

AIR LAW WORKSHOP

Leiden, 24-25 November 2016

Introduction

The International Institute of Air and Space Law (IIASL), Leiden University has joined forces with Clyde & Co, London, De Brauw Blackstone Westbroek, Amsterdam and Gorrissen Federspiel, Copenhagen to set up a two-day workshop on air law. The workshop is designed to enhance awareness of, and the interaction between, the various fields of air law – international and EU regulatory, financing and liability. Speakers will articulate the various questions from a multi-jurisdictional angle and illustrate them by examining case law. The organisers wish you a fruitful, interesting stay in Leiden.



Universiteit Leiden



Gorrissen Federspiel

CLYDE&CO

DE BRAUW
BLACKSTONE
WESTBROEK

WIFI Leiden University

User name workshopalw
Password Welkom15

Locations

AIR LAW WORKSHOP 24-25 November 2016



Academy Building, Leiden University
Room Klein Auditorium
Rapenburg 67 - 73
2311 GJ Leiden



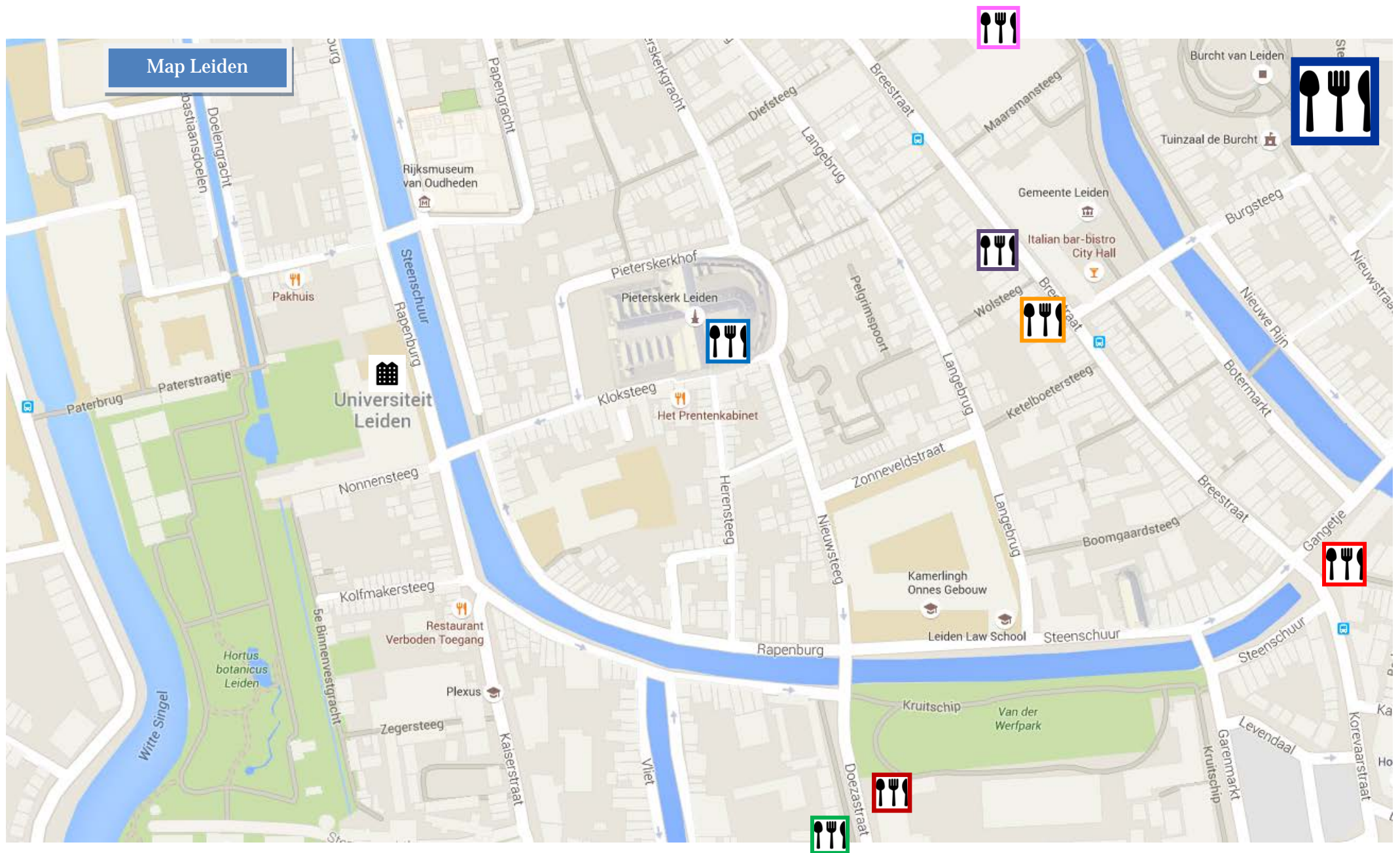
<http://visitors.leiden.edu/buildings/academiegebouw.html>

