

6 August 2026

Case Document No. 2

European Confederation of Police (EuroCOP), the Association of Garda Sergeants and Inspectors (AGSI) and the Garda Representative Association (GRA) v. Ireland
Complaint No. 260/2026

OBSERVATIONS BY THE GOVERNMENT ON ADMISSIBILITY

EUROPEAN COMMITTEE OF SOCIAL RIGHTS

EUROPEAN CONFEDERATION OF POLICE (EUROCOP)

AND

THE ASSOCIATION OF GARDA SERGEANTS AND INSPECTORS

AND

THE GARDA REPRESENTATIVE ASSOCIATION

COMPLAINANTS

V

IRELAND

RESPONDENT

COMPLAINT NO. 260/2026

**WRITTEN OBSERVATIONS OF THE RESPONDENT ON
ADMISSIBILITY**

16 July 2026

Introduction

1. The Complainants identified in the Complaint against Ireland for persistent and aggravated non-compliance with Council of Europe, Committee of Ministers Resolution CM/ResChS(2014)12,¹ and continuing violations of

¹ Council of Europe Committee of Ministers, Resolution CM/ResChS(2014)12 European Confederation of Police (EuroCOP) v. Ireland, Complaint No. 83/2012 (Adopted by the Committee of Ministers on 8 October 2014 at the 1209th meeting of the Ministers' Deputies)

Articles 5, 6§2 and 6§4 of the European Social Charter (Revised), registered on 13 May 2026, are the European Confederation of Police (“**EuroCOP**”), the Association of Garda Sergeants and Inspectors (“**AGSI**”), and the Garda Representative Association (“**GRA**”) (the “**Complainants**”).

2. As apparent from the title, the Complainants have launched a collective complaint (the “**Complaint**”) against Ireland (the “**Respondent**”) with respect to the application of Articles 5, 6§2, and 6§4 of the Revised European Social Charter (the “**Charter**”) to the Respondent’s national police and security service, An Garda Síochána (also known as the “**Gardaí**”).
3. The Complaint is closely related to a previous Complaint brought by EuroCOP as against the Respondent; Complaint No. 83/2012, *European Confederation of Police (EuroCOP) v Ireland*, where EuroCOP asserted that:
 - i. There was non-compliance with Article 5 of the Charter insofar as associations representing members of different ranks within the police service (the “**Representative Associations**”), and in particular the AGSI, were not entitled to affiliate with a national umbrella organisation, namely the Irish Congress of Trade Unions (“**ICTU**”);
 - ii. There was non-compliance with Articles 6 and 21 of the Charter insofar as the Representative Associations allegedly did not have access to fair pay agreement discussions;
 - iii. There was non-compliance with Article 6 of the Charter insofar as the Representative Associations allegedly did not have access to the Labour Court² of the Respondent; and

² The Labour Court is an independent industrial relations tribunal in Ireland.

- iv. There was non-compliance with Article 6§4 of the Charter insofar as the Gardaí did not enjoy a right to collective action.
- 4. In respect of that complaint, the European Committee of Social Rights (the “**Committee**”) concluded in a decision published on 17 May 2014:
 - i. That there was a violation of Article 5 of the Charter on grounds of the prohibition against police Representative Associations from joining national employees’ organisations, having the factual effect of depriving them the ability to negotiate on pay, pensions and service conditions while represented by national organisations;
 - ii. That there had been a violation of Article 6§2 of the Charter on grounds that the police Representative Associations were not provided with a means to effectively represent their members in all matters concerning their material and moral interests; and
 - iii. That there was a violation of Article 6§4 of the Charter on grounds that the domestic legislation amounted to a complete prohibition of the right to strike as far as the police is concerned.
- 5. Under the follow-up framework, the Committee subsequently examined the follow-up given to the decision on that complaint, and concluded in its “*Follow-Up to Decisions on the Merits of Collective Complaints - Findings 2021*”, that the situation in Ireland had been brought into conformity with Article 5 and Article 6§2 of the Charter, and consequently, the follow-up was terminated in that respect.
- 6. Accordingly, it has already been considered by the Committee, as outlined in the 2021 Findings, that:

- i. As regards the violation of Article 5 of the Charter, “*the situation is now compatible with Article 5 of the Charter*”. Specifically, the Industrial Relations (Amendment) Act 2019 which entered into force on 1 February 2020 in Ireland, provides that An Garda Síochána members have, from that date, access through their Representative Associations to the services of the Workplace Relations Commission (“**WRC**”) and the Labour Court to facilitate resolution of collective matters and to assist in resolving any industrial relations disputes that might arise.
 - ii. In parallel, internal Garda dispute resolution mechanisms have been implemented, which support ongoing engagement between Garda management, and the Garda representative bodies,
 - iii. Representative bodies continue to have full and equal access to national public service pay negotiations.
 - iv. As regards the violation of Article 6§2, in light of the implementation of the legislation and the fact that Garda associations can take part in national public service pay negotiations and also access the WRC and Labour Court, the Committee considered that the situation had been remedied in this respect.
7. As regards the violation of Article 6§4, the Respondent has reported to the Committee on the implementation of the Charter, and Article 6§4, as recently as 29 December 2025 (See the *21st National Report on the implementation of the European Social Charter*, submitted by the Government of Ireland, in respect of Articles 2, 3, 4, 5, 6 and 20, registered on 30 December 2025).
8. It is outlined within this 2025 Report, that the recently enacted Policing, Security and Community Safety Act 2024 (the “**2024 Act**”) , provides that

