Kennedys Aviation Seminar
Thursday 16th January 2014
The Convention Centre Dublin
Dublin, Ireland

Kennedys
Legal advice in black and white

Media Partners

Presented by

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8.30 Registration & Networking Coffee

9.00 Opening Remarks – Aoife O’Sullivan, Chair

9.10 OPENING ADDRESS
Overview of the aviation sector, opportunities and challenges
Eamonn Brennan, CEO, Irish Aviation Authority

Morning Session – Commercial Aviation

9.40 Aircraft Finance/Leasing
Access to finance, key players and differing considerations. New entrants and alternative sources of finance. Lessons learned from recent transactions.
Aoife O’Sullivan, Partner, Kennedys
Dr. Frederick Giarrusso, Managing Director, Finance Technology Leverage

10.30 Operational and Finance Leases – Tax Structures
Finance and operational lease structures – tax structures and benefits. Ireland as a tax efficient jurisdiction for leasing.
Tom Woods, Partner, KPMG

11.00 Morning Networking Coffee

11.20 Maintenance Contracts/Power by the Hour Agreements
Overview, how to balance expectations and cost for both parties, interplay between OEM agreements and lessor maintenance reserves.
Roger Whipp, Partner, Kennedys

11.40 Asset Management and Lease Returns
Delivery and redelivery – practical considerations. Regulatory compliance during lease and on return. Maintenance considerations on a lease return.
Colin Brickman, Managing Partner, CAMO4jets
Aris Promos, Sales & Business Development, Fokker Services

12.30 Security Registration and the Cape Town Convention
Summary of the effect of registration of security interests on the international register, consequences for all interested parties, effect on choice of law, insolvency considerations before the Irish courts.
Michael Walshe, Partner, Kennedys
Diego Garrigues, Partner, Kennedys

12.30 Networking Lunch

Afternoon Session – Regulation, Insurance and Liability

14.30 Aircraft Repossession and Asset Management
James Edmunds, Partner, Kennedys

15.00 Operational Insight for Repositioning Assets
Nabeel Ahmed, Flight Operations Executive, Aeroprofessional
15.30 **Emergency Response Planning**
Review from the perspective of the airline and the leasing company. Real life examples and opportunities for improvement within the industry.
*Paul Freeman, Partner, Kennedys*

16.00 **Negligent Entrustment**
What it is and why the industry should be concerned. Cook County Judgement in the Air Philippines case and its effect on the leasing industry. Practical suggestions to help deflect any risk.
*Peter Boys, Partner, Kennedys*

16.30 Concluding Remarks and End of Seminar

16.45 Networking Drinks Reception

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Kennedys is in international law firm with unrivalled expertise in commercial law, litigation and dispute resolution with a focus on the transport industries. We have some of the most respected legal minds in their fields. Our team handles both contentious and non-contentious legal services for many industries including:

- Aviation
- Transport
- Maritime and international trade
- Rail
- Insurance and reinsurance

We have a world renowned aviation practice with extensive experience in supporting, advising and representing the global aviation industry. Based in London, Brussels, Singapore and Dubai, our dynamic team of over 40 specialist lawyers have worked in private practice and in-house across the aerospace industry. Our clients include airlines and air operators, airports and aerodromes, the general and sport aviation community, maintenance organisations, product manufacturers, tour and travel operators, insurers, private individuals, aircraft leasing companies and banks.
SPEAKERS

