

Paul McGarry SC



Paul McGarry SC was Chair of the Bar of Ireland from August 2016 to August 2018. He is currently Vice-President of Arbitration Ireland (2020-2022).

He was called to the Bar in 1996 and appointed a Senior Counsel in 2010. He is a member of the Bar of England and Wales since 2012. He is also a member of the Bar of Northern Ireland. He is an accredited mediator and international arbitrator, and a Bencher of the Honorable Society of Kings Inns. He speaks fluent French and has a working knowledge of Spanish. In 2018 he was elected a Master of the Bench of Middle Temple, and is an associate at 6 Pump Court Chambers in London.

He was head of the Irish delegation to the Council of European Bars and Law Societies (2014-2016 and 2018-2020), and co-chair of the IBA Forum for Advocates and Barristers (2018-2020). He was the chairman of both the EU Bar Association and the Sports Law Bar Association of Ireland (2016-2020).

As an arbitrator he has dealt with many disputes involving international insurance claims, maritime law, professional negligence, reinsurance and financial services. He is an ICC appointed arbitrator in disputes relating to energy and engineering works, is a member of the LCIA, and has advised or represented clients in arbitral disputes under ICC, LCIA, CAS and *ad hoc* rules. He has spoken at many arbitration events organised by the IBA, UIA, CCBE, ABA, Arbitration Ireland and ICAB.

His litigation practice is primarily in European, commercial, insurance and international law. As a silk, he was counsel for the plaintiff in *KBC v Byrne Wallace* and for the defendants in the *BUPA v HIA* litigation concerning health insurance. He was lead counsel for the appellant in the *Koger* copyright appeal and for the State in cases involving liability in tort (*Cromane Seafoods*) and public international law (*Barlow II*).

He has appeared frequently before the European Courts in cases involving tax (*Cadbury Schweppes*), customs (*Donnellan v Revenue and Greece*), state aids (*Aughinish Alumina*), competition in the insurance sector (*Bupa v Ireland*), anti-dumping (*Medici Grimm KG*), state liability in EU law (*Fallimento*), and implementation of EU measures (*Commission v Ireland*). He is currently lead counsel in a large number of claims involving a cartel in the haulage industry.

Selected positions:

Chair of the Bar of Ireland, 2016-2018

Vice President of Arbitration Ireland, 2020-2022

Co-chair, IBA Forum for Barristers and Advocates, 2017-2020

Board member, Arbitration Ireland, 2019-
Bencher of Kings Inns since 2016
Master of the Bench at Middle Temple since 2018
Head of the Irish delegation to the CCBE, 2014 - 16; 2018 - 2020
Member of the Board of the Dublin Dispute Resolution Centre, 2016-
Member of the ICC National Committee for Ireland, 2015-2016
Co-chair, Irish Branch of the New York State Bar Association, 2017-2020
Chair of the Arbitration Committee of the Bar of Ireland, 2015-2016
Member of the Judicial Appointments Advisory Board, 2016-2018
Member of the Board of the Courts' Service of Ireland, 2016-2018
Chair of the EU Bar Association of Ireland, 2016-2021
Chair of the Sports Law Bar Association of Ireland, 2017-2020
Vice Chair of the Bar of Ireland, 2015-2016
Member of the Bar of England and Wales (Middle Temple) since 2012
Member of the Bar of Northern Ireland since 2019

Selected reported cases

Medici Grimm KG v Council of the European Union [2000] ECR II – 02671 (CFI)
Dublin City Council v Fennell [2005] 1 IR 604 (Supreme Court)
Chen v Secretary of State for the Home Department [2005] QB 325; [2004] ECR I – 9925 (ECJ)
Ireland v Commission [2005] ECR I – 8027 (ECJ)
Templeman and Van Schaijk v Directeur van de Rijksdienst [2005] ECR I – 01895 (ECJ)
Fallimento 'Traghetti del Mediterraneo' sp v Repubblica Italiana [2006] ECR I – 5177 (ECJ)
Cadbury Schweppes plc v Comm's of Inland Revenue [2007] CH 30; [2006] 3 WLR 890 (ECJ)
Robins v Secretary of State for Work and Pensions [2007] ICR 779; [2007] ECR I - 01053 (ECJ)
United Kingdom v Council [2007] ECR I – 11459 (ECJ)
Bupa v Commission [2008] ECR II – 00081 (CFI)
Societe Thermale d'Eugenie-les-Bains v Ministre de l'Economie [2007] ECR I – 6415 (ECJ)
Centrum Voor Gelijkheid v Firma Feryn [2007] ECR I – 05187; [2008] ICRC 1390 (ECJ)
Ireland v Commission [2007] ECR II – 00172 (CFI)
Bupa Ireland Ltd v Health Insurance Authority [2009] 1 ILRM 81 (High Court /Supreme Court)
Dynamic Medien v Avides Media [2008] ECR I – 00505 (ECJ)
Talbot v An Bord Pleanala [2009] 1 IR 375 (Supreme Court)
Deerland Construction Ltd v Aquaculture Licenses Appeals Board [2009] 1 IR 673 (High Court)
Commission v Ireland and others (C-89/08) [2009] ECR 00000 (CFI)
Irish Pharmaceutical Union v Minister for Health [2010] IESC 28 (High / Supreme Court)
Dominica Peterson (Case C-341/08) [2010] ECR I – 00048 (ECJ)
Revenue Commissioners v Glenkerrin Homes [2010] 1 IR 1 (High Court)
Wolf v Stadt Frankfurt Am Main (C-229/08) [2010] ECR I – 0000 (ECJ)
Gabriel v Financial Services Ombudsman [2011] IEHC 318 (High Court)
Carbery Fishing v Minister for the Marine
Bates v Minister for Agriculture [2012] 1 IR 247 (High Court)
Donegan v Dublin City Council [2012] 3 IR 600 (High Court)
KBC Bank Ireland plc v BCM Hanby Wallace [2012] IEHC 120
Koger Inc et al v O'Donnell et al. [2013] IESC 28 (Supreme Court)
Ireland v Commission (Case C-272/12; jt. 13 December 2013) (ECJ)
Bupa Ireland Limited v HIA (No 2) [2013] IEHC 103 (High Court)
Smyth v O'Shea Fishing Limited [2015] IEHC 360 (High Court)
Mullally v Labour Court [2016] IECA 291 (Court of Appeal)
Barlow (No.2) v Minister for Agriculture [2016] IESC 63 (Supreme Court)
Cromane Seafoods v Minister for Agriculture [2017] 1 IR 119 (Supreme Court)

Donnellan v Revenue Commissioners [2018] ECR I – 26/04/18
Fitzpatrick and Flannery v Minister for the Marine [2017] IEHC 77 (High Court)
Browne v Minister for Agriculture and Fisheries [2019] IEHC 237 (High Court)
Ireland v Commission (C-369/16 ; jt. 07/12/17) (CJEU)
Barlow v Minister for Communications [2019] IEHC 416 (High Court)
Ireland v Commission (T-129/07; jt. 17/09/19) (GC)
Commission v Belgium (C-543/17; jt. 08/07/19) (CJEU)
Commission v Ireland (C-220/18) 2020 ECR – 0000 (16/07/20) (CJEU)
Browne v Minister for Agriculture and Fisheries [2020] IECA 186 (Court of Appeal)
Fitzpatrick v Minister for the Marine Jt. 10/07/20 (Supreme Court)