



Maritime Bergen Law Summer Programme 2018

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Introduction of lecturers and their topics.

PRESENTED BY:

NHH Centre for shipping and logistics, Maritime Bergen and The Norwegian China Law Centre, Faculty of Law, University of Bergen



NHH



Introducing the lecturers contributing in the Maritime Bergen Law Summer Programme 2018

(In order of appearance in the programme)



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ØYVIND AXE WIKBORG REIN LAW FIRM

Øyvind Axe is partner based in Wikborg Rein's Bergen office, and is the deputy head of the firm's worldwide Shipping and Offshore group. Axe's main areas of practice relate to transactions within the shipping and offshore field. He advises clients in connection with construction contracts, asset sale/purchase and equity transactions, financing matters and restructurings and has a significant experience from China related assignments. Axe has worked as a deputy judge and acts in arbitrations in shipbuilding disputes.



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JONAS NIKOLAISEN WIKBORG REIN LAW FIRM

Jonas Nikolaisen is an Associate at Wikborg Rein's Bergen office and is part of the firm's Shipping Offshore practice, particularly focusing on advising Chinese clients.

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Wikborg Rein is one of Norway's largest and only Norwegian international law firm with offices in Shanghai, Singapore, London, Bergen and Oslo, and an alliance with a partner firm in Rio de Janeiro. Headquartered in Norway, home to one of the world's major and most active shipping and offshore clusters, and with offices around the world, the firm's shipping and offshore practice works within Norway and globally on projects and disputes across the shipping and offshore sector, including in relation to the construction, finance, operation and management of shipping and offshore assets. Wikborg Rein has been present in China with an office in Shanghai since 2002.

Topic: Doing business in Norway

Axe and Nikolaisen's session will focus on the legal framework and entry barriers in Norway relevant to an inbound investor within the maritime sector. The purpose is to give the attendees an overview over key features and particulars of the Norwegian legal system, M&A regulations, contract law and company law that a foreign investor will have to take into consideration.



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PROFESSOR STIG TENOLD NHH NORWEGIAN SCHOOL OF ECONOMICS

Stig Tenold is Professor of Economic History at the Department of Economics. He received his dr.oecon.-degree from the NHH in 2001. Stig Tenold's main research has been within the field of contemporary maritime history, both from an economic history and from a business history angle. He is a member of the Editorial Boards of the two leading maritime history journals – The International Journal of Maritime History and Mariner's Mirror – and one of three editors of the book series Palgrave Studies in Maritime Economics. At the moment, Stig Tenold is writing a book with the provisional title Twentieth century shipping: Norway's successful navigation of the world's most global industry, scheduled for publication by Palgrave Macmillan in 2018.



NHH – Norwegian School of Economics is one of the leading business schools in Europe. NHH has an internationally recognised research environment and is the first choice for students who want to study business administration in Norway.

Topic: The Maritime Business Sector – Essential features.

In his lecture, Tenold will look at the main actors and mechanisms within the maritime sector, with a specific focus on shipping companies. How is the shipping sector organized, and how did we arrive at this type of organization? What have been the main driving factors in the development of the shipping business? Why is Norway a major maritime nation, and what characterizes Bergen's shipping milieu. In addition to a general overview and macro introduction to the business of shipping, the presentation will look more specifically at two different Bergen shipping companies – Odfjell and the KGJ-group – to explain how these two companies have become market leaders in their specific niches.



SENIOR ADVISOR MARI-HUSER HESTETUN NORWEGIAN MARITIME AUTHORITY

Mari Huser-Hestetun is a Senior Legal Adviser at the Department of Ship Registration of the Norwegian Maritime Authority. Mari holds a cand.jur. degree from the University of Oslo, Norway, and an LL.M. from the University of Durham, England and has previously worked with shipping and offshore at the Norwegian law firm Wikborg Rein and in the Maritime department of the Norwegian Ministry of Trade and Industry.



Norwegian Maritime Authority (NMA) is the administrative and supervisory authority in matters related to safety of life, health, material values and the environment.

environment on vessels flying the Norwegian flag and foreign ships in Norwegian waters.

