

WEBINAR ALIANZAS MARÍTIMAS: ESCENARIO POST COVID19

19 MAYO @ 12:00



PONENTES

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Policy Manager



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Abogada



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AGENDA



INTRODUCCIÓN: Agentes logísticos

TRANSPRIME Spanish Shippers' Council,
European Shippers' Council,
Global Shippers' Alliance
The Lawyer's House

ALIANZAS MARÍTIMAS & CONSORTIA

Origen, como funcionan, situación actual & futurible
Regulación: normativa europea y global, calendario preceptivo

SITUACIÓN POST COVID 19

Servicios y orientación al cliente, transparencia, solidez financiera & relacional, concentración de mercado,
Blank sailings, booking crunch, demurrage, detention, surcharges, VGM SOLAS, frecuencias, higienización de
equipos, IMO2020 (*slow steaming*), IPPC *Container Cleanliness*

NAVIERAS & CLIENTES: NUEVO MARCO RELACIONAL?

Negociaciones, cobertura de seguros, fórmulas estándar, algunas cláusulas del B/L y el *Seawaybill*
Cómo actuar: información, reacción, reto agentes logísticos, TRANSPRIME IMO2020 Taskforce

PREGUNTAS & TEMAS ABIERTOS

INTRODUCCIÓN: AGENTES LOGÍSTICOS



Somos abogados interdisciplinarios con un largo recorrido profesional, que nos hemos reunido recientemente con un objetivo común basado en: la inspiración, imaginación e innovación al servicio de nuestros clientes.



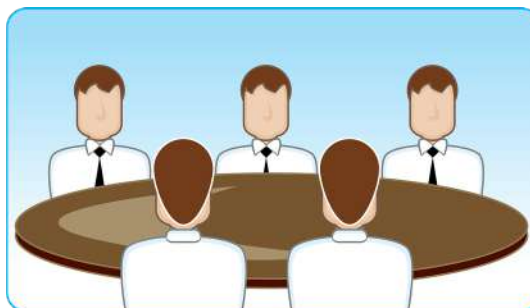
INTRODUCCIÓN: AGENTES LOGÍSTICOS



EL ORIGEN DE LAS ALIANZAS MARÍTIMAS



1875 primera conferencia marítima entre
Gran Bretaña y Calcuta (India)

