## CONTENTS

Notes on Contributors page viii Foreword xi BY SIR DECLAN MORGAN, Lord Chief Justice of Northern *Ireland (2009–21)* Acknowledgements xiii *Table of Cases* xvi Table of Treaties, Instruments and Legislation XX Update: Developments from July 2021 to September 2021 xxxvi *List of Abbreviations* 1 1 Introduction 1 CHRISTOPHER MCCRUDDEN PART I Context 19 2 The 1998 Agreement: Context and Status 21 COLIN HARVEY PART II EU Governance of the Protocol 31 3 Legal Structure, Rights and Enforceability 33 PAUL CRAIG 4 The Committees of the Protocol 44 KATY HAYWARD 5 Dispute Settlement 55 JAN WOUTERS PART III Interpreting the Agreements 67 6 Interpreting the Protocol 69 STEPHEN WEATHERILL 7 International Law Rules on Treaty Interpretation 80 STEVEN R RATNER

V1	CONTENTS
8	Good Faith and Sincere Co-operation 92 CHRISTOPHER MCCRUDDEN
9	PART IV Governance of the Protocol in Ireland and the United Kingdom 105 The Status of the Withdrawal Agreement in UK Law 107 CATHERINE BARNARD
10	The Protocol in Northern Ireland Law 118 GORDON ANTHONY
11	The Protocol in Irish Law 129 DAVID FENNELLY
12	PART VFundamental Rights in the Protocol141Human Rights and Equality143CHRISTOPHER MCCRUDDEN
13	The Charter of Fundamental Rights 159 SIR BERNARD MCCLOSKEY
	PART VI Citizenship and Free Movement
	of Persons in the Protocol 171
14	The Common Travel Area 173 IMELDA MAHER
15	Citizenship and Identity in Northern Ireland 183 CRG MURRAY
16	Citizenship beyond Irish and British 194 TOBIAS LOCK
	PART VII Goods, Customs and the Single Market in the Protocol 205
17	The Irish Sea Customs Border207ANNA JERZEWSKA
18	Competition 219 VINCENT JG POWER SC
19	State Aid 232 GEORGE PERETZ QC
20	Environment and Trade 245 MARY DOBBS AND VIVIANE GRAVEY

CONTENTS

vi

21	Free Movement of Services 256 GAVIN BARRETT
22	Public Procurement 269 CATHERINE DONNELLY SC
23	PART VIII <b>Judicial Co-operation</b> 283 Law Enforcement and Judicial Co-operation in Criminal Matters 285 GEMMA DAVIES
24	Jurisdiction, Choice of Law and Enforcement of Foreign Judgments 296 DAVID KENNY
25	PART IX <b>Safeguards</b> 307 Safeguard Provisions 309 BILLY MELO ARAUJO AND STEPHEN BRITTAIN

Index 322