I will be in a position to announce new entrants to the scheme for 2027 this autumn. I have already referred to the island

funding. The biggest project in the history of our Department is the €35 million investment currently under way on Inis Oírr Pier i gContae na Gaillimhe. Tá sé sin tábhachtach do phobal agus do mhuintir Inis Oírr, atá ag fanacht ar chalahd nua le blianta. Tá sé tábhachtach don turasóireacht, do mhuintir an oileáin agus don sábháilteacht.

We referred extensively to the national broadband plan. Two weeks ago, I was on Inishturk, one of the smallest islands in our country, which now has access to fibre broadband. That is really important, also in terms of building community resilience.

Many Senators have referred to the improvements in rural transport through Our Rural Future. Yes, there is more work to be done, but there is actually a lot of work to be done to join up the improvements that have been made. Senator Tully is right. When we consider that over 8 million passenger journeys were recorded across Connecting Ireland services in 2025, that gives us a sense of the demand. The Minister for Transport, Deputy Darragh O'Brien, has provided funding for three smart demand transport services, in Killarney, the north east of Limerick city and on Achill. TFI Anseo is basically Local Link on demand and is working incredibly successfully. The connecting Ireland rural mobility programme is putting in important public transport infrastructure such as shelters and real-time signage to encourage people to use it. The roads network constantly needs investment. In 2026, €780 million has been allocated to the regional and local roads network. Senator Tully is absolutely right on the impact weather is having. We continue to invest in climate preparation. The kind of weather we are having now is in stark contrast to the showers and snow we will have in a few months' time. It is very difficult to invest in those kind of circumstances. Since 2020, over €150 million has gone into the local investment scheme.

We are zeroing in on housing. Housing is the priority. With the draft planning guidelines published the Minister, Deputy James Browne, and the Minister of State, Deputy John Cummins, last week, it is now the first time since 2005 that we have planning regulations in place for rural Ireland. Tá sé mar aidhm ag an dréachtráiteas soiléireacht agus comhsheasmhacht níos fearr a thabhairt do bheartas tithíochta tuaithe i bpobail tuaithe agus i bpobail Ghaeltachta. Is é seo an chéad dréachtráiteas pleanála don Ghaeltacht riamh. It is the first time we have a planning statement for Gaeltacht communities. We have work to do and I look forward to adopting and finalising that work.

Continuously investing in our rural economy is our major platform. Senator O'Loughlin highlighted that. In 2025, 69% of Enterprise Ireland job creation was located outside the Dublin region. Enterprise Ireland is investing in Irish-owned, Irish-founded companies. Similarly, 59% of IDA investments were located outside the Dublin region. We will continue to work, looking at the progress we can make through the IDA, Enterprise Ireland and, as Senator O'Loughlin said, through supporting our local enterprise offices.

Many Senators referred to Garda numbers. The Garda workforce is now at 18,276 compared to 15,900 ten years ago. The Garda is on trend for the first time to meet recruitment targets. In 2025, 800 new Garda trainees entered the Garda College and we know we can meet the target of 5,000 new trainees in the next five years. When we consider that 11,000 people sought to join An Garda Síochána, it means we will reach those targets, and then we can allocate gardaí to communities across rural Ireland.

Agriculture is the backbone. We have all been in the Mansion House today, or everyone has said they were anyway. Energy security is key and crucial. Everybody wants energy security but nobody wants wind energy. We have to strike a balance and get a real discussion, but food security is most important. Ireland is the food security centre of Europe and we are going to use the Presidency to progress it.

Our Rural Future will be republished in October. We are focusing on many areas in it. I thank all those who made submissions. Deputy Conor D. McGuinness made a formal submission on behalf of Sinn Féin. As we finalise that, I am certainly more than open to individual ideas from Senators. We will continue the record investment. The Minister of State, Deputy Buttimer, and I are absolutely focused. Many Senators have spoken about healthcare. While we have gaps there, we are addressing them. The Minister, Deputy Carroll MacNeill, has announced the minor injury units, which will take the pressure off major hospitals and ensure services are available. Community healthcare networks, the use of technology and the national broadband plan in health are bringing digital health to our rural and island communities in a way that we could never have done before we had the national broadband structure.

Mar fhocal scoir, léiríonn an fhianaise go bhfuil an leibhéal infheistíochta ann agus go bhfuil aird á tabhairt do thuath na hÉireann mar phríomhthosaíocht Rialtais. Mar Airí sa Roinn, déanfaidh mise agus an tAire Stáit, an Teachta Buttimer, gach iarracht chun a chinntiú go mbeidh tacaíocht ann chun freastal air. We are determined to drive this on and make improvements. We are lucky to work with a super Department. I thank my officials who are here and right across the country. Most importantly, I thank the volunteers the length and breadth of our island who make things happen in rural communities. Without them, there would be no GAA, social groups, chambers of commerce or IFA and no life in rural Ireland.

