



CLYDE&CO

International aviation legal services

Working with clients across the globe to capitalise on opportunities and navigate risks in the aviation sector

INTERACTIVE PDF – OPTIMISED FOR DESKTOP

Our aviation practice in overview



60+

Offices

100+

Aviation specialists



Aviation liability

- Major loss
- Emergency response
- Attritional liability defence
- Associated subrogated recovery



Aviation services

- Regulatory
- Non-contentious commercial
- Finance & leasing
- Fleet procurement
- Commercial dispute resolution
- Debt recovery
- Environmental claims/Toxic exposure



Aviation specialists in each of:

- | | |
|-----------------|--------------|
| London | Calgary |
| Edinburgh | Caracas |
| Paris | Mexico City |
| Madrid | Sao Paulo |
| Munich | Dubai |
| Chicago | Johannesburg |
| New York | Bangkok |
| San Francisco | Singapore |
| Los Angeles | Riyadh |
| Miami | Hong Kong |
| Montreal | Shanghai |
| Toronto | Brisbane |
| Washington D.C. | Melbourne |
| Vancouver | Sydney |



They are subject matter experts, with a worldwide reach. They understand our needs and provide balanced advice on which we can make informed decisions.

Band 1: Legal 500 Aviation



Our services

Specialist aviation services

- ▶ [Aviation Liability](#)
- ▶ [Space](#)
- ▶ [Advanced Air Mobility/
Unmanned Aircraft Systems](#)

Solutions for your business

Our more than one hundred proud aviation lawyers around the world understand the risks and opportunities for your industry, many of whom have worked as in-house lawyers. Beyond the traditional aviation-specific risks, we work with clients to navigate challenges and capitalise on opportunities across every aspect of doing business within this sector, from regulatory, financing, passenger baggage and cargo claims as well as major losses.

We are also proudly at the forefront of practice in the space and satellite insurance market, and we have established ourselves as the leading authority on the regulation of drones.

Click [here](#) to view or get in contact with members of our international aviation team.

Details of how we work with clients to share our know how and support you in keeping up to date with all aspects of aviation law and industry developments are available [here](#).

Click on the links to navigate this interactive brochure.

Regulatory

We advise and act for airlines in relation to all aspects of aviation safety, security and economic regulation, and market access, pursuant to both international and national law. Due to the geographic spread of our team, we can and often provide advice on a multi-jurisdictional basis.

Members of our team have also written extensively in this area. For example:

- Tom Van der Wijngaart edited the annual Lexology publication Getting the Deal Through Air Transport
- Rob Lawson QC, has contributed to the UK chapter for the last 4 editions of The Aviation Law Review and is a past contributor to the Aviation title in Halsbury's Laws of England
- We wrote the extensive report Brexit scenarios for Business Aviation for the European Business Aviation Association (February 2018)
- Fabrice Pradon, is the chief editor of the French journal aviation and space laws, Revue française de droit aérien et spatial, and teaches aviation law at several universities

We also advise on competition law in the aviation sector, alliances, mergers & acquisitions State aid rules. John Milligan wrote the main textbook in this field, European Union Competition Law in the Airline Industry.



[Click to see our experience by region](#)

Regulatory

Key contacts

UK:

Rob Lawson QC

Tom van der Wijngaart

UK

- Advising major airlines on EU and ASA ownership and control issues, and related potential restructuring, in anticipation of Brexit
- Assisting with the establishment of new UK airlines, including obtaining of their requisite AOC, operating licence and route licence. We have also advised in relation to the procurement of ground handling services and of slots for such start-ups.
- Assisting non-EU airlines in respect of their proposed commencement of services to and from the UK, including advising in relation to traffic rights, foreign carrier permit requirements, slots, the establishment of a UK branch office and immigration issues
- Acting for IATA in relation to its intervention before the English Court of Appeal in *Gahan v. Emirates*, concerning the extra-territorial reach of EU Regulation 261/2004
- Acting for various international airlines in respect of claims brought against them for compensation for long delay, cancellation and denied boarding pursuant to EU Regulation 261/2004
- Advising a major airline in relation to issues arising out of the proposed change of PRM service provider at a major international airport, PRM service standards and proposed increased PRM charges
- Advising a major airline and associated tour operator in relation to the sale and marketing of package holiday products and linked travel arrangements
- Advising various major airlines on compliance of their conditions of carriage with EU consumer law, including in the context of enforcement proceedings threatened by the UK CAA under its Enterprise Act powers
- Advising a major Asian carrier in respect of the regulations governing the sale of package holidays, requirements of the EU Package Travel Directive, and the ATOL licensing process
- Acting for Air Serbia in a case before the Court of Justice of the European Union regarding the availability and use of sixth freedom traffic rights under the European Common Aviation Area Agreement
- Advising a major non-EU airline on ICAO and EU rules on the equipping of aircraft with underwater locating devices, liability exposure for non-compliance and applicable enforcement measures
- Acting in the ground breaking case before the English Court of Appeal concerning the admissibility of Annex 13 air accident reports in English civil proceedings, *Rogers v. Hoyle*
- Assisting in writing reports for the European Commission on the development of comprehensive air transport agreements with non-EU states in respect of traffic rights and air safety; and on possible air transport agreements with 10 ASEAN States and with 6 Gulf Cooperation Council States
- Defending prosecutions in the Crown Court for alleged offences under the Air Navigation (Dangerous Goods) Regulations
- Advising a national airline and Ambassador to the UK on inadvertent carriage of foreign nationals intending to join terrorist groups
- Contributing to a 2020 Steer Davies Gleave study for the European Commission on the current level of protection of air passenger rights in the EU
- Acting for IATA in its intervention in judicial review proceedings brought against the UK Government by several airlines in respect of its imposition of a blanket 14-day mandatory Covid-19 quarantine requirement for inbound air travellers
- Advising a major international airline on potential alterations to the UK slot allocation rules post Brexit

Regulatory

Key contacts

France:

Fabrice Pradon

Grégory Laville de la Plaigne

Spain:

Enrique Navarro

Germany:

Tim Schommer

Sven Förster

Eva-Maria Barbosa

Europe

► France

- Acting for a major airline in the first successful prosecution in France for prejudicing air safety by using a laser against an aircraft in flight
- Acting for various airlines before civil, commercial and criminal courts for compensation brought against them for compensation for long delay, cancellation and denied boarding pursuant to EU Regulation 261/2004 and national laws
- Acting for various airlines before social courts in respect of claims brought against them by their crew members
- Acting for various airlines before administrative courts in challenges to administrative fines, including in relation to noise pollution, air traffic rules infringement, illegal entry of a passenger into French territory, non-compliance with security regulations, non-compliance with EU Regulation 261/2004, and non-compliance of their general conditions of carriage and websites with the French Consumer Code

- Advising a major EU airline on compliance of its website and conditions of carriage with French regulations
- Assisting airlines in their relationship with consumer protection authorities with regards to issues of compliance of their general conditions of carriage and websites with the French Consumer Code
- Acting for airlines in cases before the French criminal courts, including resulting from an air disaster, in relation to discrimination matters brought by passengers, traffic offences committed at an airport, threats made to aircraft staff by passengers, unruly passengers, travel agency fraud and the inadvertent carriage of a drug smuggler
- Assisting airlines to negotiate and settle claims brought against them for compensation in all situations envisaged by contract, aviation and national laws

► Spain

- Representing airlines in administrative proceedings opened by the Spanish national enforcement body concerning issues including non-compliance with the PRM Regulation, EU Regulation 261/2004, deviations after take-off and the illegal transport of weapons
- Defending airlines in cases opened by regional administrative bodies, including the Catalonia Consumer Agency and the Balearic Islands Health Agency
- Acting for various international airlines in respect of claims brought against them for compensation for long delay, cancellation and denied boarding pursuant to EU Regulation 261/2004, including via the use of a bespoke iDefend261 software tool
- Representing airlines in cases before the criminal courts, including - inter alia - cases of unruly passengers and bomb-threat investigations
- Defending several major international airlines against proceedings brought by regional consumer agencies in respect of Covid-19 related cancellations
- Advising several major international airlines in relation to compliance with Covid-19 regulations and guidance

Regulatory

► Germany

- Representation of international airlines in a variety of official investigation proceedings initiated by the German Federal Aviation Agency or other authorities (e.g. environmental authorities)
- Advice on an international airlines concerning refund obligations for sales over the internet on behalf of another carrier that had since become insolvent
- Advice to various international airlines regarding passenger claims under or in connection with EU Regulation 261/2004 as well as other legal grounds, including the strategic handling and defence of mass claims
- Advice to and defence of passenger claims in connection with EU Regulation 261/2004 for an international airline offering ACMI leasing
- Advising international airlines on air transport and competition law issues

MEA

- Advising a European airline in connection with establishment of its operations in the UAE, including in connection with the regulations of the UAE General Civil Aviation Authority
- Advising a UAE government department on its aviation transport regulations
- Advising an international helicopter operator with respect to its operations within Saudi Arabia
- Advising on ownership and control issues for commercial airlines
- Advising on security clearance issues involving foreign aircraft operators and foreign registered aircraft in the UAE
- Liaising with the General Civil Aviation Authority on the introduction of a new drone/unmanned aerial system (UAS) regulations in the UAE
- Advising the Africa Development Bank and other African organisations on the Implementation of African Open Skies (Yamoussoukro Decision)
- Assisting with a study into opening aviation markets with the 6 countries of the Gulf Cooperation Council
- Assisting Comair Limited in its successful objection to an application for scheduled air services licenses by Safair Operations (Pty) Ltd
- Assisting Comair Limited in reviewing and setting aside a decision by South Africa's Air Services Licensing Council that it was in breach of the statutory ownership and control provisions of South Africa's Air Services Licensing Act
- Assisting SA Express with making submissions to the South African's CAA in respect of its decision to ground SA Express aircraft
- Assisting two airlines with an application for an Aircraft Maintenance Organisation license and their interaction with the South Africa NCA

Regulatory

Key contacts

North America:

Kenneth Quinn

Canada:

Keith Geurts

Latin America:

Peter Macara

Americas

- Acting for the airline interests in the ground breaking cases concerning Federal law Pre-emption of State common law obligations relevant to aviation safety standards, *Abdullah v. American Airlines Inc.*, airline warning and seat requirements, *Witty v. Delta Airlines Inc.*, compliance with FAA security standards, *Bavis v. UAL Corpn.*, and product liability standards, *Sikkelee v. Precision Airmotive Corpn*
- Representing major US airlines in civil penalty matters involving FAA investigations and fines
- Advising a major Asian carrier in relation the compliance of its ticket notices with US Federal Regulations
- Assisting a major US airline in its dialogue with the DOJ and FAA concerning the promotion of Federal law Pre-emption as the basis for determination of liability
- Assisting a major airline in its application for Safety Act certifications for various US station based security plans
- Assisting an international passenger airline in defending against enforcement action by the Transportation Security Administration for alleged security breaches
- Assisting an international passenger airline in its compliance with US regulations addressing advertising practices, handling of passengers using wheelchairs, passengers with disabilities and passengers travelling with animals
- Advising in relation to a regulatory inquiry from Ontario's Ministry of Government and Consumer Services regarding the contents an international passenger carrier's frequent flyer mileage program
- Advising LATAM airlines regarding accession to the Oneworld Alliance and associated FFP, codeshare, contractual, regulatory and competition issues
- Advising the holding company of Avianca regarding EU ownership and control rules, and potential traffic rights, in respect of a potential investment in an EU carrier
- Assisting Turkish Airlines in all legal aspects related to the commencement of scheduled operations between Istanbul and Caracas, including representations before the Venezuelan CAA
- Assisting Alitalia in certain administrative procedures to avoid suspension of its commercial licence in Venezuela
- Defending Dutch Antilles Express Airlines before the Venezuela CAA in relation to a revocation of its permission to fly into/out of the State

