



The practical voice of shipping

CHECK BEFORE FIXING

ADVANCED BILLS OF LADING WORKSHOP

Houston
12-13 December 2023

 **BIMCO TRAINING**

Day 1

09:00-09:45 The importance of international regulation:

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

09:45-10:00 *Break*

10:00-11:00 The 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 document of title.

11:00-12:15 Case study 1

12:15-13:15 *Lunch*

13:15-14:00 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
- Discussion on the development of eBLs and status on the BIMCO initiative “25 by 25 pledge”, where shippers commit to a target of moving at least 25% of a commodity on eBLs by 2025.

15:15-15:30 *Break*

15:30-17:00 Case study 2

Day 2

09:00-10:30 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.

10:30-10:45 *Break*

10:45-12:15 Case study 3

12:15-13:15 *Lunch*

13:15-14:45 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.

14:45-15:00 *Break*

15:00-16:30 Case study 4

Speakers



Douglas Shoemaker

Douglas Shoemaker is a Partner of BLANKROME Houston, and member of the Maritime Emergency Response Team ("MERT"). Douglas focuses his practice on complex maritime transactions and litigation. He has over 25 years' experience advising clients on a wide range of maritime law topics, including charter party negotiation and drafting, arbitration, vessel construction and flagging, purchase and sale, and mergers and acquisitions, personal injury, property damage, pollution, onboard investigations, navigational error, Jones Act, stevedoring accidents, cargo damage defense, and general average. He has particular experience in:

- Negotiating and drafting complex maritime agreements, including vessel construction, purchase and sale; time, voyage and bareboat charter parties; towage; contracts of affreightment; bills of lading; master services agreements; general terms and conditions; indemnity and insurance provisions
- Defending maritime personal injury and property damage cases in state and federal courts
- Arbitrations before the Society of Maritime Arbitrators in New York, the London Maritime Arbitrators Association, the Houston Maritime Arbitrators Association, the American Arbitrators Association, and JAMS
- Defending and prosecuting maritime seizure proceedings
- Insurance defense and coverage
- Domestic and international mergers and acquisitions, particularly concerning maritime assets and issues.



Utsav Mathur

Utsav Mathur is a Partner, commodity trading, shipping, and offshore energy lawyer based in Norton Rose Fulbright's Houston office. Utsav's practice spans disputes (litigation and arbitration), regulatory, and certain transactional work.

Utsav represents energy companies and commodity traders on disputes arising from physical commodity trading activity and any related marine, pipeline or rail transportation activity. He also advises on pre-disputes issues and assists traders in resolving contentious matters prior to initiation of litigation or arbitration. Utsav also acts on charter party disputes, pollution incidents, Rule B and C proceedings, cargo claims, collisions, allisions, and other marine casualties. Utsav routinely assists commodity trading and energy clients avoid disputes and mitigate risks by advising on and negotiating the slate of contracts typically implicated in commodity trading, storage, and transportation activity.

Utsav also assists financial institutions and lenders enforce security interests against vessels through mortgage foreclosure litigation under the Commercial Instruments and Maritime Liens Act.

Utsav has represented energy companies with upstream, midstream, or downstream commercial litigation matters.

In addition, Utsav advises clients on significant offshore energy projects. He has represented developers, contractors, and vessel owners on US offshore wind projects, with particular emphasis on unique Jones Act, Cargo Preference Act, Outer Continental Shelf Lands Act, and US general maritime law issues related to such projects. Moreover, he has assisted clients on a variety of other energy infrastructure projects, including the construction of crude oil pipelines, deepwater ports, FPSO charter/O&M agreements, and LNG-fuelled offshore power generation facilities. He has advised companies on litigation risks related to subsea pipeline construction, relocation, and ruptures. Utsav routinely advocates for clients on matters involving the US Coast Guard, US Customs and Border Protection, and US Maritime Administration.

Public companies and private investors also consult Utsav on structuring investments in the US Jones Act shipping market.

Utsav's exposure to the maritime industry began early in life as he descends from a family of mariners and has spent time at sea.

Venue

BIMCO Office, Houston

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Organiser



Thomas Damsgaard

Thomas is Regional Manager for BIMCO in the Americas, where his responsibilities encompass member interest, industry engagement including new memberships for the Americas and taking care of the office.

Thomas 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 optimization to global maritime, logistics and PE organizations. He has served on professional boards within shipping and logistics.

An active member of the Houston community, he fills leading roles including for the Houston Maritime Arbitrators Association, Advisory Board at University of Houston; he co-founded the Danish American Chamber of Commerce and a non-profit maritime scholarship fundraiser.

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



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