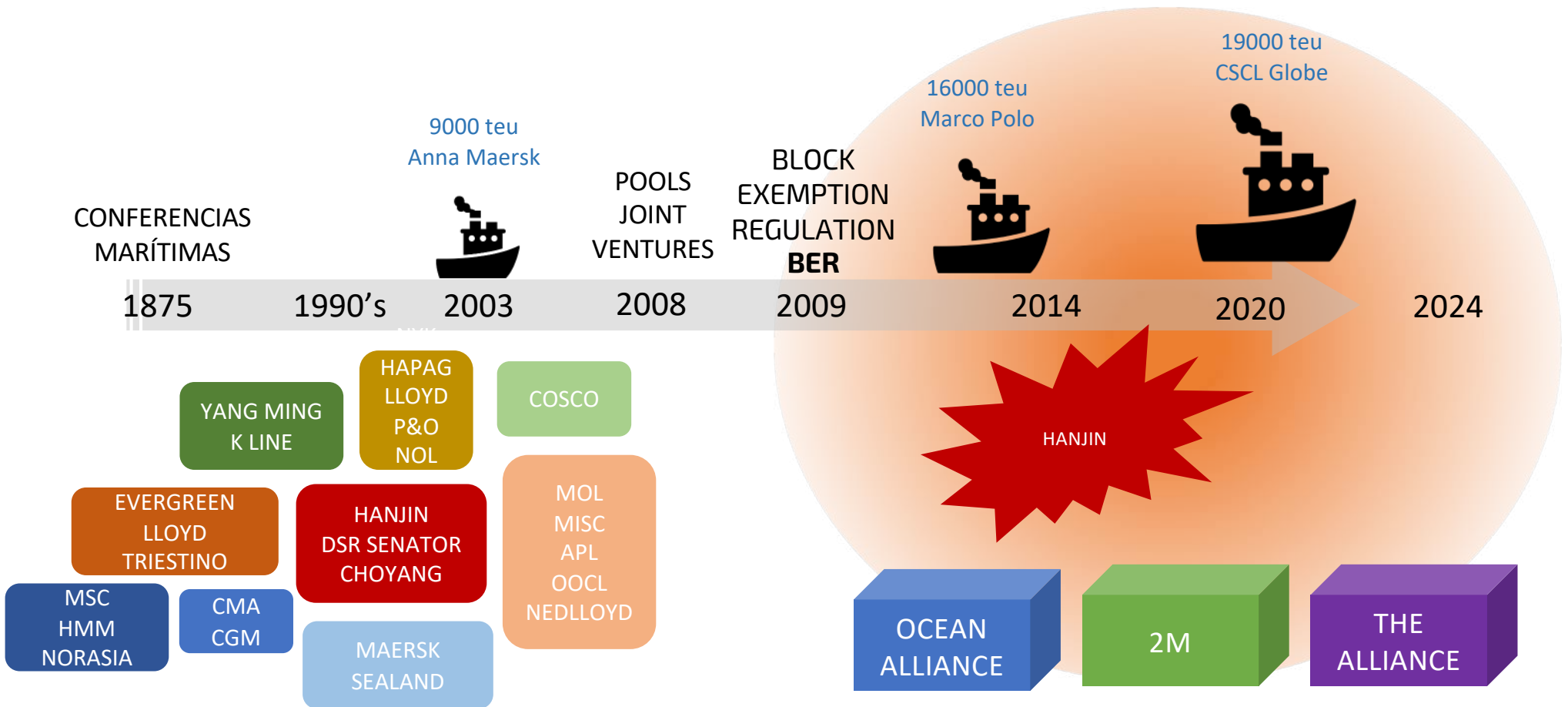


1972 Código de la UNCTAD



UNITED NATIONS CONFERENCE ON
TRADE AND DEVELOPMENT
PROSPERITY FOR ALL

NEGOCIO MARÍTIMO: CALENDARIO DE ACONTECIMIENTOS



BLOCK EXEMPTION REGULATION (BER) | PUNTOS PRINCIPALES



COMPETITION RULES

ARTICLE 101(1 (TFEU))
PROHIBITS AGREEMENTS BETWEEN COMPANIES WHICH PREVENT, RESTRICT OR DISTORT COMPETITION

SIMPLIFIED CHART ARTICLE 101 TFEU



NOTE: The burden of proof lies on the undertakings that claim compliance with competition rules

2009 EXEMPTION

BER EXEMPTS CERTAIN CONSORTIA FROM THE PROHIBITION OF CERTAIN ANTICOMPETITIVE AGREEMENTS AND CONCERTED PRACTICES OF ARTICLE 101(1(TFEU))



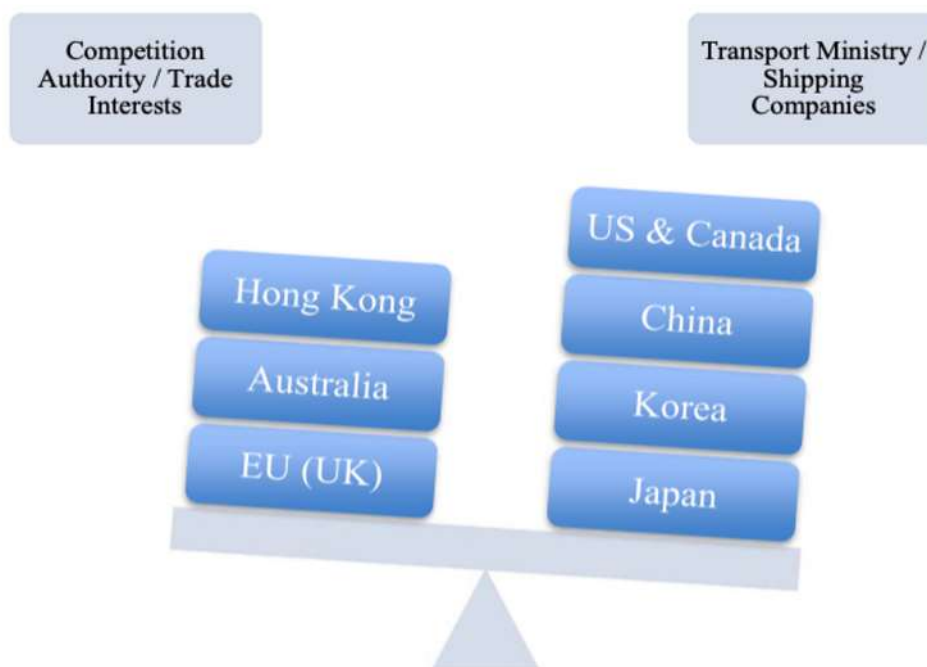
- NO PRICE FIXING
- NO MARKET ALLOCATION
- 30% MAX GEOGRAPHIC MARKET
- IMPROVE INEFFICIENCIES
- FOSTER COOPERATION
- BENEFITS PASSED ONTO THE MARKET
- PRIVATE SELF ASSESSMENT
- USERS' BURDEN OF PROOF

BLOCK EXEMPTION REGULATION (BER) II

OTRAS REGULACIONES SIMILARES EN EL MUNDO



CONTROL DE LAS AUTORIDADES COMPETENTES EN LOS DIFERENTES MODELOS DE "BER" EXISTENTES



Source: Brooks (2018).

