

LEGAL ASSISTANCE FOR THE INDUSTRY OF MARITIME AND DOMESTIC WATER TRANSPORT

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"Practical experience and principles of legal assistance in the industry of maritime and domestic water transport allow predicting perspective results of the case, to work for prevention of conflicts and to offer not only legal expertise, but also a real protection of rights and interests of clients by undertaking full liability for solutions and results of legal assistance".

> Kirill Maslov Managing partner

MISSION OF INMARINE

Inmarine St. Petersburg Law Offices has been established for aiding the industry of maritime and domestic river transport in execution of industry's projects and in providing solutions of legal problems by means of legal assistance. This assistance is provided in accordance to seven following principles:

- Provision of legal assistance in the field of maritime and domestic river transport which is a sector where the team and its members with their knowledge, abilities and skills act with necessary synergy and in proactive manner.
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 - Interviewing and understanding of situation of the principle comes before judicial qualification and solution of the case in practice.
 - Provision of legal assistance starts with visualization of its results by means of preparing a plan of priority actions on the case.

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Earlier accepted cases have priority over new demands – each case must be closed without prejudice to other cases.

- 5 Interaction within the team and contacts with principles and partners is to be based on constant contribution to the balance of recourses, means and results for long-term partnerships.
- 6 Practical value of legal assistance for principle's case is undisputable. Achievement of this value is ensured by proprietary liability of the team and its members.
- 7 The result of legal assistance is to be always for mutual satisfaction and in the interest of the principle and the attorney, not depending on external circumstances and counteractions.

Inmarine St. Petersburg Law Offices provides legal assistance under supervision of Russian Maritime Registry of Shipping, Advocacy Chamber of St. Petersburg, and it is in a constant cooperation with domestic and international industry organizations and entities which ensures exact understanding of current state of the field, timely detection and resolution and issues arising in the industry of maritime and river transport.

NUMBERS AND FACTS

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It is the first law firm which has received a certificate of Russian Maritime Registry of Shipping in relation to provision of legal expertise of maritime projects.

\$400 m.

400 million USD – this is an overall value of deals for sale and purchase and building of vessels, objects of port infrastructure, which has been supported by attorneys of Inmarine for the past 4 years.



More than 650 projects in the field of maritime and domestic water transport.



4 client orientated directions of legal practice in the industry of maritime and domestic water transport: shipbuilding and shipping, carriage of goods by sea, financing of fleet, cargo ownership.



There are 14 maritime regions including of presence, Bremerhaven, Rotterdam, Klaipeda, Helsinki, Tallinn, St. Petersburg, Novorossiysk, Astrakhan, Rostov-na-Donu, Vladivostok, Samsun, Mersin, Pusan, Qingdao, Singapore.





40 states in which our attorneys has supported maritime projects of principles.





Legal practice in 10 fields of Law in the maritime and river transport sector.



Participation in legislative process and elimination of "holes" in field related laws in cooperation with Federal Agency of Maritime and River Fleet, Ministry of Justice, deputies of State Duma in Federal Assembly.

Accreditation with largest financial institutes in Russia.

Attorneys in the Law Offices often act as experts on various TV channels ("Channel One", "Channel Five", RBK). Legal evaluations of Inmarine attorneys are constantly published on websites of korabel.ru and portnews.ru



Provision of legal assistance to worldwide shipping lines and cargo owners, including Mediterranean Shipping Company, Finnlines, Wallenius Wilhelmsen, United European Car Carriers, representation office of "BBC Chartering&Logostic", Caterpillar, SIBUR.

> \$9 млн.

More than 9 million USD – this is the value of awards for principles gained with the help of company's attorneys.



"One stop shop" principle applies. Support of regional and transnational projects, including projects where English or other European law applies. The Principle works with one attorney on all stages of the project. Shipping broker with the same Inmarine brand name offers services in sale and purchase of fleet, chartering, marine insurance and customs declaration of vessels and cargo.



Inmarine is participating in the work of international and national field organizations (BIMCO, Russian Chamber of Shipping, Russian Maritime Registry of Shipping, St. Petersburg Chamber of Commerce).

