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LEGAL OPINION

Pollution

In case of pollution or possible risk of pollution, the director and other responsible individuals of the establishment where such pollution occurs, are under the duty to report same to the competent Port Authority or the Ministry, and assume action for the avoidance or limitation of the pollution. They should act according to existing pollution avoidance plan.

In case the polluting party is unable to proceed with the necessary measures to avoid pollution, it is under the obligation to immediately appoint anti-pollution companies to address the issue.

The Port Authority, at its end, adopts every possible measure to avoid or limit the pollution, and informs accordingly the polluting party. It can use and coordinate private means aiming to face the threat of pollution, and request the assistance of private organisations possessing relevant experience and means. It also supervises the works and ensures they are conducted promptly and with approved methodology.

Apart from the entity which is responsible for the pollution, liable parties are also jointly the managing director or BoD president of it and any legal representative of the entity, and the person who caused the pollution.

Piraeus three-membered Court of Appeal Judgment no 620/2019, Judge: D. Tsoutsani, Attorneys at law: D. Lykoudi, M. Stamouli, Maritime Law Review vol. 47, p. 273.

NOTE: Polluting party delaying to appoint anti-polluting company, is liable regarding the consequences of such delay.

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