

Press Release

FOR IMMEDIATE RELEASE

Launch of NYPE 2015 – A Joint Effort by ASBA, BIMCO and SMF on the Industry’s Most Widely Used Standard Form of Dry Cargo Time Charterparty



ASBA



BIMCO



NYPE 2015

TIME CHARTER

New York Produce Exchange Form®
November 6th, 1913 – Amended October 20th, 1921; August 6th, 1931; October 3rd, 1946;
Revised June 12th 1981; September 14th 1993; June 3rd, 2015.

Singapore, 16 October 2015 – The Baltic and International Maritime Council (BIMCO¹) has announced that they can distribute the first revision of the New York Produce Exchange Time Charter (NYPE) since 1993. This revised form is a collaboration between the copyright holder – the Association of Ship Brokers and Agents (ASBA), BIMCO and the Singapore Maritime Foundation (SMF) over the past three years.

“The revised NYPE is the first international shipping form that is a collective effort spanning the globe involving ASBA, BIMCO and SMF. With the extensive global industry stakeholder consultation, we believe that the end product is a contract that better meets user needs and will see quick acceptance and adoption,” said Mr Michael Chia, Chairman of SMF.

¹ BIMCO is the world’s largest international shipping association, with 2,300 members in around 130 countries. Its members represent around two-thirds of the world’s commercial fleet.

The NYPE 2015 form is now available on BIMCO's IDEA2 Charter Party editing system. The revised form reflects changes in commercial practice and recent legal decisions. Recognising that the earlier version was regularly supplemented by various rider clauses added by users, the NYPE 2015 incorporates the most commonly used additional clauses and frequently made amendments into the main body of the contract. This would help users to reduce the risk of overlooking key clauses or adding clauses which might conflict with other provisions.

The NYPE 2015 form incorporates Singapore as one of the three named places for arbitration alongside New York and London. It is updated to align with clauses on the International Safety Management (ISM) and International Ship and Port Facility Security (ISPS) Codes. The NYPE 2015 form also incorporates procedures for slow steaming, hull fouling, piracy and sanctions, amongst others, such that it is in line with current industry practices.

Feedback was also solicited from a series of worldwide consultations last year. SMF's role in this revision was to ensure that Asian views were considered, and SMF organised and hosted the consultation for Asia in Singapore on 8 July 2014, where members of the drafting team explained the changes and improvements to the form and received feedback from the industry. Similar consultation sessions were arranged by BIMCO in London, UK and ASBA in Stamford, Connecticut, USA. The draft form was also posted on the BIMCO website for all stakeholders to review during the second quarter of 2014.

In addition, SMF had also worked closely with BIMCO earlier on to prepare a new Singapore Arbitration Clause for incorporation into the BIMCO Standard Dispute Resolution Clause to appear in all BIMCO contracts. The recognition of Singapore as an official seat of arbitration to represent Asia for disputes arising under BIMCO contracts was a defining milestone of Singapore's international recognition as a key node of the global maritime network. It was also a boost for the development of Singapore as a global maritime arbitration centre.

For more information on the NYPE 2015 form, please refer to the press release from BIMCO attached at Appendix A, which is also accessible via the link below:

https://www.bimco.org/en/News/2015/10/15_NYPE_revision_press.aspx

Appendix A: BIMCO Press Release – “Major revision of NYPE time charter party promises to be both balanced and comprehensive”, 15 October 2015

For media queries, please contact:

Regina Lim

Senior Manager
Corporate Communications
Singapore Maritime Foundation
Tel : (65) 6325-0227
Mobile : (65) 9119-5840

Cheryl Lim

Executive
Corporate Communications
Singapore Maritime Foundation
Tel : (65) 6325-0226
Mobile : (65) 8118-3098

About Singapore Maritime Foundation (SMF)

Established in 2004, the Singapore Maritime Foundation (SMF) is a private sector-led organization that seeks to develop and promote Singapore as an International Maritime Centre (IMC). As the representative voice for the commercial players of the maritime industry, the Foundation seeks to forge strong partnerships with the public and private sectors of the maritime industry. SMF spearheads initiatives to promote the diverse clusters of the maritime industry in Singapore and at international frontiers, and to attract young talents to join the sector. SMF is directed by its Board of Directors which comprises prominent leaders in the Singapore maritime community. For details, visit www.smf.com.sg.

