

# NEWSFRONT

## GREEK SHIPPING INTELLIGENCE

02 October 2015

Vol. 16 / No. 37



### LEGAL OPINION

#### Collision

A professional pleasure sailing yacht was en route to the island of Thira from the island of Sifnos. Another vessel approached the yacht at high speed and the yacht reduced speed and called the approaching vessel via VHF to prevent any mishap, but received no reply. The approaching vessel overtook the yacht in front of the bow, while it should have crossed the yacht behind the latter. The yacht reversed engines and turned to the right in order to avoid the approaching vessel, which was also maneuvering at the right.

Despite this maneuvering, the vessels collided, the approaching vessel having contact via its right side, with the left part of the yacht's fore part. The approaching vessel continued its route, while the yacht, despite the damage, managed to sail to its calling port.

The yacht interests sued the approaching vessel's owner claiming collision damages, and fault 100% burdening the latter. The approaching vessel's owner challenged and invoked 40% contributory fault on the part of the yacht.

However, evidence was in favour of 100% fault on the approaching vessel. The latter's log book made a summarised reference of the collision, while the yacht's log book was very descriptive. Witnesses confirmed the route of the approaching vessel in front of the yacht, in violation of relevant rules. So, the fault was allocated 100% to the approaching vessel.

Piraeus Court of Appeal Judgment no 102/2014, President: P. Tsandekidou, Rapporteur Judge: F. Tserketzoglou, Attorneys at law: E. Latsoudis, G. Tassiopoulos, Maritime Law Review vol. 42, p. 123.

NOTE: Under Greek Law, where there is fault of one vessel only, the damages burden the latter. If both vessels contributed to the collision, burden is allocated according to the adjudged degree of fault of each vessel. If the degree of apportionment is not clear, vessels are to share the damages equally.

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