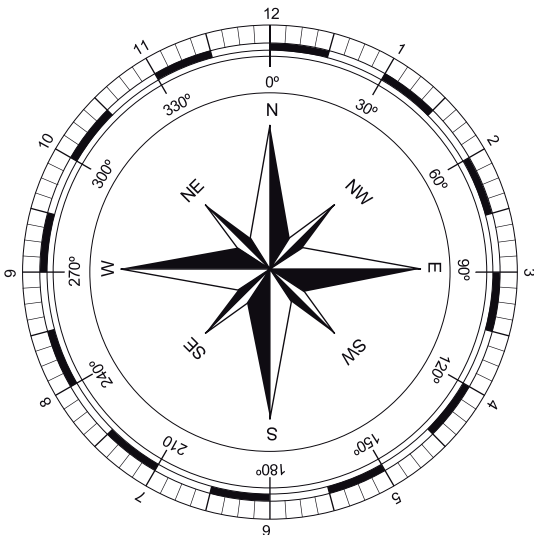


# Bird & Bird & Central Eastern Europe Aviation Team



# Bird & Bird & Aviation

*Bird & Bird is an international commercial law firm which focuses on a number of technology-based sectors. Aviation is one of the firm's core strategic sectors.*

*Our mission is to combine our deep knowledge of the aviation sector and our legal expertise to develop commercial solutions that make long-term business sense.*

Unlike certain other law firms which come to aviation from a banking or insurance perspective, we have lawyers within the team who have practical 'hands on' experience of working within the aviation industry itself. We currently act for many aviation and aerospace businesses, including airlines, aircraft manufacturers, lessors, financiers, groundhandlers, airports, MROs, freight forwarders, insurers, tour operators and travel agents.

Our Central Eastern European Offices in: the Czech Republic, Hungary, Poland and Slovakia work as one team to give expert advice on all the specialist legal issues that the aviation industry faces in the Central Eastern European region.

What unites our specialist team across our 23 offices worldwide is a genuine passion and enthusiasm for the industry.



*“When once you have tasted flight,  
you will forever walk the earth  
with your eyes turned skyward,  
for there you have been, and there  
you will always long to return.”*

*Leonardo Da Vinci*

# Strength in breadth and depth

*Our objective is to be able to use our knowledge and experience to understand the issues quickly and effectively and then provide practical and commercially realistic advice and support. We take pride in helping our clients to reach sensible, workable solutions on a wide range of transactions and ventures which are often at the cutting-edge of business and legal developments.*

*As well as knowing the industry inside out, our people are also great lawyers. The range of legal issues we have worked on and can work on covers just about every agreement, transaction or type of dispute resolution that the industry presents. If we look at some of our recent activity, it includes aircraft ownership, finance and asset management, aviation commercial agreements, advice on aviation regulatory issues and competition matters. We also lead clients through corporate transactions, dispute resolution and IP challenges.*

## Aircraft purchase, aircraft finance and aircraft leasing

We work with clients to deal successfully with all aspects of aircraft ownership, finance and management. Whether it is buying or selling new and used passenger, cargo or corporate aircraft or setting up ownership and financing arrangements, our team can help. We get involved from the first draft of the letter of intent, through delivery and portfolio management and work out, insolvency, repossession and remarketing.

## Aviation commercial agreements

We draft, advise on and negotiate all types of aviation-related commercial agreements and arrangements. Recently, we have worked on:

- aircraft engine and component maintenance, overhaul, repair and support contracts
- airport services agreements
- code sharing arrangements
- groundhandling and ground support arrangements
- IT and communications contracts
- IP licensing and protection of rights
- joint operating ventures and alliances and airline franchise arrangements

## Intellectual property

Our group is recognised as the leading IP practice in Europe with many of the lawyers in that Group coming from scientific backgrounds and with the ability to understand the technologies used within the aviation sector. The Group operates at the forefront of legal developments in IP from both a contentious and non-contentious perspective.

Most recently we have advised on:

- strategic issues and management of IP portfolios
- the transfer of technology
- drafted and negotiated R&D contracts and R&D joint ventures

*Clients seek out the team's assistance because it 'understands the aviation and aerospace market and is therefore able to offer commercially aware legal advice that is always on the money'*

## Aviation competition and regulation

We are skilled in applying competition law and aviation regulatory systems across borders to achieve the best case outcomes for our aviation sector clients. We combine deep knowledge of all the major aviation regulatory frameworks (including creation, interpretation and application) with extensive experience of advising on competition law in the industry.

