



The practical voice of shipping

OFFSHORE, PROJECT & HEAVYLIFT CHARTERING M A S T E R C L A S S

This BIMCO Masterclass provides an integrated understanding of the contractual complexities involved in the multi-model transportation of super-size cargoes and the management of commercial and contractual risks and liabilities.

Rotterdam
12-13 November 2024

 **BIMCO TRAINING**

DAY 1

Overview

09:00-09:30 Introduction to the documentary work of BIMCO:

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

09:30-10:30 Principles of English contract law and their relevance to project and heavylift contracts:

- Dispute resolution clauses
- Principles of interpretation
- Breach of contract
- Repudiation
- Damages
- Force majeure and frustration
- Express termination rights.

10:30-10:45 *Break*

10:45-11:45 Multi-contract projects:

- Overview: SUPPLYTIME, WINDTIME, ASVTIME, HEAVYCON, HEAVYLIFTVOY, TOWCON, TOWHIRE, PROJECTCON, BARGEHIRE
- The adoption of parts of the BIMCO forms within Charterers in house terms
- The relationship between BIMCO forms and construction/service contracts.
- How does the scope of work fit into the BIMCO suite of offshore forms?
- Project delay and Adverse weather – are they appropriate for BIMCO forms?
- Using SUPPLYTIME for specialist services.

11:45-12:45 Knock-for-knock and general issues of insurance:

- Understanding the knock-for-knock principle
- The reasoning behind knock-for-knock
- How knock-for-knock operates
- Liabilities covered by the charterer under the BIMCO forms
- Gross negligence and willful misconduct
- Reasons to agree or not to agree on knock-for-knock
- Consequential loss exclusions
- Vessel tonnage limitation.

12:45-13:30 *Lunch*

DAY 1 *(continued)*

SUPPLYTIME 2017

13:30-14:30 Commercial/practical introduction to SUPPLYTIME 2017:

- What is SUPPLYTIME?
- How does the form work?
- Is it owner-friendly?
- Key clauses in SUPPLYTIME 2017.

14:30-15:30 Using SUPPLYTIME for other types of business than OSVs/AHTs:

The SUPPLYTIME form currently has two optional annexes Annex A (which deals with Vessel Specifications) and Annex B (which deals with insurance). The new optional annexes allow users to make amendments appropriate to their individual projects: (Annex C) Helicopter and Helideck Operations (Annex D) Extended Offshore Operations (Annex E) Crew Qualifications (Annex F) Walk to Work, DP Operations.

15:30-17:00 Case Study Workshop and general Q&A

Discussion between trainers and participants.

DAY 2

Towage contracts

09:00-10:00 TOWCON/TOWHIRE 2008/2021 I:

- Place of departure and delivery
- Seaworthiness and tow-worthiness.

10:00-10:15 *Break*

10:15-11:15 TOWCON/TOWHIRE 2008/2021 II:

- Early termination
- Deviation and slow steaming
- Vessel maintenance
- Breakage of gear, salvage situations, “no claim for salvage” clauses and other common issues.

HEAVYCON 2007

11:15-12:30 HEAVYCON 2007:

- Structure of the form: Part I, II and Annex A and their interrelation
- Charterers’ responsibility for cargo; clause 2; certificate of weight and drawings
- Right to substitute before cancelling date; clause 20
- Right to terminate before commencing loading; clause 21
- Condition of the cargo and the approval of transportation; clause 11
- Loading and discharge – equipment, seafastening/lashing; clause 4
- Scope of work – Annex A; working with the “tick-boxes”
- The voyage
- Laytime and cancellation provisions, clauses 8-13
- Common areas for disputes.

12:30-13:15 *Lunch*

HEAVYLIFTVOY 2007

13:15-14:30 HEAVYLIFTVOY I:

- The transition from CONLINEBOOKING Note to a specialist voyage C/P
- Charterers responsibility for cargo preloading
- Making the vessel seaworthy
- Loading and discharging – Free-In and Liner-In Hook
- Loading additional cargoes and rotation of loading/ discharging ports
- Cargo discrepancies.