Garda staff and Garda members are integral parts of one unified organisation called An Garda Síochána and that within this structure Garda staff continue to have a protected right to collective action, representation by union bodies and can take strike action.

9. As regards the specific right to strike, it is noteworthy that, as explained by Ireland in the 2025 Report, domestic legislation in Ireland does not extend to the granting of, or the abolition of, a right to strike to *any* workers or groups of workers. Moreover, An Garda Síochána is a unitary police and security service, and the only police service in Ireland, and as such, is in a unique position to the extent that the withdrawal of labour in any strike action is likely to impact on policing, the security of the State and the maintenance of public authority.
10. The Respondent has recognised that this places a particular obligation to ensure that the dispute resolution processes in place for An Garda Síochána are robust and effective, and that the members of An Garda Síochána are not disadvantaged. Accordingly, and following the findings of the Committee in respect of Complaint No.83/2012, the Respondent agreed and implemented changes to the internal Garda dispute resolution mechanisms. These changes are the subject of a formal agreement on Dispute Resolutions Processes (“**DRP**”) reached between Garda management and the Garda Representative Associations, with the assistance of the Workplace Relations Commission (“**WRC**”). The **DRP** procedures allow for the resolution of collective disputes and support ongoing engagement between Garda management and the Representative Associations on relevant industrial relations issues.
11. In implementing the new internal dispute resolution mechanisms in An Garda Síochána, every effort has been made to identify and agree processes that are designed to eliminate the need to have recourse to

industrial action or in the alternative, to reduce the impact of any industrial action on the most essential public services provided by the Gardaí.

12. Furthermore, An Garda Síochána members, through their Representative Associations, have full access and representation to national pay talks alongside other trade unions. These talks are facilitated by the WRC and are led by the Department of Public Expenditure, Infrastructure, Public Sector Reform and Digitalisation, with input from other relevant Government Departments as required. The Garda Associations have been fully included since 2017 in the collective bargaining processes, agreeing the Public Service Stability (Lansdowne Road) Agreement from 2018 to 2020 and every national pay agreement since including the most recent Public Sector Pay Agreement 2024 – 2026.

The Present Complaint

13. The Complainants assert in the present Complaint that the Respondent remains in non-compliance with the findings of the Committee and with Resolution CM/ResChS (2014)12, adopted by the Committee of Ministers following Complaint No. 83/2012.
14. The Complainants submit that the Respondent remains in violation of Articles 5, 6§2, 6§4 of the Charter and further assert that they will rely on Article 28 of the Charter of Fundamental Rights of the European Union, Principle 8 of the European Pillar of Social Rights, and Directive (EU) 2022/2041 on adequate minimum wages.
15. However, apart from a number of bald assertions in the Complaint there is an abject failure to articulate the precise grounds for the Complaint.
16. Rather, the Complainants point to what are described as “*aggravating factors since the 2014 Resolution*”, namely provisions of the 2024 Act, the

Policing, Security and Community Safety Act 2024 (Section 257)(Conduct) Regulations 2025, the Policing, Security and Community Safety Act 2024 (Section 256)(Performance) Regulations 2025, and the Policing, Security and Community Safety Act 2024 (Standards of Professional Behaviour) Regulations 2025 (the “**2025 Regulations**”), which the Complainants assert introduced new disciplinary structures that “*significantly reduce procedural protections available to Garda members.*” There is no explanation as to how the provisions of the 2024 Act or the 2025 Regulations, could, in any way, impact on the rights enshrined in Articles 5, 6§2 and/or 6§4 of the Charter.

17. Without prejudice to this assertion, the Respondent refutes the entirety of the allegations contained in the Complaint and reserves the right to furnish detailed submissions on the merits of the Complaint, if same is deemed admissible by the Committee.

Preliminary Objections to the Admissibility of the Complaint

18. The Respondent is raising the following preliminary objections to the admissibility of this Complaint.

(i) Signatures

19. Article 1 of the “*Additional Protocol to the European Social Charter Providing for a System of Collective Complaints*” (the “**Additional Protocol**”) provides that the Contracting Parties to the Protocol recognise the right of the following organisations to submit complaints alleging unsatisfactory application of the Charter:

a) international organisations of employers and trade unions referred to in paragraph 2 of Article 27 of the Charter;

b) other international non-governmental organisations which have consultative status with the Council of Europe and have been put on a list established for this purpose by the Governmental Committee;

c) representative national organisations of employers and trade unions within the jurisdiction of the Contracting Party against which they have lodged a complaint.

