

The purpose of the TP&I News is to provide the latest news for the shipowners, charterers, as well as any other maritime interests around the globe. Each issue of TP&I News will include a focused review section of several articles on a topic of current interest.¹

1. Amendment in Algerian Law

The Algerian Code of Civil and Administrative Procedure has just been amended by Law No. 22-13 of 12th July 12, 2022, creating the specialized commercial court which is competent to deal with maritime disputes, air transport and insurance relating to the commercial activity.

This specialized commercial court is made up of sections presided over by a judge assisted by four (4) assessors with extensive knowledge of commercial matters.

The registration of the action before this court is preceded by the conciliation procedure, carried out at the request of one of the parties, addressed to the president of the specialized commercial court.

In the event of failure of the attempt at conciliation, the action is brought before the specialized commercial court.



We thank to our correspondent, Mohammed Mankour Neffous, Neffous Shipping & Consulting, for providing this information.



2. Developments and Changes in Local Legislation and Practices at the Ports of Puerto Rico

2.1. Government agencies with jurisdiction over maritime matters

- U.S. Coast Guard

Powers are the same as in any other U.S. Jurisdiction (Port State Control, Salvage/Threat of Pollution response effort, Fines regarding deficiencies during ship inspection, pollution incidents etc.).

- U.S. Customs & Border and Protection, Department of Homeland Security

Powers are the same as in any other U.S. Jurisdiction (Fines regarding deficiencies on notification of cargo manifests, illegal drugs, stowaways, medical paroles, etc.).



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- U.S. NOAA, U.S. Wildlife, U.S. EPA

Powers are the same as in any other U.S. Jurisdiction (respond, together with U.S. Coast Guard, to pollution incidents and other incidents that impact or damage the environment, and its natural resources, including damage assessment and remedial measures).

- Puerto Rico Department of Natural Resources and Puerto Rico Environmental Quality Board (also responsible for pollution incidents and protection of natural resources)

These agencies will usually follow the lead from U.S. Coast Guard and U.S. NOAA, U.S. EPA and U.S. Wildlife on matters regarding response, damage assessment and remedial measures regarding pollution or damage to the environment and its natural resources.

- Puerto Rico Health Department, the Centers for Disease Control, U.S. Coast Guard, US Customs & Border and Protection

Department of Homeland Security and Puerto Rico Ports Authority will jointly participate in COVID-19 and other health matters that may require quarantine or other special procedures to disembark ill crewmembers.

2.2. Domestic Acts/Regulations and International Conventions governing shipping

U.S. Jones Act cabotage statute regulates commerce in domestic trade (must be in US Flag Ships). Ships in foreign trade can call and trade in Puerto Rico. Maritime Transportation Security Act is applicable to vessels and port facilities.

2.3. Grounds for Ship Arrests and Security for Release

Grounds for arrest are maritime liens under General Maritime Law. Club LOU's generally accepted to release ship from arrest. Cash Bonds and Surety Bonds are also generally accepted as security.

2.4. Acts, Doctrines and Basic Legal Principles

- Shipowners may Invoke the benefits of the US Shipowners Limitation of Liability Act.

- U.S. COGSA is applicable for the most part to cargo claims. If not, the Harter Act will apply.

- U.S. OPA-90 is the main controlling statute that applies to pollution of bodies of water.

- The Puerto Rico Direct Action Statute allows direct suits against the Club for third party claims due to actions or omissions of the Shipowner/Charterer. The action can be brought jointly with the Shipowner/Charterer, or separately against the Club as the only named defendant.

- The U.S. Merchant Marine Jones Act, maintenance and cure, and doctrine of unseaworthiness apply to seaman cases filed in Puerto Rico. There is, however, a carved exception under Puerto Rico law for Shipowners that employ seaman (who are U.S. Citizens) and operate within the territorial waters of Puerto Rico (in other words within 10.9 nautical miles of Puerto Rico). Under said scenario if the Shipowner - employer ensures his seamen under the Puerto Rico Workers Compensation Act, the Shipowner may be immune from suit.

2.5. Judicial court system on maritime disputes.

Puerto Rico has both its Puerto Rico (Local) Court system and U.S. District (Federal) Court system. These Courts are not exclusively for maritime disputes.

There are procedural differences and implications depending on which Court the claim is presented. For instance, proceedings in the Federal Court are in English whereas proceedings in the Local Court are in Spanish. Civil Actions in the Local Court are tried without a Jury. Civil actions in Federal Courts, on the other hand, are tried to a Jury. Awards and settlements in the Federal Court system will be generally much higher than awards and settlements in the Local Court system. Judges in the Federal Court are more familiar with maritime law principles than judges in the Local Court system.

We thank to our correspondent, Edgardo A. Vega López, Jimenez, Graffam and Lausell, for providing this information.

3. Major Crew Change Hubs in the Philippines

There are some ports that is allowing the crew change especially for emergency medivac however, it is subject for approval by a local port authority. Below is the list of the major crew change hubs:

- Manila/Subic/Batangas – For Luzon
- Cebu/Iloilo – For Visayas
- Davao – For Mindanao

We thank to our correspondent, Arnie E. Fornoles, Pandimann Philippines, for providing this information.



Please also check our website for circulars of each month.

For Turkish version please visit our website.

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