Regulatory

Key contacts

APAC:

Thomas Choo

Stuart Miller

APAC

- Advising APAC airlines on obligations and exposure under EU Regulation 261/2004 and other aviation-specific consumer legislation impacting airlines
- Advising a Taiwanese carrier on its Modern Slavery Act statement for compliance with the UK MSA legislative requirements
- Advising an APAC airline group on restructuring options in the wake of Covid19
- Advising an airline in Australia on termination of flights to South Korea due to Covid 19
- Advising a Hong Kong airline on termination of flights to Canada due to Covid 19
- Advising an airline in East Europe on obtaining permits and airport slots to operate emergency humanitarian flights and scheduled cargo flights to mainland China
- Advising two Hong Kong based airlines on revisions to their Passenger and Baggage General Conditions of Carriage to overcome regulatory challenges in various jurisdictions
- Advising APAC airline group on the licensing and distribution of multi-jurisdictional Fly Rail packages and associated liability and commercial aspects
- Advising a major APAC carrier on passenger and other consumer rights issues in relation to a possible route opening to/from South Korea
- Advising a major charter airline on the commencement of all freighter operations to Hong Kong
- Advising APAC airlines on the recovery of ground handling operations in Taiwan following the collapse of a Taiwanese airline
- General counsel advisory work in the establishment of scheduled airline operations (LCC and full service) for start-up airlines in the Maldives, Macau and Hong Kong
- Advising a Chinese Corporation on the acquisition of a Hong Kong airline
- Advising international airlines on passenger rights in numerous countries including greater China, Japan, South Korea, Singapore, Malaysia and the EU
- Advising the HK Board of Airline Representatives and Carrier Liaison Group on competition law issues arising from collective decisions on the pricing of air fares, and security and fuel surcharges
- Advising an international UK airline on the regulations and laws relating to marketing and selling holiday packages in Hong Kong, Mainland China, South Korea and Japan
- Advising an international airline in APAC on anti-corruption laws in Hong Kong and Singapore
- Supporting an international airline in APAC in cargo fuel surcharge competition law proceedings in Australia, by providing advice on aviation and competition law issues and industry practices in Hong Kong and Singapore
- Advising airlines on the establishment of e-freight trading lanes
- Advising a major US airline on Hong Kong government clearance of code share alliances
- Advising a Macau based airline on a sub-concession agreement for government clearance to operate certain international flights
- Advising a Middle East airline on the commencement of flights into Mainland China
- Advising large international airline in respect of allegations of fraud in the Hong Kong market

Regulatory

- Advising an airline in Hong Kong on the introduction of close circuit TV cameras in passenger aircraft cabins
- Advising airlines in Hong Kong on World Health, ICAO and IATA regulations relating to the communicable diseases
- Advising HK airlines on travel agent regulations in Hong Kong, the sale of connecting services sold with airline tickets and agency wording for sales of connecting services sold with airline tickets
- Advising a HK airline in respect of a US SEC investigation into insider dealing on flights
- Advising a South Asian airline on meeting standards set by the Ministry of Transport of China concerning emergency planning for tarmac delay and information on flight disruption
- Advising a South Asian airline on compliance with China's Flight Regularity Administrative Regulation
- Reviewing the safety management system of Australasian carriers and providing related safety leadership training
- Advising a major airline in respect of accreditation issues of CASA (the Australian CAA) concerning a low cost subsidiary



Non-contentious commercial



We undertake a wide variety of non-contentious commercial work supporting airline interests.

 [Click to see our experience by region](#)

Non-contentious commercial

Key contacts

UK:

Tom van der Wijngaart

Roger Whipp

UK

- Drafting airline conditions of carriage, and advising on their compliance with aviation and consumer legislation
 - Advising airlines in relation to alliance agreements, code share and frequent flying programmes
 - Assisting with the negotiation for and drafting of a proposed agreement for a common ground service equipment scheme for use at a major international airport
 - Drafting parts trading terms and aircraft maintenance agreements, including long term MRO agreements
 - Drafting and assisting with the negotiation of a wet lease agreement to fill gaps in an airline's operational requirements due to unexpected aircraft unavailability, and advising in relation to necessary regulatory approval for the same
 - Drafting an ACMI wet lease agreement to provide aircraft for a scheduled helicopter service
 - Advising in relation to a seat sale agreement made between a charterer of airline flight accommodation and a major international tour operator
 - Drafting charter broker conditions and assisting in development of web-based sales platform
 - Advising airlines on GDS agreements, including with all three major operators (Amadeus, Sabre and Travelport)
 - Advising a major LCC on network wide fuel supply agreements
 - Advising an applicant in relation to joining a fuel hydrant consortium at a major UK airport
- In relation to slot transactions:**
- We have acted and advised in relation to over 70 slot related projects of various kinds, including:
- Assisting British Airways with its purchase from the administrators of Monarch Airlines Ltd of Monarch's entire portfolio of take-off and landing slots at London Gatwick Airport
 - Acting for Flybe in its sale and leaseback of its London Gatwick Airport slot portfolio
 - Developing and drafting an innovative tripartite structure for the disposal of London Heathrow Airport take-off and landing slots by two carriers, attracting a record sale price
 - Developing, drafting and negotiating a framework agreement to govern inter-company slot transfers within a European air carrier group
 - Advising an air carrier regarding the operation of slots under remedies granted by the EU Commission
 - Advising a major European airport regarding the interrelation between the EU Slot Regulation and the domestic environmental legislation of its home State
 - Advising a major European airport regarding the implementation of 'local rules' under the EU slot regulation
 - Advising on numerous slot sale, lease, sale and leaseback, babysitting and joint use transactions, including in respect of associated security documentation
 - Advising on the treatment of airport slot transactions for the purposes of UK VAT
 - Advising on the implications of air carrier insolvencies and operational difficulties in the context of slot transactions

Non-contentious commercial



Key contacts

France:

Fabrice Pradon

Grégory Laville de la Plaigne

Spain:

Enrique Navarro

North America:

Kenneth Quinn

Latin America:

Peter Macara

Europe

► France

- Drafting airline general conditions of carriage, and advising on their compliance with aviation and consumer legislation
- Advising on the transfer of aircraft titles and certificates as between two airlines on their merger
- Assisting airlines to prepare and structure their communications with the press
- Advising on the creation of an engine pool between two major airlines
- Advising on fuel supply issues in relation to a major air carrier

► Spain

- Reviewing commercial agreements related to loyalty programmes, promotions and the provision of commercial services to airlines
- Reviewing and recommending changes to General Conditions of Carriage

Americas

- Reviewing and drafting air carrier conditions of carriage, code share and indemnification agreements
- Advising a major international carrier in relation to code share and connecting carrier relationships
- Drafting and negotiating air charter and interline agreements for a California based freight forwarder
- Assisting an international passenger carrier in negotiating commercial advertising and promotional contracts
- Assisting an international passenger carrier respond to commercial activities that infringed on its trademark
- Drafting an employment handbook for international passenger carrier to ensure compliance with California law
- Assisting an international passenger carrier restructure its US workforce and negotiating employee severance agreement
- Advising a major Latin America carrier regarding aircraft maintenance contracts
- Advising and assisting a US carrier in the negotiation of a wet lease of a B737-800 aircraft to a Venezuelan airline

Non-contentious commercial

Key contacts

MEA:

Mohammed Almarzouki

MEA

- Advising a European airline in connection with the restructure of its bond debt
- Advising an airport in the UAE in connection with heads of terms for an air traffic services agreement
- Advising a leading Middle Eastern airline in connection with renegotiating its catering agreement with its catering service provider
- Acting for a Middle Eastern airline on its joint venture in relation to projects in Abu Dhabi, Dubai and Ras Al Khaimah, including property due diligence, drafting and concluding leasing and ownership arrangements, and drafting and negotiating project development documentation
- Advising on the disposal of 100% of the shares in three subsidiaries by ADAC to Etihad Airways
- Advising a KSA airline on the unique divestment and privatisation of one of its wholly owned service providers
- Acting for a number of airlines on establishment and licensing in the UAE
- Advising a UAE based aviation conglomerate on the establishment of airport lounge, meet and assist, and passenger chauffeur drive services in Bahrain and India
- Advising a Middle East ground handling provider on the purchase of an aircraft cleaning business in Australia
- Advising various FBOs, aircraft operators and owners on aircraft management agreements
- Drafting numerous agreements and contracts in relation to the new facilities at Dubai International Airport, Al Maktoum International Airport (Dubai World Central International Airport), and reviewing standard contracts for ongoing work at Concourse 3
- Advising a Gulf-based international airline on all aspects of its IT procurement and licensing
- Advising a number of airports on their general commercial requirements – including a bidding and procurement process, catering, facilities management, maintenance, security, fuel supply, and franchising/retail exploitation
- Advising on the operation and maintenance of one of the world's largest airport baggage handling systems licence agreements
- Advising a Middle East ground handling company on strategically important long term airport concessions and lease agreements in South East Asia and the Middle East
- Handling a Middle Eastern airlines' extensive trade mark portfolio throughout the world, including prosecuting its core brands in over 60 jurisdictions
- Advising on the procurement of global media planning and buying contract for a major international airline
- Managing a Middle Eastern airline's trade mark portfolio in over 70 jurisdictions, and providing related advice to the management teams on brand strategy and implementation
- Advising a national East African airline on the restructuring of its workforce and resulting redundancies in UAE, Oman and Kingdom of Saudi Arabia
- Advising a UAE low cost carrier on various employment matters, including disciplinary and termination issues, implementation of staff policies and recoupment of staff training costs
- Providing employment law training to HR personnel for a national GCC airline