RESTAURANT DINNER 24 November 2016



Burgsteeg 13
2312 JR Leiden
Tel. 071 – 5121688
<http://www.koetshuisdeburcht.nl/>





Speakers / panel members Air Law Workshop

John Balfour

Clyde & Co, Consultant

Mark Bisset

Clyde & Co, Partner

Berend Crans

De Brauw Blackstone Westbroek, Partner

Visiting Lecturer, Leiden University

Philip Chrystal

Swiss Re, Corporate Solutions Claims, Director and Senior Aviation & Space Claims Expert

Paul Freeman

Clyde & Co, Partner

Brian Havel

DePaul University, Professor of Law

University of Oxford, Wadham College, Visiting Professor of Law

Morten Lundqvist Jakobsen

Gorissen Federspiel, Partner

Maylis Casati-Ollier

Clyde & Co, Partner

Tanja Masson-Zwaan

Leiden University, Assistant Professor

International Institute of Air and Space Law (IIASL), Deputy Director

Nick Medniuk

Clyde & Co, Senior Solicitor

Pablo Mendes de Leon

Leiden University, Professor of Air and Space Law

International Institute of Air and Space Law (IIASL), Director

John Milligan

Clyde & Co, Partner

Stefan Molin

De Brauw Blackstone Westbroek, Senior Associate

Patrick Slomski

Clyde & Co, Partner

Jorn Wegter

KLM, Corporate Legal Counsel

Thomas van der Wijngaart

Clyde & Co, Solicitor and Senior Associate in the aviation department

CV's speakers/panel members Air Law Workshop



John Balfour is an English solicitor and consultant, and until recently a partner, with Clyde & Co LLP in London. He has practised in air law for over 25 years, with particular emphasis on regulatory aspects. He is a Fellow of the Royal Aeronautical Society, a Committee Member (and past Treasurer and Secretary) of the European Air Law Association, a Board Member of the European Aviation Club and a Member of the International Advisory Board of the International Institute of Air and Space Law at Leiden University. He is the author of *European Air Law*, the division on EU Law in *Shawcross and Beaumont Air Law* and many articles on a variety of air law subjects.



Mark Bisset Mark is Head of Aviation Finance, Clyde & Co, London and is Co-Head of Aviation Regulatory. **Aircraft Finance:** Mark's experience includes loan and lease financing, operating leases and tax-based leases, export credit finance, and aircraft purchase and trading, in a wide variety of jurisdictions. Mark has been very active recently in the business jet market (acting for banks, owners and operators) and also has recent experience in enforcement. He is recognised for having particular expertise in Russian aviation; he has advised on the implementation of the Cape Town Convention before the Russian Ministry of Transport, in conjunction with the Aviation Working Group.. *Who's Who Legal Aviation* refers to Mark as an "exceptional finance lawyer with extensive knowledge of both the commercial airline and business jet market".

