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LEGAL OPINION

Charter-party / Duties of Owner and Charterer

The duty of the shipowner in a charter-party is to carry a cargo by ship from one place to another against a consideration, which is the freight.

It has the attributes of both lease and rendering of services, but the lease is however prevailing.

The shipowner should have the vessel available at the loading place, effect the loading and the stowage. The charterer is under the obligation to pay the freight.

In case the charterer terminates the charter-party prior to the beginning of the loading, the owner is entitled to half freight. If termination takes place following the beginning of loading, the owner is entitled to the entire freight.

Piraeus one-membered Court of Appeal Judgment no 340/2020, Judge: M. Papadogrigorakou, Attorney at law: D. Georgiou, G. Michailidis, Maritime Law Review vol. 48, p. 92.

NOTE: The fact that the lease is the prevailing attribute of a charter-party, leads to the application of Greek Civil Code provisions on lease in the case when the Greek Code of Private Maritime Law provisions do not sufficiently cover an issue.

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