

An Roinn Fiontar Poiblí,  
Sráid Chliara,  
Baile Átha Cliath 2.



Department of Public Enterprise,  
Clare Street,  
Dublin 2.

Mr. Vaclav Vesely,  
Energy Charter Secretariat,  
Boulevard de la Woluwe 56,  
B-1200 Brussels,  
Belgium.

<b>ENERGY CHARTER SECRETARIAT</b>
Date: 28/04/99
Reg No: 13544
For Info SE/DC/EA/DB/LA/FF

1 1  
JJ Ancr.

26 April, 1999.


Dear Mr Vesely,

As you are aware Ireland has deposited its instrument of Ratification of the Energy Charter Treaty and the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects in the Ministry of Foreign Affairs, Lisbon, on 15th April 1999.

In accordance with Article 26 (3) (ii) of the Treaty, I hereby attach a Statement of Law in this matter.

The delay in furnishing this Statement is very much regretted.

Yours sincerely,

  
Martin Diskin  
Sustainable Energy Division

## STATEMENT OF LAW

The Washington and New York Conventions are part of the domestic law of Ireland pursuant to the Arbitration Act, 1980.

Under Irish law, parties to a contract may agree by way of an arbitration agreement to submit a dispute, which would otherwise be dealt with by the courts, to arbitration. Where a party to an arbitration agreement commences court proceedings in relation to a matter covered by that agreement, any other party to the proceedings - the defendant or a third party - may seek an order from the court staying the proceedings (section 5 of the Arbitration Act, 1980). The order staying the court proceedings allows the dispute to be referred to arbitration. Such an application to stay the court proceedings must be brought by that other party before taking any substantive step in the proceedings, i.e. any step other than entering an appearance. The party who commenced proceedings may not afterwards rely on the arbitration agreement to stay the court proceedings.

Where a party to an arbitration agreement commences court proceedings and the other party answers those court proceedings without seeking an order staying them such as described above (section 50 of the Arbitration Act, 1980), the court will have seisin of the dispute and the issue cannot then be referred to arbitration.

The parties may only submit a dispute to arbitration after final judgment by a court if they agree to set aside or not enforce that judgment and to start afresh by way of arbitration.