

SHIPPING & TRANSPORT

7

Philippines

Seafarer has no cause of action in NLRC disability claim

While being treated for a heart ailment, a seafarer filed a complaint before the National Labour Relations Commission claiming total and permanent disability. The Supreme Court dismissed the complaint for lack of a cause of action. At the time of filing the complaint, the seafarer was still being treated and it was still undetermined whether he would be declared fit or permanently disabled by the company doctor.

Author: Ruben T Del Rosario

(Read article <http://www.internationallawoffice.com/?i=55592&l=7HCL59B>)

8

USA

Are uninspected towing vessels adequately crewed?

To prevent vessels from operating with inadequate crews, the Coast Guard provides detailed requirements to which all operators of uninspected towing vessels must adhere when manning their vessels. As the costs of non-compliance can be severe, it is important to spend time analyzing the make-up of crews to ensure that they comply with the applicable rules and regulations.

Author: Lawrence R DeMarcay

	(Read article http://www.internationallawoffice.com/?i=55592&l=7HCL5A1)
9	<p>Brazil</p> <p>Appellate court confirms maritime agent not liable for carrier's actions</p> <p>In a recent case, the Ninth Civil Chamber of the Court of Appeals decided unanimously not to grant an appellant's claim in relation to liability for damages. The court upheld the first instance ruling that as the company summoned as defendant was not the actual carrier but its maritime agent, there was no consumer relationship between the defendant and the plaintiff, and therefore the Consumer Code did not apply.</p> <p>Author: Godofredo Mendes Vianna</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7HDQBTM)</p>
10	<p>China</p> <p>Issuing agent held not liable for releasing goods without bill of lading</p> <p>In a case concerning compensation liability for the release of goods without a bill of lading, the defendant was a qualified non-vessel operating common carrier, but also had a certificate for handling international forwarding. The plaintiff failed to distinguish between the freight forwarder and non-vessel operating common carrier and thus did not make its action against the right defendant, causing the court to rule against it.</p> <p>Author: Jin Yu-Lai</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7HDQBUE)</p>
11	<p>Cyprus</p> <p>Appellate court confirms lack of jurisdiction in ship arrest case</p> <p>The Supreme Court of Cyprus, in its role as Admiralty Court, recently upheld a first instance decision to dismiss a case due to lack of jurisdiction. It appears from this decision that the court, in its admiralty jurisdiction, will not proceed with interim orders against a vessel under its jurisdiction where such orders are not directly applicable to, or otherwise linked with, an underlying action <i>in rem</i> against the vessel itself.</p> <p>Author: Vasileios Psyrras</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7HDQBVD)</p>
12	<p>Cyprus</p> <p>Court rejects shipping agent's claim due to lack of jurisdiction</p> <p>A recent <i>ex parte</i> application was made by Anyland Travel Agency for an arrest warrant against a ship for which it acted as agent. Anyland sought to invoke the Supreme Court of Cyprus in its admiralty jurisdiction at first instance. The court rejected the case, arguing that Anyland had provided no basis for the claim and that the wording of the relevant laws allowed for no such inference.</p> <p>Author: Vasileios Psyrras</p>

(Read article <http://www.internationallawoffice.com/?i=55592&l=7HEVH9F>)

13

Philippines

Voluntary arbitrators have jurisdiction over seafarers' claims

The heirs of a seafarer initiated grievance proceedings against his employer with the Associated Marine Officers' and Seamen's Union of the Philippines, claiming death benefits under a collective bargaining agreement. The labor arbiter awarded death benefits to the heirs as requested and the award was affirmed by the National Labor Relations Commission.

Author: Ruben T Del Rosario

(Read article <http://www.internationallawoffice.com/?i=55592&l=7HEVHA2>)