

GOVERNING LAW AND JURISDICTION

WHY IRELAND?



COMMON LAW JURISDICTION

Ireland follows the common law system, which promotes legal certainty through the doctrine of precedent. This helps businesses benefit from well-established case law, reducing ambiguity.

ENGLISH SPEAKING

Ireland is an English-speaking jurisdiction, offering ease of communication for global businesses and a familiar legal framework.

EU MEMBERSHIP

As an EU member state, Ireland benefits from seamless access to EU markets. The law of the EU takes precedence over national law, ensuring alignment with European regulations and allowing for direct enforcement across the Union.

ENFORCEABILITY OF DECISIONS

Irish court decisions are automatically recognised and enforceable across the EU under the EU regime, with limited exceptions. Ireland is also a party to key international treaties like the Lugano and Hague Conventions, further facilitating the cross-border enforceability of judgments.

TECHNOLOGY & INNOVATION

Ireland is focused on advancing court technology, with significant investments in e-filing, video conferencing, and hybrid hearings. The Court Service's ten-year modernisation plan ensures the legal system remains cutting-edge and business friendly. There has been an expansion of video technology enabled Court rooms, with certain court lists now operating on a fully remote basis.

COURT JURISDICTION

- High Court (claims over €75,000)
- Circuit Court (claims below €75,000)
- District Court (claims below €15,000)

COSTS

Ireland offers a competitive cost regime compared to other common law jurisdictions, such as the UK, and the US. The principle of 'costs follow the event' helps businesses recover legal fees, reducing financial risk. In default of agreement between parties, legal costs are assessed by adjudication.

SPECIALISED COURTS

Ireland offers specialised courts, including the Commercial Court (a division of the High Court) which handles high-value and complex cases quickly and efficiently. Its strict case management processes and specialised judges result in reduced timelines, making it ideal for businesses seeking swift resolution. Other specialist lists of the High Court include the Intellectual Property and Technology List and the Planning and Environment List.

THE COMMERCIAL COURT

The Commercial Court is renowned for its strict procedures and rapid resolution of cases, offering businesses a streamlined process with expert judges. Typical timeframe of 12-18 months to hearing, and over 59% of cases are resolved within a year.

APPEALS

- COURT OF APPEAL (first right of appeal after the High Court – appeal typically heard within 3-5 months). Weekly directions list (attended physically and remotely) enables effective case management of new appeals.
- SUPREME COURT (only for matters of major public importance or involving the interests of justice). Application for leave to appeal usually processed in 5 weeks. If granted, matter typically listed within 16 weeks. As soon as matter is ready for hearing, it is assigned a hearing date.

ALTERNATIVE DISPUTE RESOLUTION

Ireland is a preferred destination for ADR, particularly arbitration and mediation. Confidential and cost-effective, ADR methods provide businesses with efficient dispute resolution without lengthy court processes. Irish courts are experienced and efficient in taking measures supportive of ADR.

- ARBITRATION – most frequently employed in Ireland for construction, insurance, financial and property disputes. Governed by the Arbitration Act 2010 which applies the UNCITRAL Model Law. Ireland is also a New York Convention signatory. Confidential hearings and finality of decisions. Pool of experienced arbitrators and top-class facilities.
- MEDIATION – High success rates – on average 75-80%. Excellent and experienced pool of mediators available. Statutory recognition by the Mediation Act 2017. Voluntary process by agreement but potential adverse cost orders if refused (courts have ability to suspend for mediation even after litigation commences), speedy & cost effective, private & confidential with flexibility. Process can be managed to suit the parties' needs.
- Other forms of ADR are also available such as adjudication and conciliation.

INDUSTRIES & SECTORS

Ireland is home to a thriving legal environment serving key industries such as **pharmaceuticals**, **life sciences**, **financial services**, and **technology**. Resulting in Ireland's legal professionals, experts and judges being highly experienced in complex, industry specific disputes.

INSOLVENCY & RESTRUCTURING

Ireland's creditor-friendly restructuring and insolvency regime offers flexible and efficient processes, making it an attractive jurisdiction for businesses seeking to restructure or resolve financial difficulties. Restructuring processes available include Examinership and the Small Company Administrative Rescue Process ("SCARP").

FUTURE INVESTMENT

Ireland's ongoing investment in its court system, including digital infrastructure and a growing judiciary, demonstrates its commitment to maintaining a world-class legal system that continues to evolve with business.

KEY FACTS

Ireland's robust legal system, commitment to modernisation, and competitive cost structure make it an attractive jurisdiction for businesses who seek legal certainty, efficiency, and expertise. Whether through its advanced court system or ADR mechanisms, Ireland offers a business-friendly legal environment ideally suited for both domestic and international contracts.



An Roinn Dlí agus Cirt
Department of Justice

