
Aviation

With offices in the United States, Europe and China, WilmerHale has one of the world's premier aviation practices.

Our practice covers the panoply of regulatory, antitrust, corporate and litigation matters involving air carriers, airline alliances, airport operators, trade associations and civil aviation authorities. The firm has a wide range of industry-specific experience in strategic investments (including cross border), consolidation and the necessary regulatory approvals, issues arising from industry liberalization, and bankruptcy proceedings.

The firm handles aviation matters for aerospace companies as well, from aircraft manufacturers to maintenance, repair and overhaul providers to suppliers of aircraft parts and equipment. We represent such companies in licensing, certification and enforcement proceedings at the US Department of Transportation (DOT) and the Federal Aviation Administration (FAA). We have advised clients on bilateral and multilateral aviation-related negotiations. We also have advised both private companies and government bodies on a variety of regulatory and transactional issues related to air traffic control. More broadly, we provide strategic counseling on legal and policy issues before US and European aviation regulators, as well as the US Congress and the European Parliament.

Our team has extensive industry experience and includes former government officials.

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Experience

Represented partners of a global commercial airline alliance in applying to the DOT for expansion of a grant of immunity from US antitrust laws for the addition to the alliance of a major US airline. We also represented a US airline in connection with a review of the proposed alliance expansion by the US Department of Justice and a European airline in connection with a parallel review by the European Commission's Directorate-General for Competition.

Advised a European airline on corporate, antitrust and aviation regulatory law aspects of its recent acquisition of a substantial minority ownership interest in a US airline. The transaction represented the first major investment by an EU airline in a US airline following the signing of the US-EU "open skies" air transport agreement in 2007.

Provided US and European aviation regulatory and antitrust advice to a leading European airline in connection with the acquisition of another European airline.

Advised a foreign government with respect to the privatization, via asset sale, of its flag air carrier. We had primary responsibility for all corporate, international regulatory and other aspects of this complex transaction, which involved separate tenders for the airline and its ground handling and maintenance/repair businesses.

Assisted carriers in negotiating slot exchange agreements at London's Heathrow Airport.

Represented a US airline and a foreign air carrier in successfully appealing decisions by the Transportation Security Administration requiring the carriers to pay millions of dollars in additional Aviation Security Infrastructure Fees.

Successfully represented a US airline trade group in appealing a New York statute requiring airlines experiencing extended pre-departure ground delays to provide passengers with specified amenities. The appellate court agreed with our argument that federal law preempts state laws relating to the service of any air carrier.

Advised on numerous business jet aircraft transactions for various of the firm's corporate and private clients (including transactions involving the purchase or sale of companies or assets, including aircraft, the purchase and sale of individual aircraft, and fractional aircraft interests). We also advised clients on compliance with tax, US Securities and Exchange Commission, and FAA regulatory requirements associated with the ownership and operation of corporate aircraft.

Recognition

- *Chambers USA: America's Leading Lawyers in Business* – Consistently recognizes our aviation group with a nationwide ranking. In 2014, clients praised the group for its ability to “identify the risks and opportunities so that we are ahead of the game.”
- *Chambers UK* – Consistently ranks WilmerHale in the aviation (regulatory) category. Comments about our practice have included “expertise ranges from ‘open skies’ agreements and cartel investigations to issues surrounding airline privatisations and mergers.”
- *Legal 500 UK* 2012 ranked our aviation practice, and individually recognized Duncan Speller as “highly recommended” in the sector.