

**Transportation, Maritime and Insurance Law**



**Gide Loyrette Nouel**

## *Presentation of the Firm*

### Offices

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Founded in Paris in 1920, Gide Loyrette Nouel is one of the leading international law firms with more than 700 lawyers, including 106 partners, drawn from over 30 different nationalities. Operating out of 21 offices, the Firm offers some of the most respected specialists in each of the various sectors of national and international finance and business law.

### **An International Dimension**

With its strong international presence, the Firm is able to serve the needs of its clients all over the world.

In each of its offices in Europe, Asia, North America, Africa and the Middle East, Gide Loyrette Nouel puts its comprehensive knowledge of local markets, its regional expertise and the resources of an international law firm to the service of its clients. Gide Loyrette Nouel is also able to offer its clients advice and assistance in Africa through its network of associated firms, Gide Africa.

Gide Loyrette Nouel also works in close co-operation with leading law firms in the countries where it does not have offices and is a member of several international legal networks.

### **Recent Awards**

The Firm has been named:

- “**French Law Firm of the Year**” by Chambers Europe in May 2008  
Chambers Global in November 2006;
- “**Client Choice for France**” by International Law Office in 2006;

\* at 01/01/2008

- “**French Law Firm of the Year**” by IFLR;
- “**France's Legal Firm of the Year**” by Who’ Who.

### **Departments**

Gide Loyrette Nouel has a departmental structure covering all the main branches of business law:

- Arbitration
- Bankruptcy and Insolvency
- Criminal and Commercial Litigation
- Economic and European Law
- Employment
- Finance and Project Finance
- Intellectual Property, Technology & Electronic Communications
- Mergers, Acquisitions and Corporate Law
- Public Law  
Environmental Law
- Real Estate Transactions and Financing
- Tax
- **Transportation, Aviation, Maritime and Insurance Law**

and has formed cross-disciplinary teams for the following specialisations:

- Banking and Financial Litigation
- Compliance - Risk Management
- Employee Savings
- Energy
- Health Law
- International Investment Protection
- Public-Private Partnerships
- Sports Law

# Practice Areas of the Transportation, Maritime and Insurance Law Department

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*The Transportation, Maritime and Insurance Law Department was founded over 25 years ago and has a high level of experience in sectors as diverse as maritime, air and road transport, industrial risks and insurance.*

*Gide Loyrette Nouel's transport and industrial business practice is exceptional both as regards the number and the diversity of its sectors of expertise and its clients.*

*The Transportation, Maritime and Insurance Law Department was developed through working in all areas of modes of transport and involving ship owners, air companies, road haulage operators, multimode transport firms, insurance companies, bankers, building sites and P&I Clubs.*

*Moreover, its recognised expertise in the field of industrial risks and insurance makes it a first-ranking representative for industrial operators, insurers and brokers.*

The Transportation, Maritime and Insurance Law Department is qualified to represent and defend the interests of its clients before all of the French (including French overseas *départements* and territories - *DOM/TOM*) and European Union jurisdictions, as well as before arbitration authorities such as the Maritime Arbitration Chamber of Paris (*Chambre Arbitrale Maritime de Paris - CAMP*) and the International Chamber of Commerce (ICC).

## Insurance practice

- The Department has developed a recognised expertise in insurance law covering all aspects of the insurance business, including the regulation of insurance firms and agents, insurance contract law and insurance distribution and reinsurance.

## Maritime practice

- All events linked to the life of a ship, from the construction agreement to the arrest of a ship, whether under the general provisions of owner's liability or special provisions relating to pollution;
- All transport agreements under the bill of lading and the ship's chartering through charter-parties;
- Insurance problems relating to all aspects of maritime business, including those concerning cargo or civil liability.

## Asset financing practice

- All questions relating to the financing of ships and aircraft through mortgage loans with tax leverage, liaising with Finance / Project Finance and Tax Law Departments, including problems relating to the registration of ships and aircraft and the registration of security interests.

## Port and customs practice

- All disputes relating to customs law and relations with port authorities;
- Disputes relating to property in the public domain or port police authorities;
- Setting up of handling companies and maritime agency companies, and the care and control of their litigation.

## Air transport practice

- All air transport litigation, involving the carriage of both passengers and freight;
- All legal issues concerning aircraft, the aircraft mortgage rules and the seizure of aircraft to enforce security interests;
- All insurance problems relating to such disputes;
- All agreements relating to the financing and operation of aircraft.