Non-contentious commercial

Key contacts

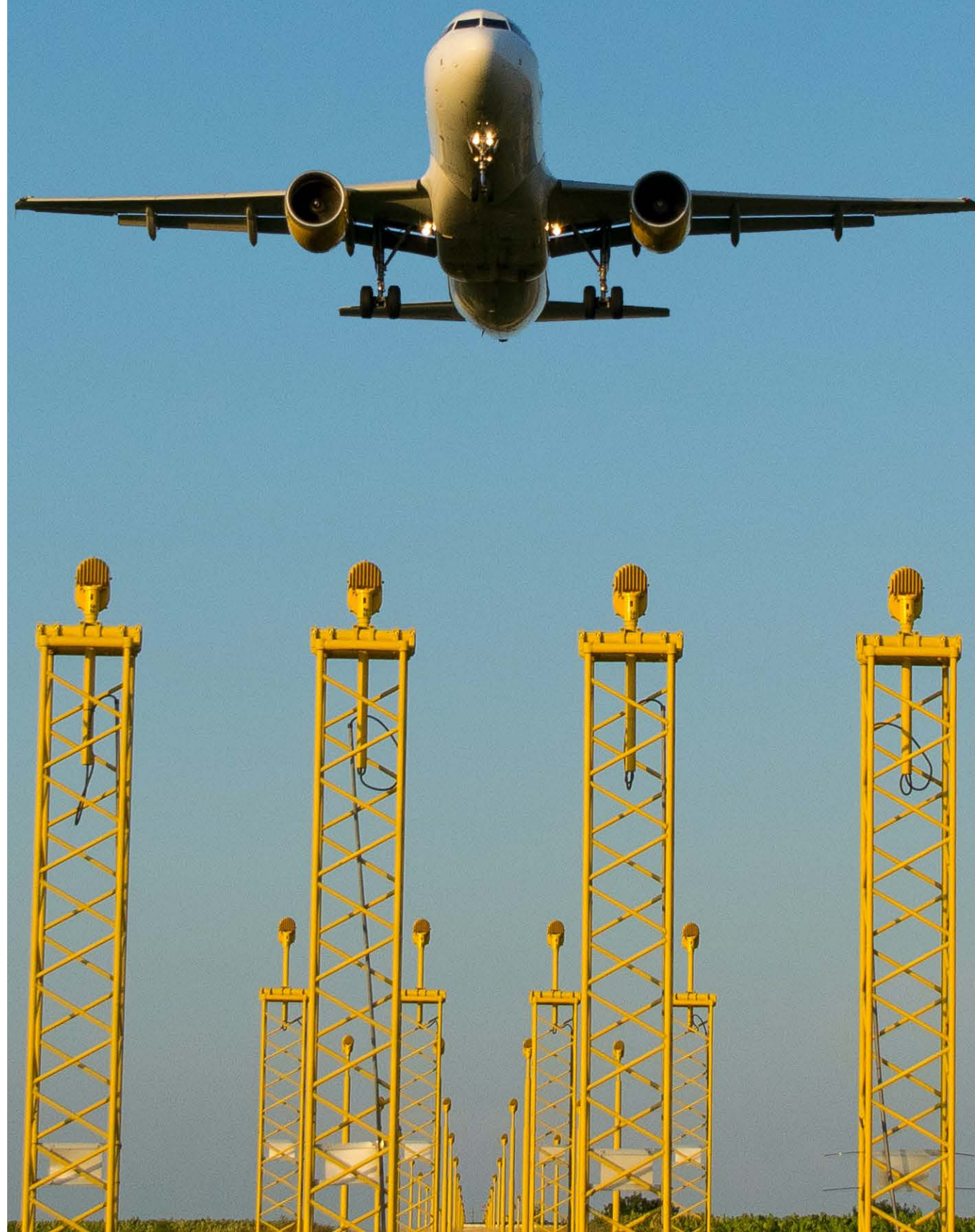
APAC

Thomas Choo

APAC

- Advising on and drafting of airshow participation contracts and conditions
- Advising a Singapore based aviation events organiser on issues arising from events cancellation and refunds due to Covid-19
- Advising a Singapore based airline on Global Distribution Agreements
- Advising airline in Australia on freight ground handling contracts for domestic flights
- Advising airline flight training academy on pilot training contract with Chinese airline
- Advising an APAC Airline group on passenger, baggage and cargo ground handling contracts
- Advising numerous APAC airlines on codeshare agreements, ground handling agreements, overflight agreements, general conditions of carriage, cargo and AWB terms
- Advising a major European airline on the formation of joint venture in Hong Kong for logistics operations
- Advising APAC airlines on interline and intermodal agreements for passenger services with buses, ferry and railway companies
- Advising an airline on landing gear and exchange agreements with a MRO
- Advising a Middle East airline in respect of extra territorial tourism law in the PRC and contracts with travel agents and tour operators
- Advising a Hong Kong airline group on block space agreements with tour operators and travel agents
- Advising on the restricting of joint ventures of a major APAC carriers within Asia
- Advising an international airline on all legal and regulatory issues arising from the appointment of a general sales agent in Australia
- Acting for start-up airlines in APAC on a range of issues including advising on the hire of pilots and management, training bonds, aircraft type certification, handling of cargo and marketing
- Advising airlines on GDPR compliance, including drafting new policies for data privacy, processing, transfers and data protection officers
- Advising airlines in the Maldives, Macau, Singapore, Hong Kong and Taiwan on dry and wet leases, ACMI and special lift charters
- Advising a Hong Kong airline on emergency charters from crises in Indonesia and Thailand
- Advising an APAC airline on US White House charters

Finance and leasing



We provide advice in relation to all types of financing and leasing: export credit; commercial; finance lease; tax-driven leases; pre-delivery finance; AFIC and Balthazar supported; operating lease; wet lease; and charters.

Our standing in this area has been recognised by numerous awards, including recently:

- Airfinance Journal 2020 Legal Transaction of the Year – acting for Turkish Airlines on 5xA321neo Balthazar guaranteed commercial financing
- Airline Economics 2018 Lease Deal of the Year – acting for Turkish Airlines on CACIB arranged French tax lease financing of a Boeing 777-F aircraft with an ICBC put option
- Global Transport Finance 2018 Aircraft Tax Lease of the Year – acting for Royal Air Maroc on AFIC supported French tax lease financing of a Boeing 737-MAX-8 aircraft and a Boeing 787-9 aircraft
- Airfinance Journal 2018 Operating Lease Deal of the Year – acting for airBaltic on the sale and leaseback of two A220-300 aircraft with FPG Amentum
- Airfinance Journal 2018 Islamic Financing Deal of the Year – acting for Al Ahli Bank of Kuwait, First Abu Dhabi Bank and Noor Bank on an unsecured revolving USD 800 million credit facility with Dubai Aerospace Enterprise
- Aviation Finance Law Firm of the Year, Airline Economics conference, Dublin, 2016

Members of our team regularly write on this topic:

- Mark Bisset is the editor of the annual Lexology publication Getting the Deal Through – Aviation Finance and Leasing
- Roger Whipp was the editor of Aviation Finance: A Global Guide From Practical Law (2016)
- Grégory Laville de la Plaigne, wrote the chapter on Registration and Deregistration of Aircraft in Le droit du financement des aéronefs, 1st edn. (ed. Vincent Correia and Cyril-Igor Grigorieff, 2017)

Finance and leasing

Key contacts

UK

Mark Bisset

Norman Fraser

Roger Whipp

APAC

Fei Kwok

Stuart Miller

North America

Kenneth Quinn

Experience includes:

- Advising a low cost Middle East airline in connection with the refinancing of a narrow bodied aircraft and the financing of a spare engine
- Advising a low cost Asian airline in connection with the leasing of three narrow bodied aircraft in connection with the commencement of its operations
- Advising an African airline in connection with refinancing wide bodied aircraft and a spare engine with operating lessors. Also advising the airline in connection with restructuring its leases/fleet as a result of the impact of Covid-19
- Advising ELFC in connection with engine lease transactions to several UAE airlines
- Advising a luxury air services operator in connection with the restructuring of existing leasing arrangements of two Boeing Business Jets
- Acting for Turkish Airlines on 5xA321neo Balthazar-guaranteed commercial financing
- Advising a Hong Kong and Macau based airline on the sale of two helicopters
- Advising Hong Kong helicopter operator on the purchase of a helicopter
- Advising a number of airlines on restructuring of their finance/lease arrangements in light of the Covid-19 crisis, including negotiations with Airbus and with lessors/financiers in respect of delayed deliveries/payment deferrals, and reimbursement of deposits paid under letters of intent
- Acting for airBaltic in relation to the first Export Development Canada financing for the C Series 300 aircraft (now A220-300), and multiple sale and leasebacks including with CMB Leasing and Avation
- Acting for Turkish Airlines in multiple financing transactions, including: the French tax-optimised leasing and financing of 8 Airbus A321 & A330 aircraft; the finance leasing of 2 Boeing B737 aircraft with a leading Chinese bank; the sale and leaseback of 16 Airbus and Boeing aircraft; the carrier's first AFIC supported transaction; and the carrier's first Balthazar supported transaction (which was also the first Balthazar transaction in the aviation market)
- Acting for Wizz Air UK in relation to the leasing of its Airbus A320 and A321 aircraft
- Acting for Air Arabia in relation to the delivery financing for 6 Airbus A320 aircraft and the leasing of 6 Airbus A321neo aircraft
- Advising Aeroflot on the sale and leaseback of 2 Boeing B777 aircraft, and the sale and leaseback of 7 Airbus A320 aircraft
- Advising a major airline on the sale and leaseback of 6 Boeing B787-8 aircraft
- Advising a major airline on the financing of 5 737-Max8 aircraft under AFIC insurance and with an Italian Tax Lease structure
- Representing a start-up airline in Asia on the pre-delivery payment financing of 5 Airbus A320 aircraft with an international operating lessor
- Acting for Royal Air Maroc on AFIC-supported French tax lease financing of a Boeing B737-MAX-8 aircraft and a Boeing B787-9 aircraft
- Acting for an Asian aircraft lessor on the leasing of two Airbus H125 helicopters into India
- Representing Aigle Azur in respect of lease novations

Finance and leasing

- Representing Royal Jordanian Airlines in the financing and delivery of 2 Boeing B787-8 aircraft
- Advising Alitalia on aspects of its fleet restructuring following entering into administration
- Acting for Turkish Airlines on the EXIM/ Natixis supported French tax financing of two B787-9 aircraft: this was the first EXIM financing of a large aircraft since their re-authorisation
- Acting for Wizz Air on the JOLCO financing of two A321 aircraft
- Acting for Wizz Air negotiating sale and leaseback arrangements for ten A321 aircraft, with several lessors



Fleet procurement

We regularly advise airline clients on fleet procurement programmes, including engine manufacturer, spare engine, products, power-by-the hour and total care agreements, spare engines, and trading of pre-owned aircraft.

We also have relatively unique experience in engine OEM flying hour support arrangements and special guarantees, including fuel guarantees.

We have extensive aircraft and parts trading experience, acting on numerous aircraft and aircraft equipment sale and purchase transactions.

