



# 16<sup>th</sup> Aircraft Repossession

Friday 25th February 2022

Dublin, Ireland

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## AGENDA

Moderator: Robert-Jan Temmink QC, Barrister, Quadrant Chambers

9.00 Registration

9.30 Opening Remarks

*Panagiotis Panagopoulos, CEO & Founder, Aeropodium*

*Robert-Jan Temmink QC, Barrister, Quadrant Chambers*

9.40 **Be prepared and plan ahead**

*Mark Byrne, Director, Martyn Fiddler Aviation*

10.10 **A practical guide to repossessions**

*Richard Mumford, Partner, Clyde & Co*

10.40 Networking Coffee Break

11.10 **All you (n)ever wanted to know about aircraft repossessions and arrests in practice**

*Dr. Jan Michael Bosak, Head of Legal, ALAFCO Aviation Lease and Finance*

11.50 **Repossessions of aircraft are frustrated worldwide by de-registration problems: How to solve the worst-case scenario?**

*Patrick Honnebier, Of Counsel, Rep Law and Professor International Aviation Financing and Leasing Laws*

12.30 Networking Lunch Break

13.40 **Technical challenges during an aircraft repossession**

*Rachel McKay, Aircraft Expert Witness, KAYWAY.AERO & President, German Aviation Expert Association (GAEA / VdL)*

14.10 **Legal issues to consider during an aircraft repossession**

*Tim Murray, Senior Counsel, Holland & Knight*

14.40 **Panel Discussion**

- Lessons to be learnt from aircraft repossessions
- Risk management issues
- Aircraft remarketing after a repossession
- Maintaining and storing repossessed aircraft

*Thomas Schmid, Head Of Legal, CCB Leasing International*

*Other Panellist to be confirmed*

15.40 Concluding Remarks



## SPEAKERS

### **Dr. Jan Michael Bosak, Head of Legal, ALAFCO Aviation Lease and Finance**

Jan Bosak is the Head of Legal of the Irish platform of ALAFCO. Until recently he was the Senior Counsel of Clover Aircraft Leasing Company Limited (formerly known as Ping An Aircraft Leasing Company Limited). As General Counsel and Chief Compliance Officer of Elix Aviation Capital Limited he supported the growth of the start-up company Elix to a scalable platform with a portfolio of 76 aircraft and a head count of 40 employees. Before that he was Director Legal at AWAS and Associate at Clifford Chance. Jan is a guest lecturer at Ghent University (Belgium), Maastricht University (The Netherlands) and Dublin City University Business School (Ireland) who has published extensively in academic and popular papers. He holds a PhD, a Master of Comparative Law and a Master of Business Law and Taxation from the universities of Frankfurt, Adelaide and Mannheim. In spite of his academic achievement, he is a commercially-minded lawyer with a can do attitude. He has worked on 32 aircraft arrests and repossessions (including hostile repossessions in Russia, Macau, Armenia and Romania).

### **Mark Byrne, Director, Martyn Fiddler Aviation**

Mark Byrne is a director and shareholder of Martyn Fiddler Aviation. Mark studied law at the University of Westminster and received his MBA from Manchester Business School. Mark worked internationally before moving back to the Isle of Man in 1987 and joining the ICM Group.

Mark's lifelong interest in aviation led him to initiate the acquisition of Martyn Fiddler Associates in 2005 and to inspire the ICM Group to provide structuring solutions for business aircraft. Continuing from this success Mark worked with Isle of Man customs and international advisors to establish VAT efficient structuring solutions which would comply with domestic and international regulations.

Having already built a substantial reputation within the aviation industry, Mark conceived the Isle of Man Aviation Conference in 2010 with the inaugural conference being held in 2011. This is now established on the business aviation annual conference circuit with delegates travelling from around the world to attend.

Mark continues to spearhead new business concepts and strategies while ensuring Martyn Fiddler Aviation stays true to its roots and values. Relationships have always been the key to the success of the Martyn Fiddler Aviation team and Mark makes sure the team continue to stay connected to this philosophy.