## Road transport practice

- All advisory and litigation questions relating to road transport under both internal or CMR regulations, including related insurance issues.

## Multimode transport practice

- All questions relating to transport logistics and the forwarding agency business.

## International trade practice

- Maritime sale, incoterms, documentary credit, financing means of transport, trading agreements.

## Economic law practice

- The Firm has particular expertise in both national and European Community competition law and how it applies to transport law.

## Recent Transactions

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Some of the recent transactions in which the Transportation, Maritime and Insurance Law Department of Gide Loyrette Nouel has been involved are as follows:

### Insurance

- Advising a computer manufacturer and a motor vehicle manufacturer on the implementation of insurance product distribution schemes;
- Advising insurance companies in a major dispute arising from the misappropriation of goods in Brazil;
- Advising a Scandinavian insurer on setting up and operating its life insurance and capitalisation business in France;
- Advising and assisting a funeral services company, particularly on the issue of funeral insurance;
- Advising an insurance company in setting up breakdown assistance services on behalf of a motor vehicle manufacturer.

### Maritime accidents

- Advising a ship building yard regarding a fire on the "Monarch of the Seas" liner in 1992;
- Advising a shipping agent regarding a fire on the "Velasquez" in 1996;
- Advising a major oil group in relation to the sinking of the oil-tanker "Erika" in 1999 as regards all the disputes relating to the issue of maritime pollution and the various legal actions;
- Advising a shipping agent in connection with the sinking of the chemical tanker "Ievoli Sun" in 2000.

### Shipping agency

- Advising a Taiwanese ship owner with a view to it setting up branch offices and a shipping agency in France.

### Maritime pollution

- Advising on disputes relating to sea pollution caused by oil and petroleum products, an area in which the Department has acquired highly sought-after expertise:
  - pollution due to the carriage and discharge of all forms of dangerous substances and waste into the sea or rivers; and
  - all legal questions concerning victim compensation and the rules of liability under both national and international law.

In addition to the "Prestige", "Erika" and "Ievoli Sun" cases, the Department has, in the past, represented the French government in the "Amoco Cadiz" case (1978), the "Tanio" case (1980) and the "Katja" case (1998).

### The construction and financing of ships

- Advising a French ship owner in connection with the building and financing of various liners and merchant ships pursuant to the provisions of the so-called Pons Act or using an EIG for tax purposes;
- Advising a Norwegian ship owner in relation to the building of several chemical tankers by a French ship building yard;

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- Advising various ship owners in relation to various transactions for the financing and building of motorised pleasure craft and large sail boats.

### **Land transport**

- Advising numerous road hauliers concerning the implementation of article 101 of the French Commercial Code and the so-called "Gaysot" Act;
- Drafting transport documents and agreements for various French and foreign transport companies;
- Advising industrial concerns and transport companies on the preparation, negotiation and drafting of logistics agreements.

### **Air transport and space law**

- Advising an aircraft manufacturer in connection with the crash of a passenger airliner in Kosovo in 1999;
- Advising an aircraft manufacturer and its insurers regarding various helicopter accidents in the North Sea in 1995 and 1996;
- Advising aircraft repair and maintenance companies in connection with aircraft accidents;
- Advising a satellite component manufacturer in relation to the destruction of a satellite which occurred in 2002.

### **Rail transport**

- Advising a passenger carrier in connection with a fire that occurred in one of the carriages of the Orient Express in Belgium in 2001;
- Advising a freight agent concerning the derailment of a goods train carrying chemicals that occurred in the vicinity of Saint Etienne in 2000.

### **Industrial risks**

- Advising leading industrial concerns and insurers regarding various fires, explosions and building collapses occurring at various French and foreign manufacturing sites;
- Advising an American insurance company with regard to a dispute with one of its insured following a fire in a section of a computer equipment storage facility that occurred in northern France in 1992.

## Contact Partners

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*All the lawyers in the Transportation, Maritime and Insurance Department are members of the French Association of Maritime Law (Association Française de Droit Maritime) and the International Maritime Committee (Comité Maritime International). As well as their advisory roles, they take an active role in the transport law field by speaking at conferences and writing articles and columns in specialist reviews.*

The members of the Transportation, Maritime and Insurance Law Department have considerable expertise in transport law and economic law, and work closely with the Firm's international offices and other departments in order to give legal advice and devise litigation strategies best adapted to client circumstances. The Department is headed by three partners working with eight associates assisting clients in the drafting of all forms of legal documentation, representing them before the courts or in arbitration proceedings as well as in court-appointed expert investigations.



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