

DIFFERENT ASPECTS DERIVING FROM LATEST MARINE INCIDENTS (“PRESTIGE” and others) THAT COULD AFFECT CLASS RESPONSIBILITY.

Luis Figaredo

Shipping, Transport and Logistics Department, Spain; Partner - Uría Menéndez

One of the most debated issues in modern maritime law is the liability of classification societies towards third parties.

However, this is not the sole issue that could affect Classification Societies.

There are certain aspects of our Maritime Law that are rapidly changing and that could affect Class Societies as well.

The present fundamentals of Shipping are being shaken for long. The Institution of Limited Liability is under review. Limits are being increased in order to satisfy third party claims. To break the limits of ship-owners' liability has become a daily and common practice.

The statutory and judicial protection of third-parties is increasing every day all around the World.

Shipping has become a multi-jurisdictional issue. National Cabotage has almost disappeared. Shipping is an international business, more than it ever was.

On the other hand, advisors, auditors, doctors, engineering companies, service providers and professionals in general are under scrutiny for their services rendered.

The immediate scenario where Shipping will be affected, undoubtedly, the Class Societies as a consequence of their paramount role in Shipping and some of the latest incidents involving marine accidents, mainly the Erika and the Prestige.

There are some aspects and tendencies that make Class vulnerable to third party claims.

It has been said that trust in Shipping has been lost. The existence, maintenance and defence of sub-standard ships, sub-standard shipowners and sub-standard organizations does not help to overcome the present situation.

The concept of safety is commonly associated with Class and with their undoubtedly worthy work in the field of improving safety navigation.

For many, Class equals to safety. Class Societies are the centre of attention when safety of vessels is spoken about.

Does the Shipping market perceive it like that and does the Shipping market rely on it?

On the other hand, the general maritime law cautiously recognizes the tort of negligent misrepresentation as applied to Classification Societies.

What possibilities do Class Societies have to find a solution? And is everybody who should be involved in a possible solution actually involved?