



Update on arrest of vessels in Germany

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01 Introduction



02 Germany: Vessel arrest made (more) simple

1. Claims – sec. 916 Code of Civil Procedure
 - 1.1. Vessel arrest possible for *any* monetary claim against vessel's owner
2. 2013 revision of law: simplified proceedings for vessel arrest – sec. 917 Code of Civil Procedure
 - 2.1. before 2013: “good reason” required
 - 2.2. after 2013: for vessel arrests no “good reason” required

§ 917 Code of Civil Procedure

(1) ...

(2) ... No grounds for a writ of seizure need to be given if the seizure is being implemented solely by way of securing the enforcement against a ship.

03 Germany: Vessel arrest and position on Counter-security

1. Overview: England & Wales position – “ALKYON”
2. Position in Germany
 - 2.1. Judge may grant arrest but
 - allow the execution of the arrest only if creditor provides counter-security
 - 2.2. Amount of counter-security
 - irrespective of the creditor’s claim
 - potential damage
 - in the discretion of the judge
 - 2.3. Form of security

04 Germany: Position on wrongful arrest

1. Overview: England & Wales position
2. Position in Germany
 - 2.1. strict liability
 - 2.2. Arrest unjustified from the very beginning?
 - 2.3. contributory negligence on behalf of the owner of the ship?

05 Summary



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EXPERIENCE

Working as a German lawyer since 2010

Previously working with an international shipping law firm in Hamburg and Shanghai, P&I correspondent

EDUCATION

University of Göttingen, Germany

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TRACK RECORDS

Collision of two bulk carriers in the North Sea

Charterparty and ship management disputes

Commercial dispute in relation to salvage of a PCC

Vessel collisions with port infrastructure

Advising German owners on offshore cable laying project in the Far East



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