Key takeaways from BLG's 37th Annual Maritime Law Seminar

December 15, 2025

Maritime law practitioners and industry stakeholders gathered in Montréal on Dec. 5, 2025, for BLG's flagship maritime event

BLG's Shipping Group recently hosted its 37th Annual Maritime Law Seminar in Montréal, bringing together leading maritime law practitioners, industry representatives, and government officials to discuss the latest legal developments affecting Canada's shipping sector. The seminar featured four focused sessions covering critical topics from marine casualty response to evolving trade regulations, container ship incidents, and salvage operations.

The event attracted maritime professionals from across North America, the United Kingdom and Europe, including representatives from P&I clubs, shipping companies, government agencies, and specialized service providers. Each session combined practical insights with real-world case studies, offering attendees actionable guidance on navigating today's complex maritime legal landscape.

Session 1: Reacting to a marine casualty and pollution in Canada

Tabletop exercise on the grounding of the MV Seaworthy

Moderator: Simon Ledsham, Senior Associate, BLG (Montréal)
Speakers: Cameron Holmes, Fleet Manager, Britannia P&I Club; Jyll Hansen, Senior Counsel, Canadian Coast Guard Legal

This opening session used an interactive tabletop exercise to explore the immediate response to a marine casualty involving a fictional bulk carrier that ran aground in the St. Lawrence River. The scenario included electrical blackout, fuel spillage, and cargo hold flooding, providing a comprehensive framework for examining the roles and responsibilities of various stakeholders during a maritime emergency.

Key takeaways

- **Rapid response is crucial**: Responsiveness from the shipowner is key, especially in the first hours and days following a casualty.
- **Early legal involvement**: Involving local counsel as early as possible, including with onsite attendance, facilitates evidence gathering and preservation, effective communication with onsite authorities, and protection of the shipowner's rights.
- **Understanding governmental roles**: Local counsel will keep the shipowner and club informed of the roles and powers of the various governmental authorities, to maximize collaboration and minimize regulatory risk.
- **Aligned objectives**: All parties responding to a marine casualty are usually working towards similar goals, but they may differ in their assessment of the appropriate means to reach them.
- **Communication is paramount**: Clear, constant, and efficient communication is key to maintaining a good working relationship with governmental authorities.

Session 2: U.S. Trade Representative port fees

Cross-border and industry perspectives

Moderator: Braeden Stang, Associate, BLG (Vancouver)
Speakers: Guillaum Dubreuil, Director, Government Relations and External Affairs, CSL Group Inc.; Matthew J. Thomas, Partner, Blank Rome LLP

This session examined the recent U.S. Trade Representative actions targeting Chinese-built and Chinese-operated vessels, which have created significant uncertainty for North American shipping operations. The discussion traced the timeline from the initial labour union petition through to the temporary suspension of fees, while exploring the broader implications for cross-border maritime trade.

Key takeaways

- **Timeline of recent developments**: On Oct. 14, 2025, port fees and other charges introduced by the United States Trade Representative (USTR) designed to counteract China's targeting of the maritime, logistics, and shipbuilding sectors for dominance took effect.
- **Temporary relief**: Effective Nov. 10, 2025, the USTR announced a one-year suspension of all fees and charges, following a trade deal between the U.S. and China.
- **Ongoing uncertainties**: Notwithstanding the suspension, several questions remain, including: (a) if (and when) the port fees may return; and (b) what may come of earlier proposals to modify the fees to remove key exemptions, such as the existing exemption for lakers.
- **Stakeholder engagement**: Participating in consultation processes or public hearings offer important opportunities for both Canadian and U.S. stakeholders to have their voice heard and possibly influence decision-making.
- **Proactive contracting**: All parties involved in the maritime, logistics, and shipbuilding sectors should be proactive in planning for the next wave of trade actions by reviewing existing and new contracts for terms addressing liability for port fees or tariffs.

Session 3: Container ship incident response

Navigating the aftermath

Introduction: Sarah Sweet, Partner, BLG (Toronto)
Speaker: Ayumi Therrien, Senior Technical Advisor, Triox Environmental Emergencies

Drawing on expertise from major container ship incidents like the ONE Apus, X-Press Pearl, and MSC Zoe, this presentation contrasted container ship incident response with traditional oil spill protocols. The session highlighted the unique challenges posed by diverse cargo types, physical hazards, and the complex regulatory environment surrounding container losses at sea.

Key takeaways

- **Container loss is a multi-dimensional risk**—environmental, navigational, legal—with potentially more complexities than oil spills.
- **SOLAS 2026** mandates reporting, but there is **no global obligation** for retrieval or unified response framework.
- **Misdeclared DGs remain a major liability driver**, with cases like MSC Flaminia highlighting enforcement gaps.
- **Tracking and recovery tools exist**, but lack container-specific contingency plans and legal clarity on responsibility.
- **Future resilience** depends on **tech and policy integration**.

Session 4: Casualty response crossroads

Salvage, wreck removal and P&I coverage

Introduction: Jean-Marie Fontaine, Partner and National Leader, Shipping Focus Group, BLG (Montréal)
Speaker: Ben Harris, Head of Claims – London Branch, Shipowners' Club

The final session provided essential guidance on navigating the critical decisions that arise during the salvage of marine casualties, particularly the choice between different contractual frameworks and understanding insurance coverage implications. Using practical case studies, including a comparative analysis of delayed response versus prompt action, the session illuminated best practices for salvage and wreck removal management.

Key takeaways

- **Critical decision-making in early-stage casualty response**: In the initial emergency phase, the Master/DPA/Owner must quickly determine scale of response, authority involvement, and—crucially—the right form of contract to engage help safely and decisively.
- **Lloyd's Open Form dominance**: Lloyd's Open Form (LOF) remains the dominant post-reward salvage contract. Updated most recently in 2024 and aligned with the 1989 Salvage Convention, LOF binds all parties on a "no cure, no pay" basis, with Article 13 awards paid by property interests in proportion to salved values.

- **SCOPIC as safety net**: The Special Compensation P&I Club Clause (SCOPIC) provides a P&I-backed safety net for salvors. Introduced to resolve issues faced with Article 14, SCOPIC must be expressly incorporated and invoked; it pays tariff rates plus 25 per cent uplift, involves a special casualty representative, and is covered by P&I.
- **Understanding insurance interplay**: Hull and machinery insurance (H&M) covers loss/damage to the vessel and salvage as a partial loss, including sue-and-labour costs; a constructive total loss (CTL) may arise where recovery and repair exceed market value. P&I excludes repair/salvage costs but covers SCOPIC/Article 14 exposure and wreck removal liabilities.
- **Lessons from delay**: As demonstrated with our case study, delay and negotiating towage terms without LOF/SCOPIC led to worsening conditions and failed assistance. When LOF with SCOPIC was signed promptly, pollution was mitigated, and there was an easy transition into wreck removal.

Contact us

For more information about maritime law matters or to discuss how these developments may affect your operations, please contact the key contacts below or any member of BLG's Shipping Group.

By

Jean-Marie Fontaine, Sarah Sweet, Simon Ledsham, Braeden Stang

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BLG Offices

Calgary
Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa
World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver
1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

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