Experience includes:

- Advising a leading South East Asian airline in connection with purchase agreements entered into with Boeing for the purchase of 737 MAX aircraft
- Advising a Middle East carrier in connection with amendments proposed to its purchase agreements for narrow bodied aircraft with Airbus
- Advising a Middle East low cost carrier in connection with purchase agreements with Airbus for the purchase of 30 Airbus A320 NEO aircraft
- Advising a regional European airline in connection with the acquisition and financing of Embraer E190 aircraft
- Advising an LCC group on selection and maintenance agreements with a major OEM for APUs and avionics
- Acting for airBaltic in relation to the purchase of up to 50 C Series 300 aircraft (now Airbus A220-300), including the first delivery as launch customer of this new aircraft type
- Advising Aegean Airlines on its purchase order for 20 A320neo and 10 A321neo aircraft, as well as related aircraft and engine options
- Advising Flynas on its purchase of 80 Airbus A320neo, including its engine procurement from and maintenance with CFM
- Advising British Airways in connection with the Total Care maintenance support agreements with Rolls-Royce that support the Trent engines on its Boeing B787 and Airbus A380 fleets
- Acting for easyJet on the warranties, special guarantees and maintenance support of CFM LEAP engines selected for its Airbus A320neo fleet
- Representing Hawaiian Airlines on an A330neo fleet order with Airbus and engine support arrangements with Rolls-Royce
- Acting for Hawaiian Airlines on warranties, special guarantees and maintenance support of Pratt & Whitney GTF engines selected for its Airbus A321neo fleet
- Advising a South American low cost carrier on the GTA and maintenance support agreement with CFM to support an order for Airbus A320 and A320neo aircraft
- Advising on rights, obligations and liabilities under aircraft sale and purchase agreements

Key contacts

Mark Bisset

Roger Whipp

Fleet procurement

- Advising a Korean start-up low cost carrier on the acquisition of 8 Airbus A320 aircraft and procurement of engines from CFM
- Acting for a Middle Eastern low cost carrier on its acquisition of up to 50 Boeing B737 Max aircraft
- Acting for AerFin on the purchase from Saudia of 15 Embraer E170-100LR aircraft, and numerous other aircraft trading projects
- Advising China Southern Airlines on the Total Care Agreement and Product Agreement with Rolls-Royce to support its Airbus A380 fleet
- Advising Hawaiian Airlines on the GTA and flight hour maintenance agreement with GE to support an order for GEnx powered Boeing 787-9 aircraft
- Advising an African carrier on the Total Care Agreement with Rolls-Royce to support an order for Airbus A330-900 aircraft





Commercial dispute resolution

Clyde & Co is one of the largest dispute resolution firms in the world. This means that we can handle most, if not all, commercial disputes in which an airline gets involved, wherever it may be, and whether it involves court proceedings, arbitration or mediation.

Our ability to call upon our Aviation Services experience, especially our team's expertise in **Finance and leasing** and **Regulatory**, often allows us to give added value and insight when dealing with aviation related disputes.

The firm also has wider capabilities in relation to **General disputes**.

 [Click to see our experience by region](#)

Commercial dispute resolution

Key contacts

Aviation related work:

Rob Lawson KC

Patrick Slomski

Richard Mumford

General disputes:

Chris Burdett

UK

- Advising an air carrier in relation to a dispute with a major OEM as to whether repairs undertaken fall within the terms of its maintenance care agreement
- Advising a major international airline as to termination rights and strategy for termination of its contractual relationship with a well-known equipment maintenance provider
- Advising an major international airline in respect of rights of termination of an aircraft sub-lease upon insolvency of the lessee
- Acting for an airline in relation to proceedings brought against it in the Commercial Court by an aircraft lessor for non-payment of lease and related payments
- Acting for an air carrier in respect of the resolution of a dispute with an aircraft service provider concerning the termination of their contractual relationship
- Advising several major airlines in relation to force majeure, frustration and termination issues under commercial contracts with OEMs and finance/lease arrangements flowing from the impact of the Covid-19 pandemic
- Acting for the parent company of Alitalia in its successful defence in the English Commercial Court of a USD 260 million damages claim for alleged repudiation of a contract for the lease of 13 Airbus A320 family aircraft
- Acting for Ethiopian Airlines in its USD50 million+ product liability claim against manufacturers in the English Commercial Court for fire damage done to one of its Boeing B787 Dreamliner aircraft whilst parked at Heathrow Airport in 2015
- Acting for Tarom in its dispute with Jet2. Com in the English Commercial Court and Court of Appeal concerning the alleged renunciation of an aircraft maintenance and servicing agreement
- Acting for Air France in its defence in the English Commercial Court of a claim by Eagle Leasing asserting a right to terminate an agreement for the sale and purchase of 6 Boeing B747 aircraft (valued at USD 180 million) due to alleged multiple defects in the condition of the aircraft
- Acting for an airline in an ICC arbitration concerning a multi-million dollar claim for the return of maintenance reserves paid under a long term maintenance agreement interrupted by the imposition of sanctions
- Acting for Pakistan International Airlines in its English Commercial Court dispute with members of the Association of Pakistan Travel Agents concerning their remuneration entitlement and termination of their agency
- Advising a major international airline in respect of reimbursement liabilities for tickets sold by it on behalf of a now insolvent carrier
- Advising an international airline as to termination rights and strategy in respect of a lease for 737 Max aircraft that were undelivered
- Acting for an international airline in defence of an ICC arbitration concerning a multi-million dollar claim relating to an airport slot dispute

Commercial dispute resolution

Key contacts

France:

Fabrice Pradon

Grégory Laville de la Plaigne

Spain:

Enrique Navarro

Germany:

Sven Förster

North America:

Kevin Sutherland

Keith Geurts

Latin America:

Peter Macara

Europe

► France

- Acting for a major EU airline in an ICC arbitration (in Paris) in a multi-million dollar product liability claim against an aircraft manufacturer in respect of damage to a commercial passenger aircraft caused by a landing gear collapse
- Acting for a foreign airline in a claim brought against it by an aircraft manufacturer in relation to indemnity provisions of sales contracts
- Acting for a French airline in a multi-jurisdictional commercial dispute concerning a wet lease agreement, where one of the parties was subject to insolvency proceedings in the UK
- Representing a major international airline in commercial dispute with a hotel in Paris
- Acting for an airline in a dispute with a MRO concerning non-payment of services

► Spain

- Acting for a major airline in Spain in respect of an International ICC arbitration concerning alleged breaches of a maintenance contract
 - Advising a Spanish airline in respect of liability for total loss of engines in their lease contracts
 - Defending a major international airline in proceedings brought against it by a catering service provider
- ### ► Germany
- Advising an international airline with regard to wet lease agreements, in particular in respect of choice of law and jurisdiction clauses
 - Advice to an airline with regard to the cancellation of charter flights due to the Covid-19 pandemic
 - Acting in a dispute with an aircraft lease provider over the leasing rates of a helicopter
 - Execution of an arbitral award against an airline on behalf of the lessor, arrest of engines at maintenance provider
 - Advising an international airline in relation to the preconditions for an arrest of aircrafts

Americas

► North America

- Defending a global aviation ground handling company against multiple employment class action suits in California

Commercial dispute resolution

Key contacts

Australasia:

Maurice Thompson

APAC:

David Johnston

Nicholas Lum

MEA

- Advising a Middle Eastern full service carrier in connection with a potential claim made by one of its lessors and otherwise in connection with the leasing contracts entered into with the same lessor
- Representing a government entity in defending a USD 1 billion claim from a contractor arising from the finishes, systems and mechanical and electrical works at the Gulf Cooperation Council's busiest airport
- Advising a Saudi low cost carrier on a dispute surrounding the wet leasing of aircraft
- Advising on a successful DIAC arbitration, representing a specialist system subcontractor claiming USD 77.5 million in respect of substantial works performed at Concourse 2, Terminal 3, Dubai International Airport
- Acting for a Middle East airline in relation to disputes over delivery conditions in connection with the sale and purchase of two Bombardier Learjet aircraft
- Advising a large Saudi corporate in relation to the repossession of an aircraft and claims under the financing documents by a major European bank
- Advising a Middle East low cost carrier on a dispute over the return of leased aircraft

APAC

- Advising Hong Kong based airline in relation to a leasing dispute and enforcement proceedings before the Hong Kong High Court
- Advising a Ultra High Net Worth Individual in the successful termination of a Boeing 737-800 MAX purchase contract
- Advising an Indonesian airline on the termination of an order for 50 Boeing 737-800 MAX aircraft and associated compensation for grounded aircraft
- Advising Hong Kong helicopter operator in the enforcement of a purchase contract for equipment from a Canadian manufacturer
- Acting for a major Asian carrier in challenging performance warranties in respect of engine and airframe contracts

Debt recovery

We have many years' experience acting as counsel for IATA, including its member airlines, against major clearing banks over liability to account for trust monies arising from ticket sales, as well as for related debt recovery actions, and asset tracing, against defaulting travel agents.

We also have wide experience in debt recovery actions (including asset seizures and bankruptcy proceedings), across multiple jurisdictions including the UK, France, Spain, Italy, Moldova, Ukraine, Russia, Afghanistan, Bahrain, Dubai, UAE, Hong Kong, Mainland China, Philippines, Taiwan, Thailand and the US.

We offer a no win, no fee service for aviation debt recovery in Mainland China. Further details are available [here](#).

We have also recently begun to work in conjunction with a pioneering provider of dispute finance (i.e. third party funding), in relation to work of this nature. This has included closing a Corporate Portfolio Deal with an aviation client, which is the largest Corporate Portfolio Deal in the history of disputes funding. Further details are available from [Ben Knowles](#) and shortly also on our website.

Debt recovery

Key contacts

UK:

Chris Burdett

Ben Knowles

Tom van der Wijngaart

France:

Fabrice Pradon

Grégory Laville de la Plaigne

Spain:

Enrique Navarro

North America:

Kevin Sutherland

Latin America:

Peter Macara

Australasia:

Maurice Thompson

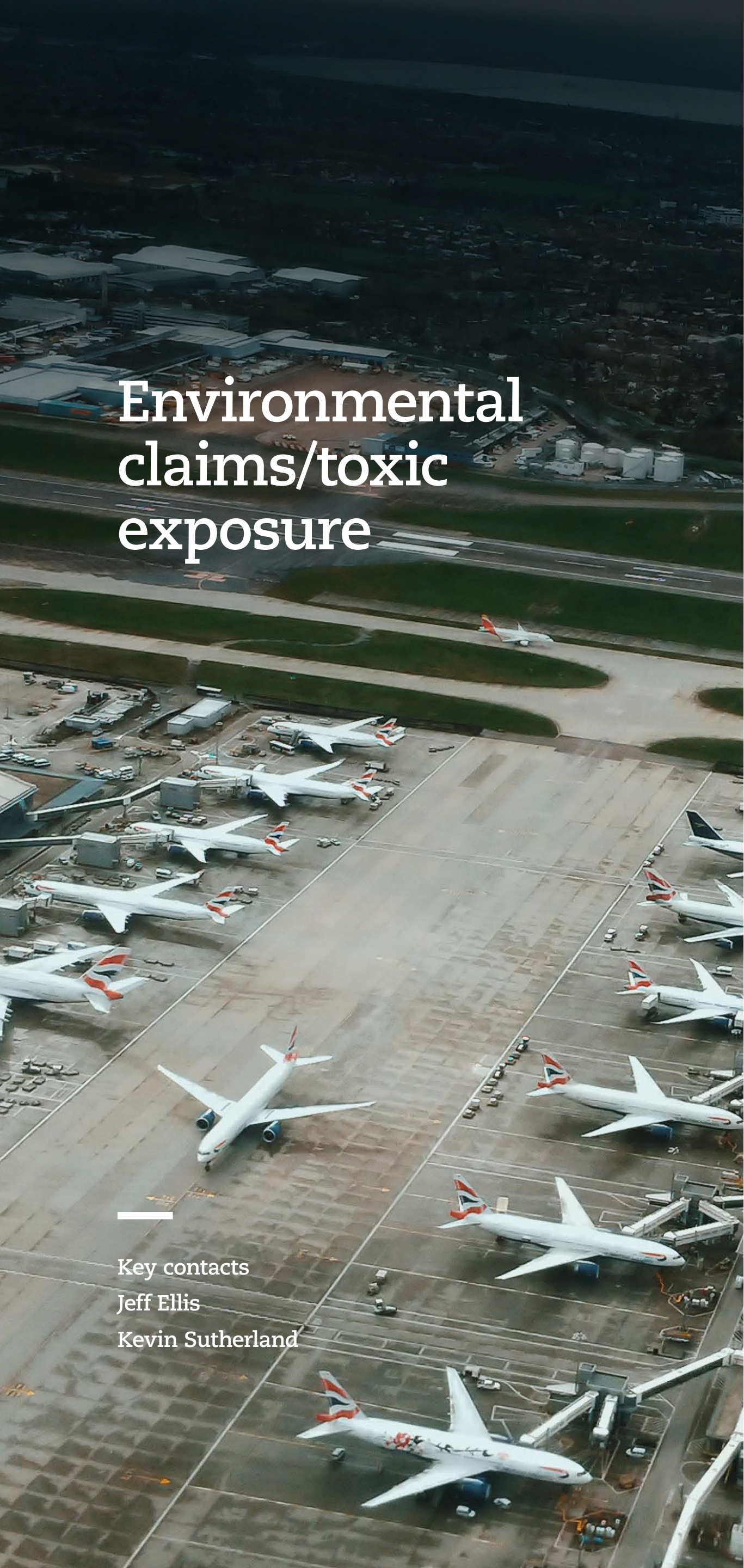
APAC:

David Johnston

Victor Yang

Experience includes:

- Acting for 71 IATA member airlines in a potential multi-million pound fraud by a travel agent, including working alongside the City of London Police Fraud Squad
- Advising a major airline in relation to recovery of debts due to the fraudulent activity of one of its sales agents in France
- Assisting with the recovery of a debt owed in Spain as between two airline
- Advising airlines in Hong Kong on the recovery of pilot training expenses following the breach of training bonds
- Advising a Middle East airline on the recovery of freight charges from a Hong Kong and Guangzhou based GSA, including forced bankruptcy proceedings in Hong Kong
- Assisting a European airline with a recovery in France in respect of non-payment of invoices for the maintenance of aircraft
- Acting for IATA member airlines before French commercial and criminal courts on fraud and debt recovery actions
- Advising a UAE airline on the recovery of unpaid lease rental payments
- Representing a European carrier in respect of an attempted seizure of one of its aircraft in England to meet judgment debts under Regulation (EC) 261/2004
- Acting for major MRO in English Mercantile Court debt recovery proceedings against European charter operator



Environmental claims/toxic exposure

Key contacts

Jeff Ellis

Kevin Sutherland

We advise and represent airlines on issues and claims related to aircraft noise, environmental impact and harm allegedly caused by exposure to toxins.

Litigation, regulatory inquiries and media attention related to the foregoing are arising with increasing frequency and on a global scale. Responding to same requires experienced counsel familiar with the legal, regulatory and scientific context in which these issues arise. Our global presence and broad experience dealing with these matters make us uniquely situated to represent, assist and provide advice on a local, national and multi-jurisdictional basis.

Experience includes:

- Representing multiple international carriers targeted by a US class action alleging that airline flights were causing environmental, toxic and noise related harm to residents located near an international airport. Our multi-jurisdictional team worked with the local airport authority and topical experts to successfully defeat the proposed class action and obtain appellate affirmance of same.
- Representing a carrier targeted by a US class action alleging that passengers on numerous flights were exposed to toxic cabin air. A multi-jurisdictional team worked closely with the airline's safety, environmental and legal teams as well as independent experts to defeat the class action and have that result affirmed on appeal.
- Representing a carrier subject to numerous US lawsuits and governmental investigations related to an environmental incident related to its operations. A multi-jurisdictional team provided advice and representation that was focused on defending the propriety of the operation at issue, communications with local and national governmental officials and providing a comprehensive legal defense to the litigation and class action that was filed.

We have also presented several seminars addressing the foregoing.

Our international aviation team



UK

Our international aviation team



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Our international aviation team

Europe

Paris

Munich

Hamburg

Madrid

Our international aviation team

MEA

Dubai



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Johannesburg

Latin America

Mexico City

Caracas

Cape Town

Our international aviation team

North America
New York

Our international aviation team

North America
San Francisco/Los Angeles

Chicago

Our international aviation team

North America

Denver

Miami

Washington DC



Bill Swallow

Partner

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Our international aviation team

Canada
Montreal

Calgary

Vancouver

Toronto

Our international aviation team

APAC
Hong Kong

Mainland China

*Westlink Partnership has formed a joint law venture with Clyde & Co in Mainland China, to provide clients with seamless onshore and offshore legal services.

Our international aviation team

Singapore

Australasia

*Westlink Partnership has formed a joint law venture with Clyde & Co in Mainland China, to provide clients with seamless onshore and offshore legal services.

Value added services

We recognise that your business and the industry around you is constantly changing and so offer a wider range of training, thought leadership and industry networking opportunities to help our clients navigate this change.

To cater for our clients diverse preferences in how they stay on top of local and global issues we seek to share our extensive industry know how across a variety of platforms.

- Regular legal, regulatory and market updates. [Click here](#) to sign up to receive updates straight to your inbox
- Tailored training– virtual and in person
- As a firm, we hold over 100 client seminars each year, covering a wide variety of topics and covering all aspects of contentious and non-contentious law. These include a regular series of aviation related talks held in our London offices, as well as an annual two day Air Law Workshop held in conjunction with the Institute of Air & Space Law, Leiden University, to which our clients are invited.
- Every other year we hold a major international aerospace conference in London to which our clients are invited

If you would like more details in relation to the above, or wish to attend any of these events, please contact aviationbusinessdevelopmentteam@clydeco.com.

Members of our aviation practice also speak regularly at international aviation events, such as the IATA Legal Symposium, IATA RIM events, the Willis Towers Watson Aviation Conference, the European Air Law Association's Annual Conference, ATLA's Aviation Law Americas Conference and the ALAANZ Annual Conference.

Corporate

We are a powerhouse for Corporate and M&A work, particularly across the MENA region in the aviation sector. We have the largest corporate practice of any international firm in the region with 20 partners and 70 lawyers. Our corporate lawyers have assisted clients in realising their investments, gaining access to new markets through organic growth/strategic acquisitions and in achieving their corporate objectives for more than 25 years.

 [Click to see our experience](#)

Corporate

Key contacts

MEA:

Abdulaziz Al-Bosaily

Jonathan Silver

UK:

Nick Purnell

Simon Vere Nicoll

Victoria Green

APAC:

Thomas Choo

Experience includes:

- Advising a European airline in connection with its joint venture to set up an airline in the UAE
- Advising two UAE based airlines in connection with their joint venture to set up a low cost airline in the UAE
- Advising an airline in Japan and an MRO in China on the establish of a joint partnership line maintenance company in Japan
- Acting for management on the acquisition of Flight Support Limited, a ground-handling business, at Liverpool, Manchester and Isle of Man airports
- Advising an airline on aircraft procurement, from drafting responses to manufacturers for proposals, sourcing and acquisition of aircraft, drafting specifications on the fitting out of aircraft, delivery issues, taking delivery of the aircraft, and advising on contracts with providers of maintenance services to the aircraft
- Advising a business jet operator on a change of structure and joint venture and general commercial operations in the Kingdom of Saudi Arabia
- Advising Aerospace Jet on general corporate and regulatory advisory services. Also carrying out a review and amendment of MOUs and Intermediary Agreement
- Acting for a Middle Eastern airline on its joint venture in relation to projects in Abu Dhabi, Dubai and Ras Al Khaimah, including property due diligence, drafting and concluding leasing and ownership arrangements and drafting and negotiating project development documentation
- Advising on the disposal of 100% of the shares in three subsidiaries by ADAC to Etihad Airways
- Advising a KSA airline on the unique divestment and privatisation of one of its wholly owned service providers
- Advising a UAE based aviation conglomerate on the establishment of airport lounge, meet and assist, and passenger chauffeur drive services in Bahrain and India
- Acting for a number of airlines on establishment and licensing in the UAE
- Advising Middle East Propulsion Company (MEPC) in the Kingdom on maintenance contracts and government tenders
- Advising LOT Polish Airlines on an Amadeus IT Services Agreement
- Advising Kenya Airways on an IT Services Agreement
- Acting for airports including Brighton City Airport, Cornwall Airport and Southend Airport on various commercial matters
- Acting on the sale of aviation services business
- Acting for Alpha LSG (aviation catering) on various corporate and commercial matters
- Acting for Aveillant (now part of Thales) on provision of radar mitigation scheme to East Midlands Airport
- Acting in relation to the provision of services for Luton Airport
- Acting for Vivo Energy on various aviation fuel supply agreements
- Acting on a variety of transactional and commercial contracts, including sale and purchase agreements for both aircraft and engines; engine leasing agreements; teardown contracts; agency agreements; warehousing, consignment and distribution agreements; power by the hour contracts; and general supply, repair and service agreements

Corporate

- Acting for a consortium of five major international companies on the competitive disposal by way of auction sale of the shares in an intoplane fuelling business based at a major UK airport
- Acting for the purchaser on the share acquisition of a company owning the business and operations of privately owned regional airfield in England, including transitional arrangements, hangar and runway leases and management arrangements
- Acting for the purchaser on the acquisition of medical supplies and other products ancillary to a wider air ambulance aircraft acquisition
- Advising Kenya Airways in relation to various commercial agreements, including a joint venture in respect of a major Tanzanian airline

