

Bird & Bird
& Military Automotive

Our mission is to work closely with you around the World creating and defending robust agreements that can be easily understood by your team; allowing you to concentrate on your core business and leaving you feeling confident that your corporate strategy is fully supported.



LIFT

Introduction

Bird & Bird is an international law firm that provides a unique service based on extensive knowledge of key industry sectors and areas of legal practice. We have an outstanding reputation for helping our clients achieve success through our innovative and creative solutions driven by our deep understanding and experience of their business sectors.

We offer worldwide expertise in the military automotive sector. With offices in Beijing, Bratislava, Brussels, Budapest, Düsseldorf, The Hague, Frankfurt, Helsinki, Hong Kong, London, Lyon, Madrid, Milan, Munich, Paris, Prague, Rome, Shanghai, Stockholm and Warsaw and an association in Singapore, together with close ties with firms in other key centres in Europe, the Middle East, Asia and the United States, we are ideally placed to offer you local expertise within a global context.

“The team builds up ‘excellent working relationships’ with clients. Its ‘highly responsive, flexible and commercial’ lawyers provide ‘timely, relevant, well-balanced and detailed advice in layman’s terms, really getting to the nub of the issue.’”

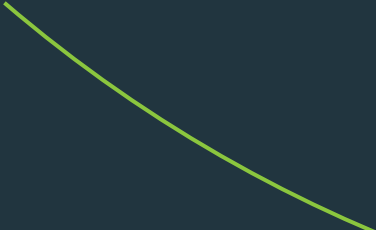
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Why work with us?

Our deep knowledge and experience in the automotive sector has been combined with our strong capabilities in the defence sector to create the International Military Automotive Group, a specialised team of lawyers with considerable expertise and strength in the military automotive field.

Members of our team have served in the Armed Forces and their experiences include commanding armoured and mechanised units in both peace keeping and war fighting operations. We understand the key dynamics of this marketplace as well as the business relationships which drive it.