### **Patrick Honnebier, Of Counsel, Rep Law Aviation and Professor International Aviation Financing and Leasing Laws**

Patrick Honnebier is one of the few aircraft finance lawyers having obtained the benefits of both worlds. While he is a long-standing academic, he also has vast practical expertise in realising international aviation finance and lease transactions. The combination of extensive scholarly legal knowledge and its direct application in practice makes him a well-rounded aircraft finance lawyer. As an Instructor for the course Aircraft Acquisition and Financing, he joined the International Air Transport Association (IATA) in May 2019. Besides, Honnebier is one of the founder-members of Rep Law Aviation and based in Amsterdam. He advises major manufacturers, banks, lessors and airlines in relation to international financing and leasing of aircraft, helicopters and engines. At the Master of Laws (LL.M.) in Air and Space Law program of the University of Mississippi (Ole Miss), School of Law, he is the responsible Professor of the Full Semester course International Aviation Financing and Leasing Laws. As a guest lecturer, he addresses the conflict of laws rules covering aircraft finance transactions at

Groningen University, the Netherlands. For many years, he instructed the students in international aircraft financing law at the International Institute of Air and Space Law, Leiden University. At Utrecht University and the University of Aruba he lectured on corporate and commercial law. Honnebier attended the Diplomatic Conference for the realization of the Convention on International Interest in Mobile Equipment and the Aircraft Equipment Protocol (Cape Town Convention, 2001). He was the expert legal counsel of the Governments of Aruba, the former Netherlands Antilles and the Dutch Ministry of Foreign Affairs concerning the adoption by the Kingdom of the Netherlands of the Cape Town Convention on 1 September 2010. He advised the government of the Netherlands about the Dutch innovative implementation of the de-registration of aircraft (IDERA) provisions of the Cape Town Convention which enters into force on 1 April 2020. He is the author of numerous articles being published in all the leading air law journals. He was Editor of *Journal of Air Law* until its demise. Frequently and worldwide, he is a speaker at international aviation finance and lease conferences.

**Rachel McKay, Aircraft Expert Witness, KAYWAY.AERO & President, German Aviation Expert Association (GAEA / VdL)**

Rachel McKay started her career in 1975 in the Flying Navy, earned her wings and worked as a licensed aircraft engineer within Commercial Aviation. She studied business economics and worked for Airbus Industry in Initial Provisioning and later as a Finance Controller responsible for Middle and Far East regions. She gained further intercultural competence as Manager Finance & Credit Control with Juki, a world-leading Japanese special industrial machine manufacturer with responsibility for the business partners in Eastern Europe, North Africa and Middle East regions. In the Mid-1990's, Mrs. McKay founded the CEBIS Management Consulting Company in Germany with branch offices in Hamburg, Munich and Frankfurt areas. There, as Managing Partner, she was overall responsible for the group's sales & analyst departments. Thereafter, formal training as a business mediator followed, with a major subject in conflict resolution and negotiation skills. During this training, some time was spent in the US. In 2001, the Company underwent restructuring into MAC McKay Consulting, with the specific aviation branch KAYWAY.AERO based in Munich, Germany. In 2009 Switzerland was selected as a new commercial base. As Accountable Manager of a Continuing Airworthiness Management Organization, Mrs. McKay fostered her specific knowledge in the aircraft documentation areas. Alongside her various management & consulting functions, Mrs. McKay gained hands-on work experience on an array of different general aviation, military and Commercial aircraft. Now the Company performs (mainly on business and corporate jets) the following surveys - aircraft appraisals; physical surveys and inspections, including pre-buy inspections (PPI); import/ export of aircraft & handover deliveries on owner/operator changes. Working together with partnered lawyers, Mrs. McKay and her team also specialize in aircraft re-possession. Since November 2019 Mrs. McKay is heading as President the German Aviation Expert Association - GAEA.

**Tim Murray, Senior Counsel, Holland & Knight**

Tim Murray is a solicitor and Senior Counsel based in Holland & Knight's London office who represents airlines, leasing companies, airports, business and general aviation operators and other businesses involved in the aviation and travel industries.

He has extensive experience in aviation and travel-related dispute resolution matters – often with multijurisdictional elements – in the English courts and in arbitrations, including leasing, aircraft finance, insurance

(with a particular focus on advising the insured party), aircraft repossessions, aircraft engineering and technical issues, and general contractual disputes.

He also advises on regulatory issues, including matters before the UK Civil Aviation Authority and the UK Department for Transport.

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Mobile 24/7: +35797743556