



**SUMMARY OF THE
SPANISH MLA NATIONAL CONGRESS 2018
"NEW CHALLENGES FOR MARITIME LAW"**



The President of BIMCO during his opening speech

On 14th and 15th June the Spain's Maritime Law Association held its 2018 National Congress in the Auditorium of the UríaMenéndez Law Firm in Madrid.

After the welcome words of its President, Mr. Eduardo Albors, the opening speech of the Congress was addressed by Mr. Anastassios Papagiannopoulos, President of BIMCO and CEO of the shipping Company Common Progress. The speech detailed the work of BIMCO toward the unification of maritime contracts and documents forms.



SMLA 2nd Vicepresident (Mrs. Mercedes Duch), President (Mr. Eduardo Albors), President of BIMCO (Mr. Papagiannopoulos), 1st Vicepresident (Mr. Tomás Fernández-Quirós) and Secretary General (Prof. Manuel Alba)

After the opening ceremony, a necrological session in memory of Prof. Manuel Olivencia, Francesco Berlingieri and Aurelio Menéndez took place. The eulogies were made, respectively, by Mr. Francisco Ballester, Honorary Partner at Cuatrecasas and very close cooperater and partner of Prof. Olivencia; Prof. Rafael Illescas, who shared with Prof. Berlingieri years of work towards maritime law unification; and Mr. Carlos López-Quiroga, partner at UríaMenéndez who worked with the Prince of Asturias Prize in the Law Firm. After the eulogy of Prof. Berlingieri, his son, Mr. Giorgio Berlingieri took the word to thank the AEDM for the remembrance and stressed the close ties between the Spain's and Italy's MLAs.



Prof. Illescas remembering Prof. Berlingieri

After a coffee break, the first Panel of the Congress, moderated by Mr. Carlos Llorente, (University Professor and Partner at Lener), examined the news in maritime contracts. The members were Prof. Alberto Empananza (Fellow of Commercial Law at the University of the Basque Country), Mr. Grant Hunter (Head of Contracts and Clauses at BIMCO), Mr. Joel Grau (Marmedsa, cargo broker) and D. Enrique Landeta (Chairman of Alta Shipping, hull broker) and Prof. Bárbara de la Vega (University Carlos III of Madrid). After explaining all the new forms produced by BIMCO, they underlined the importance and spread use of the GENCON94 Charter Party in general cargo trades and the possibility to translate some forms into Spanish for the Spanish and Latin-American markets.



The Panel devoted to news in maritime contracts

Grant Hunter, Alberto Emparanza, Joel Grau, Carlos Llorente, Bárbara de la Vega and Enrique Landeta

After a lunch offered by the AEDM, the afternoon session was devoted to unmanned craft, including autonomous vessels. This panel was moderated by Mrs. Beatriz Huarte (lawyer at Lener) with the participation of Mrs. Elena Seco (ANAVE, Spain's Shipowners Association), Mrs. Verónica Meana (Partner at Ayllón), Mr. Joaquin Monedero (Secretary General of the Official College of Pilots of Spain), Mr. Gonzalo Alvar, (Partner at Quadrigas), Mrs. Ana Núñez (Engineer of Maritime Safety at the General Directorate of the Merchant Marine) and Mr. Jaime Pancorbo (Engineer at Bureau Veritas). Opinions of technicians and jurists, as well and the position of the Maritime Administration were mixed-up, underlining the lack of a specific regulation and the need to start thinking about and drafting the many conventions and law reforms that will be needed as scientifically and technically the semiautonomous and autonomous vessel will be a reality in the coming years. Many safety and security questions were posed and the floor was clearly split between millennials that see these crafts as a reality that we will see soon and the older audience that was more skeptic about the true possibilities in the short term.



The panel on Unmanned ships formed by Mrs. Beatriz Huarte, Mrs. Elena Seco, Mrs. Verónica Meana, Mr. Gonzalo Alvar, Mr. Jaime Pancorbo, Mr. Joaquín Monedero and Mrs. An Núñez.

The first day of the Congress was closed with a moot arbitration between pre-graduate students of Commercial Law of the University Carlos III of Madrid, who receive a scholarship from the SMLA and that will participate again in an international competition. They made brilliant claimant and defendant oral arguments as if they were the counsels and we trust that they will succeed again.



Moot arbitration (in English) between students closely followed by the Arbitration Panel

The second day started with a panel on Judicial Sales of Vessels and the draft International Convention of the CMU, moderated by Dr. Jesús Casas (Professor and Partner at Casas & García-Castellano), in which Dr. Ann Fenech (President of the MLA, Prof. Norman Martinez (IMLI), Hon. Mag. Amanda Cohen (expert of the Ministry of Justice) and Mr. Luis Fernández del Pozo (Commercial Registrar at Barcelona) agreed on the importance of having an international legal regime ensuring that the judicial sale of a vessel under certain conditions be recognized – including the flag and registry state - without the present set of difficulties and obstacles, always respecting the certainty for the owner, creditors and third parties. The “Beijing Draft” of the CMI of International Convention of the CMI is a good starting point for future discussion and has received the initial interest of UNCITRAL and it is hope that the IMO may also support an initial examination by Member States including it in the agenda. The present applicable laws in Spain on judicial sale of vessel and registration of a forced sale were examined and discussed in deep.



The panel on judicial sales of vessels

Dr. Ann Fenech, Prof. Norman Martínez, Hon. Amanda Cohen and Luis Fernández del Pozo (missing in the photos)

The last panel of the Congress organized as a “Q&A” session by its moderator, Mr. Jesús Barbadillo (Counsel at Garrigues) discussed the draft regulation of the ship’s agent (*consignatario*) in Spain already, was formed by Mr. Julio Fuentes (Deputy Director of the General Directorate of the Merchant Marine), Mr. Julio Fernández (Secretary General of ASECOB, a new ports agents association in Spain), Mrs. Rosa Presa (of the insurance broker ARTAI) and Mr. Gregorio Chiner (NOATUM).



The last panel: Mr. Julio Fuentes, Mr. Julio Fernández, Mr. Jesús Barbadillo, Mrs. Rosa Presa and Mr. Gregorio Chiner.

Finally, in the closing ceremony, Mr. Eduardo Albors, President of the Spain's Maritime Law Association and Partner at Albors, Galiano & Portales, explained the activities of the Association in the last year and gave a briefing of the main issues discussed along the Congress, stressing the importance of front facing the challenges that a changing world poses to maritime and shipping law. He gave thanks to all the sponsors, panelists, moderators, workers and to the audience for their contribution to the success of the National Congress of Maritime Law 2018.