Topic: Ship Registers and Ships Financing

In her lecture, Huser-Hestetun will give a basic introduction to Ship Registration and cover certain aspects in relation to Ship Financing. Amongst the topics that will be covered are the background and development of ship registration, the registration process, the Flag State's role, requirements and duties, factors influencing the choice of flag, bareboat-registration and registration of ship mortgages.



PHD IGNACIO HERRERA ANCHUSTEGUI
UNIVERSITY OF BERGEN, FACULTY OF LAW AND BERGEN CENTRE
FOR COMPETITION LAW AND ECONOMICS (BECCLE)

Ignacio Herrera Anchustegui is a Researcher at the Faculty of Law of the University of Bergen, and member of the Bergen Center for Competition Law & Economics (BECCLE). His PhD (2017) on "Buyer Power in EU Competition Law" won the 2017 Concurrences PhD Award. Also, he was awarded the International Scholar-in-Residence scholarship by the American Bar Association for 2017. Ignacio's area of interest is EU economic law, with a particular emphasis in public procurement, competition and energy law, topics in which he has published widely.

Topic: Competition Law and the Maritime Sector

In his lecture, Herrera Anchustegui will introduce the students to the competition regulation applicable to the maritime regime. Competition law's aim is to ensure that markets work as efficiently as possible by preventing the players from entering into anticompetitive agreements or abusing their market power to the ultimate detriment of consumers.

The lecture will cover the basics of the regulation by looking mainly at the European competition law model, but also comparing it to the US antitrust rules and the Chinese competition laws.



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DR. JURIS AMUND B. TØRUM,
SCHJØDT LAW FIRM

Tørum is dr. juris on a thesis on contract law, and has been associate professor at the Faculty of Law, University of Bergen. He has a number of publications in contract law and construction law. He is partner in Schjødt law firm where he acts as head of industry and energy. He was chartered international arbitrator in 2011, and admitted to the Supreme Court of Norway in 2017. Amund is a member of the Norwegian Bar Association's specialist committee on transportation and maritime law, aviation and other transportation law, including marine insurance.

Tørum primarily works with dispute resolution, arbitration and projects, often in an international context.

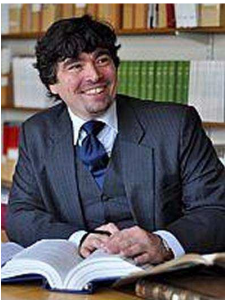
Tørum's work regards several industries with a particular focus on Oil & Gas, Offshore, Shipping and Infrastructure. Typical instructions are related to projects, joint ventures/consortiums, petroleum law, oil service (offshore development projects, FPSOs, FSOs, drilling contracts, rig consortiums, subsea and decommissioning) and shipbuilding.

SCHJØDT

Schjødt Law firm is internationally recognized and respected as one of Norway's top tier law firms, with a reputation for legal excellence. They have advised on more M&A transactions than any other Norwegian firm in recent years and have an unparalleled track record in litigation.

Topic: Offshore Contracts and Shipbuilding Contracts

Tørum's module provides an introduction to essential elements of western EPC-Contracts for offshore development projects (Drilling Rigs, Oil Platforms etc.) and Shipbuilding Contracts, for example variation order systems, price formats, remedies for breach, and risk allocation (knock-for-knock). The starting point will be the Contract Practice in the North Sea, which plays a key role also in International Contracts.



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Law

PROFESSOR FILIPPO LORENZON

Filippo Lorenzon is a Solicitor at Campbell Johnston Clark Ltd in London and a former Professor of Maritime and Commercial Law in the Southampton Law School at the University of Southampton. He is a former Director of the Institute of Maritime Law. Filippo is Visiting Professor at Shanghai Maritime University and the East China University of Law and Political Science and a regular speaker at several overseas universities and international training centres. He has a LL.D. (Italy) and a LL.M. (Soton) and is fully qualified as an Avvocato in Italy and as a Solicitor in England and Wales.

Filippo is a Member of the ICC (UK) Committee on Transport and Logistics, the Italian Maritime Law Association (AIDiM), the British Maritime Law Association (BMLA), the European Maritime Law Organisation (EMLO) and the International Bar Association (IBA). He is also acted as a Senior Legal Advisor of the World Bank and a Fellow of the Chartered Institute of Linguists. Filippo has been working with leading maritime and commercial law firms, in London, Genoa and Venice, and regularly advises in his areas of expertise.

