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LEGAL OPINION

Collision

A vessel collided to another one when effecting mooring action. The other vessel, a coastal ferry, was already moored. Collision occurred under good weather conditions.

The already moored vessel's crew was under no duty to look out or to use signals for the avoidance of the collision. Nor was she under the duty to place fenders in the side not adjacent to the quay. Such fenders had to be placed by the vessel approaching.

In view of above, the vessel effecting mooring action was found 100% guilty for the collision.

Guilty vessel owner was found liable to rectify damages sustained. However, given that no reduce in the passenger movement was experienced for the innocent vessel after the collision and completion of repairs, the guilty vessel owners were not found liable for moral damages as well.

Piraeus one-membered Court of Appeal Judgment no 566/2010, Judge: M. Kottaki, Attorneys at law: K. Tatakis, M. Dalakos, P. Sikiaridis, Maritime Law Review vol. 46, p. 116.

NOTE: Under the Brussels Convention 1911, the liability of each vessel participating in a collision depends on the degree of fault of each vessel. This applies also where the vessels are moored.

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