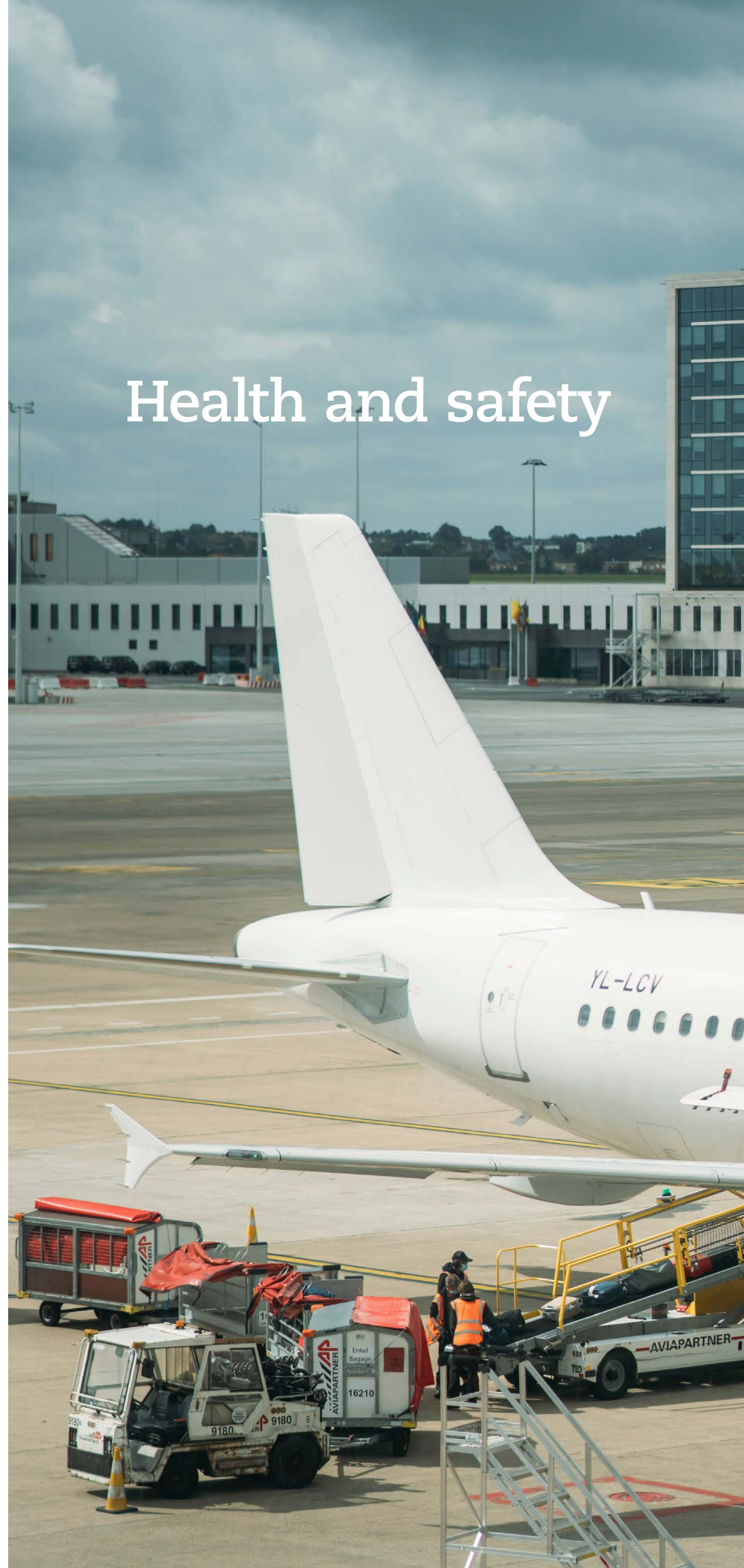


Health and safety

Health, safety, environmental and civil aviation laws around the world require organisations to be vigilant in systematically and proactively identifying and controlling hazards and risks. In practice, this requires organizations to develop, implement, and maintain a management system that captures the organization's approach to health, safety, security and environmental risks.

As specialist safety lawyers who respond to catastrophic incidents around the world, we know how systems fail and what is required to prevent failures. We bring that unique perspective to our work in reviewing and developing safety management systems.

 [Click to see our experience](#)



Health and safety

Key contacts

Asia Pacific:

Michael Tooma

Alena Titterton

Europe:

Chris Morrison

MEA:

Sara Khoja

Rebecca Ford

Canada:

Mark Braidwood

Cynthia Aoki

Experience includes:

- Reviewing the safety management system of Virgin Australia, delivered training to the Board and Executive team on safety leadership and delivered training on contractor management and incident investigation to managers across Australia
- Reviewing the safety management system of Air New Zealand delivered this to the Board, with training for Senior leadership and various management teams regarding safety by design, contractor safety, critical risks and incident investigations
- Advising Singapore Airlines in relation to Tiger CASA Accreditation issues
- Advising Virgin Australia regarding a safety dispute in relation to consultation training requirements
- Advising a global airline in an incident involving the injury to ground-crew. We advised the client on the incident management and internal investigation procedure
- Providing bespoke training to aviation entity in conjunction with their environment, health and safety department
- Defence of the world's leading provider of ejection seats in respect of a criminal health and safety prosecution as a result of a fatal zero-zero ejection involving a 'Red Arrow' Hawk from the Royal Air Force Aerobatic Team
- Defence of a global airline in respect of a regulatory health and safety investigation following an airside incident at London Heathrow involving injury to ground crew during turnaround
- Bespoke health and safety training provided to a global aircraft entity, across 22 sessions reaching 600 plus managers, undertaken in conjunction with internal Safety Department
- Advice to 2 separate airlines regarding the UK's criminal health and safety regime and associated turnover related fines
- Representation of international helicopter maintenance organisation in respect of criminal prosecution in the UK for multiple employee hand-arm vibration offences
- Representation of an airline pilot in a Police Station in respect of allegations of assault by a passenger in the UK



Employment, immigration and pensions

Our team advise on all aspects of employment law including the implications of TUPE, drafting employment contracts and company policies, working hours and leave entitlements, union-related issues, the operation of a shift pattern, flexible work patterns and temporary work arrangements in compliance with immigration and labour regulations. We have experience advising airlines, aircraft and rotor-wing operators, crew resource agencies and ground handling companies on a number of employment related matters.

We also have dedicated pensions and immigration teams, providing a unified solution on issues such as the restructuring of pensions arrangements or discrimination which can create both significant employment law and pensions issues.

We offer clients a global service with leading practices in the UK, the Middle East, Hong Kong, Singapore and Australia. In jurisdictions where we do not have a direct presence, through our relationships with leading employment law practices as part of our membership of L&E Global we have a truly global offering.

 [Click to see our experience](#)

Employment, immigration and pensions

Key contacts

UK:

Nick Elwell-Sutton

Charles Urquhart

Heidi Watson

MEA:

Sara Khoja

APAC:

Simon McConnell

Thomas Choo

Canada:

Jamie Spotswood

Experience includes:

- Advising Kuwait Airways on all its HR matters from TUPE issues on outsourcing of ground staff; relocation from Baker Street to Heathrow; recovering training costs and numerous employee relations issues
- Acting for a private jet rental company and its 2 directors in relation to a £ multi-million high court claim against them for breach of fiduciary duty and diverting business opportunities
- Acting for an international airline in Tribunal proceedings involving unfair dismissal, bullying, long term sickness absence and discrimination
- Advising a commercial airline on TUPE issues arising out of the outsourcing of its UK sales team
- Advising on the closure of a defined benefit pension scheme for UK staff of a flag carrier
- Advising an overseas flag carrier airline on an ill health early retirement dispute with a member
- Advising on UK pensions law applicable to a cross-border multi-employer pension scheme in the airline sector
- Advising a UK airline on its contract with a major employee benefits consultancy for the management of its UK pension arrangements
- Advising Kenya Airways on employee terminations in Jeddah
- Advising Flydubai on various employee issues, the application of federal law and emirate law, drafting policies and contracts for all levels of staff, advising on health and safety issues
- Advising ExecuJet on crew secondments to a client and the application of local law in UAE and Oman; drafting employee secondments agreements, contracts and commercial agreement with the client
- Advising Cathay Pacific on managing employee relations issues, employee terminations, and secondment of employees to TSAs
- Advising Gama Aviation on employee relations issues, employee exit and termination, drafting employment contracts and handbooks
- Advising on terms of engagement of senior representatives (as employees and consultants) and pilot training bonds

Employers' and public liability

Our employers' and public liability team represent a wide range of public and private sector organisations, including airlines. We understand our clients need to manage the reputational and financial risk associated with employers' and public liability claims and litigation.

We represent employers in handling employers' liability and public liability claims arising from all types of work-related injuries. Our expertise encompasses claims resulting from:

- Manual handling
- Falls from height
- Chemical exposures
- Adequacy of protective equipment
- Workplace maintenance
- Workplace stress
- Bullying
- Harassment between colleagues
- Harassment of staff by passengers / members of the public
- "Trips and slips" by members of the public
- Holiday sickness claims relating to illness caused during flights

Employers' liability

Clyde & Co has a strong track record of case successes when managing reputational and financial risk. One key differentiator in this area is our ability to draw on several areas of related expertise from within our firm including legacy claims, class actions, regulatory and employment in order to gain positive claims results.

Public liability

Our team is trusted by clients to provide claims management and advice regarding occupier liability, trespass, contractors' liability and public works. The team supports a number of major, multinational corporates. The work of our liability counter-fraud team has helped clients identify and tackle fraud rings which have become disturbingly more frequent in the PL and EL sectors.



[Click to see our experience](#)

Key contacts

Vikki Melville

Gilles Graham

Chris Murray

Jennette Newman

Real estate and planning



We act for a range of airlines and service providers on departures and arrivals lounges, ticket desks and ramp leases, leases of crew rooms and management and letting of administration offices.

 [Click to see our experience](#)

We understand that, whilst property isn't your core business, your property portfolio is likely to be one of your most expensive assets, after your fleet of aircraft. Therefore we fully understand the importance of not only managing portfolios and premises, but also making them work commercially.

Real estate and planning

Key contacts

Real estate:

Daniel Keys

Keith Conway

Planning:

Ian Ginbey

Brian Greenwood

Real estate experience includes:

- Acting for a Middle Eastern airline regarding their lease and fit out agreements for the redevelopment and extension of an existing VIP lounge extension at Terminal 3, Heathrow Airport
- Acting for a major logistics company on a licence agreement for large warehouse and chiller facilities- licence fee GBP 55,000 per month
- Acting for a continuous licensed airport on forfeiture advice
- Advising in respect of an agreement to develop and lease a private passenger terminal
- Acting for a number of airlines on their real estate interests in the UK, including advising on:
 - Leases and general asset management for CIP Lounges and Arrivals Lounges at Heathrow Airport
 - Leases and licences of ticket desks, crew rooms, engineering rooms and office space at Manchester, Gatwick and Heathrow airports
 - Leases of regional/branch office accommodation

Planning experience includes:

- Advising Peel Airports in: (i) securing planning permission following a lengthy call-in inquiry for the comprehensive redevelopment of RAF Finningley, which is now operating as Robin Hood Airport Doncaster Sheffield; (ii) promoting an airspace change proposal and addressing the CAA's concerns regarding a post-implementation review, in each case at RHADS; (iii) securing planning permission for a new passenger terminal and related employment/residential development at Durham Tees Valley Airport; (iv) objecting (and, ultimately, securing a compromise agreement with a helicopter operator) proposing a new operation close to Durham Tees Valley Airport; and (v) advising in connection with the master plan for Liverpool John Lennon Airport
- Securing planning permission, on behalf of the airport owner, for a new passenger terminal at Coventry Airport, which included 2 lengthy back-to-back public inquiries (including the longest enforcement inquiry on record) and in the face of a substantial objection from Birmingham Airport about potential airspace conflict
- Advising the owner of London Southend Airport in: (i) securing planning permission for a runway extension following completion of a complex Section 106 Agreement, including successfully defending a claim for judicial review in the Court of Appeal; (ii) securing a faculty from the Diocese and a road closure order (following a further inquiry) to facilitate the runway extension; (iii) promoting a compulsory purchase order; (iv) promoting an order with the CAA pursuant to the Civil Aviation Act to secure rights over third party land required for the installation of new approach lights; (v) advising in connection with night flight restrictions; (vi) securing various compromise agreements with wind farm operators in the vicinity of the Airport; and (vii) preparing new bye-laws
- Advising Newquay Cornwall Airport on various planning-related matters

General disputes

Clyde & Co has the largest dispute resolution practice of any UK law firm and one of the largest in the world. We are specialists in alternative dispute resolution and international arbitration in both developed forum and emerging market centres.

