



## Aviation Litigation and Regulation

The aviation industry is constantly changing and novel issues regularly arise. The international nature of aviation means that when disputes arise, they tend to be cross-border. Varying business cultures, legal frameworks and business practices can make the resolution of disputes time-consuming and potentially very costly.

Our global network of offices gives us an unparalleled reach and our aviation practice is highly praised in the marketplace.

Our experienced team of lawyers has been closely involved with many of the significant issues the industry has faced in the last 20 years we continue to be at the forefront when advising our clients on the likely challenges ahead. We are on hand to provide cost-effective assistance aligned to the client's commercial objectives and protection of its business.

### CAPABILITES

- Representing airlines, manufacturers and aviation service providers and their insurers and reinsurers in the defence of death and injury claims arising out of incidents and accidents which may occur anywhere in the world.
- Providing emergency assistance to airlines in the immediate aftermath of an accident, including the establishment of interim fundings and making of emergency payments.
- Advising on and representing clients and their insurers in inquests, criminal investigations and public enquiries arising out of serious incidents and major accidents.
- Conducting complex commercial litigation on behalf of airlines in the English Commercial Court and High Court, and worldwide, including obtaining and seeking to set aside emergency injunctions and orders.
- Pursuing contribution claims by way of subrogation or otherwise in order to recover losses incurred by an airline, manufacturer or aviation service provider.
- Employing mediation and other alternative forms of dispute resolution to solve disputes without the expense of litigation.
- Representing airlines in the defence of claims involving bodily injury, delay, loss, damage or delay to baggage, disabled passengers or those with reduced mobility pursuant to the Montreal Convention 1999 and Regulation 261/04 and Regulation 1107/06 including liaising with regulatory bodies on behalf of airlines.
- Providing guidance on the incorporation of specific dispute resolution, arbitration, choice of law and jurisdiction clauses in commercial agreements.

### CONTACTS CLÉS

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## EXPERIENCE

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- Assisting a major helicopter manufacturer and its insurers in relation to the handling of legal liability issues arising out of the forced ditchings of two EC225 and one AS332 Super Puma helicopter in the North Sea in 2012/2013.
- Assisting a major helicopter manufacturer and its insurers and handling claims which may arise out of the accident to an EC 135 helicopter which crashed into the Clutha Bar in Glasgow on 29 November 2013.
- Representing reinsurers in the handling of claims in 11 jurisdictions arising out of the crash of an Aerocaribbean operated ATR72 aircraft in Cuba in November 2010.
- Advising insurers/reinsurers on coverage issues relating to a claim for loss of aircraft spares and equipment resulting from a hangar fire in Saudi Arabia.
- Representing a major UK airline in connection with large passenger class action in New York, including conducting witness interviews, collection of information under Data Protection rules and providing ancillary regulatory advice on pricing and fares.
- Representing a major UK airline in a claim against it by a disabled passenger for damages as a consequence of the airline failing to meet his seating request on a flight from the UK to Cyprus. The case involved the application of Regulation 1107/06 in the context of the Montreal Convention 1999 and was won by the airline both at first instance and on appeal.
- Defending a major Asian carrier in the Commercial Court in respect of a claim for breach of contract, including allegations of tortious inducement of breach of contract and conspiracy to injure by unlawful means, arising from the sale of redundant fleet aircraft.
- Defending a major UK carrier in the High Court in respect of a claim for breach of contract arising out of the cessation of flying operations by the carrier at a regional airport in November 2006.
- Representing the government of a sovereign state in High Court judicial review proceedings concerning sovereignty over the airspace above an area of the territory of that State currently under foreign control.
- Defending six high profile carriers in passenger claims for compensation for delay following the CJEU decision in Nelson -v- TUI (reaffirming the decision in Sturgeon/Bock) which purports to extend the obligations to compensate passengers in the event of delay by reference to Regulation (EC) 261/04.

## ACTUALITÉS

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### Publications

#### **Gategroup: Planning and scheming - are super schemes actually insolvency proceedings?**

23 February 2021

The new Part 26A Companies Act Restructuring Plan procedure, dubbed the “Super Scheme”, was gathering pace in the English courts since its introduction in June last year. Last week’s judgment in gategroup presents a potential speed bump in terms of its implementation as the restructuring tool of choice in European cross-border restructurings.

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#### **Aviation update: UK-EU Trade Agreement and what it means for aviation post-Brexit**

4 January 2021

On Thursday, 24 December, the European Commission and the United Kingdom agreed a comprehensive Trade and Cooperation Agreement which sets out the basis for the future EU and UK trade relationship.