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TO SHIPOWNERS

SALE AND PURCHASE OF FLEET / VESSEL BUILDING AND

In accordance to Russian law, sea and river vessels as simultaneously sources of high danger and real property objects. Inmarine assists shipowners in building and purchase of new vessels, to satisfy demands for classification procedures, registration, port state control and safety of navigation. In the process of work on the deal, attorneys perform identification of vessel and its supplies, accessories. They develop terms and order of delivery and acceptance of vessel, payments; they provide for guarantee of vessel being "clean" in legal and technical sense; they structure the deal bases on demands of public, tax and custom shipping sector law. A complex approach toward legal regulation, choice of safe terms and proper applicable law and litigation entity are the key factors for successful purchase of fleet.

- Expert study of vessel and shipowner;
- Support of sale and purchase of vessel / shipbuilding and construction;
- Settlement of disputes in relation to sale and purchase of vessel / shipbuilding and construction.

VESSEL CHARTER

In the period of charter the vessel is in fact out of owner's possession, and the charterer uses the vessel for his own benefit without actual control of the shipowner. Inmarine performs complex legal evaluation of charterer's reliability and of risks related to chartering away the vessel in general. A system of legal norms on vessel's exploitation is developed, which guarantees vessel's satisfying technical and commercial state and a possibility to control risks of non-payment of freight, collisions and other incidents, including passing of maritime claims by third persons.

- Expert study of vessel and shipowner / charterer;
- Support of vessel's charter deal;
- Settlement of disputes in relation to vessel charter.

PERFORMANCE OF CARRIAGE AND WORKS

Legal support for carriage of goods by maritime and domestic water transport is a process in which each stage has to be judicially regulated: nomination of the vessel, delivery and loading, carriage, discharge and handing out the cargo. The company creates a structure to relationships in the process of carriage, division of liability, settlement of issues in relation to delay and damage to vessel in loading and discharge, settlement of disputes in relation to non-payment of freight and additional expenses. Additionally, legal protection is provided for in cases of General Average, collision, liability for damages to third persons and environment.

- Consultations on means of carriage of goods by sea or by river transport;
- Support of deals for carriage of goods by sea and river transport;
- Settlement of incidents at sea;
- Settlement of maritime liens on the vessel;
- Acquirement of permission for cabotage for a vessel under foreign flag.

Complex consultation of representation office of BBC Chartering & Logistic GmbH&Co on the issue of registration of fleet in Russian International Shipping Register and on the issue of sailing on North Maritime Route.

Development of structure of ownership of fleet for Russian Cruses LLC. Charter contracts and sales contracts for vessels "Meteor" and "Moscow" have been created. Consultation has been performed on the issues of safety of navigation and satisfaction of licensing requirements for performance of passenger carriage by sea and river transport.

Legal support for shipping company Maritime Energy (Group of Companies Morskaya Tekhnika) in a deal for purchase of vessel Baltysky-108 (IMO: 7612424): evaluation of risks on the basis of available classification, convention documents, on memorandum of agreement for sale of vessel, vessel's registration, consultations on vessel's commercial usage.

Representation of interests of Russian shipping company in a dispute with a Swedish shipowner for return of deposit payment based on agreement to sell vessel BALTIC PRINT (IMO: 7802079). The buyer has lost interest in purchase, and attorneys have successfully proven the actual basis for proportionate return of deposit.

Support of deal for purchase of vessels ATLANTIC ISLAND (IMO: 9210335), SEA CHALLENGER (IMO: 9322114) and EK RIVER (IMO: 9056868) in the interest of Cross Arctic Trans LLC: expertise of the vessel and shipowner, analysis of the deal and related risks, structured planning and preparation of algorithm of the deal, development of draft Memorandum of agreement and negotiation of additional clauses up to the final version of agreement.

Creation of structure of the process of acceptance and delivery of cargoes in Russian ports for Finnlines. Development of a scheme of legal relations between a shipping line, an agent, a port terminal, customs services, a freight forwarder and cargo receiver in the process of handing out the cargo in port of discharge.

Legal evaluation and development of contract for building and construction of vessel in Poland for Pacific Marine JSC: evaluation of Norwegian standard form contract of the shipyard, application of English law norms, formulating of guarantees of financial security, making a structure for the process of the deal.

Evaluation of perspectives for collection of debt in a form of freight payments and cargo expenses for Mediterranean Shipping Company Rus LLC: check of cargo owner's financial credibility, search of property and actives, collection of due diligence data and documents.

