

Aviation

Expertise

The aviation industry faces regular and intense scrutiny by competition and regulatory authorities. Alliances between major competing airlines, State aid granted to airlines, competition between airports and antitrust infringements (such as price-fixing cartels, abusive rebates or predatory pricing) all make very high-profile cases that require careful handling, relevant experience and fine judgement.

Bird & Bird has deep knowledge of, and long experience in advising on all parts of the aviation industry. This is particularly true of the competition and regulatory practice. In negotiating the complex maze of industry regulation and the fast-evolving policy, aviation clients need lawyers with experience of all sides of a given argument: lawyers who have seen the industry from different perspectives; and lawyers who follow the emerging trends and Government policies. In this regard, the Bird & Bird competition team comprises:

- Competition and regulatory lawyers who are ranked by legal directories as leading individuals in their fields; and
- A former high-ranking official of the European Commission, who has had a wealth of experience in the transport sectors, for example in relation to airlines and airports including the landmark BA decision; and
- Lawyers who are experienced in giving clear, practical and commercial advice, and in solving disputes.

We act for airlines and airports, aerospace manufacturers and industry associations. We work for travel agents, online booking providers and tour operators. The breadth of our client base gives us unique ability to think laterally in solving our clients' problems.

The types of work we have done, and which we continue to do today, include:-

- Making or defending complaints of anti-competitive behaviour
- Advising on antitrust risk and compliance
- Obtaining merger control clearance in relation to airline M&A
- State aid analysis regarding airlines and airports
- IATA Resolutions

We work closely with aviation specialists who practise other legal disciplines such as corporate finance, banking, disputes and IP to provide a full service based on a holistic understanding of the industry.

Case study:

In November 2007, members of our team were instructed by Flybe, Europe's largest regional airline. Flybe had just agreed, subject to regulatory clearance, to buy the regional arm of British Airways, which traded as BA Connect. Our instructions were to obtain competition clearances for the deal.

Our cross-practice team of specialist aviation and competition lawyers notified the deal to the Office of Fair Trading in the UK, the Jersey Competition Regulatory Authority and the German Federal Cartel Office. The authorities investigated the matter in great detail, including detailed information requests and follow-up analysis. Clearance was successfully obtained from all three authorities, which allowed the deal to complete in March 2008.



Contact details

Brussels - José Rivas jose.rivas@twobirds.com DD: +32 2 282 60 93 M: +32 495 578 552
Central Europe - Martin Maxa martin.maxa@twobirds.com DD: +421 232 332 814 M: +421 905 716 711
Finland - Katia Duncker katia.duncker@twobirds.com DD: +358 9 622 667 49 M: +358 505 604 070
France - Michel Roseau michel.roseau@twobirds.com DD: +33 142 68 63 50 M: +33 686 669 513
Germany - Jörg Witting joerg.witting@twobirds.com DD: +49 211 2005 6168 M: +49 151 14827 108
Italy - Eutimio Monaco eutimio.monaco@twobirds.com DD: +39 06 6966 7001 M: +39 3473745815
The Netherlands - Pauline Kuipers pauline.kuipers@twobirds.com DD: +31 70 353 8810 M: +31 651 517 600
Spain - Antonio Creus antonio.creus@twobirds.com DD: +34 91 790 6040 M: +34 639 345 339
Sweden - Henrik Nilsson henrik.nilsson@twobirds.com DD: +46 8 506 320 33 M: +46 734 242 033
UK - Richard Eccles richard.eccles@twobirds.com DD: +44 20 7905 6261 M: +44 7711 014 341

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