

SHIPPING & TRANSPORT

Cyprus

New regulation governs passage of ships through Cyprus territorial waters

Author: Costas Stamatiou

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FEXBL7>)

The passage of vessels through Cyprus territorial waters has been regulated by new legislation which recently entered into force. The law defines the circumstances in which Cyprus may exercise its criminal or civil jurisdiction in relation to ships passing through the territorial sea and persons aboard them.

Germany

Accessory obligation in container shipping: liability and limitation of liability

Author: Caroline Hagenberg

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FEXBLK>)

The Hamburg Court of Appeal has ruled on a carrier's liability for damages deriving from a defective container provided by the carrier to the shipper which loaded it with goods. The court held the carrier responsible for the damages on the basis of the breach of an accessory obligation.

Brazil

Court decides that towage and berthing are differentiated services

Author: Godofredo Mendes Vianna

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FGQDHG>)

A Brazilian shipping company that operates with tugboats in its port operations filed a request for amendment of judgment against a decision of the Superior Federal Court's First Panel. The court had ruled that the service of towage constituted part of the berthing and unberthing of vessels; thus, the services tax applied. The company argued that there was no legal provision for the taxation requirement.

Netherlands

E-protocol to CMR enters into force

Author: Jos van der Meché

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FGQDHN>)

The United Nations Economic Commission for Europe Protocol to the Convention on the Contract for the International Carriage of Goods by Road, to which the Netherlands is a signatory, has now entered into force in the Netherlands and the other four states which have ratified it. The e-protocol is designed to ease international road freight by allowing the use of electronic consignment notes in international road transport.

Belgium

Supreme Court on relationship between carrier and holder of bill of lading

Author: Dirk Noels

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FFTCSM>)

The Supreme Court recently considered the relationship between a carrier and a holder of a bill of lading. Two issues were addressed: whether the holder of a bill of lading is bound by a jurisdiction clause contained in the bill of lading, and whether the holder is bound by a choice-of-law clause.

Brazil

Jurisdiction for salvage from foreign ships sunk in Brazilian waters

Author: Godofredo Mendes Vianna

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FFTCTB>)

A Dutch salvage company filed a lawsuit against the owners of recovered cargo from a Liberian ship that sank in Brazilian territorial waters. It aimed to prevent the owners from taking their goods from the port prior to effecting the payment of the premium that the salvors were entitled to by virtue of the salvage agreed with the vessel's master.

Cyprus

Digital publications now authorised aboard Cyprus flag ships

Author: Costas Stamatiou

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FFTCU4>)

The Department of Merchant Shipping recently notified its decision to authorise the use of nautical publications (eg, sailing directions, lists of lights, notices to mariners, tide tables and other publications necessary for their intended voyage) in digital format aboard Cyprus flag ships, and to accept such publications as meeting the requirements specified in SOLAS Regulation V/27.

USA

Trying in rem and in personam claims together

Authors: Antonio J Rodriguez, Christian Sauce, Michael Harowski

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FFTCUU>)

The US Court of Appeals for the Fifth Circuit has affirmed a district court order holding that *in rem* claims asserted under admiralty jurisdiction filed in the same complaint as *in personam* claims asserted in diversity must be tried together before a jury when the plaintiff clearly expresses its intent that the *in personam* claims be premised on diversity jurisdiction rather than in admiralty.

AVIATION

Canada

Aviation insurer decision to deny coverage upheld

Author: *Carlos P Martins*

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FGQDE4>)

The estate of a pilot involved in a fatal accident sought recovery of the value of the aircraft from his insurer. At the time of the accident the pilot held a private pilot's licence, but his medical certificate had expired, so the insurer denied coverage. However, the court applied the *contra proferentem* rule and concluded that the loss was covered. This decision has now been overturned on appeal.