



**Tony Payne**

**Partner**

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Tony Payne is a partner in the Aviation practice based in London. Having practised for over a decade as an aviation lawyer in the UK and before that as a commercial lawyer in Australia, he has accumulated significant multi-national and domestic experience advising clients on all manner of regulatory and commercial matters in the aviation sector.

In addition to his expertise as a highly experienced aviation lawyer Tony is sought after for his pragmatic, corporate minded approach to achieving outstanding results for his clients. As a consequence of having significant senior in-house and major bid management experience in the aviation sector Tony understands the commercial and corporate imperatives that must be managed alongside the delivery of clear legal advice.

Tony's aviation practice has been centred around facilitating clients' international strategic ambitions in an omnipresent and multi-faceted aviation regulatory regimes. This has included advising clients in respect of: privatisation and liberalisation of aviation markets, compliance and non-compliance issues associated with ICAO conventions, European Regulations and domestic law, certification, changes of ownership, as well as supporting consultation exercises. Tony has advised on aviation regulatory matters not only affecting the airline industry but also airports, air navigation services, safety critical services, engineering, the military as well as engaging with Government departments and Regulators themselves.

Tony's commercial experience dovetails with his regulatory expertise. He has represented aviation clients in both the UK and around the world in relation to: corporate expansion (and contraction), restructuring, joint ventures and pursuing and letting of major contracts. This experience has been in the aviation sector generally but has specifically been across a number of specialist areas where industry specific knowledge is can be a key differentiator for clients (such as commercialising and liberalising in regulated sectors, public private partnerships, outsourcing and in-sourcing of regulated and unregulated services).

Tony has held Board and Company Secretarial positions representing clients on a number European companies maintaining strategic objectives and dealing tactically with the myriad of issues presented in these roles. Importantly, this includes dealing with and having an appreciation of the complicated internal issues faced by clients when pursuing new ventures.

Prior to joining DLA Piper, Tony was assistant general counsel at NATS Holdings PLC, formerly National Air Traffic Services Limited.

- Asset Finance
- Aviation Litigation and Regulation
- Litigation, Arbitration and Investigations
  
- Financial Services
- Energy and Natural Resources
- Industrials

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- Advising a client in respect of the establishment of a new joint venture with a major infrastructure provider to pursue Spanish Governments outsourcing of air navigation services for 15 Spanish Airports (subsequently won 10 of 15 contracts)
  - Acting as Bid Director and legal counsel in respect of a client's bid to win the outsourcing of services for up to nine airports in Sweden. This included the incorporation of a subsidiary, certification negotiations for that subsidiary and stakeholder management (including government and regulator engagement) of all aspects of the project
  - Advising Etihad Airways on its acquisition of a 49% stake in Jat Airways (which has been renamed and rebranded Air Serbia) as part of an extensive strategic partnership between the two airlines.
  - Board Member ESSP SAS. A French incorporated company owned by six European regulated entities for the sole purpose of being the European Satellite Service Provider to the European Commission
  - Handling a 33% strategic investment in a Swiss carrier (Darwin Airline) by Etihad Airways which, uniquely, included a brand licensing arrangement which will result in Darwin operating regional scheduled services under a new brand called Etihad Regional
  - Handling the acquisition of a majority stake in a UK airline (Eastern Airways) on behalf of a global helicopter operator (Bristow)
  - Representing a major air navigation services provider (NATS Services) in relation to joint venture commercial projects in several different jurisdictions
  - Company Secretary of FerroNATS SA. A Spanish incorporated joint venture company created to bid for and provide services to the Spanish Airports
  - Advising a client in respect of ownership and structuring obligations in respect of takeover opportunities subject to sovereign control criteria
  - Following aircraft type groundings advising a client in respect of regulatory compliance obligations and impact thereof

## CREDENTIALS

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### Professional Qualifications

- Solicitor of the Senior Courts of England and Wales
- Solicitor of the High Court of Australia
- Solicitor of the Supreme Court of Queensland

### Prior Experience

2015 to date, Partner, DLA Piper

2013 - 2015, Legal Director, DLA Piper

2005 - 2013, NATS

2012 - 2013, Assistant General Counsel

2010 - 2012, Head of Legal (NSL)

2008 - 2010, Senior Legal Advisor

2005 - 2008, Legal Advisor

2002 - 2005, Solicitor, Australia based law firm

## INSIGHTS

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### Publications

#### **The impact of the European Commission's Fit for 55 legislative package on Aviation**

23 July 2021

The devastating impact of the COVID-19 pandemic on the aviation industry will reset the trajectory of the sector for many years to come. With the COVID-19 pandemic, sustainability is emerging from the ashes as the building blocks on which the entire sector will be rebuilt,

from investors, operators, manufacturers and the vast supply chain that supports the sector.

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### **Boardroom Brexit: What the deal means for transport**

31 December 2020  
Boardroom Brexit

There will be continued market access rights for UK and EU road haulage operators, while under the TCA, UK and EU air carriers will continue to enjoy flyover rights and operating rights on routes between the UK and EU. However, UK carriers will not be able to operate cabotage routes in the EU (and vice versa)

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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 is reached.

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### **Case Law Update: COVID-19, Force Majeure, and Aircraft Leases**

27 November 2020  
As we enter the coronavirus (COVID-19) pandemic's "second wave" and aspirations for a "back to normal levels" rebound in 2021 for the aviation industry look less likely, the financial pressure point is quickly spreading from airlines to those up and down their vertical supply chain, notably aviation lessors.

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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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### **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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