



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.

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EXPERIENCE

- 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.

Publications

Advanced Air Mobility: Aviation Reimagined

4 October 2021

In the first article of our new Aviation Reimagined series we are touching upon aspects of the Advanced Air Mobility (AAM), which encapsulates and extends the more familiar phrase Urban Air Mobility, which is at the forefront of a more sustainable aviation industry.

German Supply Chain Act (Lieferkettensorgfaltspflichtengesetz) – New standard for human rights and environmental due diligence for global supply chains

30 September 2021

In the context of globalized trade, value and supply chains extend across the entire world. International corporations that do not voluntarily comply with human rights and environmental standards along their supply chains (83-87% of German companies) have been criticized for several decades for profiting from weak and poorly enforced national regulations in emerging and developing countries, especially in the Global South.

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.

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.

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 is reached.

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.

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.

English High Court agrees to consider allegation of bias by Russian court when deciding whether to recognise and enforce decision against non-Russian reinsurers arising out of 2012 Sukhoi Superjet crash

20 October 2020

The High Court of England and Wales has ordered a Russian insurer to disclose its communications with its insured aircraft manufacturer, after a previous letter from the manufacturer to a Moscow Court assisted in diverting responsibility for a USD 22 million fatal accident to the manufacturer’s reinsurers.

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.

