ARNECKE SIEBOLD’s Transportation, Aviation and Logistics (TAL) department comprises one of the leading legal practices in Germany, focusing specifically on international air transportation (cargo and passenger), the business of shipping and logistics services.

Over the years, ARNECKE SIEBOLD has defended and enforced its clients’ interests in hundreds of cases in the TAL field, for example in regulatory matters, cargo and passenger claims, ground handling issues, air carrier liability, customer and subcontractor agreements, and employment and competition matters.

ARNECKE SIEBOLD is committed to the industry’s interests and needs, advising and supporting its clients from the very first moment they decide to do business in Germany. Whether you need assistance setting up and financing your company, running your daily operations, entering into customer or subcontractor agreements, defending against claims or lawsuits or in times of financial turmoil or other turbulence you may face, ARNECKE SIEBOLD is the partner you can depend on.
The following provides you with a more detailed overview of the expertise and experience of ARNECKE SIEBOLD in the Transportation, Aviation and Logistics (TAL) field:

**CORPORATE ISSUES**
- Incorporation of companies in Germany
- Mergers & acquisitions
- Restructuring

**FINANCING**
- Aircraft and engine financing
- Negotiation of lease and sales agreements
- Aircraft mortgages
- Aircraft registration
- Title reports, closing opinions, etc.

**TAX**
- Representation vis-à-vis the various Main Customs Offices (MCO) regarding the German Air Travel Tax (ATT)
- Filing of objections and complaints to challenge the illegality of ATT

**REGULATORY MATTERS (EU AND NATIONAL)**
- Representation of airlines before air traffic and air supervisory authorities as well as vis-à-vis the competent authorities and DG Environment as regards EU ETS
- Traffic rights
- Ground handling rights
- Antitrust and competition matters

**CONTRACTING**
- Aircraft management and operation agreements
- Aircraft pooling agreements
- General terms of business in the field of freight, shipping and logistics as well as passenger transportation, conditions of carriage
- Charter contracts (passenger and cargo)
- Contracts between airlines, tour operators, general sales and service agents, consolidators, travel agencies and other organizations offering travel services
- Introduction of zero commission schemes and net price models, IATA agency agreements
- Logistics agreements (ground handling, warehousing, shipping, customs clearance, transportation, delivery, documentation, etc.)
- Transportation agreements (shipping and freight agreements, framework agreements, agreements with agents, suppliers, subcontractors, etc.)
EMPLOYMENT

- Advice on all German and international employment and HR issues, including contract management and handling of collective agreements
- Recruitment and retention, employee transfers, equal treatment and discrimination issues, occupational health and safety, immigration and social security
- Negotiation of layoff plans, reconciliation of interests and reductions in force
- Representation vis-à-vis works councils and trade unions
- Restructuring and reorganization, closure and relocation of businesses as well as outsourcing of business activities
- Post-merger integration

PROPERTY AND INFRASTRUCTURE

- Sales, purchase and lease agreements
- Relocation of operations

INSOLVENCY

- Airline bankruptcies
- Consolidator and agency bankruptcies; safeguarding of airline interests with regard to BSP transactions and payments
- Aircraft repossession

IT

- IT project agreements
- Software development and/or licensing
- Software support and service agreements
- Outsourcing agreements
- Application service providing agreements (ASP Agreements)
- Hosting-/Housing agreements
- Data processing centre agreements
- Advice on cross-border data protection issues

DISTRIBUTION AND PAYMENT

- Ticketing issues
- BSP/CASS disputes
- Fraud prevention/damage control
- Introduction of new cashless and card-based payment methods
- Risk management with respect to card system regulations, compliance with payment card industry data security standards (PCI DSS)
- Credit card issues, handling of chargebacks and penalties
- Debt collection
ANTITRUST, COMPETITION

- Representation of airlines before the EU Commission, DG for Mobility & Transport, DG Competition and national competition authorities, e.g. in connection with fuel surcharge investigations
- Competition and deregulation in EU air traffic, antitrust and state aid (e.g. merger control, alleged abuse of a dominant position, etc.)
- Introduction and management of compliance programs
- Training courses for staff concerning “dawn raids” and other types of investigations, e.g. by national law enforcement officials
- Unfair competition issues (review of marketing strategies, pricing schemes, advertisement campaigns, etc.)

DISPUTE RESOLUTION, LITIGATION AND CLAIMS-HANDLING

- Defense against damage claims
- Defense of passenger claims pursuant to Regulation (EC) No. 261/2004, Montreal or Warsaw Convention
- Airline liability, representation of airlines and insurers in the event of aircraft accidents and incidents
- Settlement of claims on the basis of international conventions and/or national law (Warsaw/Montreal Convention, CMR, ADSp, EU regulations and IATA resolutions, etc.)
- Handling of recourse claims
- Dissolution of commercial agency agreements and handling of potential compensation claims
- Arbitration proceedings
- Administrative contentious proceedings (objection against official decrees and initiation of legal challenges)
Holger Buerskens, LL.M. (McGill) heads the TAL group at ARNECKE SIEBOLD. Holger Buerskens has practiced in the field of transportation, aviation and logistics for more than 19 years. He is author of numerous articles and books on German transportation law and international business law and a regular speaker at industry events. Holger Buerskens represents international airlines, forwarding agents and logistics providers. He has been awarded the title of Specialist Attorney for Transportation and Shipping and has received repeated recommendations of Legalease’s European Legal Experts and the Juve Handbook on German Commercial Law Firms.

Ulrich Steppler, LL.M. co-heads the TAL group at ARNECKE SIEBOLD. He specializes in aviation matters, focusing in particular on passenger air transportation. Ulrich Steppler has published numerous articles, case notes and reviews as well as a book on IATA interlining and a collection of regulations on the inclusion of aviation into the EU Emissions Trading Scheme (EU ETS). He is also the winner of the ILO Client Choice Award 2010 & 2011 for the category „Aviation Law Expert Germany“ as well as other awards and has been recognised as a leading individual by various institutions. Ulrich Steppler represents numerous international airlines, industry participants and organizations in all relevant areas.
WHAT CLIENTS SAY ABOUT...

HOLGER BUERSKENS:

» We wish to congratulate you for this fabulous success and thank you for all the valuable time, energy and help you spent in getting the deal done. Let us continue to build on our already terrific working relationship. «

» Great job! «

» Outstanding job by the German litigators under trying circumstances and time pressure. «

ULRICH STEPPLER:

» I trust Ulrich’s judgment – his advice is both legally on point and commercially savvy. In reality, Ulrich functions more like an in-house attorney, since he acts on our behalf with very little supervision or direction required. «

» I am extremely pleased with our entire relationship with Ulrich, both in terms of the quality of the advice that I receive and his value for money. «

» I am fortunate to have found Ulrich. He is one of a select group of outside attorneys on whom I absolutely rely. «
AWARDS

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