HAGUE CAA

The Hague Court of Arbitration for Aviation 2026 Aviation Disputes Survey

Drivers, Trends, Priorities, Mechanisms and the Hague CAA

A report based on >150 survey responses from respondents at airlines, lessors, MROs and OEMs and lawyers practicing in-house in aviation and in private practice

64%

expect aviation disputes to increase over the next three years

68%

identify technical aircraft, engine or equipment issues as a dispute driver

75%

mention cost and time as a top-three challenge in resolving disputes

88%

select aviation-sector expertise as a top benefit of a specialist tribunal

Foreword

This survey, to our knowledge the first survey of aviation disputes ever conducted, was commissioned because the aviation sector is experiencing unprecedented turbulence. Technical issues have occurred in widely used aircraft and engines, some affected fleets worldwide. Geopolitical complexity continues to rise, impacting flightpaths and fuel prices and creating tariffs, sanctions and other unexpected risks.

Commercial disputes are a fact of life in every industry. However, the more turbulent the sector, the more likely disputes are to arise, as parties grapple with the unexpected.

The Hague CAA was established in 2022 to provide a global, specialised one-stop hub to resolve aviation sector disputes fairly and efficiently, whether in binding arbitration or mediated negotiation. Four years later, Hague CAA dispute resolution clauses are written into billions of dollars of aviation contracts and the Hague CAA has active arbitration and mediation caseloads.

The Hague CAA commissioned its 2026 survey to understand how the market experiences disputes, how they are being resolved and which trends are likely to shape their resolution. The results evidence a strong expectation that disputes will rise in the future and that specialised institutions such as the Hague CAA are well placed to support parties in resolving them.

This data will help the Hague CAA continue to tailor its services for the aviation sector – adding resilience in a turbulent world. The survey was developed with Hausfeld, a global, conflict-free, disputes-only law firm with deep experience in aviation.

Paul Jebely (Chairperson & Founder, Hague CAA)
Ned Beale, Hausfeld (Mediation Standing Committee, Hague CAA)
20 October 2026

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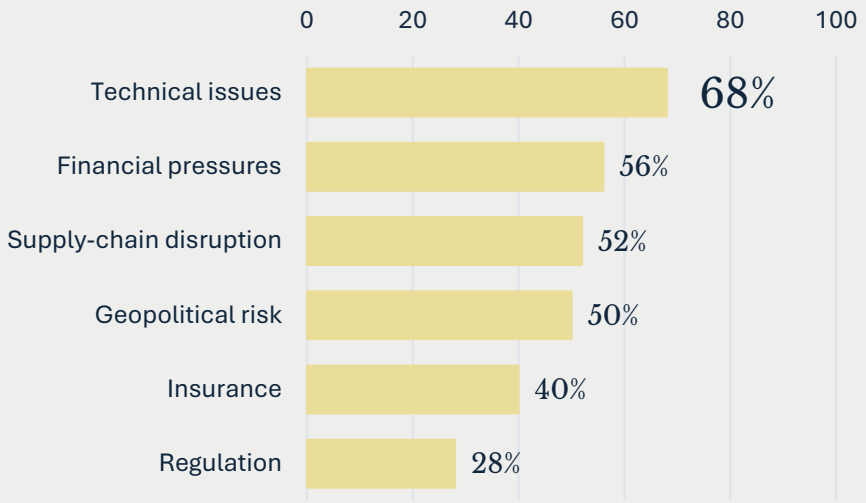
Three questions shape the report

1. **Is the market expecting more aviation disputes and which factors will drive them?**
2. **What are the industry's biggest frustration when facing aviation disputes and used mechanisms?**
3. **What are the most important benefits of a specialist aviation tribunal?**

Technical issues to drive aviation disputes

Which factors are/do you expect to drive aviation disputes?



The common driver is technical, but each segment sees a different risk mix:

	Technical issues	Supply-chain disruption	Financial pressures	Regulation	Geopolitical risk	Insurance
Airlines	81%	50%	50%	50%	44%	31%
Lessors / financiers	70%	42%	61%	18%	39%	45%
Legal / professional	62%	60%	64%	26%	60%	48%
Corporate / private jets	75%	25%	25%	13%	75%	0%