Topic: Contracts for the carriage of goods and passengers.

The main function of ships is that to serve the international trade industry and allow the carriage of physical commodities between different parts of the world. More recently, the industry has developed a strong consumer angle and the cruise industry has grown dramatically. These services are all based

on contracts of different types. Some are complex, self regulating masterpieces of legal drafting, others are subject to compulsory international regulations. In this session we will be looking at the business and law of charter parties, bills of lading and the claims which can arise therefrom. We will also look at the international and European regulation of passengers of cruise vessels.



KRISTOFFER AKTAS JOHANNESSEN
SKULD

Johannessen joined Skuld in 2012, and is employed as Senior Claims Executive in Skuld Bergen. He has a Master in Law from the University of Tromsø and an LLM in International Maritime Law (with distinction) from Swansea University.



KRISTIAN VALEVATN
SKULD

Valevatn joined Skuld in 2009, and is employed as Assistance Vice President, Head of Claims in Skuld Bergen. He is a graduate from the Faculty of Law at the University of Bergen, and holds an LLM in Maritime Law from the University of Southampton. He is also a qualified Norwegian lawyer.



Skuld is a world leading marine insurance provider with a strong financial position and an 'A' rating with Standard & Poor's. Skuld offers a wide range of marine insurance products for shipowners, the offshore and energy sector, charterers and traders, ports and terminals, cargo and the superyacht community. With headquarters in Oslo and a worldwide office network of around 270 highly skilled employees, we provide our members and clients with service and competence they can rely on, 24 hours a day.

Topic: Liability for Damage, Loss and Delay

A sea carrier's primary task is to carry goods and commodities between loading port and discharge port, in a safe and efficient manner. But traversing the seas is certainly not without dangers and complications. The cargo on board can be damaged or lost by stevedore mishandling, wetting, rough seas and a number of other causes. And serious delays in bringing the cargo to its final destination will sometimes arise due to, for example, technical failure, detention by authorities and political turmoil.

Being a major liability insurer of merchant vessels, Skuld handles a large number of cargo claims every year. In their lecture, Kristoffer A. Johannessen and Kristian Valevatn will explore the ambit of the sea carrier's liability for

cargo damage, loss or delay, and illustrate the theoretical issues with practical, real-life examples.



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DR.JUR. ANDREAS MEIDELL THOMESSEN LAW FIRM

Andreas Meidell (dr. jur.) is a partner of the Norwegian law firm Thomessen, and works mainly on commercial insurance claims and coverage issues, such as marine/energy insurance, property and liability insurance, cargo insurance, as well as reinsurance. He is also a frequent litigator and appointed arbitrator in Norwegian and international arbitrations. He is also current President of The Norwegian Maritime Law Association (CMI). Andreas heads Thomessen's practice area of Insurance.



Thomessen is a Norwegian law firm with an office in London and an extensive network of international partners. Our employees have broad international experience, and Thomessen's lawyers have argued a number of cases before international courts.

A large and ever-increasing part of Thomessen's business is of international character. They represent foreign companies in Norway and Norwegian companies abroad.

Topic: Marine Insurance

Introduction to the law of marine insurance: The lecture will give an introduction to Norwegian law on marine insurances, such as hull insurance of ships and watercrafts, protection and indemnity insurance (P&I), which is liability insurance for ships, loss of hire/income insurances and war risk insurance.



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PROFESSOR SIGRID E. SCHÜTZ UNIVERSITY OF BERGEN, FACULTY OF LAW

Professor dr. juris Sigrid Eskeland Schütz is a licensed attorney-at-law (2001) and dr. juris (2008) on a thesis on the Norwegian planning- and building act, implementing EU directives on environmental impact assessment. Schütz is working actively on dissemination of research results to public stakeholders. She was a member of the Government appointed committee on "Toxic substances" in 2009-10, looking at measures to fulfil OSPAR- and EU-requirements regarding toxic substances, and was member of a group of experts appointed by the Government, Ministry of Trade, Industry and Fisheries, advising on simplification and improvements in first-hand sales of fish in Norway in 2016. She has extensive experience in teaching and continuing education at UiB, UiO and the Norwegian University of Life Sciences, Ås. Her interest areas are (EEA) environmental law, land use planning, marine management and marine spatial planning. Schütz is head of the Research group for Natural Resource Law, Environmental Law and Development Law, <http://www.uib.no/en/rg/resource>.

