



MASTERCLASS
VOYAGE CHARTERS

São Paulo
4-5 May 2026



THE CHAMBER OF
CONCILIATION,
MEDIATION AND
ARBITRATION
CIESP FIESP


KINCAID
MENDES VIANNA
ADVOGADOS

HFW



DAY 1

09:00-09:30

Introduction to the documentary work of BIMCO:

- Drafting BIMCO standard contracts and clauses
- Working with subcommittees to draft new contracts and clauses
- BIMCO Explanatory Notes as a tool for guidance in understanding the thinking behind the contracts.

The framework

In this session, we will explore key aspects of voyage chartering. We will begin with an overview of recent developments, including updates to GENCON 2022 and the ETS emission scheme clauses. We will then explore the regional perspective in voyage chartering, examining differences in legal frameworks, contract interpretation, and arbitration procedures.

09:30-10:15

Setting the scene: Voyage chartering and the Brazilian/Latin American perspective

- Key aspects of voyage chartering and main forms used
- Differences in the legal frameworks and the effect on BIMCO contracts based on English Law
- Comparison between Brazilian and English law
- Introduction to GENCON 2022 and how the new forms differ from previous versions.
- Understanding the nuances in the interpretation of contractual terms under the different legal systems in relation to arbitration procedures and enforceability of awards.

10.15-10.45

Brazilian chartering regulation framework

- National Waterway Agency (Antaq) regulation
- Brazilian Navy regulation

10:45-11:00

Break

The responsibilities of the parties

In voyage chartering, the carrier (shipowner) ensures vessel seaworthiness and readiness to accept cargo. The charterer must provide full, clean, and sound cargo, ensuring safe loading, transportation, and discharge. Effective collaboration is essential, though disputes often arise - an issue explored in the case study.

11:00-12:00

Disputes and obligations: The shipowner's duties:

- The shipowner's obligation to provide a seaworthy vessel fit for the intended voyage, including considerations of structural integrity, equipment functionality, and crew competency
- The shipowner's responsibility to safely handling and storing cargo throughout the voyage, ensuring proper care to prevent damage or loss
- The requirement for the shipowner to proceed with reasonable dispatch and balancing efficiency with safety and contractual obligations
- Cancellation Clauses and how the contractual provision allows for the shipowner to cancel the contract under specific circumstances, and the implications for both parties
- The concept of deviation from the agreed route or schedule and the legal and commercial consequences for the shipowner
- Slow Steaming Clauses: contractual clauses permitting shipowners to operate vessels at reduced speeds and their impact on voyage duration, fuel consumption, and contractual performance. (This topic will be expanded further in the session on EU ETS clauses on day 2)

12:00-13:00

Disputes and obligations: The charterer's duties:

- Full and complete clean and sound cargoes: Ensuring the cargo is entirely free from contaminants, properly packaged, and in optimal condition for transportation
- Payments of freight/deadfreight: Meeting financial obligations by promptly paying freight charges or compensating for any deadfreight incurred
- Port nominations: Selecting and communicating designated loading and discharging ports in accordance with contractual terms and operational feasibility
- Providing port restrictions information: Furnishing comprehensive details regarding port limitations, such as draft and air draft restrictions at both loading and discharging ports, before fixing.



DAY 1 *(continued)*

| | |
|-------------|---|
| 13:00-13:45 | Lunch |
| 13:45-14:15 | Recap and quiz on the duties of the owner and the charterer |

Bills of Lading

In this session, we will explore the intricacies of bills of lading (B/L's). We will cover their various forms, incorporation of charter clauses, and their role as receipts and documents of title, including transfer of rights and obligations.

14:15-15:45

The nature of B/L's:

- Differentiating between long- and short-form bills of lading and understanding their respective formats and functions in cargo documentation
- Methods of integrating charter party terms into bills of lading and their impact on contractual obligations
- The characteristics and usage of multimodal bills and sea waybills in modern shipping practices
- The purpose and process of issuing delivery orders and their role in facilitating cargo release at destination
- The bill of lading as a receipt for cargo, including considerations of apparent order and condition and issues related to quantity, weight and date.
- The issuance of CTA for cabotage and its difference in relation to the B/L
- The transfer of rights and obligations between holders of the bill of lading
- The bill of lading as a document of title – the advantages AND disadvantages and how this applies when using eBLs
- Obligation of the carrier to deliver cargo against surrender of the bill of lading.
- eBLs under Brazilian law

| | |
|-------------|--|
| 15:45-16:00 | Break |
| 16:00-17:00 | Case study on bills of lading disputes |

DAY 2

Financial Aspects

09:00-10:30

Laytime and demurrage:

- The significance of Notice of Readiness and its validity in commencing laytime calculations
- Exploring different forms of laytime, including reversible and fixed laytime, and their implications
- The point at which laytime begins, examining contractual and practical considerations
- Events or actions that pause laytime calculations, such as bad weather or port congestion
- Conditions or events that conclude laytime, including completion of cargo operations or demurrage trigger points
- The concept of demurrage, the calculation methods, and contractual obligations
- The consequences and remedies for exceeding laytime, including potential damages for detention
- Time Bar Clauses and contractual provisions specifying time limits for submitting laytime and demurrage claims and their legal implications.
- The legal nature of demurrage rate under Brazilian law

10:30-10:45 *Break*

10:45-11:45

Letters of Indemnity (LOI):

- Delivery of cargo without bills: The circumstances under which a letter of indemnity may be issued to allow cargo delivery without presentation of original bills of lading
- Deviation for clean bills: Exploring scenarios where deviation from the agreed route is permitted to obtain clean bills of lading, and the associated risks and legal considerations
- Unavailable bills: Addressing challenges when bills of lading are not available and the use of LOIs as a workaround
- Practical checklist: Providing a comprehensive checklist for drafting and executing letters of indemnity, including key considerations and risk mitigation strategies
- Switch bills of lading: Examining the practice of issuing switch bills of lading and the implications for cargo ownership, contract terms, and legal obligations.