Pre-judicial settlement of dispute between Turkish shipowner Maximar Shipping and Trading Co. Ltd with a Russian cargo receiver in relation to payment of demurrage for detention of vessel MARTYN LATSIS (IMO: 8038223) and penalties for delay in payment of freight.

Consultation and legal support for ShipHanza GmbH company on the issues of vessels' charter, including time charter of EMERALD vessel (IMO: 8903052).

Protection of interests of Norwegian shipowner in a dispute with insurance company in relation to non-payment of insurance compensation for damage occurred during grounding of the vessel in Tarhalsen (Norway).

TO CARRIAGE ORGANIZERS AND SHIP CHENDLERS

MARITIME AGENCY

Activities of maritime agent for organizing vessel's stay in marine port are performed in accordance with demands of his principle and in short deadlines' mode. Maritime agent provides for not only fast execution of his duties in relation to vessel's arrival to the port or in relation of handling of cargo, but also forms the results of such activities in accordance to requirements of shipowner - the principle, being interested in his reward. Legal regulation of agency process, structuring of relations, establishment of functional duties and volume of liability, checking of availability of documents and forms which guarantee the rights of the agent to receive his reward and a compensation of his expenses without prejudice to effective fleet service - these are the key factors for no-loss business development which is ensured by practice of cargo shipping in Inmarine.

- Regulation of relations between maritime agent and shipowner;
- Legal support of vessel's stay in Russia / Russian port;
- Legal assistance in organization and support for cargo handling in port;
- Regulation of relations with port authorities, terminal, stevedoring companies;
- Settlement of claims in relation to maritime agency.

FREIGHT FORWARDING SERVICES

Activities of freight forwarding the maritime cargoes which is in nature a intermediary business, are highly dependant on good faith actions of third persons – the carrier, the cargo sender, the cargo receiver. The freight forwarder can become a hostage to situations such as non-payment or non-fulfillment of obligations by the cargo sender, cargo receiver, the carrier. Establishment of existence of a right in a certain situation to withhold the cargo or to perform a setoff and to protect lawful interest – all of this is provided for by special instruments of legal protection for maritime logistic companies.

- Consultation on the issues of freight forwarding of maritime cargoes;
- Legal support of logistic operations;
- Settlement of transport and logistics disputes.

SUPPLY AND SERVICE TO FLEET

Activities of providing supplies and service are the key ones to ensure functioning of the crew and the vessel. This includes supply of food, fuel, and elimination of waste, repair works, salvage and other activities which are followed by certain risks, including non-payment for these services. Prevention and regulation of risks of non-payment and other misuses are performed with a help of structuring and legal regulation of relations in relation of service to the vessel, with use of contractual guarantees of financial security, and also mechanisms of providing for unconditional right to arrest and sell the vessel as security.

- Collection of debt due to maritime liens;
- Regulation of relations between supplier and shipowner;
- Protection of interests of seafarers in relations with shipowner / crewing company / Russian Professional Seafarers Union.

¹⁻ As carriage organizers are to be considered all companies which offer services of freight forwarding and agency in the industry of maritime and domestic water transport

Legal assistance in formation and structuring of process of acceptance and delivery of cargo in port for Wallenius Wilhelmsen Logistics LLC. Creation of mechanism for transfer of liability for unclaimed cargo on to the controlling party: negotiation of contract for cargo handling services with port terminal operator, contract for cargo acceptance and delivery with freight forwarder / cargo receiver, making additions to agency agreement with a shipping line – the principle.

Legal assistance in obtaining the permit for cabotage for a car carrier vessel AUTOPRESTIGE (IMO: 9190157) in the interest of United European Car Carriers.

Creation of planned system of supply and service for foreign safety equipment for the vessels of Wallenius Ships Service LLC.

Introduction of legal requirements of 2006 Maritime Labor Convention for the company Bureau Ship Service LTD (Latvia): analysis and development of management system for safety of navigation, development of working model for system of compliance with Convention's requirements (policy, documentary forms, instructions, documentary flow, reports, liability), development of draft declaration of compliance with Convention rules, issuing of official letter-report on compliance with Convention norms.

Representation of interests of Group of Companies Maritime Service in a dispute with a shipowner for a claim for compensation of debt for supply of fuel to a vessel AKTIVA (IMO: 7408873). The case has been resolved successfully by a settlement agreement between parties. The debt has been fully paid.

