



## Ship Arrest under Tunisian Law [SHIP ARREST IN TUNISIA \(1\)](#)

Tunisia with eight commercial ports opened to international traffic remains one of the best countries in the world for ship arrests with simple and fast procedure. Our country has not ratified any International Convention, and only local laws will be apply to the arrest a ship in Tunisian Water , but the legislator of Tunisian Maritime Law was influenced by the International Convention relating to the Arrest of Sea-Going Ships Brussels, May 10, 1952.

### 1- Juridical reasons for ship arrest under Tunisian Law

- Arrest in accordance with an on-going or a final foreign arbitration award;
- Arrest within the frame of enforcement of a foreign Court decision;
- Arrest in accordance with a settlement agreement;
- Arrest in accordance with a contract;
- Arrest under procedures of execution.
- Arrest under a criminal matte or a civil debt against the ship owners.

### 2- Claims for ship arrest under Tunisian law

Tunisian Maritime Commercial Law defines “maritime claims” for the purposes of Tunisian law (créances maritimes). Claims falling within the definition of Maritime Claims include claims for:

- Bunkers, Goods, materials, provisions, equipment (including containers) supplied or services rendered to the ship for its operation, management, preservation or maintenance;
- Loss or damage caused by the operation of the ship;
- Any agreement relating to the use or hire of the ship, whether contained in a charter party or otherwise;
- Any agreement relating to the carriage of goods or passengers on board the ship, whether contained in a charter party or otherwise;
- Loss of or damage to or in connection with goods (including luggage) carried on board the ship;
- General average; Towage; Pilotage;
- Construction, reconstruction, repair, converting or equipping of the ship;
- Port, canal, dock, harbour and other waterway dues and charges;
- Wages and other sums due to the master, officers and other members of the ship’s complement in respect of their employment on the ship, including costs of repatriation and social insurance contributions payable on their behalf;
- Loss of life or personal injury occurring, whether on land or on water, in direct connection with the operation of the ship;
- Disbursements incurred on behalf of the ship or its owners;
- Insurance premiums (including mutual insurance calls) in respect of the ship, payable by or on behalf of the shipowner or demise charterer;



- Any commissions, brokerages or agency fees payable in respect of the ship by or on behalf of the shipowner or demise charterer;
- Any dispute as to ownership or possession of the ship; any dispute between co-owners of the ship as to the employment or earnings of the ship;
- Any dispute between co-owners of the ship as to the employment or earnings of the ship;
- A mortgage or a "hypothèque" or a charge of the same nature on the ship;
- Any dispute arising out of a contract for the sale of the ship.
- Salvage operations or any salvage agreement;
- Damage or threat of damage caused by the ship to the environment, coastline or related interests; - Measures taken to prevent, minimize, or remove such damage; compensation for such damage; costs of reasonable measures of reinstatement of the environment actually undertaken or to be undertaken;
- Loss incurred or likely to be incurred by third parties in connection with such damage; and damage, costs, or loss of a similar nature to those identified in this subparagraph;
- costs or expenses relating to the raising, removal, recovery, destruction or the rendering harmless of a ship which is sunk, wrecked, stranded or abandoned, including anything that is or has been on board such ship, and costs or expenses relating to the preservation of an abandoned ship and maintenance of its crew;

### 3- Position regards sister ships

Tunisian Maritime Law allows the arrest of sister ship and ship associated. A vessel that is in the ownership of the charterer can be arrested for a maritime claim against a time charterer.

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