



ARNECKE SIBETH

M E H R   A L S   R E C H T



*TRANSPORTATION,  
AVIATION AND LOGISTICS*

LEGAL SERVICES

# TRUSTED LEGAL ADVISORS IN THE AIRLINE AND AVIATION INDUSTRY



ARNECKE SIBETH is one of the market leaders in Transport and Aviation law in Germany. The firm's highly specialized Transportation, Aviation and Logistics (TAL) practice group is widely renowned for its expertise and attracts an impressive clientele ranging from major domestic and foreign commercial airlines (cargo and passenger), airfreight companies, forwarding agents, logistics companies, manufacturers and insurance companies to lenders, banks and owners of aircraft as well as key players in the tourism industry.

ARNECKE SIBETH provides legal support on all aspects of business in the airline and aviation industry, including advice in relation to corporate, employment, competition and property law, regulatory matters, litigation and arbitration, aircraft leasing, financing and registration, accident investigation as well as day-to-

day claims handling. The firm has repeatedly received numerous awards and recommendations for its services in the aviation sector in publications such as Legal500, Legal Experts, Who'sWhoLegal, or JUVE.

# PRACTICE AREAS

PLEASE SEE BELOW FOR A DETAILED OVERVIEW OF THE LEGAL SERVICES WHICH ARNECKE SIBETH HAS BEEN PROVIDING TO THE AVIATION SECTOR FOR MANY YEARS NOW:

## REGULATORY MATTERS (EU AND NATIONAL)

- Advising and representing airlines before the German civil aviation, air traffic and air supervisory authorities as well as the German Emissions Trading Authority (DEHSt) and Departments of Transportation
- Acting for clients before European aviation authorities, such as DG Environment in relation to EU ETS
- Support of clients as regards their energy audits under the European Energy Directive
- Traffic rights
- Airport slots
- Airport charges
- Ground handling rights

## COMMERCIAL CONTRACTS

- Aircraft management and operation agreements
- Aircraft sale and lease agreements
- Aircraft and engine pooling agreements
- General terms of business in the field of freight, forwarding and logistics as well as passenger transportation, conditions of carriage
- Charter contracts (passenger and cargo)
- Contracts involving airlines, tour operators, general sales and service agents, consolidators, travel agencies and other organizations offering travel services
- Distribution agreements (IATA/non-IATA agency agreements, zero commission etc.)
- Logistics agreements (ground handling, warehousing, forwarding, customs clearance, other logistical services etc.)

- Transportation and forwarding agreements, framework agreements, agreements with agents, suppliers, subcontractors etc.

## DISPUTE RESOLUTION, LITIGATION AND CLAIMS HANDLING

- Representing clients in relation to cargo claims on the basis of the Montreal and Warsaw Convention or multimodal transport law
- Defending airlines against passenger claims pursuant to Regulation (EC) No. 261/2004, the Montreal or the Warsaw Convention
- Representation before national and international courts such as the Court of Justice of the European Union (CJEU)
- Airline liability, such as representation of airlines and insurers in the event of aircraft accidents and incidents
- Handling of recourse claims
- Arbitration proceedings
- Contentious administrative proceedings (objection against official decrees as well as initiation of legal challenges)

## AIRCRAFT FINANCE AND LEASING

- Aircraft and engine financing
- Registration and deregistration of aircraft and aircraft mortgages
- Legal and tax opinions, including title reports and closing opinions
- Aircraft and engine repossession
- Escrow services
- Review of lease agreements, novations, etc.

## CORPORATE MATTERS

- Incorporation of companies in Germany
- Mergers & acquisitions, including due diligence
- Restructuring

## TAX

- Representation vis-à-vis the various German Main Customs Offices (MCOs) regarding the German Air Travel Tax (ATT)
- Filing of objections and complaints challenging the illegality of ATT
- Advice on VAT related issues in connection with aircraft transactions

## DISTRIBUTION AND PAYMENT

- Ticketing issues
- BSP/ CASS disputes
- Fraud prevention / damage control
- Introduction of new cashless and cardbased 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 Mobility & Transport, DG Competition) and national competition authorities, e.g. in connection with fuel surcharge investigations or merger notifications
- Competition and deregulation in EU air traffic, merger control antitrust and state aid
- 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.)

