

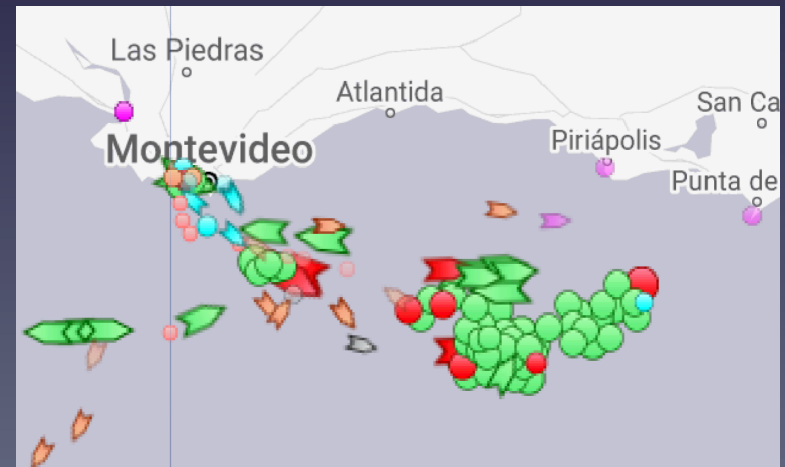
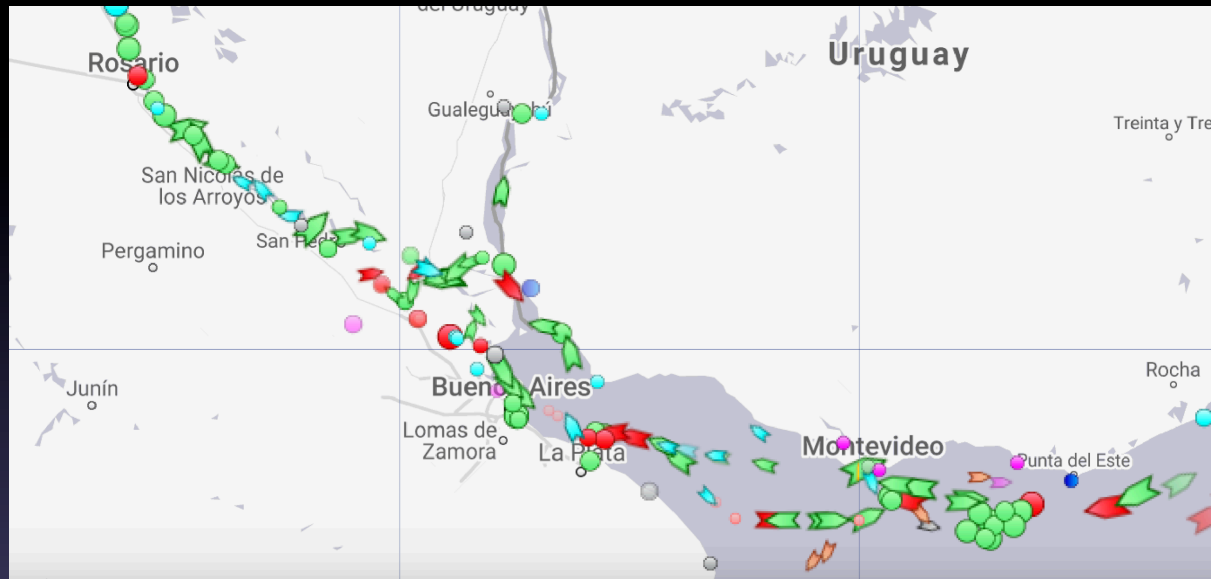
# Invoicing with imagination: Ship arrested for “unproductive hours”

Francisco J. Venetucci  
Shiparrested.com  
16th Annual Members' Conference, Malta  
21 June 2019

