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# Law and practice of ship arrest in Russia

*Bulat Karimov\**

## ABSTRACT

The paper deals with ship arrest in Russia from a legislative and practical perspective. Russian law on ship arrest is based on international regulation, domestic maritime law and general procedural law. The piece presents and analyses the statistics of arrest proceedings from 2020 to 2024. Based on this practice, several problems are emphasised. These are the violation of time limits stipulated by procedural law, difficulty in assessing the amount of alternative security, the possible unjustified outcomes of applying the proportionality requirement, and the effect of political sanctions. The paper questions whether the ship arrest has a legal nature distinct from other preliminary remedies and whether these peculiarities deserve special regulation in Russian law. The paper concludes that only the maritime lien is unique and that the main issue with ship arrest in Russia lies in its unpredictability and uncertainty.

Keywords: Arrest of ships, Russian law, procedural and substantive grounds for ship arrest, security measures, preliminary remedies, arrest procedure, ship detention.

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# 1 Introduction

The Merchant Shipping Code of the Russian Federation (MSC)<sup>1</sup> introduced ship arrest into Russian law in 1999. The provisions on arrest are contained in Ch XXIII. They are a compilation of the International Convention Relating to the Arrest of Sea-going Ships, Brussels, 1952 ('the 1952 Arrest Convention'), and the International Convention on the Arrest of Ships, Geneva, 1999 ('the 1999 Arrest Convention').<sup>2</sup> Ship arrest in Russia follows the international approach. However, arrest is a procedural remedy, and procedure always has national peculiarities.<sup>3</sup> The drafters of the 1952 Arrest Convention admitted this when introducing Art 6.<sup>4</sup>

This paper focuses on the arrest procedure in Russian courts. It examines whether Russian law on ship arrest meets the purposes of this institution, which, among other priorities, is intended to facilitate the enforcement of maritime claims. The first part of this paper introduces the scope and objective of the paper. It provides a brief historical background of Russian and Soviet law on ship arrest. The second part analyses the statutory basis for ship arrest. It focuses on how international rules are applied and interpreted domestically. The third part deals with the arrest procedure, describing the stages an arrest case usually follows. The fourth part provides judicial statistics for five years, from 2020 to 2024. The table of cases is attached in the Appendix.<sup>5</sup> The fifth part examines the practical issues the Russian courts faced during the relevant period. These are a breach of time limits stipulated by legislation, assessment of alternative security, the proportionality requirement applicable to ship arrest, and the effect of sanctions imposed on and by Russia. The sixth part analyses the functions of ship arrest and whether the Russian interpretation of the relevant institution meets its purpose. The final part concludes with general comments on difficulties arising in ship arrest in Russia.

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<sup>1</sup> The Merchant Shipping Code of the Russian Federation No 81-FZ, 30 April 1999 (version of 22 June 2024) (as subsequently amended on 1 September 2024).

<sup>2</sup> Georgiy Ivanov, 'Commentary to Art 388 of the Merchant Shipping Code of the Russian Federation' in G Ivanov (ed), *Article-by-Article Commentary to the Merchant Shipping Code of the Russian Federation* (Spark 2000).

<sup>3</sup> Veronica Ruiz Abou-Nigm, *The Arrest of Ships in Private International Law* (OUP 2011) [3.21], [3.22].

<sup>4</sup> Francesco Berlingieri, *Berlingieri on Arrest of Ships: A Commentary on the 1952 & 1999 Arrest Convention* vol 1 (6th edn, Informa Law from Routledge 2017) 214 et seq; *The Travaux Préparatoires of the International Convention on Arrest of Ships 1952* in Berlingieri, 535 et seq.

<sup>5</sup> See below, pp 32-36.

