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LEGAL OPINION

Enforcement against vessels compared to enforcement against real estate

Under Greek law, the provisions for seizure of real estate property also apply for the seizure of vessels. However, this should not lead to the conclusion that all provisions regarding execution of claims secured by mortgage on real estate can also apply for vessels.

Provisions where analogous treatment is granted to vessels, are confined solely to seizure, which is part of the whole execution procedure.

Seizure of a vessel needs two services to be implemented, one to the Registrar and one to the Harbor Master where vessel lies. The latter is under a duty to prevent the vessel from sailing, as he only can check the form of the seizure document.

So, any provision for the enforcement of claims against real estate, are not by definition applicable to vessels. Only the seizure provisions are, as only in them is relevant extension to vessels provided.

Piraeus One Membered Court of Appeal Judgment no 196/ 2014, Judge: F. Tserkertzoglou, Attorneys at law: Sp. Lalas, An. Skounti, Maritime Law Review vol. 42, p. 117.

NOTE: This is a distinction that cannot be easily traced and applied, however one should be conscious of it. Possible action under the conception of analogous application of any enforcement provision to vessels, without distinguishing whether this is a seizure or general execution provision, may lead the enforcing party to experience undesired surprises.

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