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LEGAL OPINION

Hague - Visby Rules / Carrier's Liability

Carrier, under Hague - Visby rules, is liable towards any party holding an interest in the cargo. In case of damage or loss to the cargo, the carrier has the onus of proof that he is not liable. Hague Visby rules cover solely the period of sea transport, from loading to discharge, they do not cover the parts of carriage between seller's warehouse till loading and discharge till acceptance of the goods by the receiver.

For such parts of the transport, the carrier can agree limitation or exclusion of liability, and has also the burden of proof of such limitation or exclusion.

Damages are measured on the basis of exchange value or current market value of the goods. At least one of such calculations should be mentioned in the lawsuit document, otherwise the lawsuit is rejected as vague.

Piraeus one-membered Court of Appeal Judgment no 113/2019, Judge: Ath. Theofanis, Attorneys at law: An. Biagiati, N. Gerasimou, D. Pliatsikas, Maritime Law Review vol. 47, p. 20.

NOTE: Parties holding an interest on the goods transported can be the shipper, receiver holder of bill of lading, insurer following subrogation, cargo lender as pledgee, assignee of receiver's rights.

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