Our dispute resolution team includes over 400 litigators worldwide and more than 70 partners who are international arbitration specialists with considerable experience in large scale disputes in all of the major international arbitration hubs.

Our group has three key elements: proven disputes expertise, deep sector understanding and global capability. Recognised as 'pre-eminent' and 'elite' by the directories, we take a practical, commercially-minded approach to resolving disputes across the full range of sectors.

We understand the different ways a dispute can be resolved, and are flexible enough to respond to the idiosyncrasies of each dispute and our client's needs as they develop. As a result of our close sector alignment, resolving disputes is in our DNA, and we stand out as one of the leading practices in the market.

We have a central position in the aviation market with a long tradition of representing airlines, ground handling agents and major airports in respect of liability and advisory matters. Our UK and European operations have been the foundation from which the firm has expanded and this region includes some of the most long-established Clyde & Co offices. With 10 offices in the UK including our London head office and offices in Paris, Nantes, Dusseldorf, Hamburg, and Madrid, we have over 700 lawyers widely recognised for their expertise across all practice areas. This capability can also access an extensive network of European based counsel with whom we have trusted working relationships.

We protect client interests during litigation in the courts, whilst always being mindful of the potential economic and publicity benefit in achieving early resolution where necessary.



[Click to see our experience](#)

General disputes

Key contacts

Chris Burdett

Benjamin Knowles

Kevin Sutherland

Arbitration

Experience includes:

- Advised a client against a global aviation manufacturer in ICDR proceedings concerning the validity of the arbitration agreement in a contract. This raised a novel jurisdictional argument which had never before been considered. In essence the claimant sought to argue that an arbitration clause in a settlement agreement that was never executed was nonetheless valid. The Claimant failed in this argument, but it was a bit of a warning that parties need to be careful to state in negotiations that nothing is intended to be binding, including the arbitration agreement, unless and until a settlement is finally concluded and formally executed
- Winning an award of USD 600 million+ for our client, an offshore company, in an LMAA arbitration against a South American state owned company for breach of contract
- Prevailing in a London arbitration where the Panel ruled under New York law, the insured was not entitled to any coverage with respect to its USD 200 million claim arising out of its manufacture and sale of allegedly defective pacemakers
- Represented Petrobras in an UNCITRAL arbitration emanating from a joint venture agreement for the construction and operation
- Representing a state aviation authority in relation to a dispute concerning the construction of an airport terminal
- Acting on behalf of Italian and US process control software manufacturers in relation to allegations of defective supply with Greek litigation and Belgian ICC arbitration valued at EUR 60 million
- Representing a TMT company in an ICC arbitration, valued in excess of USD 300 million, concerning a joint venture dispute, which was successfully settled of a power generation facility
- Representing the Australian arm of a multi-national catering company in connection with an alleged listeria contamination, involving an indemnity claim by the carrier in respect of 180 plus claims pursued in Australia, and an investigation into the downstream supply chain
- Defending a class action suit of CAD 370 million alleging conspiracy in price fixing of oil and gas in the Province of Quebec in violation of the Quebec Civil Code and Competition Act
- Acting for Singapore-based marine manufacturing client in claims against former employees for setting up competing business in Malaysia, siphoning business and conspiring to disrupt business by unsettling the workforce
- Advising a UAE-based investment fund on a post-acquisition dispute with a vendor and current anchor tenant relating to the maintenance of a large commercial office building in Riyadh
- Acting for a major subcontractor in a Supreme Court of Victoria proceeding involving AED 330 million in claims arising from the employer's termination of the main contractor to the Minerva coal mine project

Commercial litigation

Experience includes:

- Defending 38 law firms sued in a third party claim to a CAD 750 million class action suit by Canadian dealerships alleging violation of various Canadian franchise acts by an auto manufacturer and violation of duty of care by a major Canadian law firm


A photograph of passengers on an airplane, looking out the windows. The scene is dimly lit, with light coming from the windows, creating a silhouette effect on the passengers. The text 'Insolvency and reorganisation' is overlaid on the left side of the image.

Insolvency and reorganisation

Given the ease with which companies can now invest in and interact with other jurisdictions, and how swiftly and easily funds can be transferred around the world, a significant number of insolvencies involve cross-border issues.

We act on both contentious and non-contentious matters, including those involving fraud, across a wide range of sectors. We understand our clients' needs and offer a down to earth approach, with on-going support at every stage of the process.

We advise on all formal and informal insolvency procedures, including solvent and insolvent restructurings, administrations, CVAs, and all forms of receivership and liquidation. We regularly act for: (i) company directors in consideration of their duties; (ii) insolvency practitioners; and (iii) members and other stakeholders in relation to a distressed or insolvency scenario.

 [Click to see our experience](#)

Insolvency and reorganisation

Key contacts

Duncan Lockhart
Andrew Ramsden

APAC:

Simon McConnell

Experience includes:

- Acting for a major airline in advising on all insolvency related issues following the collapse of a number of competitors, including in respect of take-off and landing slots
- Acting for an international airline in relation to the administration of one of its essential suppliers. This included advising on an agreement for the insolvent company to continue to supply to our client during the period of the administration and later novating the relevant supply agreements to the purchaser of the business and assets of the supplier
- Advising a major international airline on all insolvency related issues arising out of their purchase of the entire portfolio of take-off and landing slots at London Gatwick, formerly held by Monarch (now in administration). The slots were sold by the administrators and represented the largest asset of the administration estate
- Acting for a major international airline in relation to issues arising out of the administration of one of their critical suppliers. This involved negotiating with the administrators in order to protect its interests, without being held to ransom by the supplier. With the support of the airline, the administrators were able to continue trading the business, until such a time as a sale of the supplier's business and assets could be achieved
- Acting for the administrators of a GBP 70 million turnover aviation recruitment business in effecting a pre-packaged sale of its business and assets
- Acting for a French airline, in relation to the proposed voluntary liquidation of one of their ticketing agents. We also advised in relation to the airline's claim in the insolvent estate, pursuant to the provisions of a wet lease agreement brokered by the agent and entered into between the client airline, the agent and other airlines. This included advice in relation to the nature of the deposit provided on inception of the wet lease agreement and whether our client's claim in relation to the deposit would be treated as a secured claim in the insolvent estate
- Acting for IATA in relation to the proposed voluntary liquidation of a number of ticketing agents involved in frauds against IATA (and others). The agents placed themselves into creditor's voluntary liquidation. As part of this instruction, we attended various virtual creditors' meetings on behalf of IATA in their capacity as a creditor in the insolvent estates, in order to ensure the appointment of liquidators approved by IATA to investigate the frauds and seek to realise assets into the insolvent estates



Intellectual property

The protection of intellectual property rights not only provides a solid foundation for a company's future development, but is also an effective defence against increasing competition in both local and international markets.

Our specialist IP team advises on the full range of contentious and non-contentious IP related matters, assisting clients with the protection, enforcement and exploitation of patents, trademarks, copyright, designs, know-how and trade secrets in the Middle East, the UK and around the world.

 [Click to see our experience](#)

Intellectual property

Key contacts

Ralph Cox

Mark Devaney

Experience includes:

- Advising an African airline on the IP aspects of a purchase of a fleet of aircraft from Airbus
- Advising a major GCC airline on IP ownership dispute over the design and patents of a revolutionary seating concept. Preparing new patent filing strategies and advising on related freedom to operate searches. Undertaking IP due diligence and advising on commercialisation of IP
- Handling a Middle Eastern airlines' extensive trade mark portfolio globally, including protecting its core brands in over 60 jurisdictions
- Advising a UAE-based manufacturer regarding trade mark infringement proceedings in the UAE and in relation to bifurcated patent proceedings in Germany (a patent infringement claim against our client and related invalidity proceedings brought by our client). Our advice also extended to potential patent litigation in the UK in relation to the same product, and strategies for our client to "clear the way" to enter the UK market
- Managing a global hotel groups trade mark portfolio in 35 countries, and providing related advice to the management teams on brand strategy and implementation
- Advising a parts manufacturer on a passing off dispute arising from a third party's sales of unauthorised spare parts using the client's brand name and product codes
- Advising an aviation services organisation on trade mark protection for its services

Sanctions

Understanding the risks surrounding trade sanctions is essential for organisations involved in transportation. We are acknowledged as a market leader in this space and our expertise is supported by our sector knowledge and experience of working in new and emerging markets. The growing number and complexity of sanctions means that organisations not only have to look to their domestic law for regulatory guidance but also to the law of other jurisdictions, in particular the US and the European Union.

Many companies operate in or around challenging jurisdictions and this can make them liable to sanctions legislation. Understanding the risks is essential, and getting the approach and risk management wrong can result in high financial penalties, substantial reputational damage and market perceptions that can be difficult to alter.

 [Click to see our experience](#)

Sanctions

Key contacts

UK:

John Whittaker

Charles Kuhn

Patrick Murphy

North America:

Doug Maag

Experience includes:

- Representing the aviation market in obtaining numerous licenses from US sanctions regulators to pay claims arising from aircraft crashes including in respect of Ukrainian International Airlines Flight number 752 near Tehran on 8 January 2020
- Acting for JAT in ICC proceedings on a dispute concerning frustration of a long term contract, arising out of sanctions and return of maintenance reserves
- Advising on an investigation by the National Crime Agency into potential sanctions breaches
- Advising clients, including a UAE based tanker shipowner/operator wishing to trade in Iran on sanctions issues
- Advising trading companies on issues arising from sanctions against doing business in, among other places, Iraq and Syria
- Advising an owner in relation to a voyage order from charterers to load a crude oil cargo out of Libya, including as to whether the owner could comply with the voyage order without being in breach of sanctions
- Providing advice on the implementation of UN financial sanctions by Singapore; whether Singapore has implemented UN Security Council Resolution 1970 (2011) against Libya; and whether Singapore has expanded its list of designated persons following the implementation of EU Regulation 503/2011
- Advising a UK insurer on potential UK/EU and US sanctions infringements. Conducting an internal investigation and subsequently preparing the sensitive voluntary disclosure to the FCA and OFAC, with proposed remediation actions
- Advising an international freight company on possible breaches of the Iranian sanctions regime which was under investigation by the NCA
- Advising clients on the implication of the imposition of trade sanctions against Russia, Iran and Syria by the US and the EU
- Advising a private equity fund on sanctions compliance for investments in Tehran Stock Exchange
- Advising various underwriters in relation to sanctions against Iran, North Korea, Cuba, Sudan, Syria and Somalia
- Advising insurers, brokers and investment banks on sanctions and financial crime compliance and exposures relating to specific insurance risks and claims

Technology

As competition in the aviation market intensifies, participants are continually searching for new ways to engage with and retain customers and drive efficiencies. Technology, innovation and the use of specialist third parties are increasingly at the heart of these developments. Our team advises on major technology arrangements – from SaaS and the Cloud through to technology licensing and maintenance, mobile apps and the adoption of ‘disruptive’ technologies.

