

# NEWSFRONT

## GREEK SHIPPING INTELLIGENCE

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### LEGAL OPINION

#### Grounding - Liability of vessel

A vessel called into a Greek island port under adverse weather conditions. It moored and discharge started, however the ropes of a nearby anchored tug had snapped due to the weather conditions and the tug was drifting without command towards the vessel. Under strong winds, the vessel had to negotiate very difficult maneuvers, trying to avoid the tug and nearby reefs.

The tug was finally driven by the winds and it grounded on a beach close to the port. The tug owners sued the vessel, alleging the propeller function while mooring, created strong waves which led to the ropes breaking and the subsequent grounding of the tug.

From the evidence produced, the Court found the tug was moored with four ropes only, and the master and crew had left it and were ashore.

It was also proved the ropes had broken before the vessel arrived, and that the master of the tug should have been aware of the expected weather conditions, so he should have taken preventive action to protect the tug. Such action would be either to use more ropes and remain onboard with the crew, or to take the tug to a safer port.

In view of above, the vessel owners were found not liable, and the tug owners' claim was rejected.

Piraeus Court of Appeal Judgment no 869/2013, President: P. Tsandekidou, Rapporteur Judge: G. Dimakis, Attorneys at law: Chr. Stefanis, M. Arvaniti, Commercial law review vol. 66, p. 148.

NOTE: The duty of tug's master to foresee the adverse weather conditions and instigate measures to prevent the damage was not performed here. Further, evasive action by the other vessel could have led to collision claim if the latter sustained damage trying to avoid the apprehended collision.

*The legal column was written by Manolis Eglezos, Attorney at law,  
Manolis Eglezos & Associates Law Firm, Attorneys at Law and Consultants*