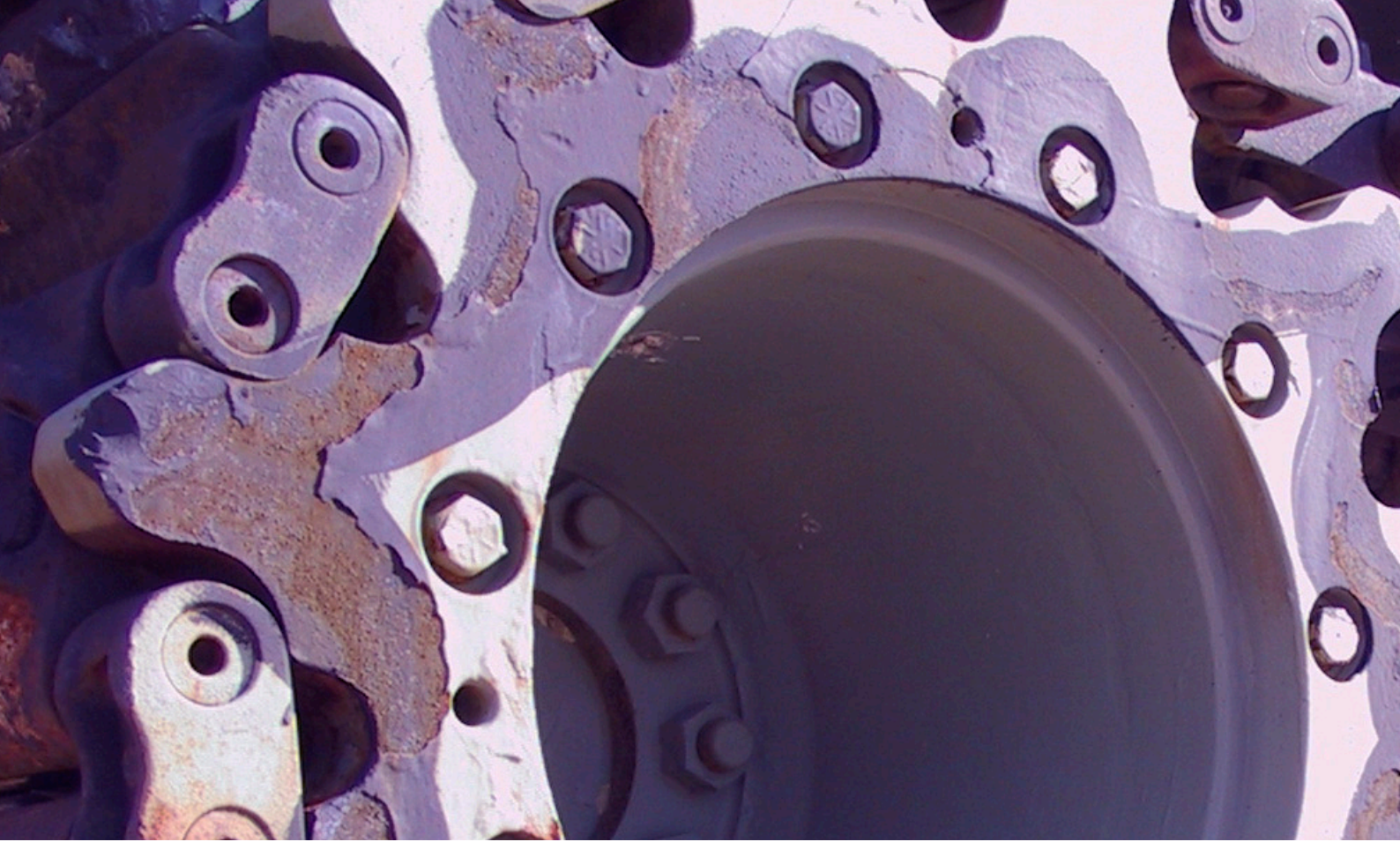


Military automotive

For a number of years we have been providing a full range of legal advice to clients in the military automotive sector. We have advised on all aspects of the lifecycle of a military automotive vehicle, including prototype design, manufacture and design, integration, upgrade and through life support.

Examples of the sort of work we undertake in this area include:

- **a European military vehicle manufacturer:** negotiating contracts for the licensed build of their products, the design and build of prototype vehicles (including AFVs, component manufacture, patent licensing, and generally in the design, build and supply of drive trains and suspensions). We have supported this client across the world in the negotiation of contracts in Turkey, Germany, Canada, South Korea, Poland Singapore, the United States and Australia;
- **a UK automotive technology company:** advising on the company's agreement for the development of a light protective patrol vehicle for the UK MoD. Advising on their sub-contracts in respect of the manufacture and supply of the vehicle to the UK MoD and potentially other government customers worldwide; and
- **a Singaporean armoured vehicle manufacturer:** providing legal and IP services to Asia's leading defence and speciality vehicle company with a strong portfolio of products and services for the defence, homeland security and commercial markets, with capabilities relating to the design, development, systems integration, production, operations and support of specialised land systems equipment, speciality vehicles, heavy construction and industrial vehicles, as well as total support for the maintenance of speciality vehicles, automotives and related equipment.



Military PPP/PFI

Members of our team have advised on a significant number of the largest defence PPP/PFI projects to have been procured over the past decade. These cover a broad range of asset provision and services, across all sections of the military. We understand what makes these deals bankable and can develop innovative financing and security structures to suit the customer's requirements. We appreciate the increasing of a binding commitment to partnering behaviours and know how to balance this with a need for clear cut obligations for both parties.

Examples of the sort of work we undertake in this area include:

- **a defence consortium:** on its negotiations with both the Ministry of Defence and funders for the £6 billion UK PFI MFTS pilot training project, which reached financial close in May 2008; and
- **an English military ship builder:** on its negotiation of an innovative Terms of Business Agreement with the Ministry of Defence for the maintenance of sovereign capacity and generation of efficiency savings for the UK naval shipbuilding sector.



Defence contracting

Through our experience in negotiating opposite defence departments in jurisdictions as varied as Australia to Kazakhstan, we have a unique international perspective on the commercial drivers and constraints for defence procurement worldwide. We understand the importance of government standard terms and conditions (such as DEFCONs in the UK) and the scope to negotiate away from these. This enables us to get the best commercial results for our clients when negotiating in this challenging environment. This skill will become increasingly vital as our clients seek more and more to export into emerging markets with large defence budgets, such as India.

