

Shipping Department



Winner of the Seatrade Middle East &
Indian Subcontinent Award for
“Best Maritime Law Firm 2007 & 2010”

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About Us

The only international law firm headquartered in Dubai, Fichte & Co is by now the shipping law firm of choice in the UAE, serving through its offices in Dubai, Tehran and soon Abu Dhabi a worldwide base of clients with interests in the Middle East, Indian subcontinent, central Asia and the Caspian Sea region.

The award winning Shipping Department, arguably the largest in the region, has been many times appraised for its pioneering approach to the subject, mainly because of the new subjects introduced in the region, the cooperation established with the local entities and the pioneering "grow with our clients" concept, reflecting in innovative fee arrangements. All these appraisals have been endorsed by a rather large percentage of ship owners and other industry players, having all chosen Fichte & Co for their legal needs.

Sound legal and commercial approach and thorough understanding of the Middle East market are the ingredients of Fichte & Co's enormous success. Our lawyers all come from different backgrounds, but all share a true passion for the shipping industry, be it for their family roots or because of their previous career. All lawyers in our Shipping Litigation team are Arabic speakers, an obvious advantage when it comes to UAE litigation.

Not only legal, the mark left by Fichte & Co in the region is also evident in the business networking event known as the Shipping Industry Roundtable: attended by the crème de la crème of the shipping and financial industry, it fills a serious gap that was undermining the growth of the industry.

To put it in our Clients' words "we love to do business with Fichte & Co, because Fichte & Co love their business."



Maritime Law

"As the UAE was undergoing major transition heightening its significance in the global market, shipping and logistics had equally boomed to facilitate the oil and construction industry as well as international trade. The down spiral of freight and charter rates due to the credit crunch led to terminations of C/P's on a large scale and it became more important than ever to draft your contracts watertight. Our shipping team is the largest in the region and we are in the unique position to provide Arabic speaking maritime lawyers who can lead your company through the pitfalls of the current market." Jasamin Fichte (Managing Partner, Fichte & Co)

Our Shipping Practice

Charterparty Disputes

Drafting & Reviewing C/P Contracts, Laytime & Demurrage, Cargo Contamination, Loss or Shortage, Freight & Offshore Disputes, Bunker Issues and FD&D.

Bill of Lading Disputes

Cargo Damage, Loss & Misdelivery, Carriers Liability. We assist ship-owners and cargo owners with claims related to bills of lading. We exert ourselves in assisting with advice to avoid potential claims when the ship-owner or the cargo owner is uncertain of the legal consequences of their actions.

Marine Insurance

Cargo Insurance, Cargo Claims, P&I Club Assistance, Hull & Machinery, Credit & Political Risks, Energy Offshore & Onshore, Personal Injury, Coverage Advice & Defence, Subrogated Recoveries.

Risk Management

Avoid & Minimise Risk, Training for Staff, Drafting of Contracts, Training in Shipping Industry and related matters.

Legal Fee Support

A product offering expert advice and protection to shipowners, charterers or traders seeking to limit exposure to high legal costs when dealing with day-to-day problems.

Recent Cases

- Drafting a Counter Expert Report in a Charter party dispute worth USD 20m.
- Representing Charterers in London Arbitration for a claim of USD 5m.
- Acting for a Shipowner in a case of contaminated cargo worth over USD 1m bound to Iraqi ports.
- Assisting a well known P&I Club in a dispute involving breach of charterparty and contractual bad faith in excess of USD 500,000.
- Acting for a chartering company in a bunker dispute involving substantial damages to the vessel's main engine.
- Representing disponent owners with an ongoing settlement of a ship sale and purchase dispute worth USD 1m.



International Trade & Sale of Goods

"Disputes frequently arise through the performance of a contract; however, their resolution commonly depends on what is said in the contract itself. It is important that duties are clearly defined and that intentions of both parties are implicitly incorporated in the agreement." Nicola Kneizeh (Legal Consultant, Shipping Dept.)

Our International Trade Practice

Fichte & Co's client base comprises of the largest trading houses involved in the sale and purchase of commodities on an international basis and banks engaged in structured and transactional commodity finance. We have a diverse team of lawyers highly experienced in International Trade practiced in different legal jurisdictions.

We pride ourselves on understanding our clients' business from inside out as we can offer a seamless legal and commercial support service whenever and wherever needed.