## 1.1 Brief historical background

Under the former Soviet procedural law, courts were entitled to secure a claim by arresting property.<sup>6</sup> The arrest was a conservative measure the judge could grant at their discretion. There were no special provisions for ships and cargo.<sup>7</sup>

The only power associated with the arrest of ships was stipulated in the MSC. The harbour master had the right to detain the ship for up to 72 hours, which was needed for the court to consider the arrest application. If the court arrested the vessel, it remained in the port and could not get permission to depart. The vessel was required to be released immediately if the arrest application was dismissed or not dealt with within 72 hours after the detention.<sup>8</sup>

The power to arrest ships as a separate measure vested in the Maritime Arbitration Commission (MAC), an arbitral tribunal created in 1930.<sup>9</sup> There were several reasons for its establishment.<sup>10</sup> One was that salvage disputes, even within Soviet waters and involving Soviet salvors, were typically adjudicated by the English courts. So, it was decided to create a special dispute resolution institution for international disputes in the USSR.<sup>11</sup> At first, it dealt only with disputes arising from salvage.<sup>12</sup> The first form of salvage contract, 'No Cure—No Pay,' with an arbitration clause referring all disputes arising from the contract with the MAC, was published in 1932.<sup>13</sup> This form stipulated that the salvor has a lien over the ship, and if security is not provided, it has the right to arrest the vessel with the assistance of the tribunal.<sup>14</sup>

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<sup>6</sup> Civil Procedure Act of RSFSR of 1924, ch 9; Civil Procedure Act of RSFSR of 1964, ch 13.

<sup>7</sup> Generally, on the early development of maritime law in the Soviet Union, see S Dobrin, 'The Soviet Maritime Code 1929' (1934) 16 J of Comparative Legislation & Intl L 252.

<sup>8</sup> Ibid 266; Art 239 of the Merchant Shipping Code of the USSR of 1929; Arts 75, 76 of the Merchant Shipping Code of the USSR of 1968.

<sup>9</sup> Order of the Central Enforcement Committee and the Soviet of People's Commissars of USSR No 51/730, 13 December 1930 'On Adoption of the Rules of the Maritime Arbitration Commission of All-Union-Western Chamber of Commerce' in Alexander Muranov (ed), *Maritime Arbitration Commission: The Experience of Russian Regulation* (Infotropic 2011) 118 et seq.

<sup>10</sup> Steven Block, 'Recent Developments at the Russian Maritime Arbitration Commission' (1994) 25 JMLC 521, 522–524.

<sup>11</sup> Muranov (n 9) 557.

<sup>12</sup> Ibid 558.

<sup>13</sup> *Collection of Decisions of Maritime Arbitration Commission of Union Chamber of Commerce for 1932 and 1933* (Vneshtorgizdat 1934) 153.

<sup>14</sup> Ibid 155.

On the fifth anniversary of the MAC, it was stated that the MAC considered all salvage disputes involving Soviet ships, collision disputes in Soviet territorial waters, and disputes concerning charterparties of ships.<sup>15</sup> Ultimately, the MAC considered all maritime disputes provided they had an international element.<sup>16</sup>

The first set of procedural rules in the MAC contained provisions on security measures. If the agreement stipulated a security measure, it was mandatory.<sup>17</sup> So, in light of the salvage agreement form referred to, salvage claims were automatically secured by the arrest of the property salvaged, in most cases, ships. The same provisions were in place<sup>18</sup> until 1982 when the Rules stipulated expressly that the MAC could arrest a ship or cargo.<sup>19</sup>

The modern regime of ship arrest was introduced in 1999. Russia ratified the 1952 Arrest Convention on 6 January 1999.<sup>20</sup> On 30 April that year, the MSC was adopted. For the first time in Russian history, the MSC regulated the arrest of ships directly and separately from other security measures. The MSC did not just replicate the provision of the 1952 Arrest Convention but was a compilation of the 1952 and 1999 Arrest Conventions.<sup>21</sup> It included the 1999 Convention regime on the list of maritime claims, multiple arrests and rearrests.<sup>22</sup>

Although arrest is a separate security measure stipulated by the MSC, it is effected by the court as a part of the commercial procedure. This situation creates an inherent conflict between the special maritime and general commercial procedure rules. In 2004, the Supreme Commercial Court of Russia, abolished in 2014, addressed this conflict.<sup>23</sup> It held that the provisions of Ch 8 (security measures) of the Commercial Procedure Code of the Russian

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<sup>15</sup> *Collection of Decisions of Maritime Arbitration Commission of Union Chamber of Commerce for 1936* vol 3 (Vneshtorgizdat 1937) 9.