Four drivers reach 50%+

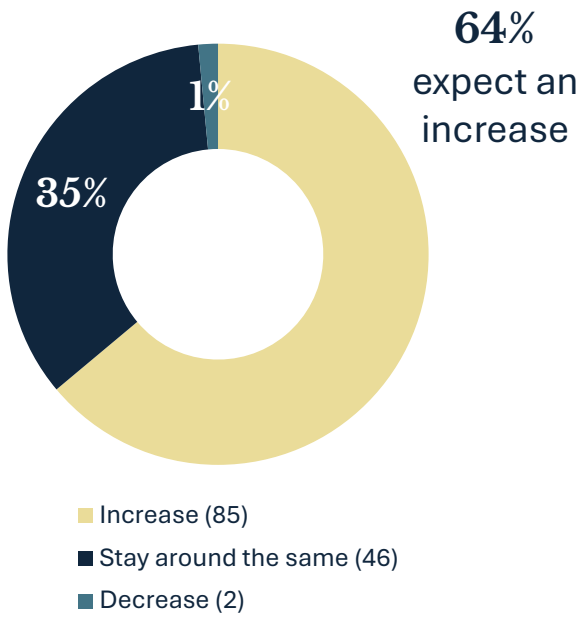
The anticipated dispute environment is not dominated by one risk: technical, financial, supply-chain and geopolitical pressures overlap.

“Geopolitical risk rarely operates in isolation. Sanctions, tariffs and airspace restrictions can ripple through supply chains, operating costs and airline finances, putting contracts under pressure in ways the parties may not have anticipated. Those effects can take time to emerge, which may help explain why legal respondents see geopolitical risk as a greater disputes driver than airlines and lessors.”

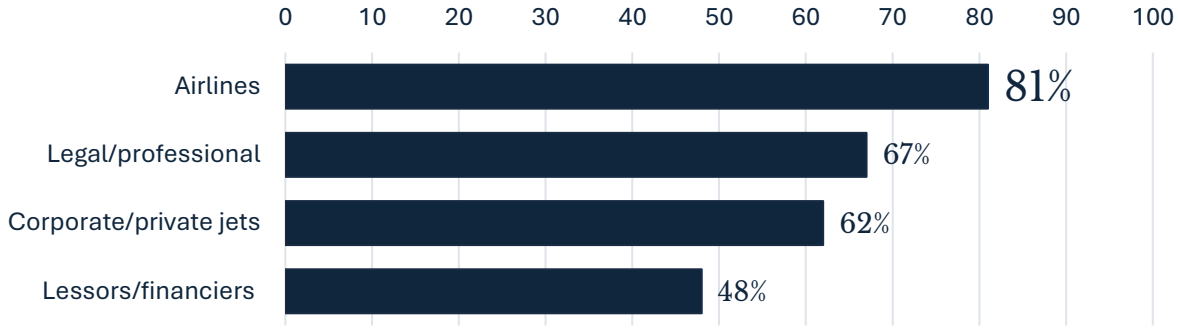
Michael Greenop, King & Spalding (Advisory Board, Hague CAA)

Aviation disputes on the rise

Over the next 3 years, do you expect aviation disputes to:



Segment comparison



“Disruption is no longer the exception in our industry. With the amounts at stake in this environment disputes and parties’ willingness to dispute, are on the rise.”

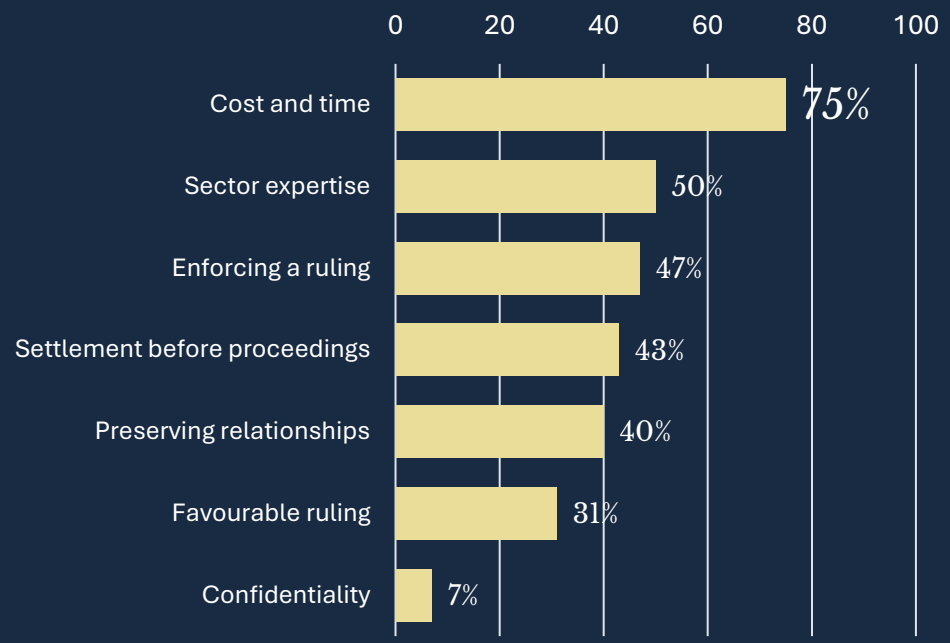
David Bartlett, Aerial and former General Counsel, PK AirFinance (Advisory Board, Hague CAA)