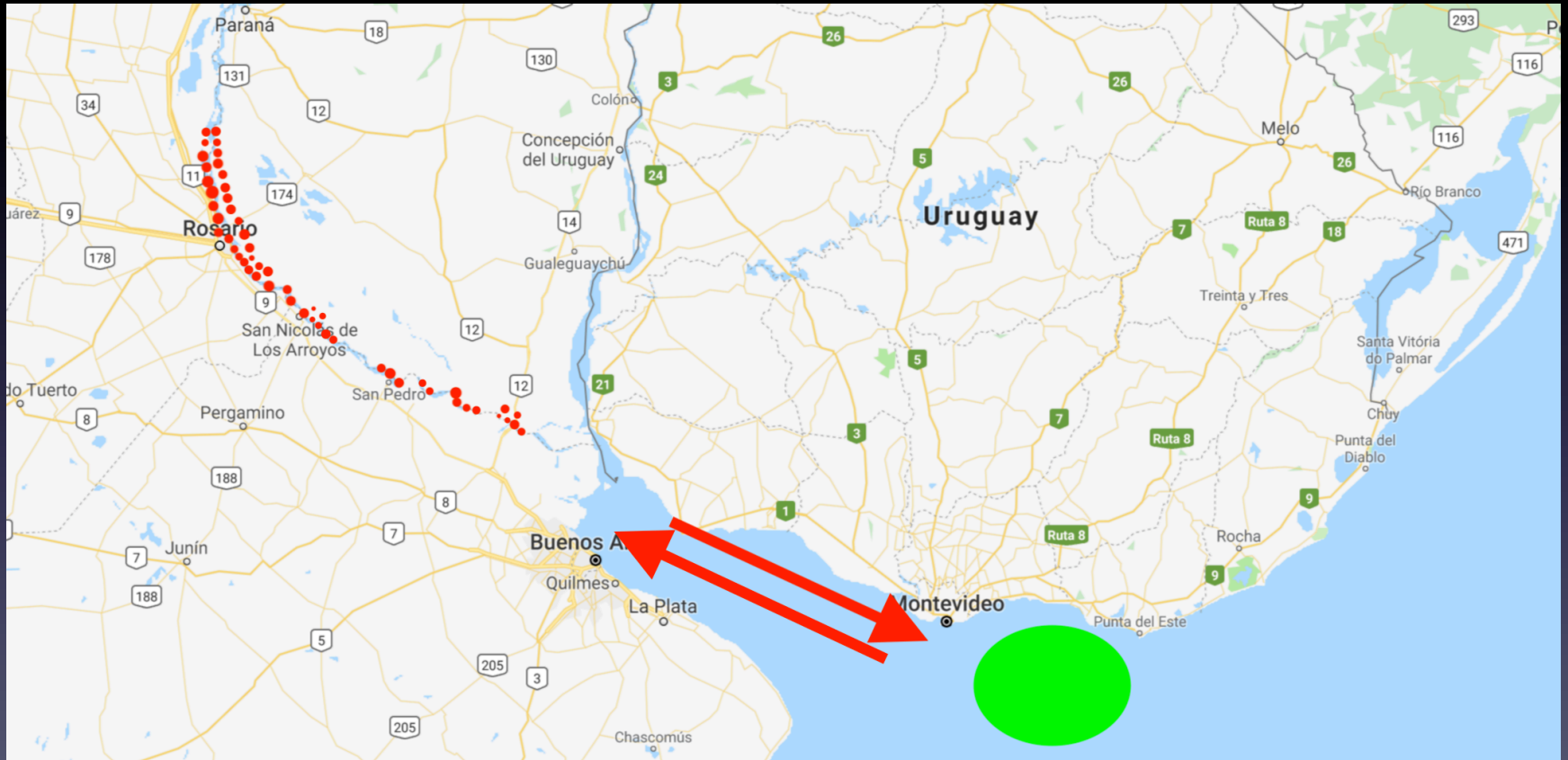


Venetucci  
& A S O C I A D O S

# Congestion in the River Plate and Paraná River



# Authorization to proceed up-river



# Port of San Lorenzo





# Statement of Facts

- Monday
  - 08:00 am: holds rejected
  - 02:00 pm: rotation in the line up
  - 03:30 pm: terminal claims unproductive hours
  - 09:00 pm: holds re-inspected and passed

# Tuesday

- Ship berthed and master forced to sign terminal's terms and condition
- 04:00 pm: the terminal sends the invoice for “unproductive hours” to the sub-charterer's agent
- Ship's ETC for Thursday noon