Senator Joanne Collins: I thank the Minister for his comprehensive response and all the Senators who contributed. However, I am more confused after this debate. I think every Senator in this House touched off an issue in rural Ireland, including Garda numbers making our communities feel safer. We never once said we wanted a garda in every house but, yes, we do want greater Garda numbers. We referred to GAA clubs not having enough players, which is another part of it. Senator O'Loughlin welcomed the wind energy guidelines being released, which was in our motion. Supporting pubs was definitely mentioned, and small businesses in rural communities were included in our motion. Reference was made to the National Ambulance Service, but healthcare was in our motion. I am more confused as to why the amendment takes everything out of our motion and makes no calls on the Government when all the Government Senators called on their Government to do something tonight. I just do not understand that. I would have loved if the Government Senators had removed the parts of the motion they did not like, left the parts that they did like in and added their own bits or reworded it.

Senator Boyhan said he did not understand why everything was wiped and the Government Senators put their own wording in. I have a feeling it is because "Sinn Féin" was printed at the end. That is how it feels since the day we started writing motions and Private Members' business in this House. If Sinn Féin is on it, the entire thing is wiped. It comes back to us with an amendment to delete everything after "Seanad Éireann" and put in something else. It just does not make sense to me that we did not work together on it. We have all called for stuff for

rural Ireland, yet the Government side wiped the entire motion and called on the Government to do nothing. That was left blank. I cannot figure it out.

GAA clubs are being pushed together. There was a time when you had to get a letter from your GAA club to play for another club because it was in a different parish. Now we could have four or five parishes all playing in one club because they do not have the numbers. I know the statistics show that between 2016 and 2022, we had higher numbers. That could be in certain pockets around rural Ireland; it is not a percentage across rural Ireland. I would like to see what it has been for the last four years and whether it has increased again.

There was reference to our roads in rural Ireland, including the Macroom bypass and the N20-M20 being a little bit slow. A little bit slow would be five or ten years; we are over 20 years calling for it. That is not a little bit slow. That road has one of the most dangerous junctions, at O'Rourke's Cross where there have been the most accidents.

It is probably classed as the most dangerous junction in the Twenty-six Counties. We are not calling for the moon and the stars. We are just calling for acknowledgement. For once, I did not criticise the Government or say it did not do something. I have acknowledged stuff. We have noted stuff and called on the Government to do stuff. I could have just wrote "The Government is crap" and put it down as a motion, but I did not. I was being constructive. I was trying to include some nice things for a change because I do not always want to stand up here and give out. I want to say nice things.

I had planned on coming in today and wishing the Limerick hurlers the best of luck but then I thought I would wait until tomorrow so as to end on a good note because I am usually the one standing here giving out about something. I had to do it tonight because the Government Senators just ripped this whole motion apart and called on the Government to do nothing. They then contradicted their amendment when they all stood up to give out about different things in rural Ireland, saying that this thing or that thing could be done. It just does not make sense to me. Perhaps, the next time we submit a motion, we might not say it is from us. We might then get some of it through.

Senator Joe Flaherty: On a point of order before we start the vote, as we give schoolchildren no homework when they come in here, if Argentina manage to come back and win can we have tomorrow off?

(Interruptions)

An Cathaoirleach: We will give the Senator Sunday off to watch the final. How about that?
Amendment put:

The Seanad divided: Tá, 21; Níl, 9.	
Tá	Níl
Ahearn, Garret.	Black, Frances.
Boyle, Manus.	Boyhan, Victor.
Byrne, Cathal.	Clonan, Tom.
Byrne, Maria.	Collins, Joanne.
Casey, Pat.	Cosgrove, Nessa.
Comyn, Alison.	McCarthy, Aubrey.

Conway, Martin.	Murphy, Conor.
Costello, Teresa.	Stephenson, Patricia.
Curley, Shane.	Tully, Pauline.
Fitzpatrick, Mary.	
Flaherty, Joe.	
Kelleher, Garret.	
Kennelly, Mike.	
Lynch, Eileen.	
Murphy, P. J.	
Murphy O'Mahony, Margaret.	
O'Loughlin, Fiona.	
O'Reilly, Joe.	
Rabbitte, Anne.	
Ryan, Dee.	
Scahill, Gareth.	

Tellers: Tá, Senators Cathal Byrne and Pat Casey; Níl, s: Tá, Senators Cathal Byrne and Pat Casey.

Amendment declared carried.

Motion, as amended, put and declared carried.

An Cathaoirleach: When is it proposed to sit again?

Senator Garret Ahearn: Tomorrow at 9.30 a.m.

An Cathaoirleach: Is that agreed? Agreed.

Cuireadh an Seanad ar athló ar 9.34 p.m. go dtí 9.30 a.m., Déardaoin, an 16 Iúil 2026.

The Seanad adjourned at 9.34 p.m. until 9.30 a.m. on Thursday, 16 July 2026.