

Information provided by Ireland for the Thirteenth meeting of the Working Group on the Prevention of Corruption

1. Information requested from States parties in relation to promoting the use of information and communications technologies (ICT) for the implementation of the Convention

Use of online platforms for the management and oversight of public procurement to prevent corruption, enhance transparency and ensure competition and objective criteria in decision-making

Public procurement in Ireland takes place within rules set out in EU Directives and national Regulations. To prevent corruption, enhance transparency, and ensure competition and objective criteria in decision-making, both the Directives and Regulations mandate the electronic submission of public procurement tenders. There is a legal obligation to advertise contracts above the EU thresholds in the Official Journal of the European Union ([OJEU](#)). In Ireland, all public contracts above €25,000 excluding VAT, and some below this value, should be published on Ireland's national public procurement portal, www.etenders.gov.ie. Notices published on eTenders are sent to the OJEU automatically. Tender documents are available to registered users for download from the platform. eTenders is free: users are not charged for the use of the platform.

In addition to the electronic submission of public procurement tenders, Member States must use the European Single Procurement Document (ESPD), a standard self-declaration form used in OJEU-level public procurement procedures by contracting authorities and economic operators across the EU. Its purpose is to remove some of the barriers to participation in public procurement, especially for small and medium-sized enterprises (SMEs). The ESPD serves as a 'business passport' for companies bidding for tenders anywhere in the EU. The eESPD consists of an ESPD request that is generated and issued by buyers to which suppliers submit an ESPD response. An eESPD is integrated into the eTenders platform, which supports contracting authorities in specifying the selection and exclusion criteria for a specific contract type. These criteria must align with EU and national public procurement rules. Economic Operators complete their ESPD response as part of their tender submission. This response takes the form of a self-declaration including in relation to conflicts of interest, insolvency, payment of taxes and social security contributions etc. eESPD is integrated with eCertis, a mapping tool provided by the European Commission used to identify national law and compare evidence required in public procurement procedures across the EU.

To further enhance transparency in public procurement, Ireland is working to implement eForms, digital procurement notices relevant to public procurement. Established under Commission Implementing Regulation (EU) 2019/1780 (September 2019), eForms must be implemented in national eProcurement systems for mandatory use from 25 October 2023, with voluntary use allowed from 14 November 2022.

Identifying and analysing risks of corruption

Public procurement in Ireland is governed by EU and national rules. Ireland is also party to the Government Procurement Agreement (GPA). How public sector and certain utility operators purchase goods, works and services procure is set out in three principal EU Directives¹. Central to these are the principles of transparency, equal treatment, open competition, and sound procedural management. In 2016 and 2017, the Directives were transposed into national legislation² and apply to tenders for public contracts whose monetary value exceeds a certain threshold. For tenders of lower value, national rules, which must respect the general principles of EU law, apply.

The [Office of Government Procurement](#) (OGP), an office of the [Department of Public Expenditure and Reform](#), has responsibility for developing and setting out the overarching policy framework for public procurement in Ireland. In this regard, the OGP has designed a National Public Procurement Policy Framework that includes the provision of [Public Procurement Guidelines](#). These directly address integrity in public procurement through the provision of definitions and information in relation to conflict of interest, codes of conduct, the acceptance of gifts or bribes, and collusive tendering. It should be noted that it is the responsibility of each contracting authority to ensure they adhere to the rules set out in the guidelines and in law. In addition to these guidelines, OGP has published guidance on the [roles and responsibilities](#) of procurement officials, including their roles in preventing fraud and corruption. Economic Operators are required to declare an absence of conflicts of interest, with bespoke forms for each category of procurement used to reflect the unique needs of each competition.

Government Departments in Ireland must complete an annual report (signed off by Accounting Officers) in respect of contracts above a €25,000 threshold (exclusive of VAT) which are awarded without a competitive process. These annual reports should be forward to the [Comptroller and Auditor General](#) (C&AG) by the 31 March of the year following that being reported on, with a copy submitted to the Office of Government Procurement at the same time. While OGP have a role with respect to holding copies of the returns received from Departments, the responsibility for analysing and following up on issues that may arise within a given return lies with the C&AG.