# Invoice for “unproductive hours”

COMPROBANTE ELECTRONICO																			
<div> <div> <div>Francisco Narciso de Laprida 3175 - Piso 1 B1603AAD Villa Martelli - Buenos Aires - Argentina T(54-11)4468-6000</div> <div>FACTURA</div> </div> <div> <div>CUIT N°</div> <div>Ingresos Brutos C.M. N°</div> <div>Nro. Inc. Ag.Pers.Cordoba</div> <div>Caja Prev. Ex. Com. N°</div> <div>Inicio de Actividades IVA</div> </div> <div> <div>A</div> <div>codigo 91</div> </div> <div> <div>ORIGINAL</div> <div>FECHA 11.06.2019</div> </div> </div>																			
<div>CONTACTO PABLLA CORRESPONDENCIA</div> <div> <div>Sres</div> <div>Domicilio</div> <div>CUIT</div> <div>IVA</div> <div>Ingresos Brutos 30708672870</div> </div>	<div> <div>Sres</div> <div>Domicilio</div> <div>CUIT</div> <div>IVA</div> <div>Ingresos</div> <div>COD.Clie</div> </div>																		
<div> <div> <div>3070867287017003000054440</div> </div> </div>																			
<div> <div> <div>Condiciones de Pago:CONTADO</div> <div>Pedido: ZV04 12133620</div> <div>Vencimiento: 11.06.2019</div> </div> <div> <div>Dias de gracia: 00</div> <div>FA: 91411670</div> </div> </div>																			
<table border="1"> <thead> <tr> <th>Descripción</th> <th>Articulo</th> <th>UM</th> <th>Cantidad</th> <th>Precio Unitario</th> <th>Importe</th> </tr> </thead> <tbody> <tr> <td></td> <td>6001309</td> <td>UN</td> <td>1</td> <td>11.400,0000</td> <td>11.400,00</td> </tr> <tr> <td colspan="6">Remito: Pedido: ZV04 12133620</td> </tr> </tbody> </table>		Descripción	Articulo	UM	Cantidad	Precio Unitario	Importe		6001309	UN	1	11.400,0000	11.400,00	Remito: Pedido: ZV04 12133620					
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<p>Por C/O del Sr. Capitán Armador y/o Propietario del buque [REDACTED]</p> <p>Según reglamento de la Terminal se cobra multa por el tiempo en el cual el buque no ha estado disponible para la carga.</p> <p>Tiempo Perdido: 6 Horas X USD/Hora 1.900</p> <p>[REDACTED]</p>																			
<div> <div>Subtotal</div> <div>11.400,00</div> </div>																			
<p>Importes expresados en Dólares estadounidenses</p> <p>A efectos impositivos el tipo de cambio libre vendedor del Banco Nacion es 44,90000 .</p> <p>Dólares estadounidenses ONCE MIL CUATROCIENTOS con CEHO centavos.</p>																			
<div> <div> <div>3350673744901700369249715294071201906211</div> </div> <div> <div>TOTAL</div> <div>USD 11.400,00</div> </div> </div>																			
<p>El presente documento se abonará en dólares estadounidenses o su equivalente en pesos argentinos al tipo de cambio vendedor BNA del día hábil anterior a la fecha de pago.</p> <p>INTERES MORATORIO: La falta de pago en término de este documento devengará a favor de su emisor la aplicación de un interés moratorio del 3% mensual sobre el monto no pagado.</p>																			
<div> <div>COMPROBANTE AUTORIZADO A.F.I.P.</div> <div>CAE N°: 69249715294071</div> <div>Fecha de Vencimiento 21.06.2019</div> </div>																			

Por C/O del Sr. Capitán Armador y/o Propietario del buque [REDACTED]  
Según reglamento de la Terminal se cobra multa por el tiempo en el cual el buque no ha estado disponible para la carga.  
Tiempo Perdido: 6 Horas X USD/Hora 1.900  
[REDACTED]

*To Master, Manager, owner of MV ---- According to the terminal's rules we are charging a fine for the time the ship was not available to load. Time lost: 6 hours x USD 1900 per hour*

# Wednesday

- 09:00 am: Agent was informed that terminal brought proceeding to seek the arrest.
  - 10:00 am: No claim in the court of Rosario
  - 12:30 pm: proceeding for declaration of non-liability by sub-charterer under t c/p
  - 08:00 pm: heavy rains. Loading delayed. ETC
- Friday.
- 10:00 pm: Dinner



# Thursday

- Midnight: arrest case found in Buenos Aires. Judge ordered the arrest subj to security ---) arrest was not yet served
- 04:00 am: Driving to Buenos Aires (300km) planning to arrive 07:30am



# Thursday (cont.)

- 12:30 pm: court rejected staying proceedings
- Next steps to lift the arrest:
  - Paying to court on a without prejudice basis; or
  - Provide enough security; or
  - Paying to a Public Notary who would retain the funds until the case was solved unless the funds were replaced by a bond from an insurer

# Remarks

- Terminal's terms and conditions

8 – HOLDS INSPECTIONS AND / OR DELAYS

In case the ship rejects the inspection or there are other delays in loading or unloading the corresponding merchandise, [REDACTED] Argentina SA will be entitled to receive, as a penalty clause (art. 790 of the Civil and Commercial Code of the Nation), the sum of USD 1900 for each hour or fraction of delay.

- Laytime clause from C/P:
  - *SHOULD VESSEL FAIL INSPECTION THE TIME LOST FROM SAID FAILURE UNTIL VESSEL PASSES INSPECTION IS NOT TO COUNT AS LAYTIME OR AS TIME ON DEMMURAGE.*

- *Forum shopping*: careful with agents' domicile
- Multiple proceedings
- Reciprocity with the demurrage rate?



Questions?