FUENTE: BROOKS, MEERSMAN, SYS, Vd VORDE, VANELSLANDER. REGULATION IN THE LINER SHIPPING INDUSTRY: PATHWAYS TO A BALANCE OF INTERESTS. JUNE 2019.

BLOCK EXEMPTION REGULATION (BER) III

EL MUNDO SIN BER / CONTROL DE CUMPLIMIENTO



EVOLUCIÓN DE LAS FRECUENCIAS DE SALIDA 2012 - 2018



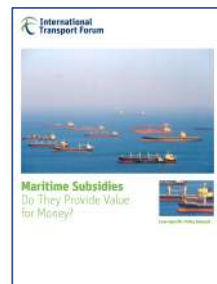
Note: Number of weekly services for a 13-week running average.
Source: Sea Intelligence

15 DE LAS 27 ALIANZAS SUPERAN EL % PERMITIDO DE DOMINIO DE MERCADO

Table 2. Capacity shares of consortia (including alliances) on trade lanes with Europe, November 2018

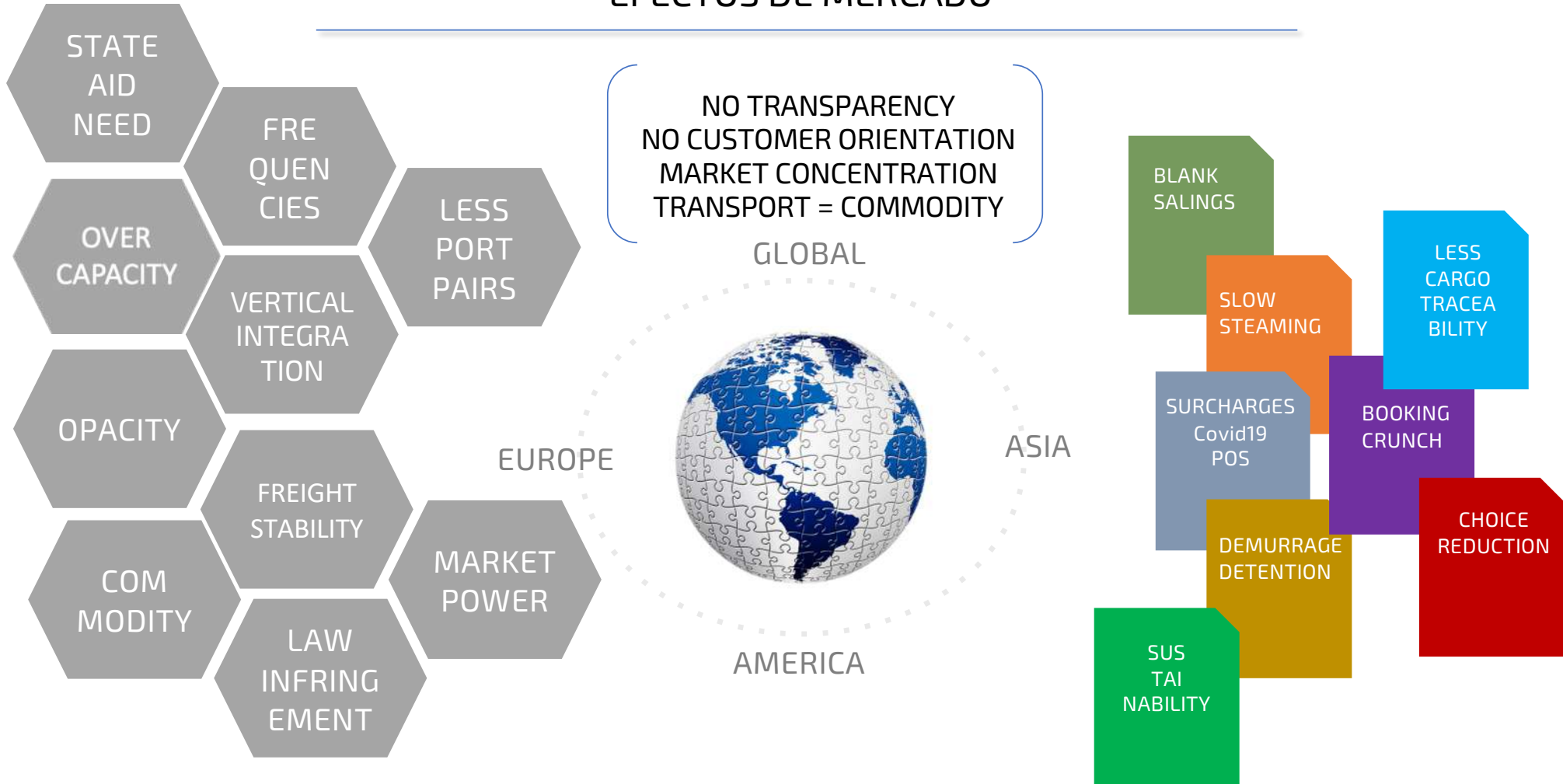
Trade lane	Number of consortia	Capacity share above 30%	Capacity share likely above 30%	Capacity share likely below 30%	Capacity share below 30%
Asia-North Europe	3	2			1
Asia-Mediterranean	3	2			1
Europe-Middle East	9	1	5	2	1
Europe-Indian Subcontinent	9	1	6		2
Europe-Oceania	2	1	1		
North Europe-North America East Coast	7	1	4		2
Mediterranean-North America East Coast	4	1	1		2
North Europe-East Coast South America	2	1			1
Mediterranean-East Coast South America	1	1			
North Europe-West Coast South America	1	1			
Mediterranean-West Coast South America	1	1			
North Europe-West Africa	1		1		
Mediterranean-West Africa	1	1			
North Europe-Southern Africa	1	1			