<sup>16</sup> Muranov (n 9) 63.

<sup>17</sup> Art 20 of the Instruction on Procedure in the MAC of 1931 in *Collection of Decisions of Maritime Arbitration Commission of Union Chamber of Commerce for 1932 and 1933* (n 13) 136–139; Muranov (n 9) 150.

<sup>18</sup> Art 20 of the Instruction on Procedure in the MAC of 1939 in Muranov, *ibid*, 156; Art 11 of the Rules of Procedure in the MAC of 1949 in Muranov, *ibid*, 161.

<sup>19</sup> Art 3(4) of the Rules of Procedure in the MAC 1982 in Muranov, *ibid*, 173; Block (n 10) 528.

<sup>20</sup> Federal Law of the Russian Federation No 13-FZ, 6 January 1999.

<sup>21</sup> Georgiy Ivanov, 'Commentary to Art 389 of the Merchant Shipping Code of the Russian Federation' in Ivanov (n 2).

<sup>22</sup> *Ibid*.

<sup>23</sup> Informational Letter of the Supreme Commercial Court of the Russian Federation No 81, 13 August 2004 (Informational Letter No 81), s 16.

Federation (the CPC) applied together with the provisions of the MSC but that the MSC had priority.

## **2 Statutory basis**

The arrest of ships in Russia has three main pillars. The first is international instruments. As already noted, Russia is a party to the 1952 Arrest Convention. Additionally, Russia is a party to the International Convention on Maritime Liens and Mortgages, Geneva, 1993 ('the 1993 MLM Convention').<sup>24</sup> The second pillar is special maritime provisions on ship arrest. This would not form a separate regulation where the MSC merely reflected the provisions of the Conventions. However, as already noted, the MSC does not repeat the Conventions but introduces a new regime by combining the 1952 and 1999 Conventions. In the case of maritime liens, the MSC reflects the 1993 MLM Convention. The third pillar is the general commercial rules stipulated in the CPC.

### **2.1 International regime**

Russia has been a party to the 1952 Arrest Convention since 1999. Russia is a civil law country<sup>25</sup> whose legal order is based on the dualism of international and national law.<sup>26</sup> That means if Parliament ratifies an international treaty, it becomes a part of the Russian legal system<sup>27</sup> and applies directly to legal relations inside Russia.<sup>28</sup> Enforcing these provisions through incorporation into national statute is unnecessary.<sup>29</sup> The Supreme Commercial Court of Russia also held that the commercial courts should apply the 1952 Arrest Convention directly.<sup>30</sup> Russia has also been a party to the 1993 MLM Convention since 1998.<sup>31</sup> Accordingly,

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<sup>24</sup> International Convention on Maritime Liens and Mortgages, Geneva, 1993. See Francesco Berlingieri, 'The 1993 Convention on Maritime Liens and Mortgages' [1995] LMCLQ 57.

<sup>25</sup> Gordon Smith, 'The Russian Legal System in Comparative Perspective' in Marianna Muravyeva (ed), *Foundations of Russian Law* (Hart Publishing 2023) 5.

<sup>26</sup> Irina Getman-Pavlova, *Private International Law* (5th edn, Uright 2016) 51 et seq.

<sup>27</sup> The Constitution of the Russian Federation, adopted on 12 December 1993 (as amended on 1 July 2020), Art 15(4).

<sup>28</sup> Jane Henderson, 'Sources of Russian Law' in Muravyeva (n 25) 33.

<sup>29</sup> Berlingieri vol 1 (n 4) 23-24.

<sup>30</sup> Informational Letter No 81 (n 23), s 15.

<sup>31</sup> Federal Law No 184-FZ, 17 December 1998.

the international regime of ship arrest in Russia is based on the 1952 Arrest Convention, the 1999 Arrest Convention, and the 1993 MLM Convention.