Protection of Unigroup Marine Fuels Corp. company in a dispute with a shipowner and manager of vessel LASKA (IMO: 7225922) for payment of debt for supply of fuel based on contract of adhesion. The attorneys has proven applicability of Russian court jurisdiction to a case between two foreign companies, and has secured enforcement of decision in Lithuania.

Primary registration and full legal support of commercial activities of Baltic Logistic Service LLC, including establishment of internal rules and contractual base of the company for work with Russian and foreign shipowners, suppliers of vessel equipment and services.

Protection of freight forwarding company Atlant LLC against a claim from other freight forwarding company for compensation of additional expenses. The claimant's case has been refused, the principle has successfully collected all litigation expenses. The attorneys has successfully established the absence of liability of the principle for claimed expenses of any kind.

Consultation of Port Vyborgsky LLC on the issues of provision of services for handling of vast number of types of general bulk cargo (mineral fertilizers, coal, ore, cast iron, scrap), food and chemical liquid cargoes.

Consultation of Fuel Systems Engineering LLC on the issue of legal regulation of activities to sale and usage of floating stations in Italy.

TO FINANCIAL INSTITUTIONS

MORTGAGE FOR PURCHASE / BUILDING OF VESSEL

Providing finance to maritime business is connected to necessity to understand the economics activity in this field, especially when the borrower owns vessels under foreign flag. The practice of financing the fleet allows credit entities to get complex expertise of shipping business and the vessel, as an object of lien. The attorneys perform an evaluation of borrower's compliance with rules of field law including proper formalization of rights of ownership on the vessel, history of vessel's usage, existence of liens and maritime liens. Such legal assistance allows to exclude risks of financing a problematic business and fleet, and to manage the risks of non-performance of obligations by the borrower.

- Legal expertise of the shipowner and the vessel as an object of lien;
- Support of deals for mortgage of the vessel;
- Settlement of disputes in financing and mortgage of vessel or vessel in construction.

LEASING OF VESSEL

Leasing of a vessel is a solution which requires competency and recourses not only in the field of finance, but also in the field of shipping because the owner of the vessel as an object of real property and object of increased danger shall be the leasing company which is not a professional shipper or vessel user. Management of specific risks in maritime projects (breach of area of exploitation, vessel arrest, pollution, total loss, collision, confiscation of vessel, piracy, breach of port control rules and state border regime) is provided for in contract of leasing of vessel with elements of bareboat charter (leasing contract on the terms of bareboat charter). Independent judicial expertise and support for maritime projects for leasing companies allows to receive maximum means to control the vessel as an object of leasing, and to ensure the rights of leasing company to receive due payments without prejudice to commercial benefit of leasing from the point of view of the client.

- Legal expertise of maritime projects for leasing companies;
- Support for leasing operations with vessels;
- Settlement of disputes in relation to leasing of vessels.

INSURANCE OF VESSELS AND SHIPOWNER'S LIABILITY

Legal assistance in investigation, judicial qualification and settlement of consequences of events which can be considered as insured, including after receiving the notice from the insured about break down of main engine, grounding, stranding, pollution and other incidents. A full cycle of maritime losses settlement, starting from timely examination of place of incident, evaluation of damages, and up to protection of insurer's claim and position in Russian commercial courts of all levels, and international arbitration courts (LMAA, GMAA, ICC, LCIA, SCC, AAA, SIAC, ICAC, MCAS, MAC).

- Legal expertise of collisions of maritime and river vessels;
- Settlement of maritime losses (collisions of maritime and river vessels);
- Representation of interest of the insurer in relations with the insured party and tortfeasor.

Legal expertise and support of leasing operation for Alfa Leasing LLC to lease away the vessel KAMCHATKA HARVEST (IMO: 9113068) on bareboat charter terms: legal evaluation of sale and purchase contract, creation of deal's structure and of normative basis for vessel's leasing, consultation on the issue of registration of vessels in the name of leasing company, registered primarily in the region with no marine port.

Consultation for Alfa Leasing LLC on the issues of risk management in relation to arrest and confiscation of vessel when it is operated in jurisdiction of Japan, North and South Korea.

