

NEWSFRONT

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LEGAL OPINION

Bill of lading / Jurisdiction clause

In a contract of carriage of frozen food, to be carried in a refrigerator-container on FOB terms, the cooling system proved to function inadequately, and as a result, the goods were damaged. The malfunction of the container was found before loading.

The cargo interests sued the carrier, among others, before the Greek courts. The latter invoked a jurisdiction clause in the b/l, providing for New York jurisdiction, and alleged that the Greek Courts were incompetent to assume this case.

However, the b/l did not bear the signatures of both parties to it, and thus the jurisdiction clause was found of no effect. Further, given that the damage occurred on the land leg, the b/l jurisdiction clause would in any case not be applicable here.

Piraeus Court of Appeal Judgment no 139/2023, President: Th. Karakatsanis, attorneys at law: F. Tsin-tos, V. Dalianis, S. Stylianou, NOMOS legal platform.

NOTE: Defendants attempted to rely on EU Regulation 1215/2012, which however did not apply for US.

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