Source: based on WSC et al. (2018) and Sea Intelligence.



BLOCK EXEMPTION REGULATION (BER) IV

EFFECTOS DE MERCADO



BLOCK EXEMPTION REGULATION (BER) V

EFFECTOS DE MERCADO: BLANK SAILINGS



BLANK SAILINGS ASIA - MED 2018 YTD

SOURCE: DREWRY SHIPPING CONSULTANTS

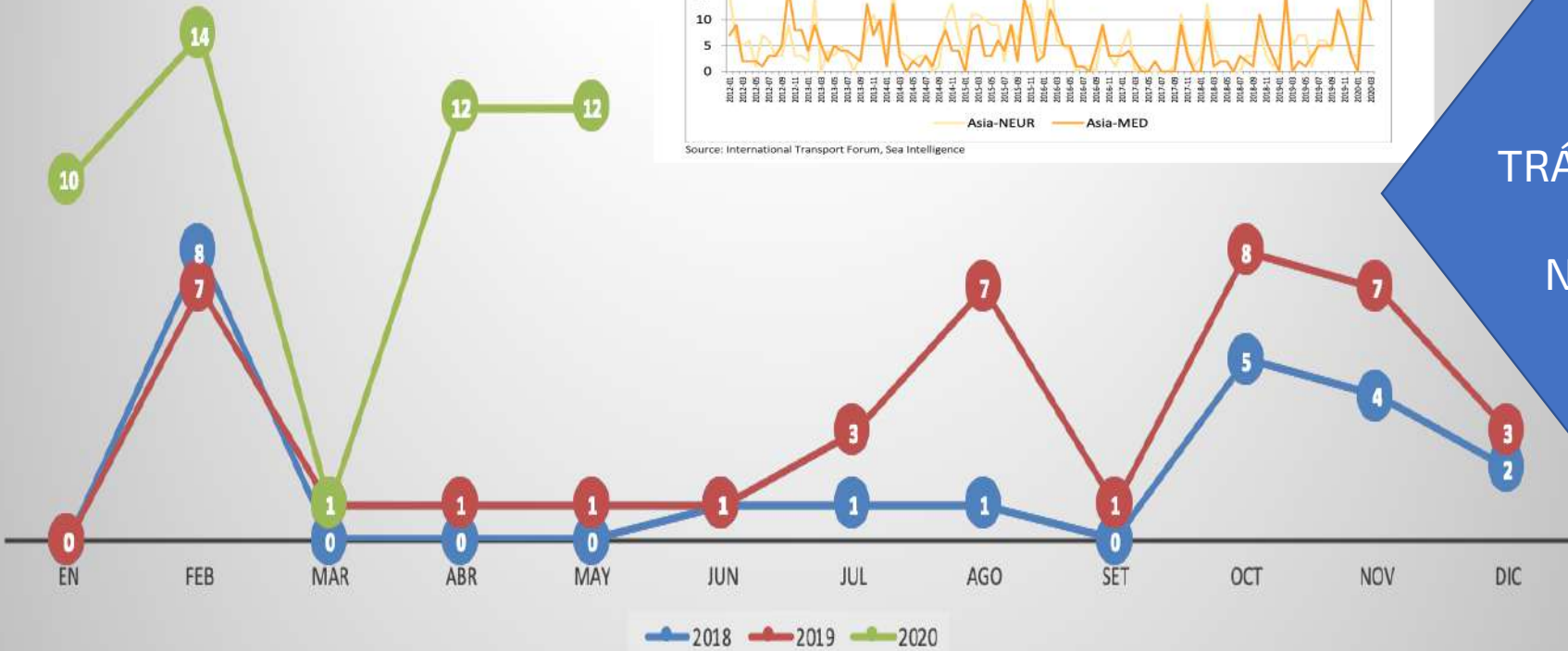
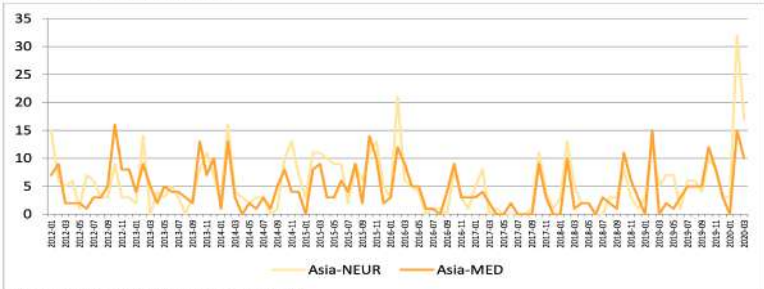