## **2.2 Special arrest provisions**

The MSC contains special national provisions on ship arrest in Ch XXIII ('The Arrest of a Ship'). The Code defines arrest in Art 388(1) as any detention of a ship or restriction on its movement when it is located in Russia based on the judicial act of a court, commercial court, or authorised arbitration institution, excluding the seizure of a ship in the execution of a judgment. This 'authorised arbitration institution' is the MAC.<sup>32</sup> The Code stipulates that a ship may be arrested only for a maritime claim, even if it is about to leave the port.<sup>33</sup> The Russian court may arrest the ship even though it is not competent to consider the dispute on the merits. Thus, the general definition of arrest does not differ substantially from the 1952 Arrest Convention. The list of maritime claims is derived from the 1999 Arrest Convention.

Next, the MSC provides that the ship may be arrested in four instances: (i) where it is owned or chartered by demise or not by demise by the person liable for a maritime claim,<sup>34</sup> (ii) where a maritime lien secures a maritime claim against the targeted ship, (iii) where a maritime claim relates to the ownership or possessory rights over the targeted ship, and (iv) where a maritime claim is based on a ship mortgage or other encumbrance of the same nature entered in the relevant register.<sup>35</sup> Sister ship arrest is allowed.<sup>36</sup>

The vessel may be released from arrest if the defendant provides alternative security.<sup>37</sup> The form and value of the alternative security may be agreed upon by the parties or determined by the court or arbitral tribunal that granted the arrest.<sup>38</sup> The amount of alternative security cannot exceed the value of the ship or other arrested property.<sup>39</sup>

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<sup>32</sup> Ivanov (n 21).

<sup>33</sup> Arts 388(2), 388(3) of the MSC.

<sup>34</sup> Ibid, Art 390(2).

<sup>35</sup> Ibid, Art 390(1).

<sup>36</sup> Ibid, Art 390(1)(4).

<sup>37</sup> Ibid, Art 391(1).

<sup>38</sup> Ibid, Art 391(2).

<sup>39</sup> Ibid, Art 393(1).

Rearrests and multiple arrests are generally prohibited.<sup>40</sup> However, there are exclusions. The ship may be rearrested, or another ship may be arrested in addition to the already arrested ship if the initial security is insufficient, the party providing the security on behalf of the defendant cannot fulfil its obligations, or the ship was released upon the defendant's request, and a maritime claimant could not reasonably impede the release.<sup>41</sup> The rules on rearrests and multiple arrests are derived from the 1999 Arrest Convention.

The court granting the arrest is entitled but not obliged to request counter-security from a maritime claimant.<sup>42</sup> The court may also find a maritime claimant liable for wrongful arrest.<sup>43</sup> The shipowner's right to appeal the arrest is ensured.<sup>44</sup>

Potential problems may arise concerning certain differences between the 1952 and 1999 Arrest Conventions. The principal distinction is the different list of maritime claims. In theory, the 1952 Arrest Convention is an international treaty and, therefore, has priority over domestic rules in Russia, including those of the MSC.<sup>45</sup> The 1999 Arrest Convention has not been ratified nor included in the Russian legal system. However, its provisions are incorporated into Russian law as reflected in the MSC. Some writers say that the 1952 Arrest Convention applies to ships flying foreign flags, and the MSC applies to ships flying the Russian flag.<sup>46</sup> However, this position is entirely unjustified and contradicts the literal texts of the 1952 Arrest Convention<sup>47</sup> and the MSC.<sup>48</sup>

The correlation between the 1952 Arrest Convention and the MSC, incorporating some of the 1999 Arrest Convention provisions, has not received any attention in the courts. This may be

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<sup>40</sup> Ibid, Art 392(1). Generally, on rearrests and multiple arrests, see Kate Lewins, 'Rearrests and Multiple Arrests of Ships' in Paul Myburgh (ed), *The Arrest Conventions: International Enforcement of Maritime Claims* (Hart Publishing 2019) 103 et seq.

<sup>41</sup> Ibid, Arts 392(1)(1), 392(1)(2), 393(1)(3).

<sup>42</sup> Ibid, Art 393(1).

<sup>43</sup> Ibid, Art 393(2). Generally, on wrongful arrest in the common law, see John A Kimbell KC, *Admiralty Jurisdiction and Practice* (6th edn, Informa Law from Routledge 2025) 141 et seq; Andrew Tettenborn and Francis Rose, *Admiralty Claims* (2nd edn, Sweet & Maxwell 2025) [4-159] et seq; Berlingieri vol 1 (n 4) 371 et seq.

