



STATUTORY INSTRUMENTS.

S.I. No. 659 of 2025

CHOICE OF COURT (HAGUE CONVENTION) ACT 2015 (SECTION 2)
(AMENDMENT) ORDER 2025

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I, JIM O'CALLAGHAN, Minister for Justice, Home Affairs and Migration, in exercise of the powers conferred on me by section 2 (1) of the Choice of Court (Hague Convention) Act 2015 (No. 38 of 2015) (as adapted by the Justice (Alteration of Name of Department and Title of Minister) Order (S.I. No. 242 of 2025)), hereby order as follows:

1. This Order may be cited as the Choice of Court (Hague Convention) Act 2015 (Section 2) (Amendment) Order 2025.

2. In this Order, "Order of 2022" means the Choice of Court (Hague Convention) Act 2015 (Section 2) Order 2022 (S.I. No. 238 of 2022).

3. Article 2 of the Order of 2022 is amended —

- (a) in paragraph (c), by the substitution of "Convention," for "Convention, and", and
- (b) by the insertion of the following subparagraphs after subparagraph (c):

“(ca) a declaration (the text of which in the English language is set out in Schedule 3A) has been made to the Ministry of Foreign Affairs of the Kingdom of the Netherlands, by the Republic of Moldova, pursuant to Article 21 of the Convention,

(cb) a declaration (the text of which in the English language is set out in Schedule 3B) has been made to the Ministry of Foreign Affairs of the Kingdom of the Netherlands, by Switzerland, pursuant to Article 22 of the Convention, and”.

4. Schedule 1 to the Order of 2022 is amended —

- (a) by the insertion of "Albania" before "Austria",
- (b) by the insertion of "Bahrain" after "Austria",
- (c) by the insertion of "North Macedonia" after "Netherlands",
- (d) by the insertion of "Republic of Moldova" after "Portugal", and
- (e) by the insertion after "Sweden" of —
 - (i) "Switzerland", and
 - (ii) "Ukraine".

5. The Order of 2022 is amended by the insertion of the following Schedules after “SCHEDULE 3” —

“SCHEDULE 3A

1. Republic of Moldova declares, in accordance with Article 21 of the Convention, that it will not apply the Convention to insurance contracts, except as provided for in paragraph 2 below.
2. The Republic of Moldova will apply the Convention to insurance contracts in the following cases:

1. where the contract is a reinsurance contract;
2. where the choice of court agreement is entered into after the dispute has arisen;
3. where, without prejudice to Article 1 (2) of the Convention, the choice of court agreement is concluded between a policyholder and an insurer, both of whom are, at the time of the conclusion of the contract of insurance, domiciled or habitually resident in the same Contracting State, and that agreement has the effect of conferring jurisdiction on the courts of that State, even if the harmful event were to occur abroad, provided that such an agreement is not contrary to the law of that State;
4. where the choice of court agreement relates to a contract of insurance which covers one or more of the following risks considered to be large risks:
 - a) any loss or damage arising from perils which relate to their use for commercial purposes, of, or to:
 - seagoing ships, installations situated offshore or on the high seas or river, canal and lake vessels;
 - aircraft;
 - railway rolling stock;
 - b) any loss of or damage to goods in transit or baggage other than passengers' baggage, irrespective of the form of transport;
 - c) any liability, other than for bodily injury to passengers or loss of or damage to their baggage, arising out of the use or operation of:
 - ships, installations or vessels as referred to in point a), first subpoint;
 - aircraft, in so far as the law of the Contracting State in which such aircraft are registered does not prohibit choice of court agreements regarding the insurance of such risks;
 - railway rolling stock;
 - d) any liability, other than for bodily injury to passengers or loss of or damage to their baggage, for loss or damage caused by goods in transit or baggage as referred to in point b);

- e) any financial loss connected with the use or operation of ships, installations, vessels, aircraft or railway rolling stock as referred to in point a), in particular loss of freight or charter-hire;
- f) any risk or interest connected with any of the risks referred to in points a) to e);
- g) any credit risk or suretyship risk where the policy holder is engaged professionally in an industrial or commercial activity or in one of the liberal professions and the risk relates to such activity;
- h) any other risks where the policy holder carries on a business of a size which exceeds the limits of at least two of the following criteria:
 - a balance-sheet total of EUR 6 200 000;
 - a net turnover of EUR 12 800 000;
 - an average number of 250 employees during the financial year.

SCHEDULE 3B

In accordance with Article 22, paragraph 1, Switzerland declares that its courts will recognise and enforce judgments given by courts of other Contracting States designated in a choice of court agreement concluded by two or more parties that meets the requirements of Article 3, paragraph c), and designates, for the purpose of deciding disputes which have arisen or may arise in connection with a particular legal relationship, a court or courts of one or more Contracting States (a non-exclusive choice of court agreement).”.



GIVEN under my Official Seal,
18 December, 2025.

JIM O'CALLAGHAN,
Minister for Justice, Home Affairs and Migration.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

This Order amends the Choice of Court (Hague Convention) Act 2015 (Section 2) Order 2022 to update the list of states which are bound by the Hague Convention of 30 June 2005 on Choice of Court Agreements and includes the text of Declarations, Reservations and Specifications made pursuant to the Convention.

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