

# INTERNATIONAL MARITIME LAW SEMINAR 2016

## Recent Development in Maritime Law Around the World – POLAND

### *Arrest of ships & Shipbuilding*



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# INTERNATIONAL MARITIME LAW SEMINAR 2016

## *Arrest of ships & Shipbuilding in POLAND*



### **Last year**

- bills' of lading law and jurisdiction clauses from the POLISH perspective



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### **Developments since last year**

- worrying jurisprudence on arrest of ships
- governmental support and new legislation on shipbuilding

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## **Chapter One**

# **Arrest of ships**

### **Facts**

- the vessel of the 1952 Brussels Convention's relating to arrest State's flag
- deliveries to the vessel ordered by others, then her registered owners

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## **Chapter One**

# **Arrest of ships**

### **Facts**

- the purchaser (debtor) does not pay to the supplier (creditor)
- the vessel arrives to Poland

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## **Chapter One**

# **Arrest of ships**

### **Law**

- Poland is a party to the 1952 Brussels Convention's relating to arrest of ships
- deliveries to the vessel – maritime claims according to art. 1.(1).(k) of the Convention

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## **Chapter One** **Arrest of ships**

### **Law**

- art. 3.(1) of the Convention – right to arrest a particular ship in respect of which maritime claim arose, or a sister ship
- art. 3.(1) of the Convention subject to art. 3.(4)

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## **Chapter One** **Arrest of ships**

### **Law**

- art. 3.(4) of the Convention – right to arrest a particular ship in respect of which maritime claim arose, even when others, than her registered owners, are liable in respect of the claim





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### **Chapter One Arrest of ships**

#### **Courts' decisions**

- arrest of a ship is not permitted when liable for maritime claim are others than her registered owners

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### **Chapter One Arrest of ships**

### **Comments and considerations**

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## **Chapter Two Shipbuilding**

### **Facts**

- Ministry of Development presented an exemplary development program named „Batory”
- initial (primary) goal – construction of ro-paxes and LNG tankers for Polish industry (within general goal – reindustrialisation)

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## *Arrest of ships & Shipbuilding in POLAND*



## **Chapter Two Shipbuilding**

### **Facts**

- longstanding goal (target) – move the shipbuilding sector into constructions of large and specialised ships
- implementation – 2017 through 2018

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## **Chapter Two Shipbuilding**

### **Facts**

- funds (possibly available) – all together, to the „Batory” and other development programs, said to exceed EUR 250 billions



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### **Chapter Two Shipbuilding**

#### **Law**

- in mid 2016, the Act on activating of shipbuilding industry published (enters into force as from the 2017)
- tax preferences to shipbuilding industry



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### **Chapter Two Shipbuilding**

#### **Comments and considerations**

- invitation to foreign investors to engage
- preferences and support proposed

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**THANK YOU FOR ATTENTION AND  
PATIENCE**

