

	AVIATION
22	<p>Germany</p> <p>No mineral oil tax exemption for corporate aircraft</p> <p>The Federal Finance Court has ruled that the mineral oil tax exemption may be granted to air carriers only. However, it did not address the potential overlap of the EU Energy Taxation Directive and the EU Emissions Trading Scheme. As the exemption from the scheme for commercial air carriers does not apply to non-commercial operators (ie, undertakings with corporate aircraft), such operators will be charged twice.</p> <p>Author: Katja Helen Brecke</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H22LXB)</p>
23	<p>Canada</p> <p>Certificate type holder added to aviation claim</p> <p>In a claim relating to an air crash, the plaintiff sued, among others, an "advertently misnamed corporate defendant". After the expiry of the limitation period, the plaintiff sought to substitute another company, Viking Air Ltd, for that defendant or to add Viking as a defendant. However, Viking's role was as the holder of the type certificate for the aircraft, meaning that it had published the flight and maintenance manuals.</p> <p>Author: Carlos P Martins</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H5B01K)</p>
24	<p>Macau</p> <p>Draft law to implement Chicago Convention rules</p> <p>A new draft law lays down the principles governing the investigation of air accidents and incidents and the processing and protection of air safety information. If passed, it is expected to reduce an already low accident rate, despite the projected increase in Macau's air traffic in the coming years.</p> <p>Authors: Pedro Cortés, Marta Mourão Teixeira</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H5B02C)</p>
25	<p>Switzerland</p> <p>Switzerland and Germany sign international air traffic treaty</p> <p>Federal Councillor Doris Leuthard and German Transport Minister Peter Ramsauer have signed an international air traffic treaty in Berne. With this treaty, Switzerland and its northern neighbour Germany hope to settle a decade-long dispute about the reorganisation of landing approaches to Zurich International Airport over the southern German area. The treaty has yet to be ratified by the parliaments of both countries.</p> <p>Author: Philippe G Wenker</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H5B03H)</p>

	SHIPPING & TRANSPORT
26	<p>Cyprus</p> <p>Law on compliance with flag state requirements enters into force</p> <p>The Merchant Shipping (Compliance with Flag State Requirements) Law recently entered into force, following publication in the <i>Official Gazette</i>. The law sets out the obligations of Cyprus as a flag state, which must be discharged in an effective and consistent manner with other EU member states, and aims to enhance safety and prevent pollution from ships flying the Cyprus flag.</p> <p>Author: Costas Stamatiou</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H22LXP)</p>
27	<p>Russia</p> <p>The basics of parallel ship registration</p> <p>Parallel registration of ships under the Russian flag was first made possible in 1999, when the current Merchant Shipping Code replaced the Soviet Merchant Shipping Code. The new code made it possible for ships that are permanently registered under flags of other countries to be temporarily transferred to the Russian flag with the permission of the central authority responsible for merchant shipping.</p> <p>Author: Alexander V Mednikov</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H22LYN)</p>
28	<p>Germany</p> <p>Are vessels protected from arrest during preliminary insolvency proceedings?</p> <p>Seagoing vessels are protected from arrest during insolvency proceedings under insolvency law, but whether they are similarly protected during preliminary insolvency proceedings is less clear. According to a decision of the Bremen Regional Court, the arrest of a vessel is also prohibited during preliminary insolvency proceedings if it is arrested outside of the German jurisdiction.</p> <p>Authors: Sarah Wolf, Olaf Hartenstein</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H34UKM)</p>
29	<p>Chile</p> <p>Court confirms competence of arbitration tribunals for maritime disputes</p> <p>Article 1203 of the Commercial Code establishes the general principle that the resolution of any maritime dispute, including those relating to marine insurance, is subject to arbitration. However, in certain cases the ordinary civil courts may hear maritime disputes. The Supreme Court of Justice has recently confirmed the correct interpretation criteria and held that mandatory arbitration applies for shipping disputes.</p> <p>Author: Ricardo Rozas</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H45W6Q)</p>
30	<p>Netherlands</p>

	<p>Legislative change to implement Athens Protocol and EU passenger liability rules</p> <p>The government has agreed to amend national law to facilitate the implementation of international and European legislation governing the carriage of passengers by sea. The amendments will see the Athens Convention and its protocol and EU Regulation 392/2009 enter into force - although in relation to the protocol, a reservation has been made in respect of carriers' liability.</p> <p>Author: Hannah Verhoeven</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H45W6W)</p>
31	<p>Brazil</p> <p>Court affirms that demurrage charge has indemnificatory nature</p> <p>A shipping company recently filed a lawsuit against a client that had hired its sea carriage services, following a delay from the client in returning the container used in the carriage. The Sao Paulo Court of Appeals overturned a first instance decision and held that, as the defendant had not proved that it was not at fault for the delay in returning the container, it should pay the overstay charge.</p> <p>Author: Godofredo Mendes Vianna</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H5AZYA)</p>
32	<p>China</p> <p>Protection and indemnity club not a legal entity, immune from lawsuits</p> <p>Two ships, the M/V SF and the M/V CS, collided in the port of Tianjin, causing much damage to the CS. The CS's owner filed an action for damages against the owner of the SF and its protection and indemnity club insurer. The club argued, among other things, that it was merely a trade brand jointly used by 12 insurers and thus not a legal entity that could be sued. The court ruled in favour of the club, dismissing the claim.</p> <p>Author: Jin Yu-Lai</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H5AZZ3)</p>
33	<p>Finland</p> <p>Will boycotts against foreign vessels end at last?</p> <p>The Finnish Seaman's Union (FSU) has long subjected foreign flagged vessels to harassment. If a foreign vessel that applies a collective bargaining agreement which the FSU dislikes calls at a Finnish port, the FSU tends to claim the right to negotiate a new collective bargaining agreement for the vessel. The FSU has almost never sought a mandate from the crew, but claims that it has a right to negotiate.</p> <p>Authors: Matti Komonen, Herman Ljungberg</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H5AZZT)</p>
34	<p>Italy</p> <p>Carriers held fully liable only when probable damages are foreseen</p> <p>A Tribunal of Genoa decision has affirmed that damage claims against carriers for full liability must prove not only that the carrier's behavior had been grossly negligent, but also that the carrier or its agents acted recklessly and foresaw that damage would result from their act or omission.</p>

	<p>Authors: Maurizio Dardani, Brian Dardani</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H5B00V)</p>
35	<p>Malaysia</p> <p>Court considers limitation of liability in relation to collision</p> <p>The Court of Appeal recently ruled that an appeal by an owner in a collision action was allowed in part. The court overturned an earlier High Court decision that had held that the owner was not entitled to limit its liability for damage under Section 360 of the Merchant Shipping Ordinance. The appellate court held that the owner was liable in negligence but was granted limitation pursuant to the ordinance.</p> <p>Author: Rajasingam Gothandapani</p> <p>(Read article http://www.internationallawoffice.com/?i=55592&l=7H5B01D)</p>