



Maritime Law Consultancy in Tunisia

Maritime activities involve complex legal relationships between shipowners, charterers, cargo interests, bunker suppliers, insurers, P&I Clubs, freight forwarders, port operators, ship agents, financial institutions and other parties involved in international trade.

Because maritime disputes frequently involve several jurisdictions, different contractual regimes and urgent protective measures, obtaining specialised legal advice at an early stage can be decisive in protecting a party's rights and commercial interests.

Maritime Legal Advice and Consultancy

Maritime legal consultancy covers both contentious and non-contentious matters arising from shipping, navigation and maritime commerce.

In Tunisia, maritime matters may require consideration of the Tunisian Maritime Commerce Code, general contract and commercial law, procedural rules, applicable international conventions and, where relevant, foreign law or contractual provisions providing for arbitration or jurisdiction abroad.

Professional maritime legal advice may therefore be required before a dispute arises, during negotiations, or when urgent judicial proceedings become necessary.

Ship Arrest and Release

Ship arrest is one of the most important protective measures available in maritime disputes.

A creditor may seek the arrest of a vessel calling at a Tunisian port in order to secure a maritime claim, subject to the applicable legal requirements and the circumstances of the particular case.

Because vessels may remain in port for only a limited period, arrest proceedings often require immediate action. The legal assessment should therefore be carried out as soon as reliable information concerning the vessel, the debtor, the claim and the vessel's expected presence in Tunisia becomes available.

Legal assistance may include:

- assessment of the maritime claim and the possibility of arrest;
- identification of the competent Tunisian court;



- preparation and filing of the arrest application;
- coordination with bailiffs, sworn translators and port authorities where required;
- examination of security offered for the release of the vessel;
- negotiations involving shipowners, insurers and P&I Clubs; and
- subsequent proceedings concerning the merits of the underlying claim.

Conversely, shipowners and their insurers may require urgent assistance to challenge an arrest, obtain the release of the vessel, provide appropriate security or respond to allegations giving rise to the arrest.

Bunker Claims and Maritime Debts

Unpaid bunker supplies frequently generate international maritime disputes.

Such cases can raise difficult questions concerning the identity of the contractual debtor, the position of the registered owner, charterers and operators, contractual terms and conditions, maritime liens or privileges, applicable law and jurisdiction.

A proper legal analysis is particularly important before initiating an arrest because the existence of a contractual debt does not automatically mean that every vessel associated with the transaction can lawfully be arrested.

Charterparty and Demurrage Disputes

Charterparty disputes may concern freight, hire, laytime, demurrage, detention, off-hire, cancellation, failure to load or discharge cargo, unsafe ports and other contractual obligations.

These disputes often require examination of charterparty clauses, bills of lading, statements of facts, notices of readiness, correspondence, port documents and calculations of the amounts claimed.

Where the underlying contract contains a foreign arbitration clause, Tunisian legal advice may also be necessary to determine whether conservatory measures can be taken against assets or vessels located in Tunisia.

Cargo Claims and Contracts of Carriage

Cargo disputes may arise from loss, shortage, contamination, deterioration, delay or damage occurring during maritime transportation.



Determining liability may require analysis of the bill of lading, applicable international conventions, contractual clauses, surveys, notices of damage and the respective responsibilities of carriers, freight forwarders, cargo interests, terminal operators and other parties.

Time limits are particularly important in maritime matters. Parties should therefore obtain advice promptly rather than waiting until negotiations have failed.

Maritime Liens, Mortgages and Security

Maritime financing and enforcement may involve ship mortgages, maritime liens, priorities between creditors and judicial enforcement against vessels.

These questions become especially complex where a vessel has been sold, renamed, reflagged or financed in another jurisdiction.

Before enforcement proceedings are commenced, it may therefore be necessary to determine the legal nature and ranking of the claim and whether the security or maritime privilege can be asserted against the vessel under Tunisian law.

Recognition and Enforcement of Foreign Judgments and Arbitral Awards

International shipping contracts frequently provide for arbitration or litigation outside Tunisia.

When the debtor or relevant assets are subsequently located in Tunisia, the successful party may need advice concerning recognition and enforcement of the foreign judgment or arbitral award.

This requires a separate assessment of Tunisian procedural law and the applicable international conventions. The existence of a foreign judgment or arbitral award should not be confused with its automatic enforceability against a vessel or other asset situated in Tunisia.

P&I Clubs and Maritime Insurance

Maritime disputes often involve P&I Clubs and other marine insurers.

Legal representation may include negotiations concerning security, Letters of Undertaking, settlement proposals, cargo claims, collision liability, pollution, personal injury, wreck



removal and other insured maritime risks.

Early communication between local counsel, foreign lawyers, shipowners and insurers can be essential where a vessel is arrested or faces an imminent arrest.

Preventive Legal Advice

Maritime law is not limited to litigation.

Legal consultancy can also assist shipping companies, traders, bunker suppliers, ship agents and investors in reviewing contracts and identifying potential legal risks before a transaction is concluded.

Preventive advice may concern charterparties, bunker supply contracts, bills of lading, agency agreements, maritime services, ship sale and purchase transactions, contractual securities, jurisdiction clauses and arbitration agreements.

A carefully drafted contract may considerably reduce the cost and uncertainty of subsequent litigation.

International Maritime Matters in Tunisia

Tunisia's geographical position in the Mediterranean and its commercial ports regularly bring Tunisian courts and maritime practitioners into contact with international shipping disputes.

Foreign shipowners, charterers, bunker suppliers, cargo interests, insurers and maritime law firms may therefore require a Tunisian maritime lawyer capable of coordinating local proceedings with an international legal strategy.

Effective maritime legal consultancy requires not only knowledge of maritime law but also the ability to act rapidly, understand international shipping practice and cooperate with lawyers, experts, insurers and maritime professionals in different jurisdictions.

Dr. Brahim LATRECH Law Office provides legal advice and representation in maritime and shipping matters in Tunisia, including ship arrest and release, bunker claims, maritime debts, charterparty and demurrage disputes, cargo claims, maritime liens and mortgages, marine insurance matters, and the recognition and enforcement of foreign judgments and arbitral awards.



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