Peter Boys, Partner, Kennedys
Peter specialises in major aviation loss and liability matters including cargo, passenger personal injury and third-party liability claims involving multi-jurisdictional litigation. Peter has worked on a number of major losses during his career whilst posted in Singapore, including more recent losses such as multiple Malaysian Helicopters losses in Eastern Malaysian, Bhoja Air, Islamabad, JS Air, Karachi, Buddha Air, Kathmandu, Air Bagan, Myanmar, MASWings Sabah and Lao Airlines Pakse. In addition, Peter has handled numerous losses for regional carriers, charter operators and their Insurers’ spanning an area from Papua New Guinea to Pakistan.
Prior to relocating to Singapore Peter was the inaugural General Manager of Enforcement and Investigation with the Civil Aviation Safety Authority Australia (CASA) and was a member of the Executive Safety Committee. Peter was responsible for initiating and directing all investigations and regulatory action by the Authority when required against the nation’s aviation licence and industry stake holders. Peter regularly appeared before Federal Government Senate and Estimate Committee hearings on behalf of the Authority.
Peter also implemented and administered the nations’ passenger liability insurance scheme as well as financial safety operator audits, in addition to assuming responsibility for ensuring Dangerous Goods (DG) compliance by airlines, cargo handlers and freight forwarders around the nation. Peter was been involved in many high profile events most notably the nations’ fuel contamination crisis, investigation of the Qantas QF001 overrun at Bangkok and the Whylla Airlines tragedy.
Peter is a qualified Systems Safety Auditor and was actively involved in reviewing and implementing CASA’s revised audit and safety inspection procedures for airlines and operators as well as being closely involved in setting the foundations of the nation’s carrier surveillance, drug and alcohol testing and systems safety programs, all of which remain ongoing to the present day.
Career:
• Partner, Kennedys – Singapore
• Partner, Gates and Partners - Singapore
• Senior Associate, Beaumont & Son & BLG, Singapore,
• General Manager, Enforcement and Investigation, Civil Aviation Safety Authority, Australia (CASA), 1999-2001.
Education:
• Solicitor admitted in England and Wales
• Registered as a foreign lawyer in Singapore
• Solicitor, admitted to New South Wales Supreme Court, Federal Court and High Court of Australia
• Graduate Diploma in Legal Studies, University of Technology, Sydney
• LL.B., University of Technology, Sydney.

Eamonn Brennan, CEO, Irish Aviation Authority
Eamonn Brennan is Chief Executive of the Irish Aviation Authority with responsibility for the Safety Regulation of Irish Civil Aviation and the provision of Air Navigation Services in Irish Controlled Airspace, North Atlantic Communications and Air Traffic Control at the major Irish Airports. He was educated at St. Joseph's College and University College Galway where he graduated with a B. Comm. He subsequently qualified as a Chartered Accountant. He then worked for a decade in executive and consulting roles in Ireland, UK, Malta and in South East Asia, mainly in the travel, aviation and tourism industries. He has an avid interest in aviation and has held a private pilot's licence and has enjoyed flying in Ireland, the UK, Europe and Malaysia.
He was the Commercial Director of the Authority prior to his appointment as Chief Executive in 2003.
The IAA has a similar structure to the Federal Aviation Administration in the United States and Mr. Brennan is also responsible for the safety regulation of the worldwide operations of major Irish carriers, e.g. Ryanair, Aer Lingus, maintenance organisations, pilots, airworthiness and other regulatory matters.

He was Chairman of the Eurocontrol Chief Executive's Standing Conference 2004-2006 and Chairman of the Air Navigation Services Board of Eurocontrol 2006-2007.

He was a member of the Executive Board of the Civil Air Navigation Services Organisation from 2005 to 2011 and served as Global Deputy Chairman and Chairman for various periods.

He was Chairman of the North European Service Providers which includes Sweden, Denmark, Finland, Norway and the UK. This is an affiliation of Air Navigation Service Providers.

He also served as Chairman of the COOPANS new ATM Systems Group, Denmark/Sweden/Austria until 2010.

**Colin Brickman, Managing Partner, CAMO4jets**

Colin was a Bae Warton apprentice, learning his trade as an aircraft engineer on Tornado, Jaguar and Lightning fast jets from 1986 onwards.