BIMCO PRESS RELEASE

15 October 2015

Major revision of NYPE time charter party promises to be both balanced and comprehensive

BIMCO has today jointly issued the first revision of the New York Produce Exchange Time Charter (NYPE) since 1993, following three years of intensive discussions between BIMCO, copyright holder the Association of Ship Brokers and Agents (ASBA) and the Singapore Maritime Foundation (SMF).

BIMCO, ASBA and the SMF have consulted with the industry globally during the development of the new edition of NYPE to gather a clear picture of commonly made amendments and rider clauses added by practitioners. Careful account has been taken of the interests of owners and charterers together to create a more balanced agreement than in previous versions of the charter.

Key features of NYPE 2015 include:

- A choice of trip or period charter.
 - Optional Not Always Afloat But Safely Aground (NAABSA) provision.
 - Choice of cargo readiness at delivery port or first load port.
 - Obligation on owners/charterers to restrict further employment immediately prior to delivery/re-delivery that might delay the ship.
 - Owners to provide and maintain Certificates of Financial Responsibility for oil pollution as required at the start of the charter period.
 - Detailed bunker provisions for period and trip charter options covering quantities and prices; bunkering operations and sampling; quality and liability; fuel testing; and low sulphur fuels.
 - Updated and clarified hire payment provisions relating to grace period, suspension and withdrawal consistent with recent legal decisions.
 - Detailed and clarified speed and performance clause.
 - A broad choice of law and arbitration options – New York/US law; London/English law; Singapore/Singapore or English law; or a free choice agreed by the parties.
- additional clauses dealing with a range of current issues:
 - hold cleaning/residue disposal in accordance with MARPOL;
 - International Maritime Solid Bulk Cargoes (IMSBC) Code;
 - hull fouling;
 - electronic bills of lading;
 - slow steaming;
 - piracy;
 - ISM/ISPS Codes;
 - ballast water exchange regulations

Søren Larsen, BIMCO's Deputy Secretary General, said:

"We are delighted that our close cooperation with ASBA and SMF has resulted in the completion of this major project to produce a much improved NYPE that will be of great benefit to the industry.

"Users of the current NYPE form will certainly still recognise and be familiar with the core elements of the time charter party, but they can also expect to see some significant changes and improvements.

"Notably, the contract incorporates many of the rider clauses that are routinely added to the existing NYPE – but we have made sure that any new clauses incorporated into the new NYPE are relevant, balanced and consistent with the other provisions.

"Overall, our aim was to create a modern NYPE with global appeal – and I believe that this has been achieved."

Nigel Hawkins, Chairman of the ASBA drafting committee, said

"The 1993 NYPE Charter Party was ripe for updating. ASBA is therefore pleased that with our friends at BIMCO and the Singapore Maritime Foundation we have agreed the wording of an NYPE fit for the present day. ASBA hope that the industry will find this new NYPE a clear and logical document, and, that the industry will note some familiar language contained in past NYPEs."

Michael Chia, Chairman of the Singapore Maritime Foundation, said

"The revised NYPE is the first international shipping form that is a collective effort spanning the globe involving ASBA, BIMCO and the SMF. With the extensive global industry stakeholder consultation we believe that the end product is a contract that better meets user needs and will see quick acceptance and adoption."

ENDS

For more details, please contact Gemma Wilkie, Communications Director at BIMCO on: (Direct) +45 4436 6836, (Mobile) +45 2442 9781 or gw@bimco.org

https://www.bimco.org/en/News/2015/10/15_NYPE_revision_press.aspx

About BIMCO

- BIMCO is the world's largest international shipping association, with 2,300 members in around 130 countries.
- Our members represent around 2/3 of the world's commercial fleet.
- We provide a wide range of services to our global membership – which includes shipowners, operators, managers, brokers and agents.
- BIMCO's core objective is to facilitate the commercial operations of our members by developing standard contracts and clauses, and providing quality information, advice and education.
- BIMCO promotes fair business practices, free trade and open access to markets and we are a strong advocate for the harmonisation and standardisation of all shipping related activity.
- BIMCO actively promotes the application of globally agreed regulatory instruments – we are accredited as a Non-Governmental Organisation (NGO) with all relevant United Nations agencies and other regulatory entities.