Responsibility for enforcing competition and consumer protection law lies with the [Competition and Consumer Protection Agency](#) (CCPC). With regard to public procurement, the CCPC works to prevent bid rigging, cartels and other fraudulent procurement activities, and are considering the use of digital tools for dealing with issues in this regard. They offer training for procurement professionals and operate a confidential whistleblowing service. The CCPC publishes [annual reports](#) detailing their actions taken in a given year to protect competitiveness.

Transparency and accountability in the management of public finances

The Irish system provides for timely reporting on revenue and expenditure, through:

- The publication of estimates of expenditure and receipts on a monthly basis.
- The publication no later than September of each year the audited statement of expenditure of each Government Department, reconciled back to the funds voted for that Department in that year.

The Irish Government operates its own accounting framework and standards in respect of accounting practice. The Government has decided (2019) to adapt this framework, so that it will be aligned with

¹ Directive 2014/24/EU – public procurement (goods, services and works). Directive 2014/25/EU – procurement by entities operating in the water, energy, transport and postal services sectors (utilities). Directive 2014/23/EU – the award of concession contracts

² The Directives were transposed into Irish law in 2016 and 2017 by way of national regulations contained in Statutory Instruments as follows: S.I. 2016/284 (goods, services and works), S.I. 2016/286 (utilities), S.I. 2017/203 (concessions)

the International Public Sector Accounting Standards (IPSAS) and is in the process of working through the implications of these changes.

The Irish Government has published its own guidance on effective risk management for use by all Government Departments. This complements the Corporate Governance Standard for the Civil Service. The Accounting Officer for each Department is required to confirm in the Statement of Internal Financial Control that accompanies the Department's annual account that effective systems are in place for risk management as well as associated processes and controls, such as the operation of an Audit Committee. If such processes are not in place, an explanation must be provided. Such omissions would be considered to be of critical concern, and would likely be scrutinised both within Government and by Parliament (the Oireachtas).

Oversight is exercised through:

- Individual Government Departments where the Accounting Officer for each department is assigned personal responsibility in respect of the appropriation account of the Department, and the Statement of Internal Financial Control;
- the Comptroller and Auditor General, which has authority to audit the accounts of all Government Departments;
- the Department of Public Expenditure and Reform, which has responsibility for the management of the Estimates process for the allocation of public funds to Government Departments;
- the Public Accounts Committee which has specific authority from Parliament to scrutinise the accounts of the individual Departments.

Freedom of Information

Ireland's Freedom of Information Act (FOI) regime gives the public the right to access documents held by up to 600 public service bodies with the aim, inter alia, of delivering open, accountable and ethical government.

eFOI is a ICT solution offered under the Government's 'Build to Share' applications programme to capture, track and respond to FOI requests through a single easy to use system with controlled permissions to ensure users only see what they should. It has a simple, intuitive button-based interface. It has the ability to assign FOI requests for response to multiple individuals or groups and it can also transfer requests to other departments. It can track fees associated with a request and identify when a response was issued. eFOI aims to have the ability to reuse predefined templates to reduce workload when making decisions and communicating with the requester. It also aims to automate reporting and statistics. A review of the FOI legislation is currently ongoing and consideration may be given to how technology could better support transparency measures.

Promotion of Open Data

Open Data refers to the online publication of information from government departments and public sector bodies. Open Data is data that can be freely used, shared and built-on by anyone, anywhere, for any purpose. It can lead to greater transparency and accountability of public bodies, better data discipline providing for greater efficiency and effectiveness of service delivery, more citizen participation as well as job creation.

Significant advances have been made in progressing Ireland's Open Data initiative, with Ireland placed 2nd in the EU Open Data Maturity Survey of 2021. The Open Data Strategy 2017-2022 sets out Ireland's vision for Open Data which is to create an environment where the economic, social and

democratic benefits of Open Data are fully recognised, resourced and realised. Implementation of the Strategy is being progressed under the leadership of the Open Data Governance Board (ODGB). Membership of the ODGB is drawn from business, civil society, academia and media.

The two core objectives of the strategy are:

- publication of high value government data in open format, making it publicly available and freely reusable, and
- engagement with a broader community of stakeholders to promote its social and economic benefits.

