

## COLM Ó HOISÍN SC

Year of call: 1987

Clerked by: Gary Young

AREAS OF EXPERTISE:

Arbitration Commercial Litigation Company EU & Competition  
Law International & Offshore Mediation Partnership  
Professional Negligence Technology & Construction Sport



## Commercial Litigation

### Profile

Colm Ó Hoisín SC has been in practice at the Irish Bar since 1988 and became a Senior Counsel in 2005. He is also a member of the Bars of Northern Ireland and of England and Wales.

He is regularly appointed as chair, panel member and sole arbitrator in international arbitration including appointments under LCIA, ICC, ICDR, ICSID and DIAC rules.

His practice principally involves commercial litigation and international arbitration. He has particular experience in the areas of company and shareholder disputes, maritime law, banking and financial services law, construction, competition law, insurance law, environmental law and general contract.

Colm is currently Leader of the European Circuit of the Bar. He is also a former President of Arbitration Ireland – the Irish Arbitration Association. He is the Irish member of the ICC International Court of Arbitration and is designated by the Irish Government to the Panel of Arbitrators of ICSID (International Centre for Settlement of Investment Disputes). He has been an accredited mediator since 2004.

Colm was President of the Irish Maritime Law Association from 2007 to 2010 and is a titular member of the Comité Maritime International (CMI).

### Practice Areas

Arbitration

Commercial Litigation

Company

EU & Competition Law

International & Offshore

Mediation

Partnership

Professional Negligence

Sport

Technology & Construction

### Significant Recent Cases Include

**HKR Middle East Architects Engineering LLC and ors. V. English** [2019] IEHC 306 Counsel for Plaintiffs in proceedings involving claims inter alia of breach of trust and unjust enrichment.

**Marine Survey Office v. D'Amico Società de Navigazione t/a MV Cielo di Monaco** [2018] IEHC 674 Counsel for Plaintiff in appeal relating to shipowner's challenge of detention of vessel under Port State Control Regulations.

**O'Sullivan v. SFPA, Minister for Agriculture, Food and Marine, Ireland and Attorney General** [2016] IEHC 77 (High Court); [2017] 2 IR 751 (Supreme Court) Counsel for Plaintiff in successful challenge to Ministerial regulations made under European Communities Acts, 1972-2012

**Reaney and Another v. Interlink Ireland Limited trading as DPD** [2012] IEHC 606 (High Court); [2016] IECA 238 (Court of Appeal); [2018] IESC 13 (Supreme Court) Counsel for Plaintiff franchisee in claim against franchisor.

**Persona Digital Telephony Ltd and anor. v. Minister for Public Enterprise and ors.** [2016] IEHC 187 (High Court) [2017] IESC 27 (Supreme Court) Counsel for Plaintiffs in application relating to third party funding of claim arising out of award of second mobile phone licence in Ireland.

**Castlelyons Enterprises Ltd. v. Eukor Car Carriers Inc. and NMT Shipping UK Ltd.** [2018] IECA 98 (Court of Appeal) Appeal relating to jurisdiction under (Recast) Brussels Regulation.

**Hoban v. Coughlan and ors.** [2017] IEHC 301 Counsel for applicant in application to set aside an arbitral award.

**Ó Cuinn v. An Taoiseach and ors.** [2018] IEHC 816 and [2015] IEHC 794 (High Court); unreported 17<sup>th</sup> February 2017 (Court of Appeal) Counsel for Respondents in Judicial Review conducted in Irish language.

**CJ Gaffney Ltd. v. Germanischer Lloyd SE and ors.** [2015] IEHC 721 Counsel for Defendants in jurisdiction challenge under Article 5 of the Council Regulation (EC) No 44/2001.

**Reaney and Another v. Interlink Ireland Limited trading as DPD** [2012] IEHC 606 (High Court); [2016] IECA 238 (Court of Appeal); [2018] IESC 13 (Supreme Court) Counsel for Plaintiff franchisee in claim against franchisor.

**Cendant Ltd (in liquidation) and ors v. Galtee Plant Hire Limited and anor.** [2016] IEHC 389 Counsel for National Asset Management Agency (NAMA) appointed Liquidator in action in respect of charter of ferry at Waterford Castle.

**Island Ferries Teo. v. Galway County Council** [2013] IEHC 587 (High Court); [2015] 3 IR 637 (Supreme Court) Counsel for Plaintiff Ferry Company in a competition law/public law claim against local authority in connection with charging orders imposed on a harbour under the control of that local authority.

**Island Ferries Teo. v. The Minister for Communications, Marine and Natural Resources, Ireland and the Attorney General** [2011] IEHC 388 and [2012] IEHC 25 (High Court); [2015] 3 IR 637 (Supreme Court) Counsel for Plaintiff Ferry Company in a competition law/public law claim against the relevant minister.

**Environmental Protection Agency v. Greenstar Holdings Ltd, Bank of Ireland and ors.** [2014] IEHC 178 Counsel for EPA in Irish Commercial Court Claim in claim arising out of insolvency of landfill companies and concerning the requirements and interpretation of the Polluter Pays Principle under EU Waste Framework and Landfill Directives. Request for Reference to European Court of Justice.

**Emerald Meats Limited v. the Minister for Agriculture, Ireland and the Attorney General** [2012] IESC 48 Counsel for Defendants in Supreme Court appeal in long-running dispute between meat trading company and the Irish State in connection with the allocation of GATT quota.

**SPV Sam Dragon Inc. v. GE Transportation Finance (Ireland) Limited** [2012] IEHC 240 Counsel for Plaintiff in maritime law claim involving issues of Belgian, Korean and Irish law in connection with the judicial sale of a ship.

## Memberships

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- Member of the Bar of Ireland, Northern Ireland, England and Wales
- Irish member of ICC International Court of Arbitration
- Vice-Chairman Bar Council of Ireland (2014-2015)
- Former President of Arbitration Ireland (2014-2016)
- Current Leader of European Circuit of the Bar
- Member of the International Bar Association
- Member of LCIA European Users' Council
- Professional Member of International Council for Commercial Arbitration (ICCA)
- Titulary member of Comité Maritime International (CMI)

## Career & Education

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1985 - University College Dublin - Bachelor of Civil Law

1987 - Hon. Society of King's Inns - Degree of Barrister at law