



20 arrests in 2016!

Международная Юридическая Служба

Interlegal

SHIPARREST from the Ukrainian perspective

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MNI

14th Annual Shiparrested.com Conference
6-8 July 2017 · St. Petersburg, Russia

Interlegal in figures:

- 20+** years of practice
- 37** specialists in main office
- 9** practices
- 26** professional associations membership
- 24/7** client support
- 1000** client files closed in 2016
- 11** unique books
- 700+** articles & publications
- 300+** years of combined experience



Specialized

In: Black Sea region



In: Shipping

Transport & Logistics
International Trade
Ports & Terminals

Corporate

Investment & transactions
Litigation & arbitration

- a) preliminary arrest in security of a maritime claim pursuant to the order of the Court/ Commercial court;
- b) arrest within the frame of enforcement of Court or arbitration award in accordance with national legislation;
- c) arrest of a ship under a criminal matter. Commercial courts and courts of general jurisdiction are the state courts which exercise jurisdiction over maritime disputes.

1952 Brussels Arrest Convention

Merchant Shipping Code

Commercial Procedural Code



the Term “Ship Arrest”

de-fi'-na-ble (-na-), adj. al
defined, def'-in-ite (-it), a
defined ; exact ; certain,
def-i-ni'-tion (-r
an exact description (i
de-fin'-i-tive (-i-tiv

Arrest of Foreign Ship under the Merchant Shipping Code of Ukraine



Ship Arrest Jurisdiction of the Ukrainian Courts



SCANNED documents by email:

- Legal Services agreement
- Company documents
- Evidences of the debt

HOW TO START?

1 full working DAY may be enough



The Courts may require counter-security (up to 100%) as a prerequisite for arrest of a ship, but in practice it happens rarely.





**New Commercial Procedural Code
is coming**



GEORGIA



- **Regulations:** domestic Law (Convention 1952, 1999 implemented)
- **Period of arrest: 10 days**
- **Sister-ships:** applicable
- **Associated ships:** not applicable
- **Counter-security:** used, usually from 10% up to 20% of the claimed amount



