

# THE ARREST

## news

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by Nikolay Radev, Kinkin & Partners Law Firm
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by Felipe Arizon, Arizon Abogados

## Arrests in Bulgarian Waters and Mortgagee's Claims

By Nikolay Radev, Kinkin & Partneres Law Firm

### Introduction

A case of a great interest is the one described below concerning a ship arrest imposed by a world leading marine fuel firm. The case involves the implementation of a ship arrest procedure over two vessels, moored in two Bulgarian sea ports over which there were claims for ownership by a third party – mortgagee.

### Issues to consider

The plaintiff in the case, represented by “Kinkin & Partners”, is a world leading marine fuel firm. An order for bunkering was made on behalf of the owners of the ships. Owners were involved in the case by their manager, the operator of the vessels.

The order for bunkering was expressly confirmed by the plaintiff, and as a result of this confirmation, a contract for bunkering was concluded. Additionally, an

invoice for the delivery of bunker fuel was issued and delivered to the ordering company.

Payment of the bunkers was not made. The plaintiff sought to secure his claims by arresting the ships in Bulgarian ports. In accordance with Article 364a of the Merchant Shipping Code, applicable in Bulgaria, a merchant ship, which is located in a Bulgarian sea port, regardless of the flag under which it sails, can be arrested to secure a maritime claim under Art.1, para.1 of the 1999 Geneva International Convention on arrest of ships, (ratified by Bulgaria since 12 January 2001, in force since 14.09.2011).

The plaintiff instructed “Kinkin & Partners” to obtain security for the claim against the ship owners by arresting the two ships. As a result of the plaintiff's application, a security measure under Art. 364a, para 4 of the Merchant Shipping Code was imposed by the

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