20. Rule 23(2) of the Committee's Rules of procedure provides that "*Complaints shall be signed by the person(s) with the competence to represent the complainant organisation*".
21. A complainant organisation must prove that the signatory has been duly empowered to submit a complaint, otherwise the complaint will be inadmissible (see *Frente Comum de Sindicatos da Administração Pública v. Portugal*, Complaint No. 36/2006, decision on admissibility of 5 December 2006, §4).
22. Furthermore, where a complaint is submitted on behalf of several organisations, the signatory must be officially authorised by each of the organisations (see *SUD Travail Affaires Sociales, SUD ANPE and SUD Collectivité Territoriales v France*, Collective Complaint No. 24/2004 §3 and §7, and *Transgender Europe and ILGA-Europe v Czech Republic*, Complaint No. 117/2015, decision on admissibility of 9 September 2015, §8).
23. This Complaint appears on its face to have been submitted by EuroCOP, the AGSI and the GRA. The Complaint was signed by Nigel Dennis, Head of Office, EuroCOP, but no signature has been provided by or on behalf of the other complainants, the AGSI and GRA.

24. It is not therefore clear from the Complaint whether EuroCOP is purporting to represent the AGSI and GRA (as an international non-governmental organisation that has consultative status within the Council of Europe, and particular competence within the meaning of Article 3 of the Additional Protocol on the subject matter of the Complaint), or if the AGSI and GRA are submitting that they are national trade union or national employers' organisations, within the meaning of the collective complaints procedure, that have a right to submit the Complaint in their own right.
25. In addition, EuroCOP has not established that this signatory is duly empowered to submit the present Complaint on behalf of EuroCOP, or that this specific signatory is officially authorised, or has been mandated to represent, the AGSI and GRA, if that is what is being asserted.
26. Accordingly, it is respectfully submitted that this Complaint is inadmissible insofar as it has not been established if the author of the Complaint is authorised to act on behalf of EuroCOP or has been mandated to represent the AGSI and GRA.

(ii) Lack of Particularisation of the Alleged Non-Compliance with the Charter

27. Article 4 of the Additional Protocol provides as follows: “[T]he complaint shall be lodged in writing, relate to a provision of the Charter accepted by the Contracting Party concerned and indicate in what respect the latter has not ensured the satisfactory application of this provision.” (Emphasis added)
28. The Complaint is not adequately particularised, and the precise grounds for the Complaint are not properly articulated, in the following circumstances:

- i. The Complainants assert that the Respondent has “*failed to implement meaningful corrective measures*” and that “*the deficiencies identified in 2014 continue to exist in both law and practice*” but have failed to adequately identify the precise deficiencies they allege, or how “*Ireland’s framework renders collective rights illusory in practice for members of An Garda Síochána.*” As such, the Complaint includes blanket accusations without connecting those accusations to concrete legal or practical deficiencies.
- ii. The Complainants have failed to address the fact that the Committee has already determined that the situation in Ireland had been brought into conformity with Article 5 and Article 6§2, and/or to adequately particularise the manner in which it is alleged that the Respondent’s statements or report on the implementation of the Charter dated 29 December 2025, are “*inaccurate*” or “*misleading*”.
- iii. It is submitted that the “*aggravating factors*” identified in Part IV of the Complaint are wholly disconnected from the right to organise and the right to bargain collectively, as enshrined in Articles 5 and 6 of the Charter. The Respondent acknowledges the position adopted by the Committee to the effect that a submission that a complaint falls outside the scope of a provision of the Charter is to be considered when dealing with the merits of a complaint (see *Quaker Council for European Affairs v Greece*, Collective Complaint No. 8/2000 and *European Roma Rights Centre (ERRC) v Bulgaria*, Collective Complaint No. 31/2005). However, the Complaint here at issue does not sufficiently explain how the disciplinary reforms identified, engage with or are connected to, the substantive complaint that

the Respondent remains in violation of Articles 5, 6§2, 6§4 of the Charter. In fact, there has been a failure to advance even a *prima facie* argument as to *how* national laws or policy or domestic practice fail to align with the identified provisions of the Charter.

29. In the above circumstances, it is respectfully submitted that the Complainants should not be regarded as having properly identified the alleged non-compliance with the Charter, within the meaning of Article 4 of the Additional Protocol, and that as a result, the Complaint should be regarded as inadmissible in its entirety.

Conclusion

30. For the reasons identified above, the Respondent respectfully submits that the Committee should declare the Complaint inadmissible.