Fichte & Co's non-contentious work in this field includes advising on international contracts for the carriage of goods by sea, letter of credit terms, contracts for the sale and purchase of goods, joint ventures, future contracts and trade-financing agreements.

Our lawyers also provide advice and handle legal issues associated with logistics and documentary credits.

Recent Cases

- Negotiating Letter of Credit terms between supplier and purchaser for the sale and purchase of project cargo from Australia to Abu Dhabi.
- Acting for an international transport company in a multimodal demurrage claim in excess of USD 1m.
- Representing a renowned trading house in litigation pertaining to sugar and steel contracts.
- Advising a brokerage company in their LPG activities.
- Assisting a trading company in a dispute concerning demurrage in a sale contract in excess of USD 500,000.
- Advised a steel trader in civil and criminal multijurisdictional proceedings concerning contractual bad faith and fraud in international sale of goods.
- Review and advice on Non-Circumvention Non-Disclosure Agreement, and Irrevocable Master Fee Protection Agreement in favour of beneficiaries for the sale and purchase of cement.



Ship Sale & Purchase

"The industry has been an attraction to many new players, but with financing conditions getting tougher, there is an indication that prices will not that soon spiral up again. It's the year of the cash buyer." Alessandro Tricoli (Sr. Legal Consultant, Shipping Dept.)

Our Ship S&P Practice

Fichte & Co's legal consultants have a great deal of experience with respect to the sale and purchase of both commercial vessels and pleasure yachts. We have advised many vendors and buyers with respect to the benefits and restrictions of vessel documentation under English and UAE law.

We can advise on any vessel financing whether or not it includes a first preferred or any other type of ship mortgage or other financing procedures. Fichte & Co's legal consultants are well experienced in such commercial transactions and can provide a full range of representation in this regard for both buyers and vendors.

Whether it is the mere sale and purchase transaction or the setting up of an entire corporate structure to own the vessel, Fichte & Co can best protect the interest of its clients through an effective knowledge of the local market and its rules.

Recent Cases

- Advising a high net worth individual in the purchase of his first private yacht valued at USD 10m.
- Assisting a newly founded shipping company in the acquisition of its own fleet of bulk carriers in excess of USD 250m.
- Acting for an international tanker company in the re-flagging process of its fleet.
- Representing a ship owner in the purchase of its bulk carrier fleet for a total value in excess of USD 420m.
- Conducting due diligence pre-purchase investigations for a yacht worth USD 2m.
- Advising quasi-governmental shipowner during the purchase of LRII product carriers worth around USD 70m.
- Assisting renowned shipping company in the disposal of its ageing fleet, drafting and revising sale contracts for scrap vessels each worth USD 5m.
- Representing alleged buyers in a ship sale and purchase dispute worth USD 10m.



Shipbuilding & Repair

"The whole purpose of a well drafted and clearly defined shipbuilding contract is to address the obvious issues as well as the hidden ones, such as latent defects. If these issues are not handled with precision and clarity, they can lead to disputes ending up in a long and expensive legal battle." Alessandro Tricoli (Sr. Legal Consultant, Shipping Dept.)

Our Shipbuilding Practice

There are often many competing and sometimes even conflicting interests between the buyer and the shipyard. These can range from the payment schedule and delivery timing to unforeseen delays due to Force Majeure or warranties and guarantees.

Fichte & Co has extensive experience in shipbuilding arrangements especially reviewing the documentation and/or financing arrangements that are likely to be required in relation to the type of vessel involved, whether it is a cargo carrier, a passenger vessel, an oil tanker or a luxury private yacht.

We specialize in specifications and warranties for construction and conversions and repair of vessel and offshore installations.

Our team is in a good position to provide the buyer and the shipyard with all the necessary legal assistance required when Shipbuilding Contracts are being entered into.

Recent Cases

- Representing an Owner in the first tranche of its offshore fleet expansion via shipbuilding contracts for a total value in excess of USD 130m.
- Assisting a Shipowner with shipbuilding contracts for Supramax carriers in excess of USD 1bn.
- Advising a high net worth individual in the conclusion of the interior design contract for its superyacht worth USD 50m.
- Representing a Shipowner in the conversion process of its single hull tankers fleet in bulk carriers.
- Drafting shipbuilding contract for three Panamax tankers worth USD 180m.
- Acting for an owner in the expansion of its offshore and support fleet by finalising building and conversion contracts in excess of USD 500m.