We represent clients before the EU institutions, national competition authorities, courts and national regulatory bodies. Specifically, our advice has covered areas including:

## Regulatory

- slot allocation and disputes with airport slot coordination bodies
- route licensing
- bilateral air services agreements
- airport charging disputes
- aircraft ownership and control
- environmental issues including emissions trading and noise
- airport price control reviews
- denied boarding compensation and passengers' rights
- global distribution systems (GDS)

## Competition

- merger control involving airline M&A and alliance activity
- the application of competition law to code-sharing, alliance or franchising arrangements
- market definition, dominance and abuse in airline and airport markets
- State Aid to airlines and airports
- pricing and ticketing policies

## Dispute Resolution

Our aviation disputes team consists of specialist litigators and arbitrators. The team deals with litigation, international and domestic arbitration under the auspices of the leading arbitration fora and ad hoc references, regulatory complaints and ADR. Our work types include:

- operating leasing and financing disputes
- enforcement of rights under sub-leases, including aircraft repossessions
- disputes with engine manufacturers: for example, in relation to reliability and cost issues
- disputes with component manufacturers
- issues with maintenance providers: including MROs and CAMOs and all line, overhaul and spares issues
- aviation insurance matters, including coverage issues
- groundhandling disputes
- contractual disputes with suppliers
- airports: contractual and regulatory disputes
- regulatory disputes with the aviation authorities
- disputes with tour operators
- disputes with global distribution suppliers
- protection of rights in the event of supplier or customer insolvency
- IT, IP and international product liability disputes

*In the September 2011 issue of the Airfinance Journal, Bird & Bird was ranked number 3 globally in the law firm league tables for deal speed and industry knowledge.*



# Highlight transactions on which our lawyers have advised:

## Central Eastern Europe:

- **aeroporti di Roma S.p.A.:** representing the client as the creditor in restructuring proceedings of airlines
- assisting the **Czech Ministry of Defence** in purchasing/leasing of Gripen Supersonic Fighters for the Czech army; including contractual arrangements such as offset
- **global investment bank:** representing the client as the creditor in restructuring proceedings of airlines
- **global investment bank:** representing the client as the creditor in bankruptcy proceedings of airlines
- lawyers in the team have providing a lex situs opinion in relation to the sale of Airbus A320-214
- lawyers in the team have provided various advice related to registrations and de-registrations in the Czech Aircraft Register; dealings with the Czech Aviation Authority; preparation of various comprehensive jurisdictional analyses relating primarily to aircraft leases and registrations; commenting on a number of lease and novation agreements; drafting legal opinions (lex situs, beneficial interest, sale and lease back); obtaining a preliminary injunction relating to repossession of aircraft
- lawyers in the team have assisted in the preparation of a jurisdictional analysis; drafting legal opinions; registrations with the Czech Aviation Authority; commenting on a novation agreement
- **Menzies Aviation Holdings Limited:** representing the client as the creditor in restructuring proceedings of airlines.
- **Orix:** advising on the lease of planes to a Slovak airline
- **Orix:** advising on repossession work

- incorporation of a branch of an airline from outside the EU in Poland
- Civil Aviation Authority proceedings related to the right of sale in the EU
- Civil Aviation Authority proceedings related to the right to operate in the EU
- registration proceedings at IATA BSP
- Air Traffic Control registration proceedings
- commercial contracts with handling suppliers
- commercial contracts with tour operators [Block Seat Agreements]
- immigration advice regarding work permit and stay permit for officers of an airline from outside the EU
- banking arrangements among an airline and commercial bank handling its sales operations
- commercial contracts for airport services (such as executive lounge services)
- public procurement proceedings
- aircraft acquisition contracts
- aircraft sale contracts
- public tenders documentation
- public tenders dispute
- EU funds documentation, execution, disputes
- PPP and concession modelling and contracting

## The aforementioned works were done for clients including:

- Indra Systemas (Spain)
- DFS (Germany)
- COMSOFT (Germany)
- Thales (Germany)
- Raytheon (Canada)
- Frequentis (Austria)
- ROHDE & SCHWARZ (Austria) and Northrop Grumman Park Air Systems Ltd (UK)
- Royal Air Maroc
- Delta Airlines

# Key contacts

## Aviation Central Eastern Europe team



### Czech Republic and Slovakia

#### Vojtěch Chloupek

Senior European Counsel

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Vojtěch is a Senior European Counsel in the Bird & Bird Prague office. He is the Head of the IP/IT practice groups in the Czech Republic and Slovakia.

Besides his primary focus on IP/IT and competition matters, Vojtěch has developed strong expertise in the area of aviation. He has advised companies like Airastle, GECAS and Macquarie Airfinance in connection with registrations and de-registrations of aircraft, aircraft owners and security interests in the Czech Aircraft Register; assisted with lease and novation agreements; advised on sale and lease back transactions; and he was also involved in obtaining a court injunction against an airline and the Prague airport relating to the repossession of an aircraft. He gained extensive experience in dealings with the Czech Aviation Authority.