Aviation Regulatory: Mark has over 15 years' experience of advising a wide variety of industry participants (banks, lessors and airlines) on many aspects of aviation law including: Reg 1008/2008 ownership and control, sanctions, slots trading, state aid, environmental issues (in particular in relation to the EU ETS), commercial/private operations and taxes/charges. Mark has participated in studies for the EU Commission on aviation topics (open skies agreement between EU and Association of Southeast Asian Nations, 2014; EU / China and EU / GCC States, 2015). Mark has also advised the Africa Development Bank and other African organisation on the implementation of African Open Skies (Yamoussoukro Decision). Mark has advised the International Air Transport Association (IATA) and the European Low Fares Airline Association (ELFAA), in particular in relation to the EU emissions trading scheme (EU ETS). Mark is a UK civilian adviser to Transport Group Civil Aviation (TG CA) of NATO. **Publications:** Mark recently co-authored a book "Aviation Insurance – Issues in Law and Practice from the Lessor/Lender Perspective". Mark is contributing editor of "Getting the Deal Through - Aviation Finance and Leasing 2014" and co-editor with John Balfour of "Getting the Deal Through - Air Transport 2014". In addition Mark has contributed to a 2013 Leiden University Air Law Festschrift; has been quoted in the Financial Times; and has written articles for International Financial Law Review, International Banking and Financial Law, Airline Fleet Management, Environmental Liability, American Bar Association Air and Space Lawyer, Air Finance Journal, Environmental Law & Management, Business Law International, PLC and Air and Space Lawyer. **Presentations:** Mark is a Guest Lecturer at the International Institute of Air and Space Law, Leiden University. Mark has spoken at innumerable conferences and events during his career in aviation: for example, Air Finance Journal conferences Dublin / Moscow; Air Finance Journal Summer School; LUISS Business School Rome; Italian Business Aviation Association; NBAA; Central European Private Aviation Prague; business jets Isle of Man; Corporate Jet Investor London / Beijing / Hong Kong; Corporate Jet Investor Summer School; IATA Geneva; BBC Breakfast News; Radio 4 Today programme.



Berend Crans is a partner/shareholder at De Brauw Blackstone Westbroek N.V. in Amsterdam. Berend has particular expertise in aviation law and aircraft finance and has been involved in many aircraft finance transactions, financing of aircraft lease portfolios and securitisations. During his career Berend has been involved in transactions in respect of more than 400 aircraft. Recent transactions include representing Export-Import Bank of the United States in a series of ECA supported transactions involving aircraft leased to KLM and Transavia Airlines and helicopters leased to Líder Aerotaxi – Air Brasil. Berend is a member of the editorial board of *Air & Space Law*, a guest lecturer on aircraft finance at IIASL and on structured finance at the University of Amsterdam. He co-edited "Aircraft Repossession and Enforcement" (Kluwer 2009 and 2011) and is co-author of the chapter on The Netherlands. He publishes regularly on aviation law matters and is a frequent speaker on aircraft finance at conferences. Berend is a former chair of the Aviation Law Committee of the International Bar Association. The *Who'sWhoLegal*, published by the International Bar Association, ranked Berend among the 10 most regarded aviation lawyers of the world stating that "Berend Crans receives a large number of nominations in the research for his 'exceptional proficiency' in aviation finance." He is also recognised by *Chamber and Legal 500* and *Euromoney's* Institutional Investor PLC: "Berend Crans is the dean of aviation law in The Netherlands. He focuses on transactional work and is a leading all round aviation lawyer. He is the best for finance."

