

Multi-year Expert Meeting
on Transport, Trade Logistics and
Trade Facilitation
9th Session

**Sustainable and resilient transport and
trade facilitation in times of pandemic
and beyond: key challenges and
opportunities**

12–14 July 2022

**Contractual risk allocation clauses for
commercial contracts**

Presentation by

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The background of the slide is a photograph of a turbulent sea with white-capped waves crashing against a dark, overcast sky. The image is partially obscured by a blue geometric shape that frames the text.

Contractual Risk Allocation Clauses for Commercial Contracts

Nina Stuhmann

Sustainable and resilient transport and trade facilitation in times of pandemic and beyond: Key challenges and opportunities

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At a glance...

What is BIMCO?

Who are our members?

A large, stylized version of the BIMCO logo is centered on the right side of the slide. It features the word "BIMCO" in a bold, blue, sans-serif font. Above the letters "I" and "M", there are horizontal blue lines that extend to the left and right respectively, creating a stylized graphic element.

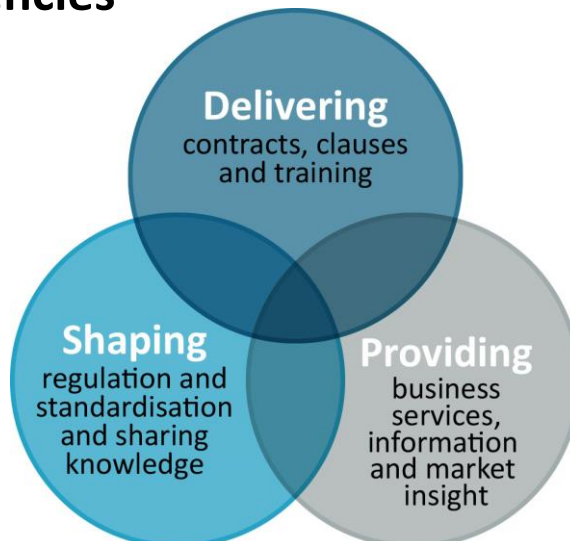
2

What are we trying to achieve at BIMCO?

What are our goals?

3

Three core competencies



4

Delivering contracts & clauses and training

- World leader offering standard contracts and clauses in shipping
- The BIMCO secretariat and dozens of volunteers work for a level playing field by standardising contracts that cover all aspects of the sector
- The focus is contracts that balance the needs of the charterers and the shipowners
- 350+ contracts and clauses



5

Contractual Risk allocation clauses for commercial contracts



BIMCO's contractual response to the COVID-19 pandemic

- COVID-19 Crew Change Clause for Time Charter Parties 2020
- Force Majeure Clause 2022
- Infectious or Contagious Disease Clause for Time Charter Parties 2022

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How was the shipping industry affected by the pandemic



- (1) Commercial impact because of delays due to quarantine, closed ports etc
- (2) Human factor; crew

7



BIMCO's Infectious or Contagious Disease Clauses 2015 and why a new allocation of liability was needed for the current pandemic

8

Infectious or Contagious Diseases Clause 2022



Underlying principles of the clause

- (1) The owners' measures to protect the crew;
- (2) the allocation of liability for delays;
- (3) and the owner's right to refuse the charterer's orders as a last resort only.

9

Infectious or Contagious Diseases Clause 2022



Delays due to the pandemic:

- How are they allocated?
- What is fair and balanced?

10

Infectious or Contagious Diseases Clause 2022



- Under which circumstances can the trade be interrupted?

11

Infectious or Contagious Disease Clause for Voyage Charter Parties 2022?



- Why did we decided not to have such a clause?

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