## 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 crossborder data protection issues

## EMPLOYMENT LAW

- 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 and safety, immigration and social security
- Representation vis-à-vis works councils and trade unions
- Postmerger integration

## INSOLVENCY

- Airline insolvencies
- Consolidator and agency insolvencies, safeguarding the airlines’ interests with regard to BSP/ CASS transactions and payments

## PROPERTY AND INFRASTRUCTURE

- Sales, purchase and lease agreements
- Relocation of operations
- Advice concerning airport operations and building permits as well as building restrictions on airport grounds



## HOLGER BUERSKENS LL.M. (McGill)

Holger Buerskens, LL.M. (McGill) is the joint head of the TAL practice group at ARNECKE SIBETH. Holger Buerskens has practiced in the field of transportation, aviation and logistics for more than 20 years and is the author of numerous articles and books on German transportation law and international business law as well as a regular speaker at industry events. Holger represents international airlines, forwarding agents and logistics providers with a specific focus on the cargo industry. He has been awarded the title of Specialist Attorney for Transportation and Forwarding Law and over the past years has been repeatedly recommended as a leading individual by various institutions, such as Legal Experts EMEA (2011–2015), Legal500 (2007–2015) or the Juve Handbook on German Commercial Law Firms (2007–2015).

**CONTACTS:** Tel. +49 69 979885-220 • [hbuerskens@arneckesibeth.com](mailto:hbuerskens@arneckesibeth.com)



## ULRICH STEPPLER LL.M.

Ulrich Stepler, LL.M. is the joint head of the TAL practice group at ARNECKE SIBETH. He specializes in aviation matters, focusing in particular on passenger air transportation. Ulrich Stepler 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, 2014 and 2015 for the category “Aviation Law Expert Germany” as well as other awards and has been recognised as a leading practitioner in aviation law by various legal directories such as Who’sWhoLegal, Legal500 and Legal Experts EMEA. Ulrich Stepler represents numerous international airlines, industry participants, insurers and banks in all relevant areas. He is also admitted to act before the Austrian courts and institutions.

**CONTACTS:** Tel. +49 69 979885-356 • [ustepler@arneckesibeth.com](mailto:ustepler@arneckesibeth.com)

# 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."*

*"We always felt very well supported and led into the right direction from his legal expertise. Holger provided outstanding support in closing this matter."*

*"Outstanding job by the German litigators under trying circumstances and time pressure."*

## ULRICH STEPLER:

*"I trust Ulrich's judgment – his advice is both legally on point and commercially savvy. In reality, Ulrich functions more like an inhouse attorney, since he acts on our behalf with very little supervision or direction required."*

*"A real professional – a lawyer's lawyer."*

*"Ulrich brings a commonsense, pragmatic approach when responding to an inquiry, he grasps the issues quickly, and he is direct and logical in his responses."*

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

## ARNECKE SIBETH





l.r.: Katja Helen Brecke, Andreas Fuchs, Andreas Gran, Ulrich Steppler, Holger Buerskens, Katharina Sarah Bressler, Carsten Vyvers, Kamila Stroka, Kathrin Lenz, Oliver Nissen

# AWARDS





**ARNECKE SIBETH SIEBOLD**

Rechtsanwälte Steuerberater  
Partnerschaftsgesellschaft mbB

**FRANKFURT AM MAIN**

Hamburger Allee 4 (WestendGate)  
60486 Frankfurt am Main · Germany  
Tel. +49 69 979885-0 · Fax +49 69 979885-85  
frankfurt@arnekesibeth.com

**MÜNCHEN**

Oberanger 34–36 · 80331 München · Germany  
Tel. +49 89 38808-0 · Fax +49 89 38808-101  
muenchen@arnekesibeth.com

**BERLIN**

Kurfürstendamm 54/55 · 10707 Berlin · Germany  
Tel. +49 30 8145913-00 · Fax +49 30 8145913-99  
berlin@arnekesibeth.com

**DRESDEN**

Am Brauhaus 1 · 01099 Dresden · Germany  
Tel. +49 351 86659-0 · Fax +49 351 86659-59  
dresden@arnekesibeth.com

[arnekesibeth.com](http://arnekesibeth.com)