Philip Chrystal is currently a Director and Aviation & Space Practice Leader within the claims division of Swiss Re Corporate Solutions in Zurich. Joining the Swiss Reinsurance Company in 1990, he was initially an aviation underwriter for 10 years handling both reinsurance treaty and facultative business before working in the ART group for two years devoted to the aerospace industry. He moved into claims in 2000 and in addition to aviation and space has assumed responsibilities for other transportation lines of business and agricultural losses. He holds degrees in commerce and law from the University of New South Wales in Sydney and a master of laws in air and space law from McGill University in Montreal. He is a member of the legal and claims study group within the International Union of Aerospace Insurers, London and was admitted the New South Wales Supreme Court as a Solicitor/Attorney in 1980.



Paul Freeman plays a significant role in the strategic and tactical management of large-scale casualty claims for various airlines and their insurers in the Asia Pacific region, including currently for Malaysia Airlines (MH370 and MH17) as well as providing local regulatory capability with recent experience in consumer claim handling and lobbying for airlines. Paul has previously worked very closely with BA, easyJet, Ryanair and Singapore Airlines, SATS, SIAEC, SilkAir and SAGI on a day to day basis. He handled the aftermath of the complex and high profile MH185 loss, and numerous other losses across South East Asia and Europe. He has over 25 years' experience in multi-jurisdictional catastrophe and attritional claims, is admitted in Hong Kong and Australia and holds a PPL. Paul also specialises in European Regulatory law including dangerous goods, passenger rights, and web-based selling and pricing. Paul is listed in *Chambers UK* and numerous other legal directories. He is also qualified arbitrator, mediator and private pilot.



Brian Havel is Distinguished Research Professor of Law, Director of the International & Comparative Law Program, and Director of the International Aviation Law Institute at DePaul University College of Law, Chicago. For 2011/2012, Professor Havel is the Keeley Visiting Fellow at the University of Oxford, Wadham College. Professor Havel holds master's degrees in law from University College Dublin and Columbia University Law School, as well as a master's degree in languages and linguistics from Trinity College Dublin and a doctoral degree in international and comparative law from Columbia. He was the Wien Fellow in International and Comparative Law at Columbia and received the inaugural Outstanding Achievement Award of the Parker School of International and Comparative Law at Columbia for his work on international air transport deregulation. Before joining the DePaul faculty in 1994, he practiced transnational corporate and antitrust litigation at Paul Weiss Rifkind Wharton & Garrison in New York City. His publications have an interdisciplinary focus and include *Beyond Open Skies: A New Regime for International Aviation* (Kluwer, 2009), a follow-up to his 1997 book, *In Search of Open Skies: Law and Policy for a New Era in International Aviation* (Kluwer 1997), as well as a number of law review studies including "The Constitution in an Era of Supranational Adjudication" (*North Carolina Law Review* 2000), "In Search of a Theory of Public Memory: The State, the Individual, and Marcel Proust" (*Indiana Law Journal* 2005), and "The Emerging *Lex Aviatica*" (*Georgetown Journal of International Law* 2011). His biography of his father, Miroslav Havel, late chief designer of Waterford Crystal, was published in Europe in 2006. He is editor in chief of the College of Law's journal, *Issues in Aviation Law & Policy*, and is a member of the panel of contributing advisors to Kluwer Law's journal, *Air and Space Law*. Professor Havel is a past chair of the Global Transport and Tourism Governors Meeting at the World Economic Forum in Davos, Switzerland, a continuing member of the Forum's Aviation, Travel, and Tourism Council, and has addressed air transport conferences and symposia throughout the world. He was elected to the board of the European Air Law Association in 2005 and to the external board of governors at the International Institute of Air and Space Law at Leiden in 2007. He also was the Fulbright Visiting Professor of Comparative Law and Legal Pluralism for 2007-2008 at McGill University's Institute of Air and Space Law.