Search and expropriation from illegal possession of insolvent lease of 9 units of leased equipment in the interest and for the benefit of Caterpillar Financial LLC.

Support of a leaseback operation for Group of companies Interleasing. Consultation on the issues of purchase from the leaser and of delivery to a lease of tanker vessels LAURA (IMO: 8226466), NEMAN (IMO: 8843006) and carrier vessel for oil and ore NEFTERUDOVOZ-44M (IMO: 8136714), NEFTERUDOVOZ-50M (IMO: 8726155), NEFTERUDOVOZ-56M (IMO: 8726210). Development of legal regulation of special field related risks in a contract for sale and purchase of vessels, and in Rules of leasing.

Consultation for an insurance broker Blue Wind Marine Insurance Service on the issue of settlement of loss due to break down of main engine on the vessel BLACK STONE (IMO 7704265)

Securing the interest of a large St. Petersburg bank in a deal on financing a shipping company by establishment of a mortgage on three bulk cargo vessels of mixed type (river and sea vessel). Development of a contract of prime priority mortgage on a vessel in Russian and English languages, registration of mortgage in Shipping Register of Marshall Islands.

Consultation of Russian insurance company on the issue of interpretation and application of single articles in Institute Time Clauses (ITC). Company's attorneys have performed a comparison and legal study and have formulated recommendations on how to apply English law clauses in marine insurance contracts.

TO CARGO OWNERS

Parties to a domestic or international contract for supply of goods by choosing a method of delivery by water transport inevitably become subjects to maritime shipping. Practice of provision of legal assistance to cargo owners is allowing to Russian and foreign producers, suppliers to get an expertise and experience of a company in support of carriage of goods by sea and by several types of transport. One shall make a choice of terms of carriage, formulate clauses for a charter party and bill of lading, nominate a vessel for the voyage, establish the requirements and terms of delivery / loading of the vessel, establish the level of liability of the carrier, order of delivery / discharge of cargo.

Legal assistance is provided also to cargo owners whose cargo has been detained, arrested, forcefully sold, damaged in the process of carriage, loading or discharge works, collision of General Average, fire, incident, grounding and other circumstances. Attorneys provide legal assistance to cargo owners in dealings with shipping lines and agents on the issues of handing out the cargo and establishment of right of ownership of cargo.

Additionally, the experts of cargo related practice provide consultations and represent interests of foreign and Russian cargo owners on the issues of customs declaration of vessels and cargoes, obtaining certificates and licenses in accordance to requirements of WTO and Customs Union.

- Legal assistance in development of terms of supply and carriage of goods;
- Protection of interests in loading and receiving of cargo, including collection of damages;
- Consultations on the issues of customs declaration and licensing;
- Settlement of disputes with Customs services and Currency control services.

TO EXECUTORS OF MARITIME WORKS

For our principles Inmarine provides knowledge and professional experience obtained by the team in our participation in infrastructure projects, including works of seabed improvement works and aggradations of territories (capital and repair projects for improvement in ports, improvement of channel bed, reconstruction of beaches, improvement of rocky ground, extraction of sand in open seas), placement of hydrotechnical constructions and performance of other activities with usage of water objects.

Inmarine provides consultations to executors of maritime works on the issues of water recourses usage, placement of water constructions, licensing, obtaining of permits and negotiating production with authorized

state field specialized organizations and other issues in relation to execution of projects in industry of maritime and domestic water transport.

- Legal expertise of maritime infrastructure projects;
- Legal assistance in execution of projects in maritime infrastructure;
- Consultation on the issues of usage of water recourses and placement of hydrotechnical constructions, execution of works.

Consultation of Port Vyborgsky LLC in a dispute with Federal Customs Service in relation to establishment of codes of Nomenclature of Goods in International Trade, nominated to a port crane.

Legal support for SIBUR International GmbH in a project for organization of supplies of oil and chemical products by sea on terms CPT, FOB, CFR, FCA. Consultations on the issue of regulation of relations and level of liability of different carriers in a multimodal carriage.

Presentation of interests of American exporting company for bio fuel Evans Holdings in a dispute with CCTL JSC about compensation of damages due to low quality of cargo handling of wooden granules in port of St. Petersburg which had led to demurrage of vessels SIEGFRID LEMANN (IMO: 9325142) and SESTRORETSK (IMO: 7801867). Lawyers has successfully proven that stevedoring company has breached the rules of storage of cargo, and that loading of vessels, as per terms of contract, has been delayed.

