

# NEWSFRONT

## GREEK SHIPPING INTELLIGENCE

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## LEGAL OPINION

### Collision

Where we have collision in Greek territorial waters, degree of fault of each vessel is considered to establish liability. Accordingly, in case fault exists on one vessel only, damages burden such vessel. Where we have fault on both vessels, liability is established according to the degree of contribution of each vessel to the collision. In case no exact degree of fault of each vessel can be established, liability is shared between the vessels.

Liability is apportioned as a general proposition, according to the seriousness of the fault of each vessel. Parallel personal liability of the individual whose actions led to the collision (to the degree proven) applies (eg master), in case of wilful act or negligence.

Force majeure can be invoked in case of exceptional and unforeseen event, incapable of being avoided following preventive action of a prudent and diligent individual.

Piraeus Three-membered Court of Appeal Judgment no 585/2021, President: Sp. Makri, Rapporteur Judge: Th. Karakatsanis, Attorneys at law: M. Arvaniti, A. Nasikas, Maritime Law Review vol. 49, p. 30.

NOTE: We can have collision even without physical contact, eg waving caused by a vessel entering port in a speed above the one permitted, leading to cause movement of safely anchored vessel and collision of same on the pier, creates liability to the entering vessel.

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