Morten Lundqvist Jakobsen is a partner in Gorrissen Federspiel in Copenhagen, Denmark and heads the firm's aviation department. For more than 18 years, Morten has specialised in aviation and aircraft finance and advises airlines, aircraft and engine lessors, banks and other players within the aviation sector in matters relating to inter alia, leasing, sale/leaseback arrangements, wetleasing, charters, purchase/sale, maintenance, incidents and accidents, regulatory matters, registration, arrest and repossession, traffic rights, insurance, code-sharing, airline start-ups, insolvencies and insolvency work-outs and industry related M&A, procurement, restructurings, etc. In addition to his aviation and aircraft finance practice, Morten does ship finance work for shipowners and banks, and has recently become a member of Gorrissen Federspiel's strong reconstruction and insolvency team. Morten is on the management committee of the European Air Law Association and holds office as secretary of the association. As secretary for the Association, Morten is the co-arranger of conferences and seminars in Europe focusing on legal issues relevant for the aviation industry, including heading the biennial Copenhagen Aircraft Finance Legal Seminar. Also, Morten is a co-lecturer in the annual 'Air Law' workshop at Leiden University's International Institute of Air and Space Law and speaks on aviation related conferences and seminars, both nationally and internationally. Morten contributes often to various publications on aviation and finance issues. For many years, Gorrissen Federspiel has been positioned as a leading corporate law firm in Denmark with strong and long standing international relations. Gorrissen Federspiel numbers more than 230 lawyers and has offices both in Copenhagen and Aarhus.



Tanja Masson-Zwaan Tanja Masson-Zwaan is Asst. Professor and Deputy Director of the International Institute of Air and Space Law at Leiden University, The Netherlands. She is the current President of the International Institute of Space Law (IISL), elected in 2007 and re-elected in 2010 and 2013. Tanja advises various bodies on space law issues, teaches and supervises students at Bachelors, Masters and PhD level, carries out research and publishes on a broad range of space law topics. She lectured at many universities worldwide, set up courses in air and space law at the National University of Singapore and worked as a consultant for a space insurance broker in France and in her own company in the Netherlands. Each year, she attends the sessions of the UN Committee on the Peaceful Uses of Outer Space as an official observer. She is a recipient of the Distinguished Service Award of the IISL (2001), the Social Sciences Award of the International Academy of Astronautics, IAA (2008) and the IAF Distinguished Service Award (2015). Tanja is an elected member of various professional associations, was a founding board member of Women in Aerospace-Europe, and serves as advisor to various organizations including Mars One, Space Generation Advisory Council (SGAC) and Secure World Foundation (SWF). The Dutch Government appointed her as an arbitrator for space related disputes at the Permanent Court of Arbitration in 2012, and as a member of the Space Learning Group of ICAO in 2014.



Nick Medniuk, a former Erasmus student at Leiden University, Nick is now a senior solicitor at Clyde & Co LLP, having trained at Beaumont and Son. He has worked in the aviation department's insurance and reinsurance team since qualification in 2003. Nick's practice is in dispute resolution and encompasses liability and coverage disputes arising under insurance policies in England and other jurisdictions, particularly Mexico. Prior to joining Beaumont's, Nick undertook secondments with a specialist aviation law firm in New York and Los Angeles. "Nick is also a trustee on the board of the Royal Courts of Justice branch of the Citizen's Advice Bureau where he acts as an honorary legal advisor and sits on their service delivery sub-committee."



John Milligan, is an English qualified solicitor and EU & competition partner at Clyde & Co LLP. He has 20 years' experience advising in the aviation, marine transport, energy and insurance sectors. Prior to joining Clyde & Co, John worked at the Law Offices of SG Archibald in Brussels. He studied law at Queen's University Belfast and completed a Master's degree ('Licence spéciale en droit européen') at the Université Libre de Bruxelles. John is author of the UK competition law sections of the International Comparative Legal Guide to Aviation Law 2014 and of the International Encyclopaedia of Agency Distribution Agreements (Kluwer).