Figure 3: Monthly blank sailings on Asia-North Europe and Asia-Mediterranean routes, January 2012-March 2020



Source: International Transport Forum, Sea Intelligence

BLANK SAILINGS
HERRAMIENTA
HABITUAL EN LOS
TRÁFICOS MARÍTIMOS

NO HAN EMPEZADO
CON LA CRISIS
COVID19

EL CONTRATO DE TRANSPORTE DE LA LÍNEA REGULAR



- Bill of Lading
- Seawaybill



- Cláusulas penales: demurrages y stowages
- Blank sailing ⇨ incumplimiento del contrato

INCUMPLIMIENTO DE CONTRATO



- Reclamación a las navieras
 - Protection and Indemnity Clubs



- Unión cargadores: voz común

CONTRATO DE SEGURO



- ICC A 2009
 - Cobertura de los riesgos de las mercancías durante su trayecto



- El contrato de seguro no cubre un incumplimiento de contrato

BLOCK EXEMPTION REGULATION (BER) VI ACCIONES Y PETICIONES DE MODIFICACIÓN DE LA REGULACIÓN



PRESS RELEASE

SUPPLY CHAIN STAKEHOLDERS ALERT PRESIDENT VON DER LEYEN ABOUT THEIR DISAPPROVAL OF THE CONSORTIA BER EXTENTION

Brussels, 26th of March 2020

We, CLECAT, ETA, ESC, ETF and FEPORT, on behalf of thousands of European freight forwarders, tug owners, shippers and port companies and terminals and transport workers, have sent a letter to the President of the Commission, Ms Ursula Von der Leyen to express our strong disapproval of the decision to prolong the Consortia Block Exemption Regulation (CBER) with another four years without any changes.