Ship Finance

"The international and regional financing market has recently tightened the reins and the cost of borrowing has increased and is difficult to obtain. Banks will now assess a company's credibility purely on its corporate structure and they recommend that businesses are audited by lawyers before approaching banks. Equity and debt finance is now more difficult than ever to obtain and shipowners need to be creative and open to other means of finance, such as Islamic Finance." Jasamin Fichte (Managing Partner, Fichte & Co)

Ship Finance Practice

Lawyers within the GCC district charge 70% less than London's leading law firms, adding considerable value to our Services. Our lawyers have the necessary expertise and knowledge of the local market, possessing a profound understanding in banking and corporate finance combined with an internal knowledge of the Islamic culture to develop and deliver innovative Shari'a compliant structures.

We are actively involved in the ship finance market and our reputation is building up stronger with the many transactions completed acting on behalf of Owners who are active in the shipping market. Fichte & Co assists clients in the construction and financing of luxury yachts and we are also on the legal panel of various banking institutions.

Recent Cases

- Acting for a ship owner in the finance for Bulk Carriers in a transaction worth USD 400m.
- Restructuring a renowned company with a portfolio of USD 1.5bn in fleet and other operational assets.
- Assisting a well established shipping company in their fleet acquisition, re-flagging and investment projects.
- Supporting a leading cash-buyer in expansion and restructuring of its banking facilities.
- Acting for a shipowner in the restructuring of its previous finance contracts worth USD 200m with European banks.
- Acting for a ship owning company in a structured transaction involving conversion contracts of old vessels and mortgages on sister ships in order to secure a total loan for an approximate value of USD 10m.
- Structuring the finance and registration of a privately owned yacht on behalf of her owners to operate on charter in UAE waters.



Marine Insurance

"Fichte & Co lawyers are experienced in a wide range of insurance-related matters and the delivery of diverse practical solutions for shipping companies and ship owners across the Middle East and beyond. We provide assurance, guidance and assistance with strategies, listening to and working with our clients to understand their priorities and concerns." Ravi P. Jawani (Legal Consultant, Shipping Dept)

Our Marine Insurance Practice

Cargo Claims

Our marine insurance team is lead by Jasamin Fichte who is one of the most qualified and experienced insurance lawyers in the Middle East. Our team advices on all aspects of marine insurance and we assist in proceeding and securing claims.

Legal Fee Support

We work closely with C Support a subsidiary of C Solutions, that offers cover and claims support for those who are not eligible for FD&D cover providing similar support for a smaller fee.

P&I Club Assistance

Our insurance team has a vast experience in working in the Marine Insurance market of the Middle East and abroad and can thus provide P&I Clubs, who are acting for and pursuing claims for their members in the Middle East, with thorough assistance in all matters. We are also on the panel of major International Group (IG) and Fixed Costs Clubs.

H&M

We work closely with local and international insurers, insurance intermediaries, other insurance professionals and various regulatory bodies. Being actively involved in the insurance industry ensures our lawyers are at the cutting edge of developments that influence our clients' legal rights, obligations and relationships. Instructions from our clients cover the entire range of insurance matters, from collisions to war losses and suspicious fires and sinkings ("total loss investigations").

Recent cases

- Representing UK underwriters in defending an alleged cargo claim worth USD 150,000.
- Acting for an IG P&I Club in a FD&D matter involving non payment of freight and demurrage in excess of USD 2m.
- Handling Hull & Machinery Insurance Dispute worth USD 1.5m.
- Assisting a ship owner in the salvage and wreck removal of a dead ship grounded at the port limits of Alang, India.
- Representing owner of a lost vessel against H&M insurers, CTL Case.



Admiralty

"The maritime lawyers at Fichte & Co have the necessary expertise to advise you in any collision matter. Master mariners are at hand to support all in depth investigations; from salvage to liability claims our team has the detailed knowledge to counsel and help you through your collision case." Ravi P. Jawani (Legal Consultant, Shipping Dept)

Admiralty Practice

Salvage & Wreck Removal

We handle salvage and wreck removal claims on behalf of shipowners, their hull underwriters, P&I Clubs and salvors. As we work in close collaboration with IG of P&I Clubs, we assess any possibility or liability which you may have for Special Compensation or remuneration under SCOPIC.

Marine Pollution

Our Maritime Law team has the up to date expertise necessary to advise you on all matters regarding marine pollution as well as handling all claims which might arise in relation to a pollution matter. Marine pollution is an ever present problem which can lead to large liability claims. Due to several severe incidents in the past the laws regarding marine pollution are changing at an increasing pace. The same applies to the raised security standard vessels need to comply with today.