Examples of the sort of work we undertake in this area include:

- **an armoured fighting vehicle manufacturer:** on the incorporation of a Kazakh JV entity with a local Kazakh partner. The JV company will tender to upgrade T-72 tanks for the Kazakh Ministry of Defence; and
- **a multi-national defence contractor:** on a contract to be entered into with a middle-eastern government to carry out demonstrations of Unmanned Aerial Vehicles (“UAVs”).

Technology

We have advised on an extraordinarily diverse range of technologies, including satellites, pharmaceuticals, heavy engineering, bio-dynamics and ceramic armour. We are fully up to speed with the issues surrounding complex technology procurement, including controls over intellectual property rights.

Examples of the sort of work we undertake in this area include advising an innovative English company in connection with the commercial exploitation of their intellectual property in a new form of armour for vehicles and body armour and advising a manufacturer of automotive components on the provision of advice for over 15 years on various patent disputes and infringement proceedings, including matters regarding parking sensors, head lamps, windshield wipers and rain sensors in passenger cars.

“One of the firm’s major strengths is the high level of expertise offered by its ‘phenomenal lawyers’.”

Logistics

A number of the military automotive matters on which we have advised have involved complex issues around logistics. We understand the importance of ensuring the ready supply of spares, particularly in circumstances where the vehicle is being supplied and immediately used in a warzone. We regularly help our clients solve issues which arise when complex supply chains are involved, and where the timescales are challenging.

An example of the type of work we undertake in this area includes advising a leading global logistics company on the logistics support arrangements for the Royal Navy. We have advised this company and two other leading global logistics companies extensively on their non-military logistics arrangements as well

Exports

We recognise the importance of export opportunities for our clients, and the serious consequences of non-compliance with export regulation.

Our international reach and extensive experience with national administrations, combined with our sector focused approach, enables us to deal with multinational projects and issues, as well as to provide advice which allows for local and international laws, policies and business practices. This includes our understanding of the US regimes (e.g. EAR, ITAR) and administration (e.g. BIS, DDTC, OFAC) and in particular their extraterritorial application and enforcement, as well as direct access to a network of specialised external US counsel.

An example of the sort of work we undertake in this area includes advising a confidential client on US, EU and national implications of components supplies from the UK and the US.

Disputes

Given the complexity of military automotive products and the extensive network of sales and distribution agreements which build up around them, things can go wrong. We have extensive experience in helping our clients defend and bring actions in relation to product liability (including vehicles). In particular, we understand the required relationships with local enforcement authorities.

An example of the sort of work we undertake in this area includes advising a subsidiary of a worldwide leading gearbox manufacturer on product liability litigation in relation to the supply of gearboxes and brake system fitted in Chars Leclerc battle tanks.

EU compliance and other regulatory issues

We have first hand experience of the key regulatory issues arising in defence procurement. This area is constantly evolving, but we often advise clients on matters such as the EU Defence and Security Directive, bribery and corruption legislation (including the Bribery Act in the UK), and offset compliance. As all of our clients are seeking to diversify their customer base, European co-operation in defence will have increasing importance.

An example of the sort of work we undertake in this area includes advising a global diversified technology and industrial leader on EU merger control proceedings (including a request for the referral of the case from national competition authorities to the European Commission) regarding the acquisition of a manufacturer of car parts.

“The firm continues to justify its top ranking with a depth and understanding of clients’ issues second to none.”

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Our military automotive contacts

Elizabeth Belsey

T: +44 (0)20 7415 6000
elizabeth.belsey@twobirds.com

Ulrich Goebel

T: +49 (0)89 3581 6000
ulrich.goebel@twobirds.com

Alban Kang

T: +65 6534 5266
alban.kang@twobirds.com

Vonnick Le Guillou

T: +33 (0)14 2686 0000
vonnick.leguillou@twobirds.com

Richard Lucas

T: +44 (0)20 7415 6000
richard.lucas@twobirds.com

Anders Nilsson

T: +46 (0)85 0632 000
anders.nilsson@twobirds.com

Simon Shooter

T: +44 (0)20 7415 6000
simon.shooter@twobirds.com

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Chambers, Public Procurement

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