MAIN REQUESTS FOR BER MODIFICATION

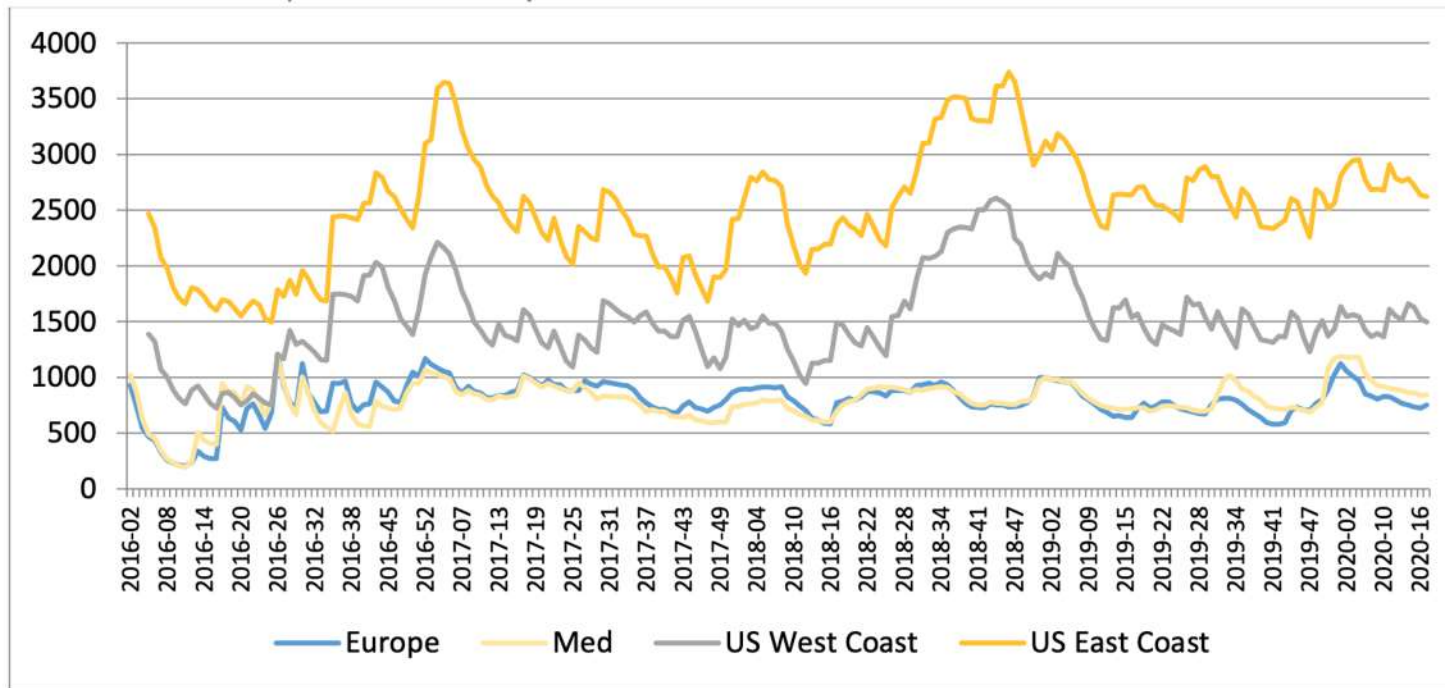
- *PUBLIC SELF ASSESMENTS*
- *LOWER THRESHOLD TO 20%*
- *DATA CONTROL ON PERFORMANCE*
- *CLARIFICATION OF RULES*
- *INCLUDE PERFORMANCE KPIs*
- *ENSURE BENEFITS TO USERS*

BLOCK EXEMPTION REGULATION (BER) VII

DECISIÓN DE LA COMISIÓN EUROPEA (DG COMP)



Figure 6: Development of container freight rates on four major shipping routes, Week 1/2016-Week 17/2020



