



An Bille Eadrána (Leasú), 2025
Arbitration (Amendment) Bill 2025

Mar a tionscnaíodh

As initiated



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ACT REFERRED TO

Arbitration Act 2010 (No. 1)



**AN BILLE EADRÁNA (LEASÚ), 2025
ARBITRATION (AMENDMENT) BILL 2025**

Bill

entitled

An Act to amend the Arbitration Act 2010 to enable effect to be given in the State to certain international agreements concerned with the protection of investment; and to provide for related matters. 5

Be it enacted by the Oireachtas as follows:

Definition

1. In this Act, “Principal Act” means the Arbitration Act 2010. 10

Amendment of section 9 of Principal Act

2. Section 9 of the Principal Act is amended, in subsection (2)(b), by the substitution of “section 10, 23, 25 or 25A,” for “sections 10, 23 or 25.”

Amendment of section 23 of Principal Act

3. Section 23 of the Principal Act is amended, in subsection (1), by the substitution of “(other than an award within the meaning of section 25 or an award made pursuant to an international agreement to which section 25A applies)” for “(other than an award within the meaning of section 25)”. 15

Enforcement of awards made pursuant to certain international agreements

4. The Principal Act is amended by the insertion of the following section after section 25: 20

“25A. (1) This section applies to—

(a) the Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part¹,

(b) the Advanced Framework Agreement between the European Union and its Member States, of the one part, and the Republic of Chile, of the other part², and 25

¹ OJ No. L 11, 14.1.2017, p. 23

² OJ L 2024/1759, 30.7.2024

- (c) an international agreement prescribed by order under subsection (5).
- (2) Where—
- (a) an award is made pursuant to an international agreement to which this section applies, and 5
- (b) the international agreement provides, in accordance with its terms, for the enforcement of the award in the State,
the award—
- (i) shall, subject to subsection (3), be enforceable in the State by leave of the High Court in the same manner as a judgment or order of that Court with the same effect and, where leave is given, judgment may be entered in terms of the award, and 10
- (ii) shall not be enforced in the State other than under this section.
- (3) For the avoidance of doubt, it is hereby declared that an award made by a body empowered to make awards pursuant to an international agreement to which this section applies is not, and never was, enforceable in the State if enforcing the award would compromise— 15
- (a) the constitutional order of the State, or
- (b) the autonomy of the legal order of the European Union.
- (4) There shall be no appeal from any determination by the High Court in relation to an application to enforce an award pursuant to subsection (2), other than to the Supreme Court under Article 34.5.4° of the Constitution. 20
- (5) The Minister for Foreign Affairs and Trade may, after consultation with the Minister, by order prescribe an international agreement as an agreement to which this section applies where— 25
- (a) the State is, or intends to become, a party to the agreement,
- (b) the agreement is wholly or partly concerned with the protection of investment, and
- (c) the agreement provides for the making of awards pursuant to its investment dispute resolution provisions. 30
- (6) Every order made by the Minister for Foreign Affairs and Trade under subsection (5) shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.”. 35

Short title and commencement

5. (1) This Act may be cited as the Arbitration (Amendment) Act 2025.
- (2) This Act shall come into operation on such day or days as the Minister for Foreign Affairs and Trade may, after consultation with the Minister for Justice, Home Affairs and Migration, by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions. 5

An Bille Eadrána (Leasú), 2025

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú an Achta Eadrána, 2010 chun a chumasú éifeacht a thabhairt sa Stát do chomhaontuithe idirnáisiúnta áirithe a bhaineann le hinfheistíocht a chosaint; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An tAire Gnóthaí Eachtracha agus Trádála a thíolaic,

1 Nollaig, 2025

Arbitration (Amendment) Bill 2025

BILL

(as initiated)

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An Act to amend the Arbitration Act 2010 to enable effect to be given in the State to certain international agreements concerned with the protection of investment; and to provide for related matters.

Presented by the Minister for Foreign Affairs and Trade,

1st December, 2025

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nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
MOUNTSHANNON ROAD, KILMAINHAM,
DUBLIN, D08 XAO6.
Tel: 046 942 3100
Email: publications@opw.ie
or through any bookseller.

€1.27