Arrest

Fichte & Co advise upon, and act in, the arrest of vessels and assets worldwide. Our shipping department offers expertise in all aspects of UAE shipping law and, in particular, ship arrest in the UAE.

Recent Cases

- Assisting a Shipowner in the salvage dispute of a fully laden barge ran aground on Jebel Ali Palm.
- Advising a leading ship owning company in a bitumen spillage and cargo contamination in Abu Dhabi Port.
- Acting in a wreck removal claims on behalf of a Shipowner and its P&I Club for a tug sunk in Jebel Ali Port.
- Assisting a Shipowner with the collision between a fully laden oil tanker and a barge off Fujairah.



Freight Forwarding & Logistics

"Despite being a historical commodity trading centre, Dubai's outstanding port facilities and its emerging status as a modern financial centre attracts many commodity trading companies, raw materials processors, logistics providers, storage/warehousing firms and banks." Nicola Kneizeh (Legal Consultant, Shipping Dept.)

Our Logistics Practice

Drafting & Reviewing

We offer expertise on setting up and drafting of company standard trading terms and conditions tailored to the characteristics of your business and to minimise your risk.

Claims Handling

We offer advice and supervision on insurance cover, cargo claims, 3rd Party Claims and claims regarding damage to operations equipment.

Supply Chain Management or 3rd Party liability

We cater for logistics service providers, whether your are expanding or outsourcing your services, we have the expertise to assess your risk and advise on how to manage your liability.

Commercial Documents

Without the correct documentation, goods are subject to a series of potential risks, from fraud, to delays and higher liability. Fichte & Co offer commercial expertise on Bill of Lading Issues, Letters of Credit, Bank Guarantees and Personal Indemnities, Insurance Cover, Freight & Commercial Invoices, and review and advice on International Sales Contracts.

Recent Cases

- Drafted Cargo Claims manual for freight forwarders and shipping lines, including assisting templates.
- Debt recovery action for renowned international shipping line, on outstanding freight, rent and demurrage charges and unreturned containers in the region of AED 500,000.
- Drafting Letter of Assignment to protect cargo interest's rights and remedies.
- Drafting Global Agency Agreement between a large construction company and a UAE based freight forwarding agent to exclusively handle all import project cargo into Abu Dhabi.
- Drafting International Freight Agreement between UAE based Australian Procurement Company and U.A.E based freight agent for the import of containerised project cargo from China and Australia.



Litigation & ADR

"At Fichte & Co we exert ourselves to provide an efficient, commercially focused approach along with the specialist experience to understand the business needs of our clients and the capacity to handle all areas of shipping litigation work." Nicola Kneizeh (Legal Consultant, Shipping Dept.)

Litigation & ADR Practice

Litigation

Should it not be possible to settle your case outside of court, Fichte & Co can assist and advise you in all litigation matters. Our shipping litigation team comprises of fully qualified Arabic speaking lawyers with a vast experience of UAE Court proceedings.

Arbitration

Fichte & Co have the expertise and experience to advise and assist you in all arbitration matters, with International Commercial Arbitration under ICC, LCIA, DIFC/LCIA, and Maritime Arbitration conducted under ICC, LCIA, LMAA or GMAA Rules. Our services may be availed right at the contract drafting stage for inclusion of a satisfactory iron clad Arbitration clause or Arbitration agreement to selection of the best jurisdiction and laws capable of facilitating the arbitral proceedings, selection of arbitrators and umpires, enforcement of awards, challenges and execution of arbitral and judicial intermediary relief.

Mediation

Our lawyers can assist, whenever you decide to settle your dispute amicably avoiding unwarranted expenditure in terms of time and money. Mediation allows disputing parties to resolve their issues assisted by a mediator, which in many cases have shown to be more fruitful and effective than most other modes of dispute resolution.

Recent Cases

- Acting on behalf of a governmental company in a charterparty dispute in excess of USD 500,000.
- Representing a disponent owners in breach of charterparty case worth USD 10 m.
- Representing cargo owners in a bill of lading fraud case against NVOCC worth USD 650,000.
- Representing a shipowner in a multi-jurisdictional charterparty dispute in excess of USD 6m involving Arbitration proceedings in Dubai and arrest proceedings in India.
- Representing the owners for the theft and illegal possession of a barge by the tug owners.
- Representing buyer of a vessel in an MOU dispute in excess of USD 6m.