"Especially interesting to see different perceptions of disputes risks in different industry segments, with airlines significantly more concerned than lessors. That likely reflects airlines being on the front line of disruption and sometimes having less financial capacity to absorb economic shocks than lessors.”

Ned Beale, Hausfeld (Mediation Standing Committee, Hague CAA)

The industry's biggest frustration is cost and legal process performance

What are the biggest challenges you face in resolving aviation disputes?



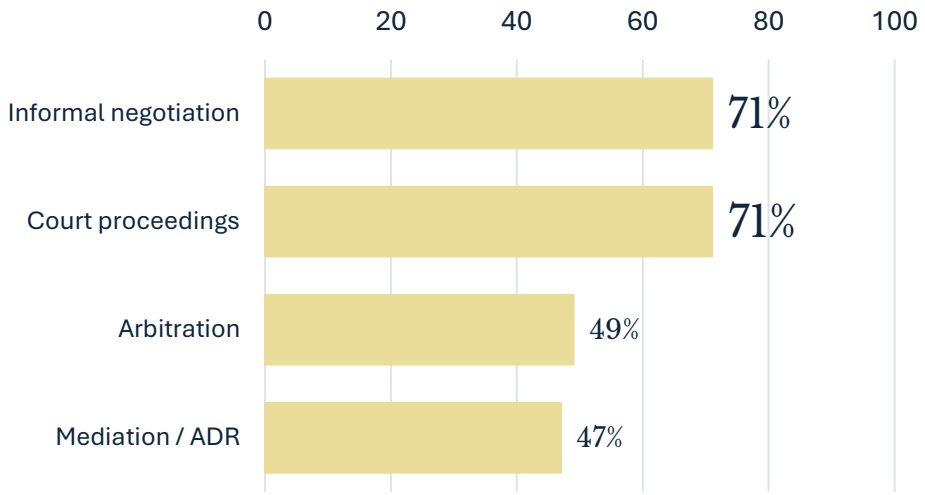
What stands out

- Lessors/financiers are especially concerned with cost/time (88% selected) and enforcement (67% selected).
- Aviation businesses emphasize sector expertise more than law firms: 63% vs 45%.
- Other challenged mentioned: "*misuse of experts*"; "*commercial understanding*"; "*enforceable interim relief*"; "*cross border issues impacting repossession*".

> **"For lessors and financiers, a dispute is never just a legal problem. It is an asset problem, and every delay or uncertainty with enforcement erodes the value of the underlying collateral. It's not surprising that 88% of lessors and financiers have cited cost and time and two-thirds cite enforcement as their biggest challenges. Parties increasingly want a specialist forum that understands the fundamentals of aircraft finance, works alongside self-help remedies under Cape Town, and deliveries awards that are enforceable worldwide through the New York Convention."**
>
> *Claire McDermott, Flynn O'Driscoll (Advisory Board, Hague CAA)*

The market uses a portfolio of dispute mechanisms

What dispute resolution mechanisms have you used to resolve aviation disputes?



