



A presentation by

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Perspectives from private practice

1. The **tools** available to make changes in the Charterparty
2. The **proximate barrier** in Charterparty negotiations
3. Opportunities **outside the Charterparty** to effect change



Tools – standard clauses

Pros:

- Accepted
- Balanced
- Complete
- = savings (time and cost)

Cons:

- Awkward
- Too balanced
- (un)creative



Tools – standard clauses

- BIMCO
- Chancery Lane Project

The screenshot shows the homepage of The Chancery Lane Project. The navigation menu includes: Climate clauses, Toolkit, Glossary, Case Studies, Events, What's new, Get involved, and About. The main heading reads: "Start using climate aligned clauses in your contracts". Below this is a sub-heading: "Access the clauses and tools you need to align your contracts with net zero". A teal button says "Go to our climate clauses". A statistics section lists: 2,700 professionals collaborating, 335 participating organisations, and 113 countries. A testimonial from Nigel Brook, Senior Equity Partner at Clyde & Co, states: "Working with TCLP has been invaluable in expanding my and my colleagues' practices to encompass the practical considerations of climate change."

The Chancery Lane Project

Climate clauses Toolkit Glossary Case Studies Events What's new Get involved About

Start using climate aligned clauses in your contracts

Access the clauses and tools you need to align your contracts with net zero

[Go to our climate clauses](#)

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Nigel Brook
Senior Equity Partner, Clyde & Co

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Tools – standard clauses

Chancery Lane Project - examples

- **Ariel's clause** - a clause for time charterparties to share between owners and charterers the costs / savings of upgrades which improve fuel efficiency (Nov 2021)
- **Bradleigh's clause** – a clause for charterparties encouraging the parties to maximise the laden ratio of the vessel and minimise repositioning voyages and ballast (Nov 2021)
- **Levi's clause** - a clause for shipping transportation agreements which allows a customer to exit without incurring liability if the incumbent carrier cannot match the 'green' improvements of a competitor (Aug 2022)



Tools – bespoke clauses

Pros:

- Strength
- Particularity
- Outcomes

Cons:

- Time and costs
- Untested
- Acceptable?



Proximate barrier

The market dial -> change of metrics -> empowerment to make new decisions





Opportunities outside the charterparty

Utilising shore power

Deploying alternative means of propulsion

Agreeing just in time arrival clauses

A strategy to achieve A or B CII ratings

Owned / Chartered vessels more efficient than the required EEXI

Compliance with EEXI & CII Regs



A strategy for zero GHG emissions by 2050

Participating in trials of alternative fuels.

Using influence in relationships to work towards the provision of shore power



Opportunities outside the charterparty

Contractual obligations
to reduce GHGs

Contractual incentives to
reduce GHGs

Ambitious targets for GHG
reduction

Measurement of GHGs using
internationally recognised metrics

Identification of significant
sources of GHGs





Conclusion

- Change within the Charterparty still has to come from without
- Drafting and creative skills are important outside the contract as well as within

Thank you



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About the firm

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