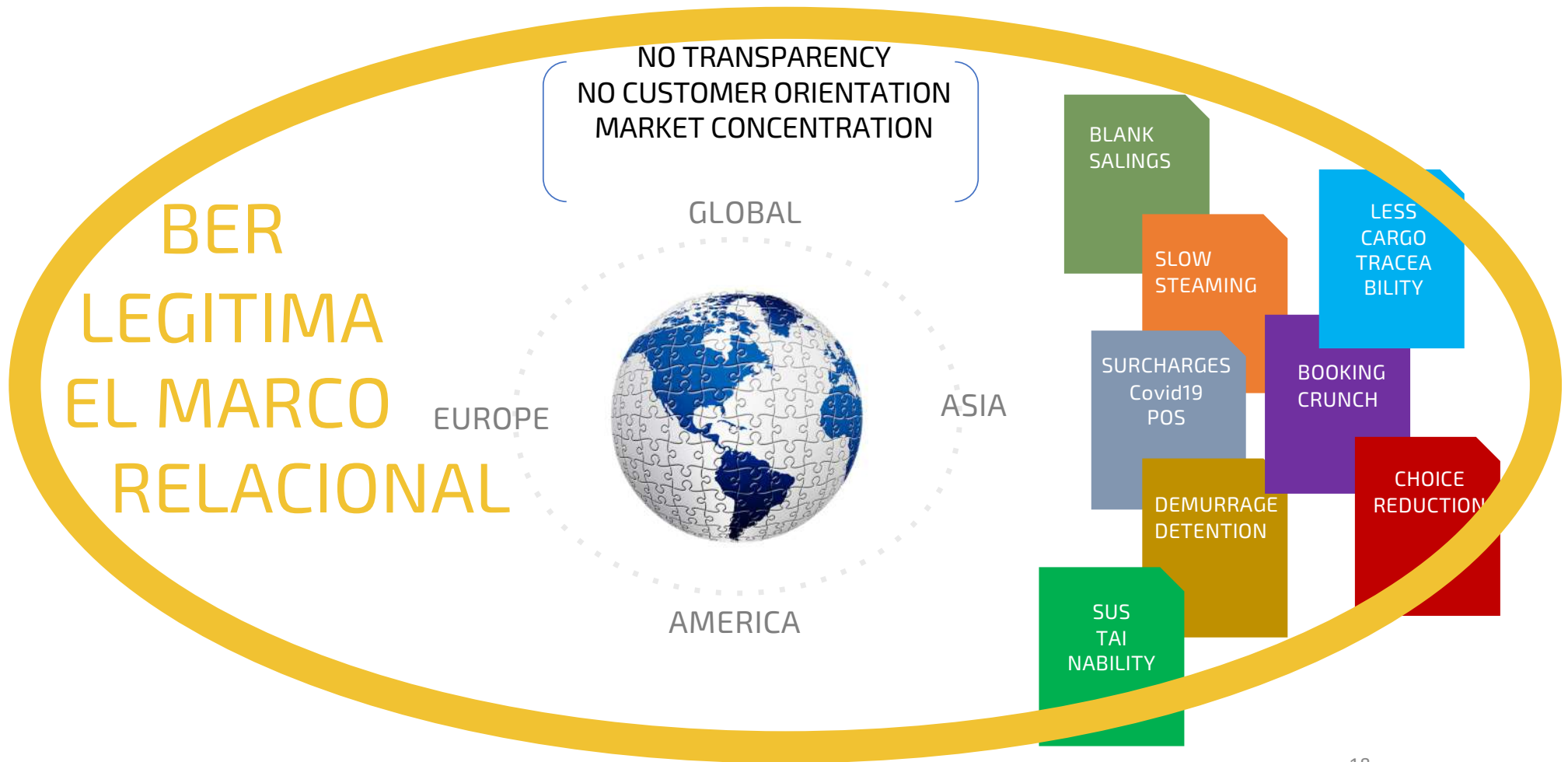
North Europe and Mediterranean are measured in USD/TEU; the US West Coast route is measured in USD/FEU (forty feet equivalent unit).
 Source: International Transport Forum, Shanghai Shipping Exchange

PRÓRROGA DEL BER
 HASTA 2024

ESTABILIDAD DE PRECIOS
 FACTOR DECISIVO
 EN DG COMP PARA
 PRORROGAR BER

SUPPLY CHAIN MARÍTIMO POST COVID 19 |

MARCO DE RELACIÓN



SUPPLY CHAIN MARÍTIMO POST COVID 19 II

CUSTOMER SATISFACTION



Customers were dissatisfied with carriers' services regarding clarity of prices and reliability of booking



On a scale of 1 (very dissatisfied) to 5 (very satisfied), shippers on average did not give carriers more than 3.50 for any of the service attributes.

Based on the service you received from carriers in 2019, please tell us how satisfied you are with the carriers on average for each of the service and cost criteria from 1 (very dissatisfied) to 5 (very satisfied):



ESC - Drewry survey 2020

ENCUESTA ANUAL
SATISFACCIÓN CLIENTE

EUROPEAN SHIPPERS
DATOS 2020

ATENCIÓN

PUNTO DE MÁXIMA SATISFACCIÓN (!)

SUPPLY CHAIN MARÍTIMO POST COVID 19 III

SITUACIÓN FINANCIERA NAVIERAS (DICIEMBRE 2019)



