

NEWSFRONT

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LEGAL OPINION

Hague Visby Rules – Time bar subrogation

In a case of cargo damaged during sea transport, the insurers paid the cargo interests for the loss suffered and sued the carrier, being subrogated in the rights of cargo owners towards the carrier.

The lawsuit was filed approximately 14 months from the delivery of the goods, whereas the Hague Visby Rules, applicable in this case, provide for a 12 months time bar from goods' delivery to the carrier.

Under Greek law, in case of insurance subrogation, no time bar can apply unless six months have lapsed since the subrogation took place.

It has to be noted also that payment of insurance remuneration took place 11 months after delivery of the goods.

So, the Court found the time bar, which was supposed to lapse by January 2008, was extended till May 2008, and filing of the lawsuit in March 2008, was within the time bar period as extended. So the insurers could lawfully sue the carrier without being prevented from time bar.

Supreme Court Judgment no 1092/2014, Presiding Judge: A. Koutromanos, Rapporteur Judge: E. Kladogenis, Attorneys at law: L. Vasilopoulos, D. Plakidas, Maritime Law Review vol. 42, p. 227.

NOTE: The Rules provide for the time bar duration; however, suspension or extension of the time-bar, are regulated by local law. Here, the Court, when applying the time bar Rules, took into account the Greek law provisions on extension thereof.

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