Pablo Mendes de Leon is Professor of Air and Space Law and Director of the International Institute of Air and Space Law of Leiden University, which is one of the leading international scientific research and teaching institutes in the world, specialised in legal and policy issues regarding aviation and space activities. The Faculty of Law of Leiden University founded the institute in 1986. In addition to his duties as Director of the International Institute of Air and Space Law of Leiden University, Pablo Mendes de Leon maintains a vast range of memberships in organisations that work to combine law and practice of aviation law and policy. For instance, he is President of the European Air Law Association, an ad hoc judge at the District Court of Haarlem, a Fellow of the Royal Aeronautical Society, *Membre titulaire de l'académie de l'air et de l'espace*, Toulouse, France, Board Member of the KLM –Air France foundation, a member of the International faculty of IATA, a Board Member of the magazines Air and Space Law, Journal of Air Law and Commerce and the Italian ANIA Insurance Newsletter and the Director of the Series of Publications in International Aviation law and Policy with Kluwer Law International.



Stefan Molin specialises in EU and Competition Law. His practice ranges from merger control cases and horizontal cooperation (e.g. joint ventures) to antitrust investigations before the European Commission and the Dutch Competition Authority. He also litigates before the EU courts and national courts and has been involved in global cartel investigations before the competition authorities of all major jurisdictions, as well as in private enforcement of competition law. Stefan has been involved in advising airports both on general application of EU competition law, such as the rules on abuse of dominance, and on sector specific legislation. Stefan regularly publishes in leading international competition law journals and practitioner guides, including the annual GTDT Cartel Regulation and The Cartels and Leniency Review.



Jorn Wegter heads the Alliances and M&A practice within the Air France-KLM Group legal department. Before joining Air France-KLM, Jorn worked 6 years as a lawyer at Clifford Chance (Amsterdam), where he was an associate in Clifford Chance's corporate team, focussing on public and private M&A, equity capital markets transactions and banking & finance. Jorn is a guest lecturer at the International Institute of Air and Space law (Leiden University), where he graduated in 2005 (cum laude).



Thomas van der Wijngaart is an English qualified solicitor and senior associate in Clyde & Co's aviation and aerospace group. His practice encompasses both contentious and non-contentious aviation matters. His particular focus is on regulatory and commercial aviation issues, including airport slots, codesharing, air passenger rights, airline ownership and control, traffic rights, air passenger duty, consumer law and frequent flyer programmes. Tom also assists in the defence of passenger and cargo claims on behalf of airlines and their insurers, including a number of significant multi-jurisdictional disputes.



Maylis Casati-Ollier As a renowned specialist in aviation law, Maylis handles the most important disputes arising from major aircraft accidents. Her expertise covers counselling (aircraft financing, purchase, charter and lease agreements) as well as litigation and arbitration for airline companies and their insurers in all aspects of aviation law and aviation and aeronautical activities: major accidents, disputes relating to freight, ground handling, product liability, sports and leisure aviation, regulations, airline insurance law. Maylis holds a DEA from the University of Paris X (Nanterre) (1976) as well as a Master of of Comparative Law from the

University of Michigan Law School (1979). Maylis' expertise in aviation law is recognized by Who's Who Legal, Chambers, Legal 500 and Best Lawyers 2011.



Patrick Slomski

Patrick is a partner in the aviation department. He qualified as a solicitor of England and Wales in 1995 and became a partner in Beaumont and Son in 2000, which merged with Clyde & Co LLP in 2005.

He is a past examiner for the Chartered Insurance Institute and the Honorary Solicitor to the Royal Aeronautical Society. His principal areas of practice relate to aviation and aerospace and involve

contentious and non-contentious work.

Contentious work has involved airlines, aviation catastrophe work, insurance coverage (particularly in connection with aircraft manufacture and space systems), products, major commercial disputes, reinsurance disputes, aerospace and subrogation and various cases involving English and multi-jurisdictional litigation, international arbitration.

