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# CMS Hotel & Leisure Sector Group

Germany





“

Large team handling a remarkably broad range of real estate matters for domestic and international clients. Has been particularly successful in hotel transactions [...]. Clients benefit from an impressive level of partner involvement, as well as the firm's ability to put together well-resourced teams.

*Chambers Europe, 2014*

# The CMS Hotel & Leisure Sector Group

CMS Germany is one of the few major law firms with its own dedicated team covering the hotel industry – the Hotel & Leisure Sector Group. This brings together the industry experience of lawyers specialising in corporate, real estate, construction, employment, tax and finance law.

The Hotel & Leisure Sector Group has a wealth of industry expertise gained over more than 15 years and is familiar with the key investors and operators. It advises owners, developers, operators, purchasers and lenders on all legal issues relevant to the hotel sector. The Sector Group works closely with other jurisdictions in the CMS network on cross-border instructions.

Our shared mission is to provide the best possible support for your business activities within Europe and beyond. CMS has more than 3,000 lawyers and tax advisors available in 60 offices to deliver legal and strategic advice designed to ensure your company's continued success and help you overcome the inevitable challenges.

Wherever your business takes you, CMS can assist and make the connections needed for your project to succeed. Giving you the confidence to pursue your objectives.

## Our hotel expertise in detail

### Real estate

- Operator agreements, especially leases, tenancy, franchise and management agreements
- New hotel developments, including planning and construction law issues
- Advice on the refurbishment of existing hotel complexes
- Sale of hotel sites
- Structuring sale-and-leaseback and sale-and-manage-back agreements

### Corporate law

- Structuring investment in hotel companies
- Acquisition of hotel companies, including review with regard to anti-trust and competition issues
- Restructuring and establishment of hotel companies

### Financing

- Tailored financing agreements
- Creation of liens and collateralisation of other assets
- Cross-collateralisation

### Tax law

- Optimisation of deal structures, e.g. to save property transfer tax or benefit from investment subsidies

### Employment law

- Transaction-related issues
- Restructuring and personnel measures
- Collective employment law
- Company pension schemes

### Distribution and trademark law

- Franchise and licensing agreements
- Rebranding
- Data protection matters

# Well-equipped for your projects



The Hotel & Leisure Sector Group is the leading provider of legal advice to the hotel industry. Its roster of clients includes a number of the largest hotel companies:

## **Accor**

- Advising on the sale of a portfolio of 48 hotels in Germany, France and Belgium to insurance company Predica (Crédit Agricole) and real estate company Foncière des Murs in a sale-and-leaseback transaction.
- Advising on the sale of a portfolio of 91 hotels in Germany and the Netherlands, of which 72 were located in Germany (share and asset deal), including structuring the process and negotiations with two preferred bidders.
- Advising on acquisition of six Invesco Real Estate hotels comprising 1,347 rooms.

## **Azora Group**

Advising on acquisition of the Steigenberger hotels in Berlin and Cologne as well as ongoing advice on operation (management agreement). Ongoing advice on real estate, corporate and tax law.

## **Blackstone Group**

Advising a subsidiary on town planning agreements for the Alexanderplatz development project in Berlin involving three 150 metre tower blocks, including hotel use.

## **Blackstone Group / EVENT Hotel Group**

Advice on transferring management agreements and corporate lease agreements for six hotels from the Accor Group. This involved advising on corporate lease agreements, hotel management agreements, franchise agreements and on cartel proceedings.

## **CA Immo**

Advising on the negotiations relating to a lease for a hotel to be built in the Europacity development, Berlin.

## **CB Richard Ellis Investors**

Tax structuring advice on the acquisition of the Dynamique Hotels portfolio, comprising ten hotels.

## **Choice Hotels**

Comprehensive advice provided over many years relating to franchise agreements.

## **Consortium of German commercial banks**

Advice in relation to corporate and real estate law issues with regard to the refinancing and restructuring of a closed-end property fund with over 1,000 subscribers owning a holiday resort in Germany.

## **Fico Corporation**

Advice on the acquisition of a hotel portfolio in Germany by a Thai investor (sale-and-leaseback transaction); the hotel operator and vendor is Grand City.

## **FLE**

Advice on acquisition of Motel One hotel in Berlin from AXA Investment Managers Deutschland.

## **Hermann Friedrich Bruhn**

Advising on acquisition of a hotel operated by Welcome in Frankfurt in a share deal.



#### **Hoteles Turisticos Unidos S.A. (Hotusa)**

Comprehensive real estate law advice relating to a hotel site on Friedrichstraße in Berlin where a Eurostar hotel was constructed.

#### **HYPO NOE**

Advice on (re-)financing various hotel sites for a wide range of investors.

#### **InterContinental Hotels Group**

- Advice in relation to terminating leases and the return of hotel buildings previously operated by IHG Hotels, together with sale of the hotel operation (including transfer of employees) to new operators.
- Advice on winding up a joint venture with Neue Dorint involving the InterContinental Berlin, Düsseldorf and Cologne hotels, including new operator agreements, purchase of operating facilities and managing the transfer of employees.
- Ongoing advice over more than 15 years relating to real estate law issues in Germany.

#### **Invesco Real Estate**

Advice on acquisition of Radisson Blu hotel with 393 rooms opposite the Cologne trade show complex.

#### **LFPI Hotels Europe SAS**

Comprehensive advice on the establishment of a portfolio of hotel properties in Germany and representation in relation to the acquisition of several hotels in various regions.

#### **Louvre Hotels Group**

Sale-and-leaseback transaction covering a portfolio of ten Balladins-Hotels in Germany.

#### **Meliá Hotels International**

Comprehensive advice provided to this Spanish hotel chain over a period of almost 20 years on its expansion in Germany, including acquisition of the INNSIDE chain comprising twelve 4 and 5 star hotels, plus advice on all new hotel projects in Germany.

#### **NH Hotels**

Advice on expansion in Germany and the company's hotel portfolio in Germany and Central Europe.

#### **RIU Hotels**

Comprehensive advice for operator on developing the first RIU hotel in Germany (Berlin).

#### **SANA Hotels Portugal**

Comprehensive advice on the intended establishment of a hotel portfolio in Germany and representation in relation to the acquisition of the company's first hotel in Berlin.

#### **Starman UK Services Company Ltd /Le Méridien**

- Advising on the sale of a four-star hotel in Hamburg including unwinding the existing sale-and-leaseback structure, on exercising a right to acquire and resell the site and on selling the hotel operation (including transfer of employees).
- Advising on the sale of a four-star hotel in Hildesheim.
- Ongoing advice over more than ten years with regard to all real estate law issues in Germany.

#### **Unicredit Bank Austria**

Advice on financing the acquisition of several hotels in Germany and Austria for a new Invesco hotel fund.

# Your Hotel & Leisure Sector Group contacts



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