### Czech Republic and Slovakia

#### Ivan Sagál

Country Head, Czech Republic and Slovakia

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Ivan heads Bird & Bird offices in the Czech Republic and Slovakia. He is also head of Czech and Slovak Banking and Finance and Corporate/M&A practices.

Ivan brings more than fourteen years of experience, specialising in banking and finance, real estate, mergers and acquisitions, both domestically and internationally. Ivan has also extensive corporate, commercial and administrative law experience.

Ivan has been representing both local as well as regional clients from various sectors including aviation, banking and financial institutions, real estate developers and various investments companies.

He assisted a leading German aviation manufacturer with regard to the acquisition of shares in a Central-European aviation company; provided legal services to a leading US-based aircraft manufacturing group in relation to an acquisition of electronic components producer.

He has been advised on various legal issues relating to a planned purchase (subsequently changed to be a fixed-term lease) by the Czech government of the supersonic fighters from the international consortium - the largest-ever defense aircraft deal in the Czech Republic, and provided complex legal support to a leading Czech chartered flights provider in relation to the review of aircraft leasing documentation.

Ivan graduated from the Law Faculty of Charles University in Prague in 1996 and became a member of the Czech Bar in 1999.



## Czech Republic and Slovakia

### Radovan Repa

Senior Associate

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Radovan is a Senior Associate in the Bratislava office. He has extensive experience in corporate, M&A matters as well as commercial and PPP issues.

Radovan's portfolio includes significant experience in negotiations of contractual terms with the public procurer. Recently, Radovan has also been representing a major secured bank lender in the largest Slovak restructuring proceedings ever.

He has advised ORIX Aviation on the lease of two aircrafts to a Slovak airline and Bank of Scotland on the sale and financing of Boeing 737-700 planes to a Slovak airline.

Radovan has been involved in the largest PPP projects in Slovakia, working closely with the clients on a broad scale of the legal aspect relating to the DBFO model, including amongst others public procurement issues, dispute resolution (such as legal advice in relation to the potential court challenge of the concession agreement), financial, corporate and contractual law.



## Hungary

### Richárd Eördögh

Head of Corporate/ M&A,

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Richárd heads the Budapest Corporate/ M&A practice.

Richárd brings more than 18 years experience of international corporate transactional and commercial work, including restructuring, acquisitions, private equity and joint venture projects in Central and Eastern Europe. His practice also focuses on related financial, real estate and arbitration matters.

He is the author of the Hungarian chapter of the book titled: Mergers and Acquisitions, A Practical Global Guide published by Globe Business Publishing Ltd.

Before joining Bird & Bird, Richárd worked in London with private equity firm Chayton Capital and the Chayton Property Funds as Legal Counsel for Central and Eastern Europe. His international experience includes working with law firms such as Baker & McKenzie, Squire, Sanders & Dempsey and Eversheds.

Richárd received his J.D. degree from Eotvos Loránd University in Budapest, gained his LL.M. degree at Harvard Law School, USA and MBA Degree at INSEAD, Fontainebleau, France. In 1996 he was admitted to both the New York Bar and the Hungarian Bar.



## Poland

### Patryk Galicki

Senior European Counsel

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Patryk is a Senior European Counsel in the Warsaw office and part of the Corporate/ M&A practice group.

He has over ten years of professional experience (including domestic and international markets, at Polish and UK law firms). His main areas of expertise are corporate law, civil law and real estate law.

Patryk Galicki has been involved in numerous M&A transactions, both domestic and international (including cross-border transactions), and also represented clients before Polish courts with regard to restitution claims and administrative proceedings.

Patryk graduated from the Warsaw University Faculty of Law and Administration in Poland where he received his Masters degree with honours. He is a member of the Warsaw Bar.

He has published articles in Gazeta Prawna (Polish Legal Newspaper) and Forbes magazine amongst others. He hosted seminars on corporate law and was a speaker at numerous Polish and international conferences.



## Poland

### Stanislaw Pelczar

Attorney-at-Law

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Stanislaw is a Senior Associate in our Warsaw office.

Stanislaw has extensive experience in advising international clients on their investments, including on corporate and commercial aspects within various sectors: Aviation, Media, New Technologies, Real Estate.

His important experience is connected with emerging markets outside EU, where Stanislaw has advised entrepreneurs on inbound and outbound investments. Recently, Stanislaw incorporated the branch of Royal Air Maroc, the Moroccan national airline, in Poland, and assisted with the successful launch of its operations.

He is an attorney-at-law, holds a Master of Laws from the University of Wroclaw and is admitted as a scholar of HULT EMBA 2011 at the HULT International School of Business in London.



## Poland

### Piotr Dynowski LL. M.

Head of IP, Media and Advertising  
Ph. D. candidate at the Polish  
Academy of Sciences

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Piotr joined our Warsaw office in November 2008.

