



MASTERCLASS WORKSHOP
BILLS OF LADING

Athens
20-22 November 2019

 **BIMCO TRAINING**

Day 1

08:30-09:00 *Registration/coffee*

09:00-09:25 **Opening remarks and introduction to BIMCO and the participants**

Overview of bills of lading

09:25-10:30 **Bills of lading in their contractual context:**

- the relationship between the contract of sale, the letter of credit, the charter party, the bill of lading and the insurance certificate
- how the sale contract influences and affects the carriage contracts
- the major functions of the bill of lading.

10:30-11:00 *Coffee*

11:00-11:30 **International regulation and statutory intervention**

The functions of the bill of lading

11:30-12:30 **The bill of lading as a receipt:**

- quantity/weight
- apparent order and condition
- date
- mate's receipts
- clean bills and claused bills
- the evidential effect of the bill
- "weight unknown" clauses.

12:30-13:30 *Lunch*

13:30-14:45 **The bill of lading as a contract of carriage:**

- evidence or a contract?
- the nature of the contract
- the parties to the contract
- owners' and charterers' bills
- Which is the governing contract - the charter or the bill?
- incorporation clauses
- the terms of the contract
- remedies under the contract.

14:45-15:30 **The bill of lading as a document of title:**

- the meaning of title
- transfer of title
- title and delivery of the cargo.

15:30-16:00 *Coffee*

16:00-17:30 **Case study 1 – Incorporation of terms into the bill of lading**

Day 2

09:00-10:30 **The importance of international regulation:**

- the impact of the Hague, Hague-Visby and Hamburg Rules
- the duties and rights of the carrier
- package limitations
- time limits
- the importance of Paramount Clauses
- the impact of the Rotterdam Rules.

10:30-11:00 *Coffee*

11:00-12:00 **The bill of lading as a document of title:**

- the rule as to delivery of cargo
- the danger of mis-delivery
- delays to the ship
- Letters of Indemnity
- alternative documents.

12:00-13:00 *Lunch*

13:00-14:00 **Case study 2 – Misdelivery**

14:00-15:00 **Letters of Indemnity:**

- when used?
- when enforceable?
- P&I position
- practical guidelines.

15:00-15:30 *Coffee*

15:30-16:30 **False or inaccurate bills:**

- common issues with ante date bills
- the effect vis-à-vis the shipper and the subsequent holder
- authority to issue inaccurate bills
- contractual effect of "shame" or "false" bills.

16:30-17:30 **Case study 3 – False or inaccurate bills**

Day 3

09:00-10:00 **The protection of third parties**

- claims in tort
- Himalaya clauses
- circular indemnity clauses
- bailment on terms.

10:00-10:30 *Coffee*

10:30-11:30 **Combined and through transport bills of lading:**

- the problems
- the networking principle
- freight forwarders and NVOCC's.

11:30-12:30 **Case study 4 – Freight forwarders**

12:30-13:30 *Lunch*

13:30-14:15 **Switch bills of lading**

14:15-15:00 **Commingling of cargoes**

15:00-16:00 **Remedies for claims:**

- liens on cargo and sub-freight
- ship arrest
- arbitration/ADR.

16:00-16:30 *Coffee*

16:30-17:30 **Case study 5 – Ship arrest from a multi-jurisdictional perspective**

Speakers



Haris Zografakis

Haris Zografakis is a partner at Stephenson Harwood LLP, London, dealing with all aspects of shipping and international trade law, acting both for traders and shipowners, as well as their respective insurers. He has lectured in four continents, including events organised by BIMCO, universities, as well as the International Maritime Organization and others, and has also been on the editorial board of the Shipping and Transport Law Journal. He is singled out by both main legal directories, Chambers and Legal 500, as a leading individual in his areas of expertise.



Elizabeth Sloane

Elizabeth is Senior Associate at Stephenson Harwood, Hong Kong. She is a lawyer qualified in Hong Kong, England and Wales, and Australia. She has been based in Hong Kong since 2008.

Elizabeth has significant experience on the wet side of shipping, having worked on a number of high profile casualties and groundings across the Asia Pacific region. Other particular areas of expertise include jurisdictional challenges and forum disputes, limitation of liability, maritime insolvencies, disputes involving the carriage of goods by sea, and trade finance and banking disputes with maritime law elements.

Elizabeth has litigated in the Courts of Hong Kong, England, and Australia. She has also acted in a large number of international arbitrations, and has managed litigation and enforcement proceedings on behalf of clients in jurisdictions including the PRC, Singapore, Taiwan, Bangladesh, Indonesia, India and the United States.

Legal500 describes her as “a knowledgeable and effective litigator”.



Mark Lakin

Mark is Senior Associate at Stephenson Harwood, Dubai. He is a skilled litigator with extensive experience in shipping, commodities and trade finance disputes. Having trained in London and practiced there for the first five years of his career, Mark moved to Dubai in 2017 in order to focus on building the Firm's shipping and commodities practice in the UAE. He continues to be heavily involved in arbitration and Court cases in England for clients based the Middle East whilst also becoming a specialist in matters before the Dubai International Financial Centre Courts and arbitrations seated in the UAE.

He has acted for a cornucopia of clients, ranging from oil majors, state-owned oil companies, trading houses, smaller independent commodities traders, shipowners, hedge-funds and banks. The majority of those matters have been arbitrations in the major shipping and commodities forums, including the LMAA, LCIA, DIFC-LCIA, DIAC GAFTA, FOSFA, ICC, UNCITRAL, SIAC, HKIAC and the first case before the newly formed Emirates Maritime Arbitration Centre (EMAC). The disputes have ranged from modest demurrage disputes to oil and gas disputes worth hundreds of millions of dollars.

His reported Court cases in England include H&CS v RBRG Trading, Petrosaudi Oil Services v Novo Banco & Ors and Integral Petroleum SA v Perogat FZE & Ors. In Dubai he has recently acted in one of the leading cases on the enforcement of foreign judgments in the DIFC - Essar Global Fund Limited v Barclays Bank PLC & Ors.

Mark has also undertaken a number of secondments with both trading houses and trade finance banks, which has led to him being involved in non-contentious work such as advising on the structuring of trade finance facilities and “repo” sale contracts.

Venue

Radisson Blu Park Hotel, Athens

10 Alexandras Avenue
106 82 Athens
Greece

Organiser



Peter Grube

Peter Grube is Head of Training, responsible for developing and delivering BIMCO courses and seminars world-wide. He joined BIMCO's Support & Advice in 1990 and was later appointed Marketing & Sales Director. Prior to joining BIMCO he worked at a shipowning office in Copenhagen, as well as a sale & purchase broker in Greece.

Peter Grube is a graduate from the Danish School for International Marketing & Export and is a Chartered Shipbroker (FICS). He holds a Master's in Education and Learning from Roskilde University (RUC).



Elena Tassioula

Elena is General Manager of BIMCO for Greece and Cyprus based in Athens. She is also responsible for the execution of BIMCO training and seminars in Greece and Cyprus. Prior to joining BIMCO she worked for a shipowner in Singapore and Athens and before that in the energy sector. She has wide international commercial and managerial experience, a degree in International Marketing and Strategy and speaks 6 languages. Elena is a member of WISTA.



For more information, please contact:

Bagsvaerdvej 161, DK-2880 Bagsvaerd, Denmark

Tel: +45 4436 6832

Email: training@bimco.org

Web: www.bimco.org/training

Come talk to BIMCO:

www.bimco.org/events

Follow us!