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#### **No-deal Brexit aviation update: EU Commission releases proposed contingency Regulations**

10 December 2020

On Thursday, 10 December the European Commission published contingency measures (the Regulation) to ensure basic air connectivity between the UK and the EU and recognition of UK licences and registrations in the event that no free trade agreement

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is reached.

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### **Brexit Aviation Update - UK and US Bilateral Aviation Agreement Signed**

19 November 2020

On Tuesday, 17 November 2020 Transport Secretary Grant Shapps signed the Air Services Agreement between the UK and the US, a bilateral agreement which will safeguard air travel on some of the world's busiest aviation routes and ensure a continuity of UK-US air operations post-Brexit.

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### **Regulation 261/04 continues to evolve during 2020 with consequences for airlines – what has the Court of Justice of the European Union decided so far?**

16 November 2020

In 2020, the Court of Justice of the European Union (CJEU) addressed several cases on the interpretation of Regulation 261/2004 (EC261/04) most notably on the rights of passengers in the event of cancellation or long delay.

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### **COVID-19 and Aviation in Africa: An Insight**

18 June 2020

As a consequence of COVID-19 the aviation sector is experiencing a catalyst for enormous change [...] In Africa, airlines and the aviation sector must be supported if aviation is to continue to be the lynchpin that brings the world to its doorstep and with it the benefits that such an opportunity brings to the continent's economies.

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## **NEWS**

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### **DLA Piper launches Aiscension to help detect and prevent cartel activity in collaboration with Reveal**

15 March 2021

- New offering delivers cutting-edge technology from *Reveal* alongside DLA Piper's first-class legal know-how
  - Time and cost savings allow for companies to focus on detection
  - Faster, more effective and better value than traditional technology assisted and manual reviews
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### **DLA Piper renforce sa pratique Droit Public avec l'arrivée de Jean-Luc Heckenroth en tant que Counsel**

1 mars 2021

DLA Piper accueille Jean-Luc Heckenroth au sein du département contentieux et arbitrage. Il rejoint l'équipe Droit public, dirigée par Jérôme Pentecoste, en qualité de Counsel.

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### **DLA Piper advises lenders on the refinancing of the Warnow Tunnel in Germany**

26 February 2021

DLA Piper has advised the lenders on the EUR115 million refinancing of the Warnow Tunnel in Rostock (Germany), also known as

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the Warnow River Crossing (Warnowquerung).

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### **DLA Piper conseille le Groupe Canadien Nautel dans le cadre de l'acquisition de Digidia et Kenta, sociétés leaders de solutions de transmission de radio digitales**

Le 11 février 2021

DLA Piper a conseillé le groupe technologique Nautel, spécialiste en matière de conception de matériel électronique de haute puissance et de traitement numérique des signaux, basé au Canada, dans le cadre de l'acquisition des sociétés Digidia et Kenta, leaders en solutions de radiodiffusion digitale, basées respectivement à proximité de Rennes et de Quimper.

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### **DLA Piper conseille le groupe Etex dans le cadre de sa prise de participation majoritaire dans la société française de construction e-Loft**

Le 4 février 2021

DLA Piper a conseillé le Groupe belge de matériaux de construction Etex basé à Zaventem dans le cadre de sa prise de participation majoritaire dans la société française de construction e-Loft.

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### **DLA Piper advises Kölner Pensionskasse and Caritas Pensionskasse on their reorganization**

21 January 2021

DLA Piper hat die Kölner Pensionskasse und die Pensionskasse der Caritas aufsichtsrechtlich gegenüber der Bundesanstalt für Finanzdienstleistungsaufsicht (BaFin), bei der Gestaltung und Umsetzung des Sanierungskonzepts sowie bei dem damit verbundenen formellen Gang in den Status der Liquidation beraten.

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### **DLA Piper advises Wipro Limited on the acquisition of METRO-NOM GmbH and METRO Systems Romania**

4 January 2020

DLA Piper has advised Wipro Limited, a leading global information technology, consulting, and business process services company, on the acquisition of METRO AG's IT units – METRO-NOM GmbH in Germany and METRO Systems Romania S.R.L.

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### **DLA Piper advises Nemetschek on acquisition of DEXMA by subsidiary Spacewell**

18 December 2020

DLA Piper has advised the Nemetschek group, one of the world's leading software providers for the Architecture, Engineering, Construction and Owner-operated (AECO) industry, on the acquisition of 100% of the shares in DEXMA by its subsidiary Spacewell.

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### **DLA Piper advises Stillfront Group on the acquisition of gaming company Sandbox Interactive**

18 December 2020

DLA Piper has advised Stillfront Group AB, a leading free-to-play gaming studios company, on the acquisition of Sandbox Interactive GmbH, a rapidly growing and highly profitable gaming company based in Berlin and developer and publisher of the popular cross-platform free-to-play sandbox MMORPG Albion Online. The sellers are the four co-founders of Sandbox.