<sup>44</sup> Ibid, Art 393(3).

<sup>45</sup> The Constitution of the Russian Federation (n 27), Art 15(4).

<sup>46</sup> Andrey Kosmachevskiy and Andrey Suprunenko, 'Ship Arrest in Russia (Questions 1 to 9)' in Richard Faint, Kelly Yap, Francisco Venetucci et al (eds), *Ship Arrests in Practice* (14th edn, Shiparrestedcom 2024) 328.

<sup>47</sup> Art 8.1.

<sup>48</sup> Art 3 of the MSC.



because the two Conventions do not differ so much as to cause conflicts between their rules, at least in the interpretation of Russian courts. The provisions of the MSC clarify and widen the 1952 Arrest Convention but do not contradict it.

### **2.3 General procedural provisions**

The 1952 Arrest Convention stipulates that the law of the contracting state governs the rules of procedure relating to arrest.<sup>49</sup> In Russia, Ch 8 of the CPC sets out the procedural grounds for arrest. The provisions of the CPC apply to ship arrest to the extent they do not contradict the special provisions of the MSC. In practice, the distinction between substantive and procedural provisions relates to the source of the relevant rules: the MSC stipulates the substantive grounds, while the CPC provides for procedural ones.<sup>50</sup> This difference is not defined and cannot be ascertained from judicial practice, but it can be considered a more convenient way of describing the actual practice of the courts. The MSC and CPC requirements must be met to arrest the ship.<sup>51</sup> There was only one case where the court concluded that meeting the substantive requirements was enough.<sup>52</sup>

Under the CPC, security measures are discretionary. The court may apply them where necessary. Security measures must be granted if not applying them makes it difficult or impossible to enforce the judgment and to prevent significant damage to the applicant.<sup>53</sup> The Supreme Court of Russia has interpreted these provisions. The court has determined that the reasonableness of a measure applied for, the connection between a measure and the subject of the claim, the possibility of causing significant damage to the applicant if a measure is not granted, the balance of the parties' interests, and the interests of the public and third parties should be taken into account.<sup>54</sup> Part of reasonableness is the proportionality of the potential damage caused by the relevant measure to the value of the claim (the proportionality

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<sup>49</sup> Art 6.

<sup>50</sup> Ruling of the Commercial Court of the North-Western District in Case No A56-13164/2024, 05/09/2024; Ruling of the Fifth Commercial Court of Appeal in Case No A51-1300/2024, 24/04/2024; Ruling of the Commercial Court of Saint Petersburg and Leningrad Region in Case No A56-33233/2024, 12/04/2024; Ruling of the Twenty-First Commercial Court of Appeal in Case No A84-7666/2023, 18/12/2023; Ruling of the Commercial Court of the Far Eastern District in Case No A51-18495/2020, 26/03/2021.

<sup>51</sup> Informational Letter No 81 (n 23), s 16.

<sup>52</sup> Ruling of the Commercial Court of Saint Petersburg and Leningrad Region in Case No A56-102093/2017, 30/04/2021.

<sup>53</sup> Art 90(2) of the CPC.

<sup>54</sup> Resolution of the Plenum of the Supreme Court of Russia No 15, 1 June 2023 (Resolution No 15), s 14.

requirement).<sup>55</sup> Moreover, considering the application, the court must establish whether the security measure ensures its purpose.<sup>56</sup>

Russian law also stipulates the possibility of applying measures to secure claims heard by another forum, including arbitration.<sup>57</sup> The special maritime provisions expressly permit the arrest to be granted to secure foreign state court proceedings.<sup>58</sup>

### **3 Arrest procedure**

If a maritime claimant intends to arrest the ship, it should follow the relevant procedural rules.<sup>59</sup> In this part, the arrest procedure is described in sequence as it is realised.

