# Certainty, Not Access: What Full CETA Ratification Would Mean for Canada–Ireland Business

*Megan Kyle · 24 October 2026*

*This brief is written ahead of the High Court hearing that opens on 27 October 2026 and will shape when Ireland ratifies CETA. It sets out what full ratification would mean for both countries: for Canadian firms trading with and investing in Ireland, and for Irish firms doing the same in Canada.*

*An accompanying interactive Tableau Public dashboard lets readers explore the Canada–Ireland trade data behind this brief.*

## Key points

- CETA's trade provisions have applied provisionally since September 2017, so tariff-free access does not depend on the court case. Ratification decides whether that access rests on a permanent footing, and whether investors gain treaty protection.
- Ratification now has a target date. Borderlex reported on October 22 that Ireland's Trade Minister, Helen McEntee, said Ireland aims to ratify by the end of 2026, subject to a High Court ruling expected the following week.
- For Canadian firms, the prize is investment protection. Canada and Ireland have no bilateral investment treaty in force, so CETA's Investment Court System would give Canadian investors in Ireland a treaty-based route they do not currently have.
- Canada's goods exports to Ireland doubled between 2016 and 2025, led by corn and aircraft engines. Two-thirds of Ireland's exports to Canada are life sciences. Neither flow needs ratification to continue.

## The benchmark: what governments and businesses have asked for

On 13 June 2026 in Dublin, Prime Minister Carney and Taoiseach Martin called for "predictable, rules-based trade grounded in international law" and "welcomed Ireland's progress towards ratification" of CETA. They cited Ireland as the "8th largest investor in Canada" and Canada as the "14th largest investor in Ireland", with Canadian companies employing 26,000 people in Ireland and Irish companies over 30,000 in Canada.

On 22 October in Dublin, celebrating the tenth anniversary of CETA's signing, Canada's Minister of International Trade, Maninder Sidhu, met Helen McEntee, Ireland's Minister for Foreign Affairs and Trade. McEntee said Ireland aims to ratify by year end. According to Global Affairs Canada's readout, Sidhu emphasized that Ireland's ratification would send a strong signal of

shared commitment to rules-based trade. Borderlex quoted Sidhu as saying: “Every step towards all 27 locks in certainty for workers and businesses on both sides of the Atlantic.” The readout calls Ireland the fifth-largest destination in Europe for Canadian direct investment and names security as a strategic sector. He added that Ottawa was considering help for small businesses to attend European trade shows.

On 30 June, the Ireland Canada Business Association (ICBA) called for “full ratification of the EU-Canada trade agreement CETA; a concerted push to attract Canadian investment into Ireland’s innovation sectors; deeper collaboration in AI, life sciences and clean technology; improved direct air connectivity between the two countries; and more structured support for Irish companies entering the Canadian market.”

This brief tests these priorities against the trade data and asks which depend on ratification.

## Where ratification stands

CETA is a “mixed” agreement. Under Council Decision (EU) 2017/38, only Articles 8.1–8.8, 8.13, 8.15 and 8.16 of the investment chapter apply provisionally, and only to foreign direct investment. The investment protection standards and the Investment Court System take effect only when CETA fully enters into force, which requires ratification by every member state. Eighteen of 27 have ratified. Ireland is one of nine yet to do so, alongside Belgium, Bulgaria, Cyprus, France, Greece, Hungary, Italy and Poland.

In *Costello v Government of Ireland* (2022), the Supreme Court held by 4–3 that Ireland could not ratify CETA as Irish law then stood, because CETA Tribunal awards would be binding and enforceable in Irish law. By 6–1, it held that amending the Arbitration Act 2010 along the lines set out by Hogan J. would allow ratification without breaching the Constitution.

The Arbitration (Amendment) Act 2026, signed on 17 June, takes that route. Its new section 25A makes awards under CETA enforceable only “by leave of the High Court”, and an award “is not, and never was, enforceable” where enforcement would compromise the State’s constitutional order or the autonomy of the EU legal order. No commencement order has been found.

Ratification still needs a separate Dáil vote, and McEntee says Ireland aims to ratify by the end of 2026. MEP Lynn Boylan is seeking a High Court injunction to block the Act. Borderlex reported on 22 October that a ruling was expected the following week, alongside the Canada–EU Summit in Montréal on 29–30 October. The end-of-year target depends on that ruling.

## Certainty, not access

For a Canadian exporter, little changes on the day of ratification, because trade between Canada and Ireland is mainly tariff-free. Critics, including the challenger in *Costello*, argue that tribunal awards could deter Irish law-making, a “regulatory chill”. Supporters answer that provisional application is not permanent: the Council applied CETA “pending the completion of the procedures for its conclusion”, and either side may end it by written notice (Article 30.7.3(c)). Both sides accept the same facts; they differ on what certainty is worth.