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### **DLA Piper wins TMT Finance M&A Global Telecom Deal of the Year**

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8 December 2020

DLA Piper is pleased to announce that they have received the TMT Finance M&A Global Telecom Deal of the Year for their representation of T-Mobile and Deutsche Telekom in the T-Mobile-Sprint merger.

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### **'Industry standard' for use of arbitration platforms moves a step closer as pan-firm collaboration receives support**

30 November 2020

Plans to standardise the approach to online case management in international arbitration are a step closer to reality, after a draft protocol received positive feedback from an industry-wide consultation.

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### **DLA Piper advise Liverpool Football Club on sponsorship claim defence**

14 September 2020

DLA Piper has successfully represented The Liverpool Football Club and Athletics Grounds Limited (LFC) in defending a GBP1.13 million claim brought by sports intermediary Winlink Marketing Limited.

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### **DLA Piper arbitration practice recognized as world leading by Global Arbitration Review**

14 July 2020

DLA Piper has been recognized once again as having one of the world's leading international arbitration practices.

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### **Law firms collaborate on industry first to accelerate tech adoption in international arbitration**

2 July 2020

DLA Piper is amongst six international law firms which have developed a Protocol to help deliver a globally consistent approach to the use of online case management platforms in international arbitration.

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### **DLA Piper announces partnership promotions for 2020**

30 April 2020

DLA Piper is proud to announce that 67 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2020 in the United States and May 1, 2020 for EMEA and Asia Pacific. The promotions have been made across many of the firm's practice areas in 35 different offices throughout 13 countries.

Across the firm's practices globally, Corporate saw the largest intake of new partners with 19 promotions, followed by Litigation and Regulatory with 15. Intellectual Property and Technology and Finance and Projects had ten and eight promotions respectively, while there were six in Real Estate. Tax and Employment both had four, and there was one in Restructuring.

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### **DLA Piper lawyers named Acritas Stars**

10 March 2020

Acritas has named over 200 DLA Piper lawyers as 2020 Acritas Stars. Now in its fourth year, Acritas Stars highlights the stand-out lawyers in private practice as nominated by clients around the world. More than 3,000 senior in-house counsel feed into the nomination process to give a comprehensive view of highly recommended lawyers across the globe.

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### **DLA Piper appoints Head of Global Government Affairs team**

6 March 2020

DLA Piper announces the strengthening of its Global Government Affairs team with the appointment of Richard Sterneberg who will head up the team in its Brussels office. Richard brings with him over 20 years of experience working in Brussels as a global government affairs expert.

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### **DLA Piper launches its Global Litigation Guide**

3 December 2019

DLA Piper has launched its 'Global Litigation Guide', which covers aspects of civil litigation in 30 jurisdictions worldwide.

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### **DLA Piper continues to boost CEE region capability with new hires in Poland**

5 September 2019

DLA Piper today announces the appointment of eight new lawyers in its Warsaw office into three key practice areas of Corporate, Finance & Projects (F&P) and Litigation & Regulatory. These hires follow the recent appointment of corporate partners Marek Sawicki and Jakub Marcinkowski from CMS.

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### **DLA Piper renforce sa pratique Contentieux Corporate avec l'arrivée de Marine Lallemand**

September 2, 2019

DLA Piper renforce son département Litigation & Regulatory à Paris avec l'arrivée de Marine Lallemand en qualité d'associée.

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### **DLA Piper hires disputes partner in France**

27 June 2019

DLA Piper is pleased to announce that Marine Lallemand will be joining the firm as a partner in the Litigation & Regulatory practice in Paris.

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### **DLA Piper renforce son équipe droit public et sa pratique projets à Paris avec l'arrivée de Jerome Pentecoste**

28 MAY 2019

DLA Piper renforce son département Litigation & Regulatory à Paris avec l'arrivée de Jérôme Pentecoste en qualité d'associé accompagné notamment de Julie Vuagnoux en qualité de Counsel.

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### **DLA Piper announces launch of Artificial Intelligence practice**

14 MAY 2019

DLA Piper announced today the launch of its Artificial Intelligence practice, which will focus on assisting companies as they navigate the legal landscape of emerging and disruptive technologies, while helping them understand the legal and compliance risks arising from the creation and deployment of AI systems.

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## **DLA Piper establishes Litigation Regulatory offering in Dublin with partner hire**

18 APR 2019

DLA Piper today announces the appointment of Caoimhe Clarkin as a Litigation & Regulatory partner in the firm's Dublin office. This is the seventh partner hire for DLA Piper in Dublin this year.

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