The national portal <https://data.gov.ie/> is the repository for Ireland's Open Public Sector Data. The Portal provides online access to over 13,200 datasets in open and accessible formats from 150 public sector bodies. There were 240,000 users of the Open Data Portal in 2021, an increase of 6.5% compared to 2020, which was itself a record-breaking year.

The Open Data Initiative in Ireland was further strengthened following the adoption of the EU Open Data Directive into Irish law on the 22 July 2021 through SI 376/2021. The Directive requires all public sector bodies to make requested data available to the public in open and machine-readable format. An instruction note on the implementation of the Directive, Circular 20/2021, was issued by Government to public bodies.

Two new procurement frameworks have been put in place for 1) Technical Services for Open Data and Data Management and 2) Open Data Training. The services provided will allow public sector bodies to comply with the Open Data Directive to make more government data available and accessible to the public.

To promote public engagement with Open Data, the Open Data Initiative embarks on an annual programme of outreach and engagement, including the national Open Data Conference, which took place on 30 November 2021 with an attendance of over 300 people from across all sectors of society.

2. Information requested from States parties in relation to challenges to and good practices in anti-corruption awareness-raising, education, training and research (article 13, 1 (c))

All members of An Garda Síochána (Ireland's national police service) who investigate fraud attend a yearly fraud course and are trained in various areas such as investigation and interview techniques, courtroom skills, and the cyber environment.

The Garda National Economic Crime Bureau carry out a lot of media and community engagement work throughout the year, highlighting different forms of fraud. For example, each year before Valentine's Day, they issue advice on romance fraud.

The Garda National Economic Crime Bureau also participated in the European Money Mule Action Awareness Day in December 2021.

In relation to fraud, An Garda Síochána are running targeted operations such as:

- SKEIN, which is aimed at invoice redirection fraud;
- KYRTPOS, which is part of ongoing investigations into cyber offending online and the sending of bogus 'smishing' text messages to victims throughout the country, and;

- EGRESS, which is targeting insurance fraud.

The Garda Commissioner also established their internal Anti-Corruption Unit (GACU) last year to tackle corruption and raise awareness within the organisation of what constitutes corrupt practices.

3. Information requested from States parties in relation to achieving the commitments regarding corruption prevention from the UNGASS political declaration

In November 2017, the Irish Government published a suite of regulatory, corporate governance and law enforcement measures – the ‘White-collar crime Package’ – aimed at enhancing Ireland’s ability to combat corporate, economic and regulatory crime. This included a commitment to “review and strengthen anti-corruption and anti-fraud structures in criminal justice enforcement”. To that end, the then Minister for Justice and Equality appointed Mr James Hamilton, former Director of Public Prosecutions and anti-corruption expert, to act as independent chair of a multi-agency Review Group. In addition to representatives from the principal state agencies and regulatory authorities concerned with the investigation and prosecution of corruption offences, the Group included members from outside the public sector.

The so-called Hamilton Review represents the latest package of recommendations for revising legislation to address corruption and economic crime.

An all-of-government implementation plan to progress the recommendations in the Review of Structures and Strategies to Prevent, Investigate and Penalise Economic Crime and Corruption was published in April 2021. The plan sets out 22 actions that focus primarily on legislative, structural and resourcing measures to enhance agency and multi-agency enforcement and prevention capacity in the criminal justice sphere, and will fall to be implemented by a number of Government Departments and State Agencies.

Some of the recommendations contained in the implementation plan are the development of a multi-annual national Strategy to Combat Economic Crime and Corruption, and accompanying Action Plan, and the establishment, on a permanent basis, of a cross-sectoral, partnership-based Advisory Council to advise the Government on strategic and policy responses to all forms of economic crime and corruption, as well as a forum of operational representatives.

The Economic Crime and Corruption Forum was established in June 2021 and has met a number of times. The establishment of the Advisory Council against Economic Crime and Corruption is currently in the final stages. Once the Advisory Council is established, work will begin on developing a multi-annual strategy for combatting economic crime and corruption and the accompanying action plan.

There has been significant progress to implement the recommendations, including to provide greater powers for investigating agencies to tackle economic crime and corruption; the establishment of an Advisory Council against Economic Crime and Corruption; reform of the Ethics Acts; and additional resourcing for enforcement agencies.