

BIMCO

The practical voice of shipping

BILLS OF LADING MASTERCLASS

Bills of lading are at the core of international trade. The course focuses on common issues in B/L disputes (such as clausal B/L's, general average and liens) as well as on how this is legally dealt with worldwide.

 **TRAINING**

São Paulo, Brazil
5–6 June 2025

DAY 1

09:00–10:00

Overview of bills of lading:

- 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:
 - ◇ The B/L as a Receipt
 - ◇ The B/L as evidence of Contract of Carriage
 - ◇ The B/L as a Document of Title.

10:00–11:00

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.

11:00–11:30

Break

11:30–12:00

Electronic bills of lading:

- Discussion on the development of eBLs and status on the BIMCO initiative “25 by 25 pledge”, whereby shippers commit to a target of moving at least 25% of a commodity on eBLs by 2025.
- B/L and the Paperless Port Project (PPP) in Brazil.

12:00–13:00

Lunch

13:00–14:00

Combined and through transport bills of lading:

- Discussion of potential complications that can arise during combined and through transport, such as delays, damages and jurisdictional issues
- The networking principle – how multiple carriers and modes of transport are interconnected within a single shipment
- Discussion of the advantages and disadvantages of using the networking principle
- Freight forwarders and NVOCCs
 - ◇ Their responsibilities – documentation, cargo consolidation and carrier selection
 - ◇ How they facilitate multi-modal transportation and work with various carriers.

14:00–15:15

The problems caused by negotiating bills of lading:

- Who has the right to sue the carrier?
- Who is liable to the carrier for damage to the ship?
- To order bills, straight bills, seaway bills.

15:15–15:30

Break

15:30–17:00

Case study for all participants (group work)

DAY 2

09:00–10:00

The identification of terms, limiting performance and performing in a “flexible” manner:

- The incorporation of C/P terms into the Bill of Lading
- Which C/P? Issues connected with identifying the “right” charter.
- Which terms are incorporated, and which terms can be imposed?
- What are you entitled to expect in terms of performance?
- Pre and post shipment contractual exclusions of liability
- Liberty Clauses (contractual and non-contractual), including deviation and routing issues.

10:00–10:15

Break

10:15–11:15

Letters of indemnity:

- Obtaining the release of cargo without presenting the original Bill of Lading
- Benefits and Limitations of Letters of Indemnity
- Potential risks and legal implications associated with using LOIs
- Importance of clear terms and conditions to protect all parties involved.
- Bank Guarantee and Bank Countersignature
- Legal Considerations and Enforceability
- Jurisdiction-specific regulations and legal frameworks for LOIs
- Enforceability challenges and potential disputes

11:15–12:15

Misdelivery claims:

- Understanding Misdelivery Claims

- Common Causes of Misdelivery
- Legal Framework and Liabilities
- Preventing Misdelivery
- Best Practices for Handling Misdelivery Claims
- Case Studies and Examples

12:15–13:15

Lunch

13:15–14:15

Remedies for claims:

- Liens on cargo and sub-freight
- Ship arrest
- Arbitration/ADR.

14:15–14:30

Break

14:30–15:30

Switch bills of lading:

- Reasons for switching bills
- Practical problems with switching bills
- The risks of switching bills
- Potential additional liabilities
- LOI's and Charter Clauses.

15:30–17:00

Case study for all participants (group work)

SPEAKERS



Carolina França

Carolina is a dual qualified Brazilian lawyer and barrister-at-law in England and Wales with a broad international experience. As a maritime law practitioner at Costa, Albino & Rocha Sociedade de Advogados (CAR), she advises clients in common law – civil legal systems conflict, notably the English legal system. Carolina specialises in various consultative matters by dealing with marine and cargo claims, oil pollution, P&I, ports & terminals and regulatory matters. She has also been widely involved in emergency response to complex accidents (eg on board explosions, collisions, oil spill and ship grounding), working closely with maritime authorities and other regulatory bodies. Carolina is also a member of Wista Brazil, Ibero American Institute of Maritime Law and the Brazilian Association of Maritime Law.