What stands out

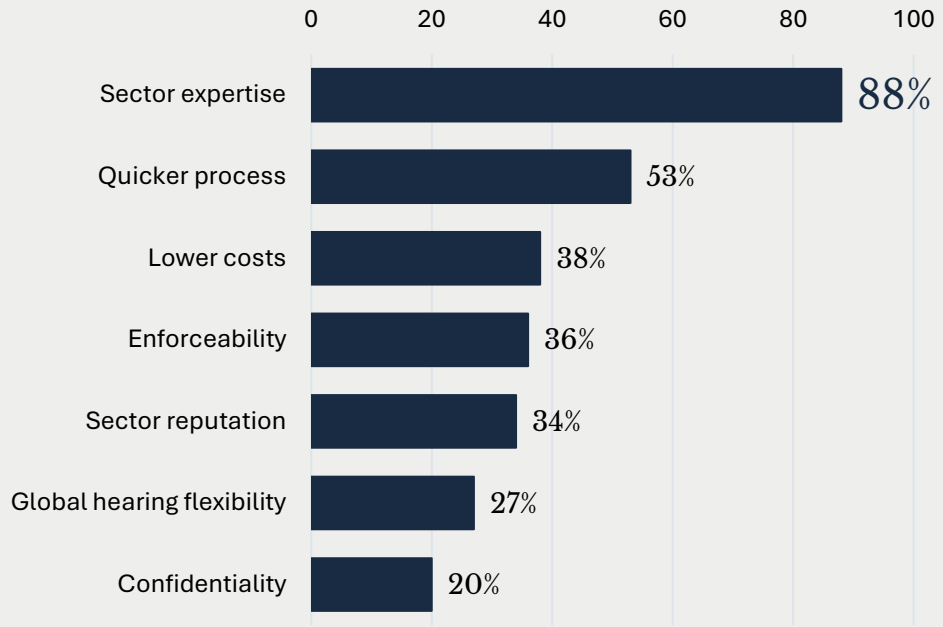
- Arbitration use is concentrated in private practice: 62% of law firm respondents had used it, against 37% of aviation businesses and 35% of in-house counsel.
- Aviation businesses rely heavily on informal negotiation: 77%.
- Regional patterns diverge: UK respondents report court and negotiation at 90% each and arbitration at 71%; in North America negotiation runs at 84% and court at only 47%.
- Others mentioned: "*party appointed expert panel per contract*"; "*statutory adjudication*"; "*expert determination*".

"Speed and cost are among the prime concerns for those with aerospace disputes. So how can it be that no less 71% of respondents have used court proceedings, the slowest and by far the most expensive aviation dispute resolution method there is? It can only be because they have yet to appreciate the many advantages that HCAA arbitration and mediation offers."
Philip Shepherd KC (Advisory Board, Hague CAA)

"The numbers show that arbitration and mediation are mainstream, yet far from the default. Parties who choose them gain efficiency and maintain process control. Mediation, in particular, lets parties settle on their own terms, and they may begin it at any time, quickly and at modest cost."
Gary Birnberg (Chair of the Rules Standing Committee and Co-Chair of the Advisory Board, Hague CAA)

Aviation expertise is the specialist forum's decisive advantage

What are the most important potential benefits of a specialist aviation arbitration tribunal such as the Hague CAA?



"An expert or panel of experts determining the case are much better positioned to question the credentials, skills and motivations of an 'expert' witness." *Aviation Business respondent*

What stands out

50%

identify sector expertise as a current resolution challenge

→

88%

select aviation expertise as a specialist benefit

- Speed (53%) and cost (38%) are secondary, whereas confidentiality is last at 20%.
- Others mentioned: "*neutral forum*"; "*commercial awareness*".

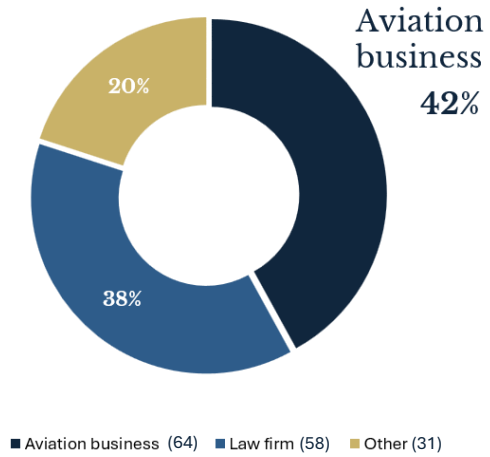
"Aviation disputes turn on technical evidence and commercial context that a generalist tribunal must learn at the parties' expense. A tribunal that already understands leases, engines and repossession decides faster, tests expert evidence properly and issues awards that withstand enforcement. The 88% figure is the market telling us that expertise is what makes arbitration worth choosing."
Amna Al Jallaf, Al Jallaf Advocates (Advisory Board, Hague CAA)

"This aspect of the survey results appears to vindicate the very *raison d'être* of the HCAA. Although time and cost considerations feature prominently, what matters most to respondents is having the dispute decided by a tribunal that understands the industry and the relevant commercial / technical / regulatory / legal context to the issues in dispute."
Peter Morton, K&L Gates (Advisory Board, Hague CAA)