14:30-14:45 *Break*

DAY 2 *(continued)*

14:45-15:45 **HEAVYLIFTVOY II:**

- Swell, port congestion and time waiting for berth
- Freight demurrage and detention
- Bill of lading – HEAVYLIFTVOYBILL
- Merchant's option to terminate
- Liability issues – Defence of insufficient packing, deck cargo, walk through Cl. 26 and the two law regimes US/English Law.

15:45-17:00 **Case study workshop – Multi contract issues; Navigating issues and tensions between BIMCO forms and specialist contracts in offshore energy asset projects:**

Participants will engage in a scenario-based exercise grounded in real-world examples. This exercise will highlight the common issues and tensions between BIMCO forms and specialist contracts during the construction and maintenance of offshore energy assets.

This delegate-led activity will serve as a catalyst for broader discussions on contractual challenges within the offshore energy sector.

SPEAKERS



Tony Concagh

Tony is a partner at Adams&Moore Solicitors LLP, London. For more than 20 years, Tony Concagh has been a premier legal advisor to the offshore energy industry and has represented many of its best-known companies. He has been described by his clients in legal directories as “tough and commercial”, “through and capable” and “a true offshore specialist”.

He regularly advises on problems and disputes relating to specialist vessels including OSVs, SSVs, DSVs CTVs, HLVs, and drilling units. As a result, he has unmatched experience with the BIMCO suit of offshore forms. He represented the successful owners in the first reported case on SUPPLYTIME 2017, Atlantic Marine and Aviation LLP vs Boskalis Offshore. This established the basis on which an owner has the immediate right to payment of an undisputed invoice without set off. The decision has implications for payment terms in all forms of contracts on English law.

In recent years he has been instrumental in the development of handling disputes in the offshore renewables industry. He and his team advised on schedule delays and cost increases on a £2.3 billion wind farm project. In 2017 he launched a successful judicial review in the English High Court on behalf of an EPIC contractor against the UK government’s work permitting policy for non-EEA specialist crew constructing wind farms in UK waters. Since then he has been closely involved in the advising his clients on the work permit requirements for UK territorial waters.

He has been invited to speak by BIMCO at workshops and presentations worldwide since 2008.



Alex Hookway

Alex is a partner at Adams&Moore Solicitors LLP, London. Alex has more than a decade of experience of advising on legal issues in the shipping and offshore industry, working in London and Singapore. Having trained in dry shipping and cargo claims, Alex has spent the past 8 years working primarily in shipbuilding and offshore energy projects and disputes (oil, gas and renewables).

On the shipbuilding side, Alex has advised on newbuilding procurement, speed, and performance issues post-delivery, quality disputes under MOAs and serial defect claims in a series of super-eco newbuildings.

On the non-contentious offshore side, Alex has advised on EPC negotiations for an offshore regasification plant, FPSO conversion contracts and drilling and flotel tenders for fields in the North Sea and in South-East Asia.

On the contentious side, Alex has advised on some of the most high-value FPSO disputes in recent years, as well as contractual advisory work on knock-for-knock clauses in several high-profile incidents in North and South America. Alex also has significant experience advising on issues under the BIMCO SUPPLYTIME form, including extension and option disputes and regularly delivers training on Standard BIMCO offshore contracts.

Alex also has developed casualty experience (including salvage and GA advisory work) acting for P&I Clubs on high profile casualties MAERSK SEOUL, CHARLOTTE MAERSK and TRANSOCEAN WINNER amongst others.

VENUE

Novotel Rotterdam Brainpark

K.P. van der Mandelelaan 150
3062 MB Brainpark
The Netherlands

ORGANISER



Peter Grube

Peter Grube is Head of Training in BIMCO, responsible for developing and delivering BIMCO courses and seminars world-wide. He joined BIMCO's Support & Advice department in 1990 and was later appointed Marketing & Sales Director for membership and products, responsible for promoting and driving forward BIMCO's global position as a leading membership and shipping interest organisation. Prior to joining BIMCO he worked at a shipowning office in Copenhagen, as well as a Sale & Purchase broker in Greece. He 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).

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