

# NEWSFRONT

## GREEK SHIPPING INTELLIGENCE

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### LEGAL OPINION

#### Collision

A vessel was anchored next to smaller ships. She was under no ballast, and thus easy to drift when winds picked up. When this happened, she drifted due to non-proper anchoring, and pushed the vessel beside her, which was also drifting.

The latter vessel's owner sued the other owner, claiming the vessel was not properly anchored and sought damages. The latter alleged the vessel was properly moored and the occurrence was due to force

majeure. They also invoked approval by the local port authorities of the way they had anchored, and also that the vessel's mooring position was indicated by the port.

The court rejected above allegations: it is a duty of all vessels to be safely anchored and to observe safety in mooring throughout mooring period. The owner of a vessel is under the obligation to take the appropriate measures to that effect. Further, the strong winds during the occurrence were not extraordinary, and it was possible to maintain the vessel properly and safely moored had the owners taken appropriate action. The owners of guilty vessel were liable for rectification of innocent vessel owners damages.

One-membered Court of Appeal Judgment no 525/2016, Judge: H. Saramanti, Attorneys at law: V. Kalfopoulou, Ev. Astras, Maritime Law Review vol. 44, p. 125.

NOTE: For a collision to be considered as inevitable, and thus apportioning no liability whatsoever, it is necessary to have force majeure, e.g. unpredictable and extremely adverse weather conditions, engine damage (not due to master's fault etc). In the case considered, we did not have these circumstances as the weather conditions were foreseeable and could be expected, being adverse but not extreme.

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