Topic: Environmental Law and Marine Pollution

Marine governance has over time developed into a multilevel system, with vertical and horizontal structures as well as division of competence between national, regional and local authorities. Management of sectors like renewable energy and food production is through the process Marine Spatial Planning, defined as an integrated and comprehensive approach to ocean governance.

In her session, Schütz looks at the core elements marine management regimes should build on, and values and principles underpinning such regimes. How can the system promote an ecosystembased approach, warranting flexibility and adaptability, as well as rule of law values like stability and foreseeability, making investment in ocean-based businesses less risky?



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PROFESSOR BERTE-ELEN R. KONOW UNIVERSITY OF BERGEN, FACULTY OF LAW

Berte-Elen R. Konow, professor dr. juris, University of Bergen. Her authorship includes works from different areas of private law such as contract law, law of obligation, international sale of goods, secured transactions, comparative law and private international law. She was active in the working group preparing DCFR IV B Lease of Goods, and she was in the editorial board of Restatement of Nordic Contract Law. She is also appointed Fellow under the Belt and Road initiative. 2013-2017 she served as Vice Dean for Research at the Faculty of Law, University of Bergen.

Topic: Jurisdiction and Choice of Law

The maritime industry is indeed a very international industry, and this international context may create difficult legal problems. Where can you sue the opposite party or where can you yourself or your company be sued? And which country's law is applicable to solve the disputed case? In the session "Jurisdiction and choice of law" the main principles of jurisdiction and choice of law will be presented with examples from court practice dealing with maritime matters.



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JUDGE WIGGO STORHAUG LARSEN GULATING COURT OF APPEAL

Wiggo Storhaug Larssen is a Court of Appeal judge. He is also the president of the Norwegian Association of Judges. He has for several years been involved in international work for the Norwegian judiciary, particularly as an advisor for the judiciary of Bosnia and Hercegovina, but also as Norwegian member of project groups in European Network for Councils of the Judiciary (ENCJ).

Topic: Dispute Resolution in the Norwegian Court System.

In Larssen's session the main features of the Norwegian court system will be presented, and comparisons with courts in some other European countries will be made. In addition, the role of the Norwegian courts in dealing with civil commercial cases will be explored in more detail.



ØYSTEIN MELAND WIKBORG REIN LAW FIRM

Øystein Meland is partner based in Wikborg Rein's Bergen office. He has got extensive experience in litigation, particularly in maritime law, both before the ordinary courts and in arbitration, as well handling matters before the European Commission. Meland has been acting both for ship-owners, underwriters, shipping banks and shipbuilders, and he has got extensive international negotiating practice, particularly for shipbuilding and offshore contracts.

In addition Meland is the manager of the Bergen Shipowners' Association, and a member of BIMCO documentary Committee and the legal committee of the Norwegian Shipowners' Association.

Wikborg Rein is one of Norway's largest and only Norwegian international law firm with offices in Shanghai, Singapore, London, Bergen and Oslo, and an alliance with a partner firm in Rio de Janeiro. Headquartered in Norway, home to one of the world's major and most active shipping and offshore clusters, and with offices around the world, the firm's shipping and offshore practice works within Norway and globally on projects and disputes across the shipping and offshore sector, including in relation to the construction,

finance, operation and management of shipping and offshore assets. Wikborg Rein has been present in China with an office in Shanghai since 2002.

Topic: Nordic Arbitration

In Meland's session he will look at how arbitration in general and in particular in maritime matters have traditionally been handled in Norway and the Nordic countries. The lecturer will further explain the background for the recent new establishment of the Nordic Maritime & Offshore Arbitration Association (NOMA), and give a brief explanation of the rules and best practice guidelines of NOMA.