Day 1 – 24 November 2016

Mark Bisset
(*Chairman*)

08.30 – 09.00	Registration and coffee
09.00 – 09.05	Welcome introduction by Pablo Mendes de Leon <i>Leiden University, International Institute of Air and Space Law (IIASL), Professor of Air and Space Law</i>
09.05 – 10.00	Open skies Brian Havel <i>De Paul University, Professor of Law University of Oxford, Wadham College, Visiting Professor of Law</i>
10.00 – 10.55	Montreal Convention 1999 Nick Medniuk <i>Clyde & Co, Senior Associate</i>
11.15 – 12.15	Thesis Defence by Moses George; Legal Implications of Airport Privatization in India
12.30 – 13.30	Lunch at the Faculty Club
13.30 – 14.15	Pitfalls in aircraft finance transactions Berend Crans <i>De Brauw Blackstone Westbroek, Partner</i>
14.15 – 15.00	An introduction to space law Tanja Masson-Zwaan <i>Leiden University, International Institute of Air & Space Law, Deputy Director</i>
15.00 – 15.30	Tea break
15.30 – 16.30	Aviation insurance Nick Medniuk <i>Clyde & Co</i>
16.30 – 17.00	Aviation emissions Mark Bisset, <i>Clyde & Co</i>



17.30 – 19.00

Drinks reception offered by De Brauw Westbroek Blackstone at Koetshuis

19.00

Dinner offered by Clyde & Co at Koetshuis

Day 2 – 25 November 2016

John Balfour
(Chairman)

09.00 – 09.40	Conflicts of law in aircraft finance and leasing Berend Crans <i>De Brauw Blackstone Westbroek, Partner</i> Open skies
09.40 – 10.20	EU liberalisation John Balfour <i>Clyde & Co, Consultant</i>
10.20 – 11.00	EU Regulation 261 Tom van der Wijngaart <i>Clyde & Co, Senior Associate</i>
11.00 – 11.30	Coffee break
11.30 – 12.25	EU competition law John Milligan <i>Clyde & Co, Partner</i>
12.25 – 13.00	The airline cargo cartel case Stefan Molin <i>De Brauw Blackstone Westbroek, Senior Associate</i>
13.00 – 14.00	Lunch, own expense - see options on page 17-18
14.00 – 14.45	Title and security rights in aircraft Morten L. Jakobsen <i>Gorrissen Federspiel, Partner</i>
14.45 – 15.15	Aviation claims in France Maylis Casati-Ollier <i>Clyde & Co, Partner</i>
15.15 – 16.00	Practical aspects of major loss handling Paul Freeman <i>Clyde & Co, Partner</i>
16.00 – 16.30	Tea break
16.30 – 17.00	Airline alliances Jorn Wegter, <i>Air France-KLM</i>
17.00 – 17.30	Unmanned aircraft systems Patrick Slomski <i>Clyde & Co, Partner</i>
17.30 – 18.00	Brexit and aviation Tom van der Wijngaart <i>Clyde & Co, Legal Director</i>



Lunch options:



Anne&Max[™]

Coffee Sandwich Salad Soup

Gangetje 2, 2311 ER Leiden, website: <http://www.annemax.nl/>



www.waagleiden.nl



RESTAURANT BURGERZAKEN
BREESTRAAT 123
2311 CM LEIDEN



<http://www.restaurantburgerzaken.nl/>



Us Bertus 't Friesche bakkertje

(Bakery shop with sitting area)

Doezastraat 14

<http://www.doezastraatleiden.nl/us-bertus-44>



Grand Café De Vriend
Doezastraat 43

<http://www.grandcafedevriend.nl/>

de Vriend
Grand Café Restaurant



VAN DE LEUR

LEIDEN



Breestraat 117
2311 CL Leiden

www.vandeleurleiden.nl



Pieterskerk Café
Kloksteeg 16



Participants list

First name	Last name	Company name
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After the workshop you will be invited via an e-mail sent by SurveyMonkey to fill in an evaluation form.