

Aircraft repossession in Germany

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Although aircraft repossession is used only as a last resort, it remains unfortunately inevitable in some cases. Under German law, there are no self-help rights available to owners in order to take possession of an aircraft.

It is possible to obtain interim injunctions or arrest orders before the German courts; however, those require a substantial amount of time to prepare court documents, as the entitlement to the claim must be shown to be *prima facie*. Further, filing for the injunction and enforcing the order encounter severe time constraints due to jurisdictional questions. It can be particularly challenging if, for example, several aircraft of the same owner or lessor are to be repossessed. In such a case, it is often uncertain which aircraft will be operated on the route to Germany. Therefore, a set of documents for each aircraft is needed; if several routes to Germany are concerned, documents for each venue are also required, as different courts would be competent for each airport location.

A mixture of law and practice – not necessarily requiring an interim injunction – has proven to be the best and fastest way in Germany for a successful recovery of aircraft from a defaulting airline. There are legal instruments available under German law that can prevent an aircraft from departing Germany once landed. These legal measures require support from a German bailiff, the local aviation authorities and the police. This solution has a proven track record of successful repossessions over the last 10 years, including both commercial and business aircraft. However, the owner may also choose to combine the aforementioned measures with an interim injunction.

Please see the recent webinar on aircraft repossession in Germany hosted by Lexology for further details. [Watch it on demand now to learn more.](#)

For further information on this topic, please contact [Katja Helen Brecke](#) or [Ulrich Stepler](#) at Arnecke Sibeth Dabelstein by telephone (+49 69 97 98 85 0) or email (k.brecke@asd-law.com or u.steppler@asd-law.com). The Arnecke Sibeth Dabelstein website can be accessed at www.asd-law.com.

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