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# Aviation Litigation 2015 Conference

An examination of the recent litigation and  
regulatory developments in the aviation sector

**30** September 2015

Central London

**6** CPD Hours

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# Conference overview

## Speakers

This conference examines recent litigation and regulatory developments in the aviation sector. It covers a wide range of topics from recent European regulations, aircraft and engine redelivery disputes, and insurance. By bringing together leading aviation lawyers in both England and overseas, as well as in-house counsel, this conference provides an excellent opportunity for delegates to get an in-depth insight into current topics affecting this sector.

## Chair

Paul Philips has had a substantial aviation practice for over 20 years and has been involved in some of the most high-profile cases in the aviation sector. He is a recognised leading expert in aviation in the legal directories, and ranked as one of the top three aviation litigators in England.

## Speakers

Marcos Alvarez Almodovar is General Counsel and Board Secretary for Vueling Airlines, a subsidiary of IAG based primarily in Barcelona, Spain and Rome, Italy. Marcos oversees all regulatory, legal and compliance matters at Vueling including managing outside litigation counsel and advising management and the Board on legal strategy and risk management.

Russell Binch has significant experience of advising on disputes in the aviation sector, including in relation to the financing and leasing of aircraft, repossessions, redeliveries and disputes involving outsourced supplies of services to the airline industry. As a senior associate, he was consistently ranked as an "associate to watch".

Jonathan Chambers is a barrister at Quadrant Chambers and practises in aviation and shipping law. He is also qualified in Northern Ireland and Australia. He has lectured on insurance (including marine and aviation aspects) at Monash University Melbourne. He is an editor of Shawcross & Beaumont on Air Law.

Simon McNamara was appointed Director General on 1 January 2013. He is responsible to ERA's board for the delivery and implementation of ERA's work in the field of policy, events and communications. Under his leadership ERA is highlighting the aviation sector's vital contribution to Europe's future economic prosperity, particularly in the regions of Europe. McNamara travels extensively within Europe meeting with policy-making bodies such as EASA and the European Parliament and Council. He is a sought-after speaker at industry events and provides comment and analysis on market issues across a range of international media. A graduate of City University, London, McNamara also holds an MSc from Cranfield University in the UK.

Heather Murphy regularly appears in the County Court for airlines in relation to the EC Regulation 261/2004 and Montreal Convention. She has experience of cases involving delayed flights, cancelled flights as well as denied boarding, lost luggage and delays with extraordinary circumstances. She was also counsel for the matter of *Evans v Flybe Ltd* (2014) where she successfully defended the defendant airline's use of credit card charges. Heather has also dealt with matters arising in respect of maintenance contracts and wet leases.

Dr. Wiebke Seyffert is a partner at Stenger LLP Rechtsanwälte in Hamburg, Germany. She mainly practices in corporate and commercial law. Wiebke has gained substantial experience in contentious matters arising in the aviation industry. She advises airlines on all disputes relating to passenger claims, both in and out of court.

Phil Seymour has nearly 40 years' experience working within Airline, Aircraft Maintenance, Aircraft and Engine Leasing and Consultancy businesses. Chairman of the ISTAT International Appraisers' Program. Accountable Manager, for IBA's UK CAA and EASA certifications. Phil and the IBA team are regularly used in mediation and litigation cases around the World.

Robin Springthorpe acts only for aviation clients, principally lessors and airlines, and is the partner leading the disputes and regulatory team in Bird & Bird's international aviation group. He has conducted litigation and arbitration for over 20 years. Robin's work involves leasing and financing disputes, insurance coverage, technical and regulatory disputes and other issues which arise in the aviation industry.

## 9.00 Registration

### 9.30 Chair's Welcome and Introduction

*Paul Phillips, Stephenson Harwood LLP*

### 9.45 Passenger claims update: EC Regulation 261 updates and EU Directive on alternative dispute resolution

Recent updates on Regulation 261 claims at the European and domestic level | Legislative reforms of Regulation 261 | ADR in the aviation sector | Looking forward beyond the ADR and ODR Directives.

*Russell Binch, Stephenson Harwood LLP*

### 10.30 The revised EU jurisdiction regime and implications for aviation claims

Amendments to the rules relating to jurisdiction agreements, expanding the scope of the application of those rules | Changes to the related actions (or lis pendens) provisions where there is an exclusive jurisdiction clause | New rules concerning third state (that is, non-EU) matters and defendants, principally a new provision introducing a limited international lis pendens rule | An enhanced arbitration exclusion | The abolition of exequatur, further simplifying the recognition and enforcement of member state judgments in other member states | Impact on aviation claims.

*Heather Murphy, XXIV Old Buildings*

### 11.15 Refreshments

### 11.30 Redelivery disputes: perspectives from both sides, early returns, presenting your case, common issues arising, technical input

Recent redelivery cases | Some of the legal issues which arise and how to deal with them | Practical steps to avoid redelivery disputes.

*Robin Springthorpe, Bird & Bird  
Phil Seymour, IBA*

### 12.15 Aviation litigation trends and developments

A review of latest decisions of significance in the UK and globally | Regional trends.

*Jonathan Chambers, Quadrant Chambers*

### 1.00 Questions

### 1.15 Lunch

### 2.15 Updates on aviation insurance

Insurance implications of the introduction into UK law of the Cape Town Convention (on International Interests in Mobile Equipment of 2001) by The International Interests in Aircraft Equipment (Cape Town Convention) Regulations 2015 (UK) | Compulsory insurance for carriers under Regulation (EC) No 785/2004: Case C 6/14 Wucher Helicopter GmbH, Euro-Aviation Versicherungs AG v Fridolin Santer | Aviation insurance for "drones"/unmanned aircraft systems ("UAS") and small unmanned aircraft.

*Jonathan Chambers, Quadrant Chambers*

### 3.00 Refreshments

### 3.15 International perspectives

Passenger Claims and the International Market in the EU | Impact of online claims handling companies | Court Proceedings against foreign airlines in the EU | Reg. (EC) No 1393/2007 on the service of judicial and extrajudicial documents | Translation of court documents | Legal costs.

*Dr. Wiebke Seyffert, Stenger LLP*

### 4.00 In-house perspectives

Passenger claims | Claims management companies | The role of in-house counsel at an airline and its challenges.

*Simon McNamara, European Regions Airline Association*

*Marcos Alvarez, Vueling Airlines*

### 4.50 Chair's Concluding Remarks and Questions

*Conference Close* **5.00**

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