He has since worked as an engineer & supervisor for multiple European airlines, 3rd party maintainers, cargo companies, military establishments and VIP owners and operators of a vast range of aircraft, from Gulfstream & Falcon business jets, through to A320/330 & B757/767 family’s right up to Boeing 747-400s.

Working for BA, Monarch, Air 2000, KLM, Heavy Lift, Fed-Ex, Crossair, Swiss and Jet Aviation before founding CAMO4jets in Basel, Switzerland.

Alongside maintenance, modification & conversion, Colin has also recovered & repaired damaged aircraft from global locations for an array of different clients.

His experience also includes quality control and assurance systems, airworthiness responsibilities for importing, exporting & operating aircraft, coordination of large repair, and end of lease projects—which is now a speciality.

Colin is one of the founder members CAMO4jets, formed in 2010 to provide specialist independent, impartial advice and services for commercial and private aircraft.

With the market showing signs of recovery, Colin’s plans for CAMO4jets are for future expansion in the coming months. With some of the major lessors, and financiers already as primary clients, in addition to a recently signed agreement with AJWalters to offer CAMO services to their global client base, Colin & CAMO4jets always have a positive outlook!

**Paul Freeman, Partner, Kennedys**

Paul advises on EU regulatory matters including passenger rights and pricing.

He handles liability claims, from small claims to multi-jurisdictional litigation, disaster planning and alternative dispute resolution.

He played a significant role in Asia and Australia in the strategic and tactical management of large-scale casualty claims for various airlines and their insurers including Silkair’s loss of a B737 in 1997 and numerous other accidents since that time.

He was named in Who’s Who Legal 2009 as a leading aviation lawyer.

He also ranked as one of the world’s leading aviation lawyers by The International Who’s Who of Aviation Lawyers, Chambers and Euromoney’s Guide to the World’s Leading Aviation Lawyers for over seven years.

Paul is a qualified arbitrator, mediator and private pilot.

**Diego Garrigues, Partner, Kennedys**

Diego has a broad experience on multijurisdictional aircraft transactions acting for airlines, lenders, High-net-worth individuals and operators.

He advises clients on aircraft secured financings including ownership structures, drafting and negotiation of loan/lease agreements, purchase agreements, security documentation and all ancillary documentation.

He has extensive experience in the negotiation and drafting of a wide range of commercial agreements including maintenance, operating, and charter agreements.
He is an active participant in industry events in the business and private aviation market. Diego speaks regularly at conferences and seminars worldwide and he is mentioned in "Associates soaring to the top" Airfinance Journal - November 2010.

**Dr. Frederick Giarrusso, Managing Director, Finance Technology Leverage**

Dr. Giarrusso is a founding Director of Finance Technology Leverage LLC, where he helps companies finance large, capital-intensive projects in energy, technology, and life sciences. He was previously Managing Partner at Decision Strategies, an energy-focused international strategy consulting firm, and later Managing Director at Llenroc Capital, a research-intensive hedge fund. Dr. Giarrusso has been CEO or board member of numerous technology companies. At Data Digest Corporation he helped create the field of predictive analytics, the ability to predict future events from large amounts of data, which is now used extensively in business and government.

In the 1990s, Dr. Giarrusso was a seminal figure in the private space industry, co-founding Rotary Rocket Company, the first truly private space-launch company and a predecessor to such firms as Virgin Galactic. The financing and regulatory frameworks he created directly enabled the current growth in the US private space industry.

Dr. Giarrusso holds a Ph.D. from Stanford University, where he focused on the intersection of risk, finance, and entrepreneurship. He ran Stanford’s center for decision and risk analysis, and taught Stanford’s award-winning program in entrepreneurship. Dr. Giarrusso’s work has been featured in countless newspaper articles, movies, television documentaries, and books.

**Aoife O'Sullivan, Partner, Kennedys**

Aoife advises clients in relation to aircraft finance and regulatory issues including corporate structures, aircraft acquisitions and disposals, financings, airline start-ups, licensing applications and ancillary issues.