Technology and data are now widely recognised by the aviation sector as two of the key tools through which they can evolve and adapt their businesses to secure a competitive advantage – from helping airlines engage with their customers to creating new distribution models; reducing cost through self-service technology; helping airport infrastructure to handle increased capacity; improving operational flexibility; and enhancing the passenger experience and reducing turnaround times through enhanced on-board connectivity.

Using our experience of negotiating high-value contracts with leading industry players, we can help you navigate the technology minefield. We are adept at finding out what the airline’s needs are for a particular technology project, explaining in plain English where the contracts provided do not meet those needs and then working with technology suppliers and the customer to ensure that the actual signed contracts meet the customer’s requirements.

We have a good understanding of what customers want and where they tend to run into difficulties, whilst our truly global reach means that we have the depth of knowledge and capability to support our clients wherever they may need our assistance.

Key contacts

Tom Tippet

Data protection

The introduction of onerous data protection laws around the world, in particular GDPR in Europe, and the data trials and tribulations of well-known companies mean that data protection is now a Board level issue – particularly for the aviation sector, which deals with both consumers and businesses and store and continually process large volumes of personal data of data subjects around the world, often outside of where they are headquartered.

Our dedicated data protection team provides organisations with full service data protection and privacy advice, with the flexibility to adapt our approach to meet the individual needs of our clients, acting as a trusted sounding board, providing strategic advice and resource or providing a fully outsourced service model, as required.

Individuals are now much more aware of their data protection rights and dealing with the issues that arise out of individuals exercising those rights is becoming a serious business concern for all organisations, both large and small. In particular, responding to subject access requests has become a real headache for businesses due to the number and/or circumstances in which they are made. If sheer volume of subject access requests is an issue for you, we have solutions that can help relieve some of the burden. If, on the other hand, you need help with requests made in sensitive situations – as part of a dispute, passenger complaint or employment issue or as a tool in litigation – we have experience of dealing with these types of requests and can help you comply with your obligations whilst minimising the amount of damaging information you provide as part of your response.

A core part of dealing with subject access requests is keeping data protection regulators on side. Working with the regulators is an important part of any data protection compliance function and our team has strong relationships with regulators and relevant industry bodies, enabling us to resolve privacy issues quickly and with the minimum of fuss.

 [Click to see our experience](#)

Data protection



Key contacts

UK:

Mark Williamson

Ian Birdsey

MEA:

Dino Wilkinson

North America:

Marc Voses

APAC:

Thomas Choo

Canada:

Nathalie David

Experience includes:

- Advising a leading airline company on GDPR compliance, including drafting new policies for data privacy, processing, transfers and data protection officers
- Advising a European airline on the provision of technology and other services for its new UK operation
- Advising a global airline parts manufacturing group in relation to GDPR services
- Advising Senior, one of the world's largest aerospace and component manufacturing companies, on its contract for a back-office treasury and risk management system for their global finance function
- Advising a European airline on a contentious subject access request
- Advising a Middle East regulatory authority on the modification of its data protection legislation to align with GDPR and other international best practice
- Drafting the new Electronic Transactions Law for Dubai International Financial Centre (DIFC Law No. 2 of 2017) to clarify the enforceability of e-signatures, the equivalence of electronic records and the validity of electronic contracts
- Localising the data privacy policies of international corporations for consistency with local market requirements
- Advising the MRO Blockchain Alliance (including airline members)

Cyber

Our experienced global team advises clients on all cyber and data related issues, from policy drafting to incident response. In the event of a cyber incident, we can support in responding to the breach and representing you in the defence of claims or investigations.

One of the most obvious global data protection issues is data breach. Data breaches have the potential to cause significant financial and reputational damage, as well as huge disruption, to businesses such as yours. Our world-leading data breach response team can help you prepare for, and respond to, all aspects of a data breach based on current best practices and wherever in the world the breach occurs.

Prevent

Pre-Breach services include:

- Risk management services
- Breach readiness audits to assess current cyber resilience and information handling systems
- Advising on breach response plans

Manage

Claims and regulatory services include:

- Management of regulatory notifications and investigations resulting from a breach
- Defence of any actions taken against the policyholder
- Defending, managing and representing clients in complex litigation

Respond

Breach response services include:

- Dedicated 24-7 cyber incident hotline
- Timely, high level, initial response to reported incident
- Regular updates to clients (via external breach co-ordinators if appointed)

Reflect

Post-breach services include:

- Working with the chosen third party suppliers to assist with reviewing the cause of the breach
- Working with clients to develop new procedures
- Providing additional training to policyholder staff to raise awareness

Cyber

Key contacts

UK:

Helen Bourne

Ian Birdsey

Europe:

Pierre Affagard

Australia:

John Moran

North America:

Marc Voses

APAC:

Nicholas Sykes

Canada:

Nathalie David

Experience includes:

- Advising a regulated business on the cyber hacking of its systems resulting in the loss of significant numbers of customer data including financial, sensitive personal data and credit card details
- Advising on retail breach impacting in excess of 50 million people
- Acting for a major logistics provider in relation to processing of employee data, including representing the company during an ICO investigation and dealing with employment law implications and customer communications
- Advising a company in France on the management of an unauthorised release of personal information including personal data
- Advising an international hotel operator in respect of a data breach arising from its customer loyalty scheme
- Advising in relation to a high profile claim in Hong Kong involving the breach of personal data privacy laws by Octopus, the first large scale contactless smartcard payment system in Hong Kong, including defence of investigations by the PCPD
- Advising an ASX-listed international fast food company on its response to a suspected data breach following customer complaints and a resulting investigation by the Privacy Commissioner
- Advising a financial institution in Singapore following a personal data breach incident involving unauthorised emails sent from the computer system of a third party service provider to the customers of the financial institution
- Advising on a major hacking incident against the outsourced service providers to an Omani bank that resulted in a loss of USD 42 million for the bank relating to pre-paid debit cards
- Advising a university following a high profile phishing attack against its students' university email addresses, resulting in a number of coordinated frauds, in relation to management of the suspected security breach and on the university's exposure to claims for damages
- Advising a major player in the technology industry on the privacy implications associated with the roll-out of several of its high profile online products across a number of Gulf States
- Advising on high-profile national healthcare breach impacting in excess of 10 million people
- Advising on cyber risk wordings for use in the province of Quebec and compliance with Quebec law



[Click to see our experience](#)

Disputes funding

Dispute funding has become an essential tool in the litigation resolution toolkit and has become increasingly commonplace in dispute resolution – whether in relation to large-scale litigation or smaller debts that are difficult to recover.

Disputes funding offers a solution for those who cannot pursue strong claims due to the associated costs and perceived risks, and/or offers a solution to those who want and choose to take the cost of the dispute(s) off balance sheet. It also provides the ability to transfer risk, release resources back to the business, realise revenue from claims and to avoid the adverse accounting impacts from ongoing dispute expenditure.

Key benefits include:

- Reduced or no cash flow drain, thus maintaining cash for other business priorities
- Pursuing claims that bring value to the business that wouldn't otherwise be pursued (e.g. due to the legal expenses associated with the effort)
- Hedging risk exposure (e.g. no risk of losing more money in unrecovered costs and certainty of exposure)
- Reporting and accounting benefits (e.g. minimising the impact of legal spend on profitability)

Clyde & Co have built deep internal skill-set and strong relationships with various funders enabling us to best develop bespoke solutions for our clients via, in essence, looking at your claims portfolio as an asset that has value and can be financed. We have good working relationships with all the leading funders, working with our clients to find the best solution in each case.

Representative of our knowledge in this area, we recently closed the largest ever funded corporate portfolio claims deal for a leading global aviation client. In this deal, we are acting on the enforcement of all of our client's debt claims on a no-recovery-no-fee basis. As well as taking their claims "off balance sheet", the arrangement means that smaller debts which would otherwise have been uneconomic to litigate can be pursued, enhancing cash flow and total recoveries.

The Clyde & Co fund

We continue to develop and offer innovative solutions to satisfy client needs. Clyde & Co was the first global firm in 2019 to announce a multi-million pound relationship with a litigation funder, this non – exclusive arrangement with litigation financing experts Litigation Capital Management (LCM), a recently Aim-listed global litigation financing company makes funding available for our clients worldwide for claimant or defence work and on a single case or portfolio basis.

If you wish to know more about how this type of arrangement works or may benefit you please let us know or visit our website and get in touch [here](#).

Fuel hedging

We provide trade and commodities lawyers that have experience with fuel hedging transactions. Our team advise on all categories of derivative products, including ISDAs, bespoke OTC derivative contracts and repo agreements to corporate clients and financial institutions.

We advise on a range of product types from vanilla trades through to more complex financial products, transformer products and asset backed securities including:

- Interest rate swaps
- Forex
- Equity derivatives
- Commodity derivatives
- Credit default derivatives
- Credit linked notes

The team has been active in advising on restructuring, renegotiation and the workout of derivative portfolios and has experience of litigating against banks.

Fuel hedging

Our experience includes advising:

- Advising a French bank on set off and local law provisions affecting derivatives in Tanzania including discussions with the relevant Ministry
- Advising Energy UK, the UK association for the power and gas market on the regulatory status of contracts for difference created under the UK electricity market reform, providing a legal opinion and meeting with the FCA to obtain an agreed position on behalf of the market
- Advising a major international trader on derivatives documentation and associated collateral arrangements including ISDA Master Agreements and Credit Support Annexes
- Drafting a standard form master agreement for repos for a metals trader and advising on associated regulatory issues in the US, Singapore, the Netherlands, Switzerland, Malaysia and South Korea
- Advising a trading company on its hedging policy and eligibility for the ancillary activities exemption under MiFID II
- Advising clients on the application of MiFID II and the UK Financial Services Act to their trading business
- Advising IATA on the creation of a trading venue for EU emissions allowances and compliance with MiFID II
- Advising a Nigerian bank on EMIR compliance
- Advising a major European property developer on the sale by Bank of Scotland Plc of a substantial portfolio of derivative hedging transactions to a group of Luxembourg funds
- Advising a trading company on set off arrangements and the enforceability of insolvency in Venezuela
- Acting for a number of clients terminating derivatives with Lehman Brothers during the credit crunch
- Advising on the netting pool launched by NOS Clearing to address counterparty risk
- Acting for an Asian shipping company on the restructuring of FFAs to avoid counterparty risk

Key contacts

Clare Hatcher

Robert Parson

490

Partners

2,400

Lawyers

3,200

Legal professionals

5,500

Total staff

60+

Offices worldwide*

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*includes associated offices
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