



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

Meabhrán Miniúcháin
Explanatory Memorandum



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

EXPLANATORY MEMORANDUM

Purpose of Bill

The purpose of the Bill is 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.

Main Provisions of Bill

Section 1 is a standard provision that defines “Principal Act” as meaning the Arbitration Act 2010.

Sections 2 and *3* are technical clauses setting out consequential amendments to sections 9 and 23 of the Arbitration Act 2010.

Section 4 amends the 2010 Arbitration Act to insert a new section 25A which includes six subsections:

Subsection 1 applies the section to the Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part, and the Advanced Framework Agreement between the European Union and its Member States, of the one part, and the Republic of Chile, of the other part, and to international agreements prescribed by order under subsection 5;

Subsection 2 provides that awards made pursuant to an international agreement to which the section applies will be enforceable in Ireland by leave of the High Court in the same manner as a judgment or order of the High Court and that such an award may only be enforced under section 25A;

Subsection 3 provides that such an award is not enforceable in the State if enforcing the award would compromise the constitutional order of the State, or the autonomy of the legal order of the European Union;

Subsection 4 provides there is no appeal from the High Court to the Court of Appeal on the determination of an application for enforcement, but that an appeal to the Supreme Court may be made if the Supreme Court accepts the appeal in accordance with Article 34.5.4^o of the Constitution;

Subsection 5 empowers the Minister for Foreign Affairs and Trade, after consultation with the Minister for Justice, Home Affairs, and Migration, to prescribe by Order certain international agreements concerned with the protection of investment as ones to which section 25A will apply;

Subsection 6 specifies that every order made pursuant to subsection 5 shall be laid before both Houses of the Oireachtas and may be annulled within 21 days.

Section 5 is a standard provision specifying the short title and commencement of the Bill.

*An Roinn Gnothai Eachtracha agus Trádála,
Nollaig, 2025.*