Pre-court settlement of dispute between owner of a printing equipment, Ogma LLC (000 Ogma) with a freight forwarder about compensation of cargo expenses which has occurred as a result of a mistake in documentation and additional storage.

Protection of interests of FG Wilson (Engineering) Limited and Caterpillar company in a case of bankruptcy of company A.D.D with a demand for payment of debt for supply of diesel generators on the basis of bank guarantee as per English law.

Consultation of supplier of building materials – Corporation TechnoNICOLE (000 Rufinvest) in a case of General Average of the vessel MSC FLAMINIA (IMO: 9225615):legal evaluation of incident, provision of instructions on order of information to insurance company about insured event, providing security bond by the insurance company in General Average.

Legal evaluation of insurance coverage for carriage of goods by sea, for electromagnetic spare parts for Setevye Kompensatory Reactivnoy Mochnosty LLC (000 Setevye Kompensatory Reactivnoy Mochnosty).

Consultation and legal support of process of sending and delivery of cargo from supplier of nonwoven materials ENIMO LLC: providing guarantees of liability of the carrier and freight forwarder for following the deadlines of delivery of transport and delivery of cargo.

Detention of vessel SAMRAA ALKHALLEJ (IMO: 9331141) on demand of LAMDA MARITIME HOLDINGS LTD in relation to non-execution by the shipowner of his duty to deliver the vessel.

Protection of interests of Russian supplier of fasteners RUSBOLT LLC in a dispute with the buyer about non-payment of the price of supply contract. Attorneys of the company have successfully pierced the corporate veil and have proven liability of company's director for company's obligations.

Consultation of Port Vyborgsky LLC on legal issues of obtaining investments for technical development of port and execution of works for repair of berths.

Legal protection of STRABAG Wasserbau GmbH in a dispute with I.I.C JSC for collection of debt for services for provision of specialized fleet to perform seabed improvement works.

LIABILITY FOR PROVISION OF LEGAL ASSISTANCE

One of the key principles of legal practice of Inmarine St. Petersburg Law Offices is achievement of practical value result of legal assistance, providing real solution for the case on its actual facts and baring responsibility for such legal assistance.

Practical benefit and result of legal assistance.

Inmarine puts payment of larger part of fees in dependence with achievement of principle's goal, providing for not only legal assistance, but also a real solution of the case when its result is fully dependent on actions of the attorney (article 16 of Code of professional attorney's ethics).

Managing deadlines for execution of projects.

On each appeal to Inmarine there is a project instruction is prepared with the principle, which includes factual description of the case, list of necessary actions and deadlines. The principle receives a confirmation of understanding of his situation by the attorney, and attorney's liability for following deadlines is guaranteed by a sum of up to 20% jn the size of fee.

Quality of legal assistance.

Provision of legal assistance is made only on cases related to maritime and domestic water transport, a field in which attorneys possess enough skills, qualification and experience. That is why Inmarine undertakes responsibility for quality of consultations, documents and actions on the case in a size of their own fee.

Protection from proprietary risks and financial losses.

Risk of occurrence of damage as a result of provision of professional activities by Inmarine is insured by insurance coverage of professional liability of lawyers and attorneys.

If there are any risks related to the case which cannot be managed the principle will be warned about them before the start of action on the case. Inmarine attorneys, based on their own experience of legal assistance in the industry of maritime and domestic water transport, accept cases which has perspective for a positive resolution in the interest of the principle.

LEGAL ASSISTANCE FOR THE INDUSTRY OF MARITIME AND DOMESTIC WATER TRANSPORT

- building and construction, sale and purchase, supply of fleet;
- delivery and acceptance of vessels into charter;
- carriage of goods by sea and maritime incidents;
- maritime agency and freight forwarding;
- maritime liens and other claims, vessel related claims;
- lifting of sunken property and vessel tug and tow;
- financing of maritime projects (crediting, mortgage, leasing);
- marine insurance, insurance of shipowners' liability;
- execution of maritime works and projects in maritime infrastructure.

Types of provided legal assistance are certified by Russian Maritime Registry of Shipping. Certificate of compliance N 13.0014.327, dated 20.11.2013.





St. Petersburg Law Offices

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