VII European Colloquium on Maritime Law Research

Steri
Sala delle Capriate
Plaza Marina, 61
Palermo
27th | 28th September 2012

Contracts IN SHIPPING
FLEXIBILITY, FORESEEABILITY, REASONABLENESS

Contacts
7ecmlr@gmail.com
http://www.7ecmlr.org/
+39 3334480897
+39 3201494334
+39 360259649

Scientific Committee
Erik Røsæg, University of Oslo, Scandinavian Institute of Maritime Law
Filippo Lorenzon, University of Southampton, Institute of Maritime Law
Guido Camarda, University of Palermo
Giuseppe Vermiglio, University of Messina, Euro-Mediterranean University Centre for Studies on Transports “Elio Fanara” (CUST)
Maria Piera Rizzo, University of Messina, Euro-Mediterranean University Centre for Studies on Transports “Elio Fanara” (CUST)
Francesca Pellegrino, University of Messina, Euro-Mediterranean University Centre for Studies on Transports “Elio Fanara” (CUST)
Nicola Romana, University of Palermo, Department of Economic, Business and Financial Science (SEAF)
Stefania Bevilacqua, University of Palermo, Department of Economic, Business and Financial Science (SEAF)
Donato Di Bona, University of Palermo, Department of Economic, Business and Financial Science (SEAF)

Organizing Committee
Francesca Pellegrino, University of Messina, Euro-Mediterranean University Centre for Studies on Transports “Elio Fanara” (CUST)
Nicola Romana, University of Palermo, Department of Economic, Business and Financial Sciences (SEAF)
Stefania Bevilacqua, University of Palermo, Department of Economic, Business and Financial Sciences (SEAF)
Donato Di Bona, University of Palermo, Department of Economic, Business and Financial Sciences (SEAF)
Cinzia Ingratoci, University of Messina, Euro-Mediterranean University Centre for Studies on Transports “Elio Fanara” (CUST)
Adele Marino, University of Messina, Euro-Mediterranean University Centre for Studies on Transports “Elio Fanara” (CUST)
Salvatore Grado, Lina Miccichè, Maria Paola La Spina, Patrizia Taormina
Iolanda Borzì, Alessandra Rizzo, Angela Sergio, Federico Franchina

Concept and Design: C&M UniPA
Thursday, 27 September 2012

9.00 - Welcome from the hosts
G. Vermiglio (University of Messina), N. Romana, S. Bevilacqua (University of Palermo)

9.20 - Welcome from Local and Academic Authorities and Sponsors
R. Lagalla (Rector of Palermo University), F. Tomasello (Rector of Messina University)
F. Mazzola (Dean of the Faculty of Economics, Palermo University)
E. Turco (President of AIDINAT)
G. Berlingieri (President of AIDIM)

I Session
Chairman: D. Rhidian Thomas (University of Swansea)
9.30 - F. Pellegrino (University of Messina)
Reasonableness, Flexibility, Foreseeability in the Principles of European Contract Law
9.50 - F. Delebeque (Panthéon-Sorbonne University, Paris)
Flexibility, foreseeability, reasonableness in shipping contracts: the civil law approach
10.10 - E. Rosaeq (University of Oslo, Scandinavian Institute of Maritime Law)
Freedom of contracts - myths and realities
10.30 - F. Berlingieri (CMi Honorary President)
Flexibility, Foreseeability, Reasonableness in Maritime Conventions
10.50 - Coffee break

II Session
Chairman: Sergio Maria Carbone (University of Genoa)
11.10 - Y. Baatz (University of Southampton, Institute of Maritime Law)
Flexibility, foreseeability, reasonableness in shipping contracts: the common law approach
11.30 - A. Tettenborn (University of Swansea)
Loss, damage and cargo’s special interests
11.50 - O. Gurses (University of Southampton, Institute of Maritime Law)
Reasonable foreseeability or assumption of responsibility? The Achilles and the way forward
12.10 - K. Goddard (University of Southampton, Institute of Maritime Law)
Flexibility in Contracts for the Carriage of Goods by Sea: a Historical Perspective
12.30 - Panel discussion
13.00 - Lunch

III Session
Chairman: Jerzy Młynarczyk (Rector of Gdynia University)
14.30 - T. Solvang (University of Oslo, Scandinavian Institute of Maritime Law)
Risk allocation in laytime and demurrage matters: on foreseeability in construction of contracts
14.50 - G. Boi (University of Genoa)
Noleggio di nave e trasporto: la flessibilità dei charterparties
(Charting and carriage of goods: the flexibility of charterparties)
15.10 - R. Thomas (University of Swansea)
The expanding concepts of laytime and demurrage in relation to voyage charters and international sale contracts
15.30 - A. Kozubovskaya-Pellé (ERICON - Aurora Borealis Project, Strasbourg)
Contractual flexibility in volume contracts. French law and the Rotterdam Rules perspective
15.50 - Panel discussion
16.00 - Coffee break

IV Session
Chairman: Leopoldo Tullio (University of Rome "La Sapienza")
16.20 - I. Arroyo (Autonomous University of Barcelona)
The arbitration clause in charterparties and maritime transport
16.40 - F. Lorenzon (University of Southampton, Institute of Maritime Law)
Chartering tonnage at difficult times: the fine line between the harsh and the unreasonable under English law
17.00 - T. Aladwani (University of Plymouth)
The effect of shipping standards on the charterparty obligation of seaworthiness
17.20 - A. Antonini (University of Udine)
Riserve nella polizza di carico e tutela degli interessi contrapposti delle parti
(The clusing of bills of lading and the protection of the parties’conflicting interests)
17.40 - D. Di Bona (University of Palermo)
Jurisdiction clause in bill of lading: latest developments in the Italian case law
18.00 - Panel discussion
18.20 - End of day one

Friday, 28 SEPTEMBER 2012

I Session
Chairman: Francesco Berlingieri (CMi Honorary President)
9.00 - S. Zunarelli (University of Bologna)
Flexibility, foreseeability, reasonableness in multimodal transport contracts
9.20 - T. Nikaki (University of Swansea)
Predictability and Legal certainty in International Multimodal Transport Contracts: is that possible?
9.40 - S. Lamont-Black (University of Edinburgh)
The consignee’s dilemma - foreseeability of carriers, claims by the third parties’ holders of the bill of lading
10.00 - J. M. M. Osante (University of Pais Vasco, Bilbao)
Liability Regime of the carrier in the Rotterdam Rules: Delay and reasonable time of delivery
10.20 - O. Bokareva (University of Lund)
Liability for delay in multimodal transport, under the Rotterdam Rules
10.40 - Panel discussion
11.00 - Coffee break

II Session
Chairman: Maria Piera Rizzo (University of Messina)
11.20 - M. Mudrić (University of Zagreb)
Standard salvage form contracts: the scope of best endeavours - reasonableness and foreseeability
11.40 - P. I. Sandell (Satakunta University, Rauma)
Scandinavian maritime law and application of reasonableness principles in relation to salvage
12.00 - J. C. Chagas Lessa (City University, London)
Abandonment, breach or no-breach of the seafarer’s employment contract?
12.20 - O. Fotinopoulo Basurko (University of Pais Vasco, Vitoria-Gasteiz)
The determination of the law applicable to the international maritime labour contract: between flexibility and reasonableness
12.40 - F. Mandin (University of Nantes)
The concept of reasonableness in article 6 of crewmen contracts A and B. Signification and content in a comparative perspective with the concept of reasonableness in shipping contracts
13.00 - G. Vermiglio (University of Messina)
Conclusive remarks