

# INTERNATIONAL TRADE SUCCESS DEPENDS ON REGULATING THE 'CHAIN OF COMMERCE' - LENER

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**Misunderstandings about the terms of international trade can be exploited by some operators who do not act in good faith, so contracts that clarify responsibilities are vital**

There is a clear distinction between shipping law and legal matters relating to cargo and trading, according to Lener senior lawyer Raquel Palacios. "Shipping law is very much about advising on the entire life-cycle of a ship from construction to finance to insurance," she explains. "Separate to that are the cargo issues and the various trading laws that need to be handled."

Palacios says that, with regard to cargo-related matters, prompt and effective action must be taken to protect the interests of the parties involved. "The delay in the legal response means the limitation of actions against those responsible for cargo damage."

Lener works on contracts for international trade companies, ranging from sales agreements to freight clauses, conditions for the receipt of merchandise, and matters concerning damage to goods during transportation or latent defects. "We are active in the trade and transportation of minerals, food – perishables and frozen products – waste products and commodities," she says. "Such goods require careful consideration when it comes to contracts, import and export matters and procedures."

According to Palacios, one of the keys to success in the international market is the introduction of “mechanisms of defence” in contracts that regulate relations with foreign operators as well as the responsibilities of different participants in the “chain of international commerce”. She adds: “A misunderstanding in the terms of international trade can generate cases of unsuccessful operations and may be used by some operators who do not act in good faith.”

Trade between Spain and China, in particular, is providing a significant amount of work for shipping lawyers, Palacios says. She adds that the different regimes in Europe and China mean that clients often need to understand how both sets of rules work when it comes to documentation, inspections and environmental law.