DAY 2 *(continued)*

Problem Solving and Dispute Resolution

11:45-13:00

Problems in the performance of voyage charters:

- The causes and consequences of delays and potential contract terminations, including legal implications and financial repercussions
- Breach of contract by owners and charterers and the corresponding remedies or liabilities
- Third parties interfering with contract performance: The challenges arise from external factors affecting contract execution, such as port strikes or new national/international regulations
- Damages and recoverability of damages: Methods of calculating damages resulting from contract breaches or disruptions and mechanisms for recovering losses
- Understanding legal doctrines like frustration and force majeure, the clauses, and their application in cases of unforeseen events preventing performing the contract
- Implications of vessel accidents or emergencies, including obligations under general average principles and insurance coverage.
- The legal requirements for the enforcement in Brazil of foreign court decision or arbitration awards
- New CIESP/FIESP Arbitration Rules (2024/2025) as the applicable arbitral framework.

13:00-14:00

Lunch

14:00-15.00

The impact of decarbonisation on voyage chartering:

- ETS – Emission Scheme Freight Clause for Voyage Charter Parties 2023
- ETS – Emission Scheme Surcharge Clause for Voyage Charter Parties 2023
- ETS – Emission Scheme Transfer of Allowances Clause for Voyage Charter Parties 2023
- How do the clauses work, and which is the one best suited to your specific circumstances?

15:00-15:15

Break

15:15-17:00

Case study on problems in the performance of voyage charters



Christopher Garley

Chris is a Partner in HFW’s Shipping team in London, focusing 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 German and South American markets.

Chris’ primary expertise is 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.

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.

In 2025, Chris represented the Owners of the MSC FLAMINIA in the UK Supreme Court – a decision which brought much needed clarification to the application of the Convention on Limitation of Liability for Maritime Claims.



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.



Carolina Franca

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, she advises clients in Common Law – Civil legal systems conflict, notably the English legal system. Caroline França 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 (e.g. on board explosions, collisions, oil spill and ship grounding), working closely with maritime authorities and other regulatory bodies. Caroline França is also a member of Wista Brazil, Ibero American Institute of Maritime Law, and the Brazilian Association of Maritime Law.



Lilian Elizabeth Menezes Bertolani

Lilian Elizabeth Menezes Bertolani is a lawyer, holds a master's degree in International Economic Relations Law, and is a specialist in Administrative Law from the Pontifical Catholic University of São Paulo. She is Secretary-General of the Chamber of Conciliation, Mediation and Arbitration CIESP/FIESP and of the National Council of Mediation and Arbitration Institutions (CONIMA).



Paulo Campos Fernandes

Paulo Campos Fernandes is a senior consultant lawyer at law offices Kincaid | Mendes Vianna Advogados and a senior naval architect.

He has over 30 years experience in in the shipping industry, including operations, and the trading and logistics of crude oil, refined products, and natural gas.

As a consultant lawyer, he advises clients across a wide range of industries on shipping and trading contracts, as well as regulatory matters.

He is a professor at the Maritime Law Program at Fundação Getúlio Vargas (FGV / RJ).

Mr. Fernandes is the author of the following books:

- Charter Parties Under English and Brazilian Law;
- Liabilities in Shipping;
- Container Sea Carriage Agreements: Fundamentals and Comments.



Christian Hoppe

Christian is BIMCO's Head of Training. He is a lawyer and graduated from the University of Copenhagen with a Master's degree in 2001 and an LL.M. with Distinction from the University of Southampton in 2004. He worked at the Danish Maritime Authority from 2001 until joining the European Commission's Directorate-General for Maritime Transport and Energy in 2005. Christian has been with BIMCO since 2009, being the General Counsel from 2016 to 2025, representing the association at various international meetings and managing a number of contracts and clauses related projects. Christian was seconded to Danish law firm Gorrissen Federspiel from 2017 to 2018 and was admitted to the Danish Bar in February 2019 (practice certificate deposited). From 2022 to 2023, he worked out of BIMCO's Singapore office whilst being part-time seconded to BW Group.

Where will the course be held?

CIESP/FIESP Headquarters building
Paulista Avenue, 1313, 8th floor
SP - ZIP Code 01311-923
Sao Paulo, Brazil



THE CHAMBER OF
CONCILIATION,
MEDIATION AND
ARBITRATION
CIESP FIESP



For more information, please contact:

Address: Bagsvaerdvej 161, DK-2880 Bagsvaerd, Denmark

Phone: +45 4436 6832

Email: training@bimco.org

Web: www.bimco.org/training

Come talk to BIMCO:

www.bimco.org/events

Follow us:



LinkedIn
[company/bimco](https://www.linkedin.com/company/bimco)



BIMCO