Loading Port: Yeisk

Cargo: barley 1600 T

Charter: GENCON 1994

Clean on board BL: 07 February

PORT STATE CONTROL INSPECTION

Detention due to PSC observations

Vessel left

28 February



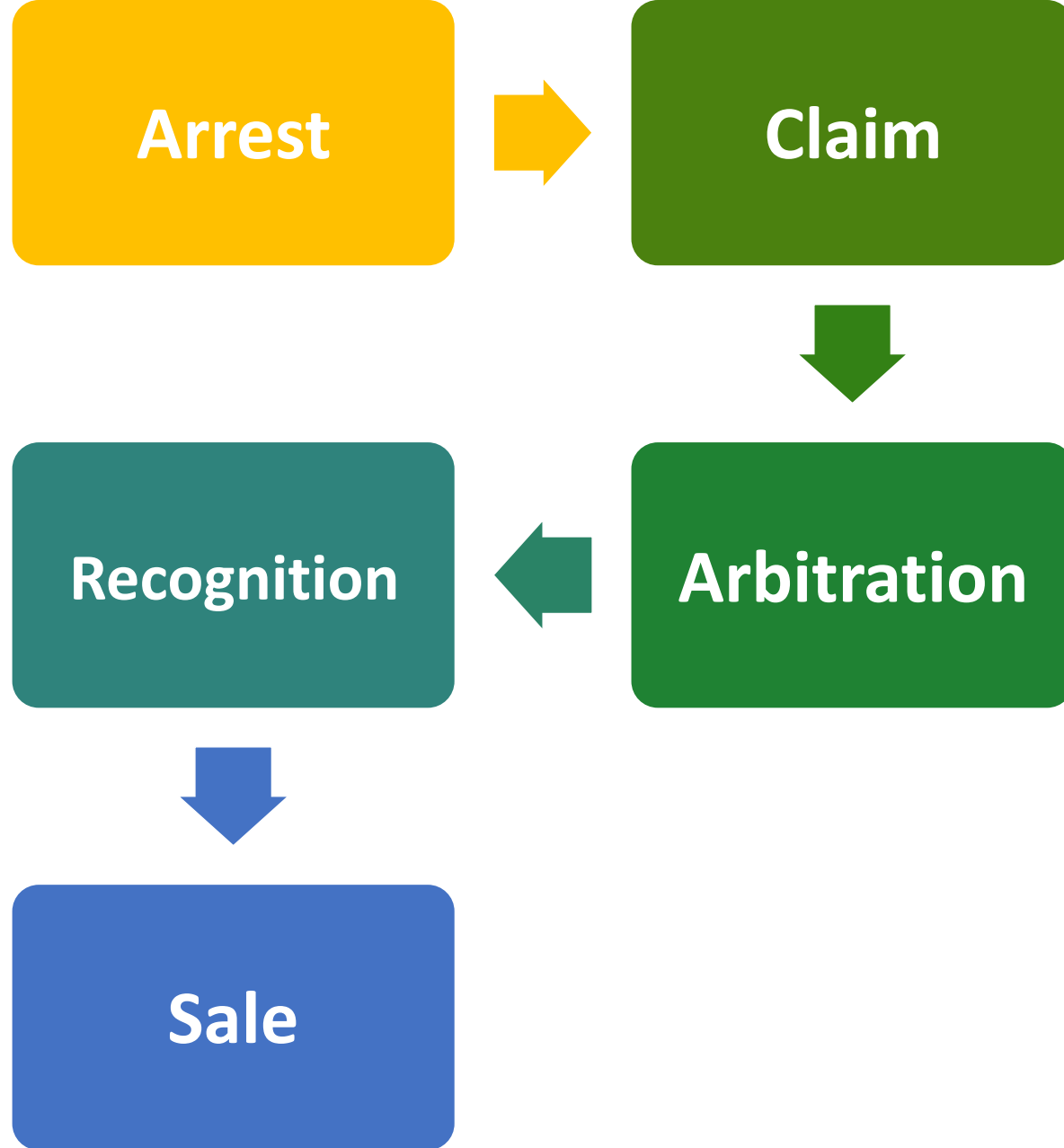
Cargo Owners Claim

Damage to the cargo:
494,000 USD

Delay in delivering:
47,000 USD

Total: 541,000 USD

Satisfied: 494, 000 USD





E-auction in Georgia

- Free of charge registration
- It does not require personal presence (registration by attorney-at-law)
- The guarantee amount to 10% of the value of the lot
- Return of the guarantee amount within 5 days
- Vessel can be sold through e-auction not only by enforcement but also as per settlement of parties



LOCAL REGULATIONS

PORT RULES of GEORGIA - 2012

Article 10. Ships Enter to the Port

The entry of the ship to or departure out of the port takes place at any time during a 24 hour day except in the event of bad weather and certain circumstances justifying the prohibition of the entry and departure of ships to and out of the port.

PROHIBITION
to ENTER the PORT
from the HARBOUR
MASTER VALID for
72 HOURS

საქართველოს
ეკონომიკისა და
მდგრადი
განვითარების
სამინისტრო



MINISTRY OF ECONOMY
AND SUSTAINABLE
DEVELOPMENT OF
GEORGIA

სსიპ საზღვაო ტრანსპორტის
სააგენტო

LEPL MARITIME TRANSPORT
AGENCY



KA020136105367114

ფოტის ნაცვადგურის სახელმწიფო ზედამხედველობისა და კონტროლის სამსახური 245631632, საქართველო, ქ. ფოთი, 4400, აღმაშენებლის
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245631632, 52 Aghmashenebeli Str., 4400, Poti, Georgia. Tel.: +995 493 27 78 66 ; +995 493 27 78 65

№ 08-02/26

2014 / 06 /23

TO: CAPTAIN MV [REDACTED]
MR. [REDACTED] ALEXANDER
FLAG: RUSSIA/ IMO # [REDACTED]
AGENT: "PACE SHIPPING"

TO WHOM IT MY CONCERN

NOTIFICATION OF REJECTION OF SHIP'S PORT ENTRY

DEAR CAPTAIN,

PLS BE INFORMED THAT ACCORDING TO OFFICIAL LETTER DD 23.06.2014 FROM LAWYER OF [REDACTED] MR. [REDACTED] AS REPRESENTATIVE OF "[REDACTED] AND [REDACTED] CO LTD", DECLARED THAT THEY HAVE FINANCIAL CLAIMS AGAINST THE "[REDACTED]" MOSKOV, RUSSIA (AS CARGO SHIPPER) IN AMOUNT 44990 USD AND ASKING FOR VSL'S REJECTION FOR PORT ENTRY.

