

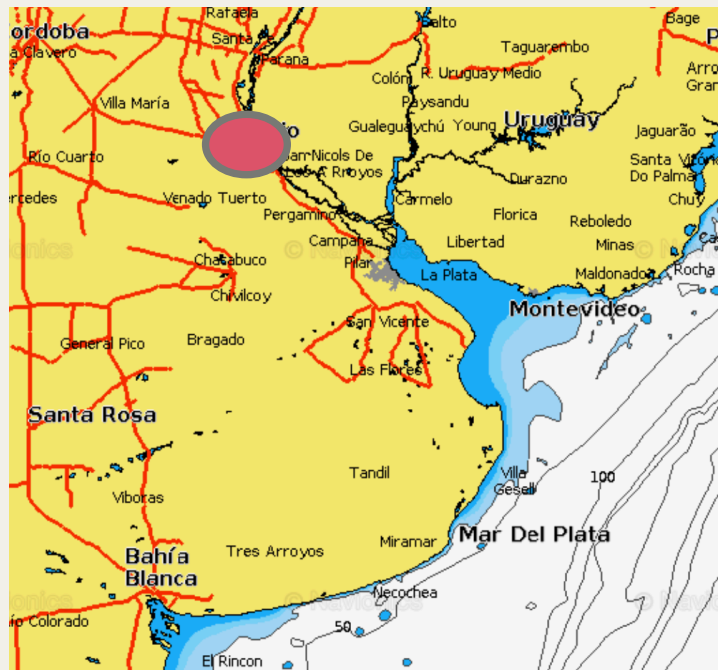
ARREST PROCEEDINGS IN ARGENTINA



San Lorenzo – Rosario – Buenos Aires - Bahia Blanca – Necochea

Port Activity in Argentina

- Up-river ports
 - *3500 bulk carriers/tankers loading in bulk*
 - *Paraguayan barges from Bolivia, Paraguay and Brazil*
- Southern ports
- Buenos Aires
 - *Container ships*
 - *Tanker ships*





General rules for ship arrest

- Navigation Act 20.094/73
- Civil and Commercial Procedural Code (CCPC)
- International Convention For The Unification Of Certain Rules Of Law Relating To Maritime Liens And Mortgages, 1926

Types of Claims:

- Preferred claims;
 - Maritime lien? // Continental Law v. Common Law
 - *Lex rei sitae* v. *Lex causae*
 - Characterization of a “*preferred claim*” and the law of the flag
 - UK flag
- Claims regarding **debts incurred in Argentina** and in connection with the ship;
- Claims regarding any debt where **Argentine courts have jurisdiction**.
 - Conflict of laws
 - Jurisdiction agreement

Release of ship

- LoU: procedural aspects should be considered
- Payments to the Court: pros and cons
- Release procedure
- When does a claim on the merits become timebarred?

Ship arrest practice

- Convenient jurisdiction
- Flexibility in term of documents needed to request the arrest
- *No cure no pay* rule for court fees (3% of the amount claimed)
- Proceeding *inaudita parte*
- Security is not an obstacle
- Existing precedents regarding ships with flag of Liberia, Marshall Island, Panama, UK.

Different scenarios to the traditional arrest of ships

- Unloading ops: Customs' draft survey leading to figures discrepancy and shortage claims + fines
- Loading ops: Ship v. Shore figures
- Holds/tanks inspections:
 - *Unlawful rejection*
 - *Unlawful approval -----) Cargo contamination*
- Garbage inspections -----) Marpol Convention Annex V v. Domestic regulations



Questions?

Thank you!