He has over ten years of legal experience. His main areas of legal practice include: intellectual property, media and advertising law, IT and e-commerce, gambling law, data protection, unfair competition law, public procurement, protection of goodwill and IP litigation.

Piotr studied law at the Warsaw University in Poland. In 2003 he obtained an LL. M. degree in European and Comparative law from Universiteit Maastricht in the Netherlands. He also holds a diploma in English and European legal studies from the University of Cambridge.

Piotr Dynowski was a lecturer at the Brand Communication Academy and SAR University under the auspices of the SAR Marketing Communication Association between 2005-2010. Currently, he is a lecturer at the Hugo Grotius Intellectual Property Law Centre in Cracow, Higher School of Liberal Arts and Journalism in Poznan and the Academy of Fine Arts in Warsaw.

## Aviation Europe team



## UK

### Paul Briggs

Partner

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Paul is the Joint Head of the International Aviation & Aerospace Group and has worked in the aviation industry since 1987 in a career covering almost every aspect of the sector. From 1989 to 1991 Paul worked on closing and financing aircraft operating lease deals for GPA and from 1992 to 1995 for a law firm in Hong Kong.

In 1995 Paul joined British Aerospace and became the legal lead of the Group aircraft leasing / financing business. As part of this business Paul helped set up Oasis Leasing in Abu Dhabi (now Waha) and subsequently led the Airbus asset management legal team in Toulouse.

Paul regularly advises leasing companies, airlines and banks on the structure and strategy for deals and drafts and negotiates the needed documents. Paul has been involved in the creation and management of a number of leasing companies and frequently advises on standard form documents and creation of a quality process. Paul has negotiated hundreds of aircraft leasing deals and advised on both simple and highly complex aircraft financing structures.

In Chambers and Partners 2008, Paul is widely considered to be “amongst the most prominent aircraft leasing experts”. The former BAE systems lawyer comes highly recommended by clients who describe him as “thorough and enthusiastic”.

In the 2010 edition of Chambers and Partners, Paul received the following mention: [Paul Briggs] “superb aviation knowledge” and “remarkable talent for understanding and reacting to clients’ particular needs.”



## UK

### Simon Chamberlain

Partner

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Simon has spent 30 years involved in the aviation industry including 10 years as a senior in-house lawyer at British Airways Plc and 15 years as head of the aviation group at Field Fisher Waterhouse LLP.

Simon advises various domestic and international passenger and cargo airlines, as well as lessors and high net worth individuals, on aircraft acquisitions, finance, leasing and disposal. In addition he advises on the regulatory and commercial aspects of airline start-ups as well as advising airlines, lessors, maintenance, repair and overhaul organisations, brokers and other aviation support service providers on a wide range of aviation related commercial matters. Simon also regularly advises on airline and aviation domestic and international regulatory and licensing issues.



## Belgium

### Catherine Erkelens

Partner

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Catherine joined Bird & Bird as a partner in our Brussels office in 2000 and is Joint Head of the International Aviation and Defence Group. Since 1994 Catherine has developed a strong client base and leading reputation working for companies operating in or dealing with the aviation and defence sector.

Catherine and her team specialise in all matters of European aviation regulation. Her experience includes commercial and contentious advice in relation to trade practices, aircraft operation and maintenance and groundhandling. Catherine also has a strong focus on technology (e-ticketing, relationship with computer reservation systems and on-line travel arrangements) and provides commercial and contentious advice on business relationships between airlines, travel agencies and tour operators.

Catherine is a board and founding member of the Brussels Aviation Law Forum (BALF). She is also a member of the European Aviation Club.



## UK

### Robin Springthorpe

Partner

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Robin is a litigation and arbitration specialist who deals solely with aviation-related disputes. He is experienced in the full range of dispute resolution techniques, including court proceedings, a range of arbitration fora including the LCIA, ICC and UNCITRAL, as well as mediation and other types of dispute resolution.

He acts principally for airlines, aircraft leasing companies, MROs and other companies in the aviation sector. His main areas of activity are aircraft and engine leasing disputes; aviation insurance and coverage disputes; maintenance, engineering and technical disputes; product liability claims; claims in relation to procurement and delays; and claims against airport operators.

Throughout his career, Robin has dealt with heavyweight multi-jurisdictional commercial claims. Robin has also worked on a range of major international arbitrations both under the rules of institutional forums and as ad hoc arbitrations under the Arbitration Act 1996.

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Bird & Bird is an international legal practice comprising Bird & Bird LLP and its affiliated and associated businesses and has offices in the locations listed on our web site: twobirds.com. A list of members of Bird & Bird LLP, and of any non-members who are designated as partners and of their respective professional qualifications, is open to inspection at the above address.

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