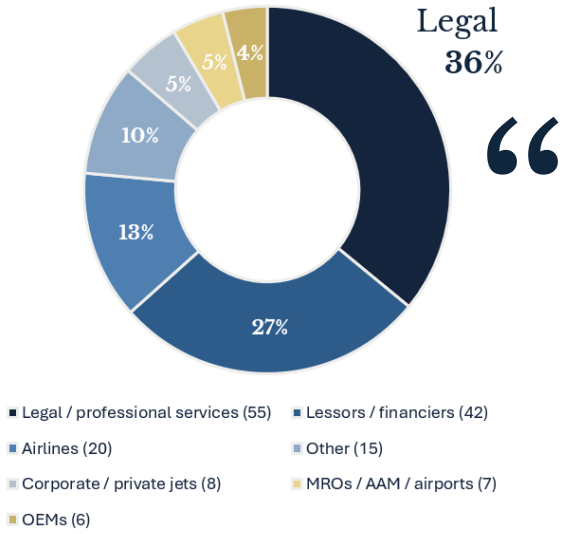
Methodology - survey in a snapshot

The survey gathered responses from 153 participants across aviation industry segments, professional roles and regions

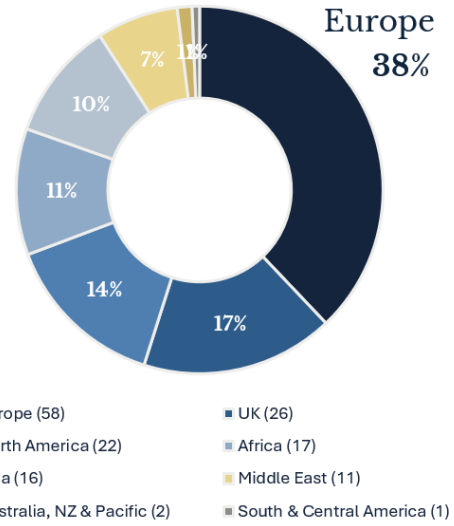
Organisation type



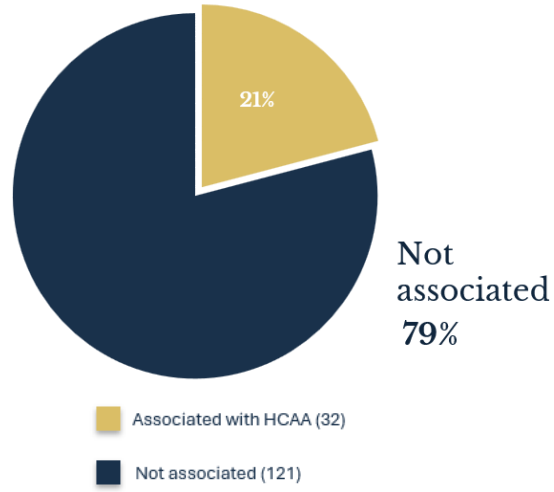
Role



Region



Respondents' association with the Hague CAA



"My first reaction on reading the survey result was how revealing it is - not least in the diversity of perspectives it captures. I was particularly struck by the comparatively limited emphasis on enforceability and confidentiality as perceived benefits of arbitration, even among respondents who appear well acquainted with the considerations that inform the choice between arbitration and litigation. That is precisely the value of asking: rather than assuming we know what parties value, we have an opportunity to listen, test our assumptions and better understand their priorities. We very much appreciates everyone from without and within the Hague CAA who took the time to respond."

David Power, Aergo Holdings and AviLease (Co-Chair of the Advisory Board, Hague CAA)

The survey was run from June to August 2026

About the Hague CAA

An independent non-profit foundation in service of global aviation

The Hague CAA is a private non-government initiative that serves the global aviation industry by providing and promoting specialised arbitration and mediation services customised for aviation.

Neither the Hague CAA nor its Board, Advisory Board or any Standing Committee have a direct role in the administration of any arbitration or mediation proceeding. The Netherlands Arbitration Institute (NAI) provides supervision of all arbitration and mediation proceedings, and all such proceedings always emanate from the agreement of the parties.

The Hague CAA was established in 2022 and now has handled multiple arbitrations and mediations under its rules, including issuing a final arbitral award. Its website here contains readily accessible model clauses for inclusion in contracts.

Key benefits of the Hague CAA

- Specialised arbitration and mediation, offered by and for the aviation sector.
- Processes designed to drive speed and efficiency and reduce costs.
- Up-to-date rules and curated lists of top-flight arbitrators and mediators, with expert administration by the NAI.
- Proceedings under any law and hearings in any location chosen by the parties.
- Final arbitral awards and mediation agreements widely enforceable, including in contracting states under the New York Convention on Arbitration 1958 and Singapore Convention on Mediation 2018.
- Arbitral processes compatible with Cape Town Convention rights and injunctive court relief.

If you would like to discuss anything in this report, please contact Ned Beale at nbeale@hausfeld.com.