ACCORDING TO "PORT RULES" OF GEORGIA – 2012, ARTICLE-10, YOUR VSL'S ENTRY IN PORT OF POTI REJECTED AND SUSPENDED UNTIL SETTLEMENT OF THE DEBATABLE MATTER.

THIS NOTIFICATION CAME INTO FORCE ON 23.06.2014. AT 17.00 .LT.

PLEASE INFORM TO ALL CONCERNED PARTIES.

YOURS FAITHFULLY HARBOUR MASTER OF POTI
PORT

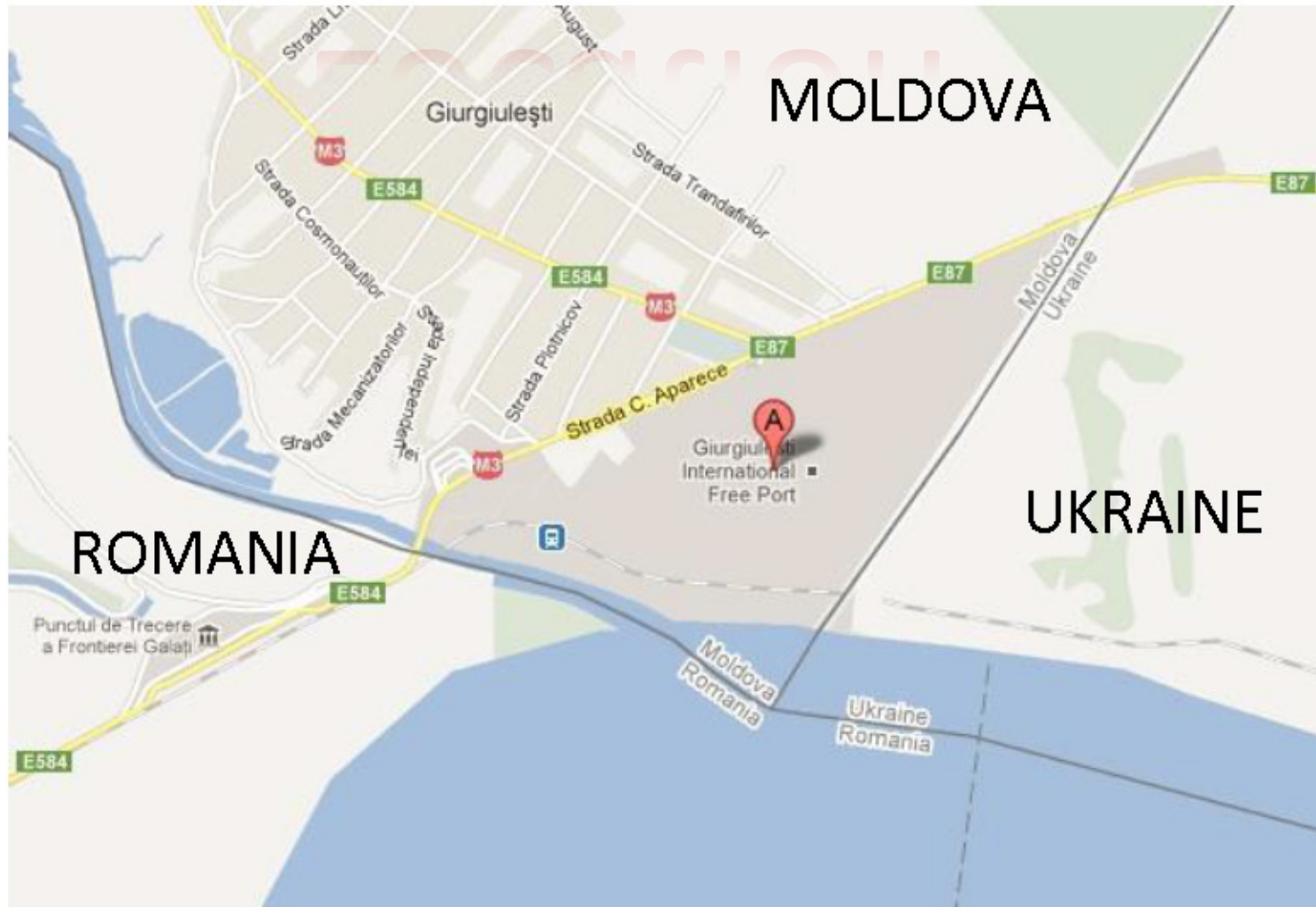
V. TAVBERIDZE



MOLDOVA



Location



Carriage geography



Distances calculated based on 10 knots vessel speed, www.searates.com





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