ATENCIÓN

What are the chances of bankruptcy according to the Altman Z-Score

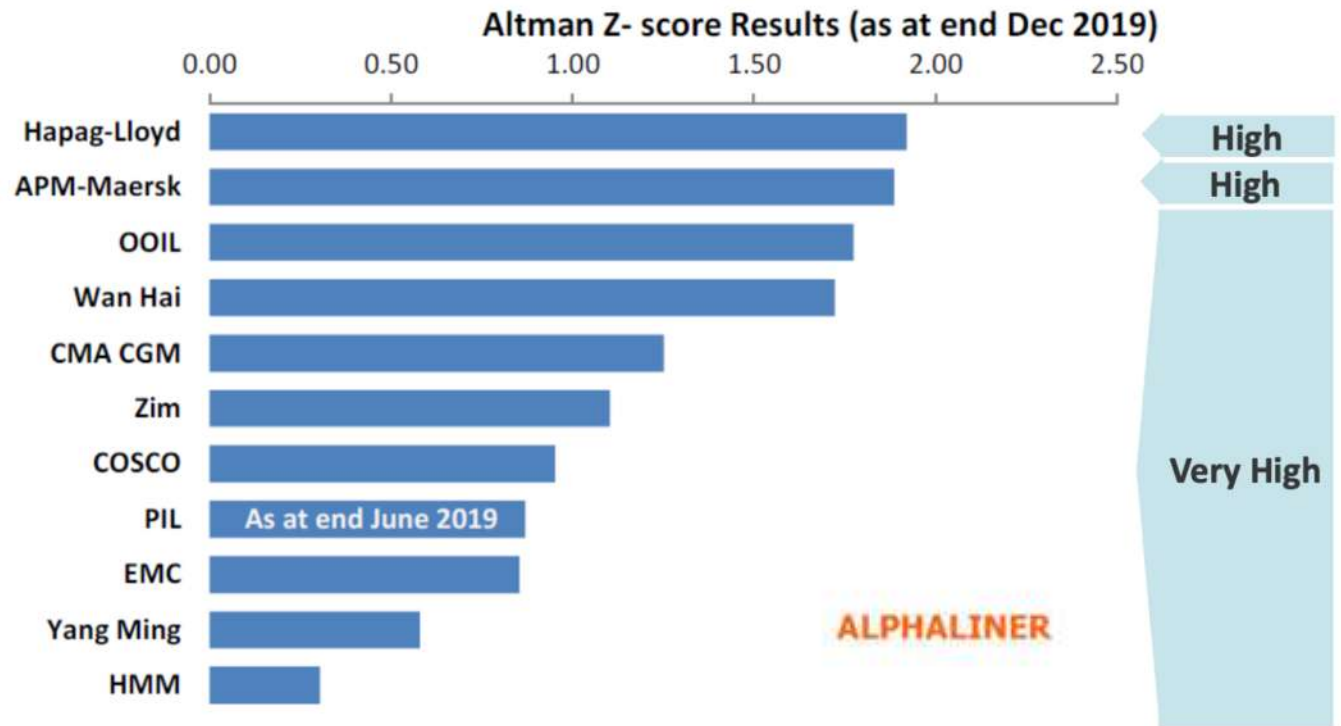
- 1.80 or less Very High
- 1.81 to 2.7 High
- 2.8 to 2.9 Possible
- 3.0 or higher Not Likely

Carriers' Z-Score are calculated based on $1.2A + 1.4B + 3.3C + 0.6D + 1.0E$ where

- A = working capital / total assets
- B = retained earnings / total assets
- C = EBIT / total assets
- D = market capitalisation* / total liabilities
- E = sales / total asset

* Market cap for non-publicly traded companies based on book value of shareholders' equity.

CARRIER'S INSOLVENCY RISK



Source: Alphaliner, April 2020

SUPPLY CHAIN MARÍTIMO: CALENDARIO PRECEPTIVO TRANSPORTE SOSTENIBLE



The European Green Deal



2020
SULPHUR
CAP
IMO2020

DATE?
IPPC
CONTAINER
CLEANLINESS

2022
ETS
EMMISSIONS
TRADING
SYSTEM

2024
ECA
MED

2050
CARBON
NEUTRALITY

NAVIERAS & CLIENTES: NUEVO MARCO RELACIONAL



BENCHMARKING
INFORMACIÓN
NEGOCIACIÓN
CUESTIONAR EL MODELO

IMO2020 TASKFORCE GROUP
TRANSPRIME Spanish Shippers' Council
MEETING: JUNIO 2020

EUROPEAN SHIPPERS
GLOBAL SHIPPERS' ALLIANCE



NAVIERAS & CLIENTES: CONCLUSIONES



CLÁUSULAS B/L
SEAWAYBILL

AGENTES
LOGÍSTICOS

CUESTIONAR:
LA INFORMACIÓN &
EL MODELO DE
RELACIÓN

OBSERVAR EL
MERCADO



SEGUROS
COBERTURAS

NEGOCIACIÓN EQUILIBRADA:
NAVIERAS Y CARGADORES

INFORMACIÓN &
BENCHMARKING
&
NEGOCIACIÓN

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Secretario General



Policy Manager



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