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LEGAL OPINION

Salvage

For salvage remuneration to apply, the peril must be real, even if not present, but reasonably apprehended. For salvage remuneration calculation, certain factors are taken into account, namely: The salvage value (vessel, cargo etc), skills and efforts of the salvor to mitigate environmental damage, degree of success, nature and extent of the peril, salvor's skills and efforts to save the vessel, time devoted, costs, damages and risks of the salvor or its equipment, degree of readiness and adequacy of the salvor's equipment.

Salvage is distinguished from towage, as in the former the existence of peril is crucial; in the latter, it suffices that the vessel cannot sail through its own motive power (wholly or partially).

Towage is further distinguished as follows: Where the towed vessel has crew and control over her motion, we have a tow services agreement. Where the towed vessel lacks control of her motion, it is under the command of the towing vessel and follows the latter as a floating object; in such case, we have a charter agreement whereby the tow is chartered by the towed vessel's interests.

Piraeus One-membered Court of Appeal Judgment no 445/2024, Judge: Th. Karakatsanis, attorneys at law: A. Eleftheriou, G. Aspiotis, NOMOS legal platform.

NOTE: A usual defense of the endangered vessel interests in salvage cases, is that the action was not salvage but rather towage. The merits of each case will define what indeed applies.

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