#### **3.1 Detention by a harbour master**

The harbour master has a specific power to detain a vessel for 72 hours pending the arrest.<sup>60</sup> This power entitles a maritime claimant to restrict the targeted ship from leaving the place in the port where it is moored. It is not discretionary. The applicant, not the harbour master, is liable for damages caused by unjustified detention.<sup>61</sup> The court grants a ship arrest but cannot arrest the ship if it is outside its jurisdiction.<sup>62</sup> Without the detention procedure, the vessel could have left the port as soon as its owner knew of the arrest application. If the ship is not arrested within 72 hours after the detention, it must be released immediately.<sup>63</sup>

#### **3.2 Application**

After the ship is detained, a maritime claimant must apply for an arrest, taking into account that the application must be considered within 72 hours, failing which the vessel can leave the relevant Russian port. The court competent to consider the application is the commercial

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<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Art 90(3) of the CPC; Resolution No 15 (n 54), s 42.

<sup>58</sup> Art 388(4) of the MSC.

<sup>59</sup> Generally, on arrest procedure in common law, see Kimbell (n 43) 139 et seq; Tettenborn and Rose (n 43) [4-126] et seq.

<sup>60</sup> Art 81 of the MSC.

<sup>61</sup> Ibid, Art 81(1).

<sup>62</sup> Ruling of the Commercial Court of the North-Western District in Case No A56-13164/2024, 05/09/2024.

<sup>63</sup> Art 81(2) of the MSC.

court where the ship is located.<sup>64</sup> The reference to the location of the ship means the region of the relevant port.<sup>65</sup> The hearing is ex parte, and the decision is made the day after the application.<sup>66</sup>

As the decision is ex parte, there is no alteration of the burden of proof. A maritime claimant needs to demonstrate all the circumstances to persuade the court.<sup>67</sup> The substantive grounds for ship arrest include the maritime nature of the claim, a maritime lien, where applicable, or a link between a claim and the owner or charterer of the ship targeted. The procedural grounds are general: the judgment cannot be enforced, or the applicant may suffer significant damage if the measure is not granted.

The ship arrest prohibits the harbour master from permitting the ship to leave the port.<sup>68</sup> This is the wording that describes ship arrest in all cases. Accordingly, the ruling on the arrest should be delivered to the harbour master as soon as possible. When the ruling is handed down, the ship is usually detained for 72 hours pursuant to the MSC. Therefore, the ship cannot leave Russia before the arrest decision is enforced.

The arrest of the ship does not give the Russian court jurisdiction to consider the dispute on its merits, save for situations where domestic law so provides or where listed in the 1952 Arrest Convention.<sup>69</sup> Russian law does not stipulate any specific rules on jurisdiction over maritime claims.

### **3.3 Counter-security and change of security**

The MSC and the CPC stipulate that the vessel may be released upon providing alternative security. The general provisions govern these procedural aspects. The CPC outlines two forms of alternative security: counter-security and change of security.

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<sup>64</sup> Resolution of the Supreme Court of the Russian Federation No 18, 20 November 2003, s 2.

<sup>65</sup> Ibid.

<sup>66</sup> Art 93(1.1) of the CPC.

<sup>67</sup> Resolution No 15 (n 54), s 15.

<sup>68</sup> For example, see Ruling of the Fifth Commercial Court of Appeal in Case No A51-1300/2024, 24/04/2024.

<sup>69</sup> Art 7.

A commercial court may request counter-security from any applicant seeking the security measure.<sup>70</sup> If counter-security is requested, the court does not consider the application before its provision. At the same time, the claimant's failure to provide counter-security cannot be the sole ground for dismissing its application.<sup>71</sup>

The defendant may also provide counter-security by depositing the claim amount into the court's bank account.<sup>72</sup> According to the special arrest provisions, the amount cannot exceed the value of the ship arrested.<sup>73</sup> Therefore, counter-security should equal the value of the vessel or the claim, whichever is lower. The application for counter-security is considered *ex parte*. The decision is made on the day following the application.<sup>74</sup>

A commercial court changes security upon the application of the claimant or the defendant.<sup>75</sup> The hearing is *ex parte*, and the decision should be made on the day following the application. If the commercial court concludes that alternative security would effectively secure the claim, it may accept it and release the vessel. The form and amount may be agreed upon between the parties or determined by the court.<sup>76</sup>

### **3.4 Setting aside the arrest**

If the defendant or other interested party believes the arrest is wrongful, they may apply to the court to set it aside.<sup>77</sup> The court considers this application within five days of the hearing.<sup>78</sup> Security may be set aside due to failure to meet the procedural or substantive requirements.<sup>79</sup> In other words, if the security measure should not have been granted in the first place, provided that the court considers all the available circumstances, the disputed property may be released.