She is an active participant in industry events in the business and private aviation market. Aoife speaks regularly at conferences and seminars worldwide and writes regularly for industry publications.

Mentioned in the International Who’s Who of Aviation Lawyers: "On the finance side, Aoife O'Sullivan is lead partner in the aircraft finance department and provides 'trusted judgement' on all aspects of financing and leasing arrangements, including how they relate to airline start-ups".

Named as a leading lawyer in business and private aviation March 2012.


**Aris Promos, Sales & Business Development, Fokker Services**

Aris Promos started in aviation as operations manager at Sabena Airlines and contributed largely to the turnaround and growth of the various business activities of the airline after its operations terminated.

He has subsequently contributed largely to the business of Sabena Handling, Sabena Flight Academy, The Belgian Fueling and Services Company and Sabena Technics.

His experience and network reaches from Europe and Africa to the Far East from start up MRO’s to total airline support solutions for Operators.

Since a few years he is promoting Fokker Services’ MRO facility in The Netherlands as Airbus 320 and Boeing 737 Aircraft Redelivery Center for Leasing Companies and Airlines.

More Lessors have found their way to Fokkers’ MRO facility, enjoying on time deliveries of their assets.

**Michael Walshe, Partner, Kennedys**

Michael advises on all aspects of corporate and personal insolvency and debt restructuring both contentious and non-contentious.

He advises in relation to company law disputes and court applications.

He also advises on a range of commercial litigation matters, particularly in the Commercial Court.

He handles a broad range of commercial transactions including corporate finance, share and asset transfers and franchise and distribution agreements.
He advises on surety bond issues of interpretation and indemnity arrangements. He handles a number of contentious and non-contentious employment law matters. He also works extensively in the credit union sector advising boards on corporate governance and regulatory issues.

**Roger Whipp, Partner, Kennedys**

Roger specialises in commercial contracts in the aviation industry with particular emphasis on airlines. His practice includes both non-contentious advisory work and contentious dispute resolution. His work has included a variety of projects including the setting up of low cost carrier Go; the outsourcing of major service functions such as IT services and aircraft and engine maintenance services; the suspension, reinstatement and ultimate retirement of the BA Concorde fleet and the negotiation of a major $1.5 billion dollar engine maintenance services agreement. He acted for BA in connection with its long haul fleet renewal including the through life flying hour maintenance support agreements for the B787 and A380 signed with Rolls-Royce in December 2010. He has advised a number of international clients on various matters including aircraft and engine lease agreements and aircraft and engine maintenance support agreements. He has experience advising on the lease agreements used by most aircraft and engine lessors. He recently advised a US carrier in relation to the acquisition of a fleet of A321neo aircraft and in particular the contractual arrangements with the engine manufacturer. He is currently advising a major UK airline on its fleet renewal project for A320neo family aircraft and in particular the engine OEM product support package and maintenance support agreements.

**Tom Woods, Partner, KPMG**

Tom is the Head of Aviation Finance and Leasing in KPMG Ireland. KPMG Ireland has been actively involved with the aviation finance and leasing sector over the last 30 years and is globally recognised as the centre of excellence for the industry. We have been identified as one of the 30 most influential companies operating in the global aviation sector and the only professional services accounting firm on this list. Tom advises some of the largest aircraft lessors globally. He also advises investors on their investments into the aviation sector. Tom works very closely with other KPMG offices in delivering advice. KPMG has advised on transactions in over 150 countries. Tom is also the lead tax partner in KPMG Ireland’s Securitisation Practice. Tom is a member of an Irish Government led group looking at the aviation sector in Ireland. Tom has spoken at many of the global aviation conferences on worldwide tax developments affecting the industry (including incentive regimes, treaty developments, local transfer tax and withholding tax changes). Tom joined KPMG Ireland’s Financial Service tax practice in 2002 having worked with Arthur Andersen prior to this.