Geoffrey Conlin

Geoffrey is based in the Rio de Janeiro office of Costa, Albino & Rocha Sociedade de Advogados (CAR). He acts mainly for international insurers, reinsurers and brokers based in London and overseas. Geoffrey specializes in resolving complex, cross border claims arising from energy (onshore and offshore), property, casualty and marine risks. He has extensive experience in Ports & Terminals insurance and reinsurance. Geoffrey has acted on cases in most jurisdictions in Latin America. He also has experience advising on policy wordings and coordinating the licensing of reinsurance companies in the Latin American region. Geoffrey is a member of the British Insurance Law Association and is recommended in the Chambers Latin America directories, with clients highlighting his “very direct knowledge and understanding of the local markets besides all the insurance coverage issues” and “his good feel for what clients need during insurance and reinsurance disputes”. He is also recommended as one of Brazil’s leading insurance and reinsurance lawyers in Who’s Who Legal: Brazil 2017. Geoffrey is a regular contributor to market publications and has delivered presentations on insurance and reinsurance in Latin America and in the UK. Geoffrey is qualified in England and Wales.



Lucas Leite Marques

Mr. Lucas Leite Marques is partner of law offices Kincaid | Mendes Vianna Advogados, a traditional Brazilian law firm established in Rio de Janeiro in 1932. He joined Kincaid in 2004 and became a partner in 2014. Mr. Marques has over 10 years of experience in Maritime, Insurance and International Law, with emphasis on litigation and arbitration. Mr. Marques has received recognition by international publications such as Who’s Who as Leading Lawyer.



Chris Garley

Chris is a partner in HFW’s London office, with a focus on shipping and international trade disputes in court, arbitration and mediation. He represents owners, charterers, managers and their insurers based internationally, while maintaining a particular interest in the German market.

Chris’ primary practice areas focus on contractual disputes, advising in the aftermath of shipping incidents. In that context, he has acted for Owners and Charterers advising in respect of charterparties, bills of lading, cargo claims, as well as commodities/trade disputes and vessel performance claims, including those arising from prototype “design and build” contracts. In addition, Chris advises on MOAs, VSA/slot charter arrangements and pool agreements. Chris also has extensive experience helping clients in their immediate response to casualties, including in the context of collisions, groundings, fires, explosions and salvage. Chris spent time on secondment to the legal department of a major German power company based in the UK, advising the freight trading and chartering operations desks. Following that valuable commercial experience, Chris continues to advise on all aspects of the charterparty lifecycle, from advisory work at the initial fixture stage, through to speed and performance claims, sales contracts, bill of lading disputes, letters of indemnity, off-spec cargo claims and redelivery disputes. Chris has a particular interest in the use of technology to resolve disputes and has recent experience working with experts in Computational Fluid Dynamics (CFD) and other forms of scientific modelling in support of his clients. Chris has worked in our Hong Kong and London offices and is qualified in England and Wales.

VENUE

CIESP/FIESP Headquarters building

Paulista Avenue, 1313, 8th floor, SP – ZIP Code 01311-923, Sao Paulo, Brazil

ORGANISER



Thomas Damsgaard

Thomas Damsgaard is BIMCO's Head of Americas. He started an exciting shipping career in 1990 and has earned his stripes in a succession of increasingly challenging roles within senior management and leadership for maritime market leaders. He has led several maritime start-ups and turnarounds and acted as an external advisor on leadership, strategy and optimisation to global maritime, logistics and PE organisations. He has served on professional boards within shipping and logistics. An active member of the Houston maritime community, he fills leading roles including for the Houston Maritime Arbitrators Association, the Advisory Board at the University of Houston; he co-founded the Danish American Chamber of Commerce and a not-for profit maritime scholarship fundraiser.

Thomas holds an MBA in Shipping & Logistics (Blue MBA) from Copenhagen Business School.

For more information, please contact:

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The BIMCO logo, featuring the word 'BIMCO' in a large, bold, blue sans-serif font. Above the letters 'i' and 'm' is a horizontal blue line with a small square in the center, resembling a stylized ship's mast or a bridge structure.