The difference is sharpest for investment. Today a Canadian firm in Ireland relies on Irish courts and EU law, which businesses rate highly. As one Canadian firm told the Conference Board of Canada for its 2025 report *Beyond Barriers*: "You need to believe that the rule of law will be upheld." Ratification would add fair and equitable treatment and compensation at fair market value for any expropriation (Articles 8.10 and 8.12). It would also give a way to enforce these and the non-discrimination rules already applied: claims before a permanent tribunal with an appeal tribunal, open hearings, and damages capped at actual loss (Articles 8.27–8.41). It is a last resort, since claimants must first consult, wait 180 days and drop parallel court actions (Articles 8.19 and 8.22). The protection runs both ways, covering Irish firms in Canada too.

Ireland's Act adds one qualification. CETA requires awards to be honoured "without delay" (Article 8.41.2) but leaves execution to local law (Article 8.41.4). Section 25A uses that space to reserve a constitutional override. In *Costello*, Charleton J., the lone dissenter on this point, warned that such an amendment would contradict CETA and could be overridden by EU law; the other six judges accepted the route. Ratification would bring certainty closer but would not complete it.

## What the trade data shows

On Canada's figures (UN Comtrade), two-way goods trade rose from US$1.8bn in 2016 to US$4.3bn in 2025, an increase of about 135%. That sits close to Global Affairs Canada's figure of bilateral merchandise trade "up nearly 150%" since CETA's introduction. Canada's exports to Ireland doubled to US$772m, and Ireland's exports to Canada rose 142% to US$3.5bn. Ireland's own statistics record more imports from Canada (US$1.8bn in 2025); this brief uses Canada's figures and does not explain the gap.

Three sectors stand out in the data, and each meets a stated priority.

**Agri-Food (Driven by HS 1005: Corn/Maize)**. Canadian agri-food exports to Ireland rose from US$35m in 2016 to US$287m in 2025, 37% of the total. Corn alone was worth US$224m. The June leaders' statement committed to an agri-food investment partnership. Ratification changes no tariffs here; its value is protection for Canadian investment in Irish feed, processing or agtech.

**Life Sciences (Driven by HS 3002: Pharma & Biologics and HS 9018: Medical Instruments).** Pharmaceuticals, medical instruments and organic chemicals made up 66% of Ireland's exports to Canada in 2025 (US$2.3bn), led by biologics and vaccines at US$840m. The new Pharmaceutical Supply Chain and Resilience Dialogue and the CASTL–NIBRT training partnership are the channels. For Canadian firms building capacity in Ireland, ratification would protect long-lived assets, although compulsory licences and other intellectual property measures consistent with TRIPS are carved out of the expropriation rule (Article 8.12(5)–(6)).

**Industrial Machinery & IT Infrastructure (Driven by HS 8471: Computers & Servers and HS 8411: Aircraft Engines).** Canada's exports of aircraft engines and turbines rose from US$9m in 2024 to US$73m in 2025, consistent with Ireland's role as an aircraft-leasing hub. Irish exports

of computers and servers jumped from US$5m to US$599m in the same year, representative of the global boom in AI and data center infrastructure as this trend continues into 2026.

Goods data cannot measure Canadian investment in Irish innovation sectors, AI collaboration, or support for Irish firms entering Canada. Investment figures are the better guide; *Beyond Barriers* estimates Canadian direct investment flows into Ireland at just over US$19bn in 2024. AI collaboration gains a channel at EU level: both sides expect to finalise a digital trade agreement in Montréal and have stated plans to cooperate on AI. Security, newly named by both ministers, does not appear among leading goods flows. Air connectivity depends on airline economics rather than CETA, although Air Canada's planned Shannon–Toronto service from June 2027 supports that priority.

## Scenarios after 27 October

If the court declines to block the Act, the Government could give notice and seek Dáil approval, meeting the year-end target. Ireland would become the nineteenth ratifying state, but the investment chapter would still wait for the other eight.

If the court stops the Act, appeals and delay would likely follow, and the end-of-year target would slip. The EU–Chile agreement, also covered by the Act, would be affected.

In either case, CETA's trade terms continue to apply.

## Implications for Canadian business

- **Exporters:** access is unchanged. Corn, aircraft engines and hardware shipments continue under existing CETA terms, and Ottawa's planned trade-show support could help smaller Canadian firms reach Irish buyers.
- **Investors:** plan for ratification as a likely gain in certainty within months, not a guaranteed one. Eight other member states must still ratify, and section 25A adds an Irish-specific step at enforcement.
- **Channels available now:** the pharmaceutical supply chain dialogue, the agri-food partnership, the expected EU–Canada digital trade agreement and ministerial engagement on strategic sectors go ahead whatever the court decides.
- **Dates to watch:** the ruling expected the week of 26 October, the Canada–EU Summit on 29–30 October, any Dáil vote before year end, and ratifications in the remaining member states.

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