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<sup>70</sup> Arts 94(1), 94(4) of the CPC.

<sup>71</sup> Resolution No 15 (n 54), s 45.

<sup>72</sup> Art 94(2) of the CPC.

<sup>73</sup> Art 391(2) of the MSC.

<sup>74</sup> Arts 94(3), 97(3) of the CPC.

<sup>75</sup> *Ibid*, Art 95(1).

<sup>76</sup> Art 391(2) of the MSC.

<sup>77</sup> *Ibid*, Art 393(3); Art 97(1) of the CPC.

<sup>78</sup> Art 97(2) of the CPC.

<sup>79</sup> Resolution No 15 (n 54), s 14.

If the claim on the merits is unsuccessful, the interested party may claim damages caused by the wrongful arrest.<sup>80</sup> The damages are compensated based on the tort provisions for the damages caused by a legitimate action.<sup>81</sup> So, the party seeking damages caused by a wrongful arrest must prove a causal link and the amount of damages caused with reasonable certainty. Proving the claimant's fault and illegitimacy is unnecessary.<sup>82</sup>

### 3.5 Appeal

Any decision involving security measures may be appealed.<sup>83</sup> However, from 5 January 2024, the decision cannot be appealed directly. The defendant's only remedy is to apply to the same court to set the measure aside. If this application is dismissed, the dismissal decision can be appealed.<sup>84</sup>

An appeal against a ship arrest is not an effective tool. If, at first instance, the court did not arrest the ship, it would very likely have left Russia before the decision of the Court of Appeal.<sup>85</sup> If the ship has already been arrested, the appeal proceedings could take a long time and cause more loss to the shipowner. In most cases, providing alternative security would be more economically reasonable, even if the defendant disagrees with the court's decision. It will be possible to appeal the alternative security measure afterwards, but not the arrest for which it is a substitute.

This is because appeal proceedings have no such restrictive time limits. They are considered under the CPC. The appeal must be filed within one month after the earlier ruling is published.<sup>86</sup> The Court of Appeal is required to consider the appeal within three months after

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<sup>80</sup> Art 393(2) of the MSC.

<sup>81</sup> Ruling of the Supreme Court of Russia in Case No A56-17785/2014, 14/09/2015; Art 1064(3) of the Civil Code of the Russian Federation Part II No 14-FZ, adopted on 26 January 1996.

<sup>82</sup> Ruling of the Supreme Court of Russia in Case No A56-17785/2014, 14/09/2015.

<sup>83</sup> Art 93(7) of the CPC.

<sup>84</sup> Review of Judicial Practice of the Supreme Court of Russia No 1 (2024), approved by the Presidium of the Supreme Court of Russia on 29 May 2024, Q 1.

<sup>85</sup> For example, see Ruling of the Commercial Court of the North-Western District in Case No A56-13164/2024, 05/09/2024.

<sup>86</sup> Art 259(1) of the CPC.

the application deadline, even if the appellant filed its appeal earlier.<sup>87</sup> This term may be extended by the court up to six months.<sup>88</sup>

The same applies to the cassation (second appeal) procedure. A party can apply for a cassation appeal after the Court of Appeal hands down its judgment in the appellate proceedings.<sup>89</sup> The party should apply for a cassation appeal within two months after publishing the appellate decision.<sup>90</sup> The court of cassation considers the dispute within three months after the application deadline, even if the appellant filed its appeal earlier.<sup>91</sup> The court can extend this term.<sup>92</sup> Altogether, a cassation court gives its decision almost a year after the decision of a court of first Instance.

The same terms apply to an appeal to the Supreme Court of Russia, the second cassation appeal.<sup>93</sup> In sum, the Supreme Court of Russia may consider the appeal one and a half years after the arrest. Another difficulty is that 99 per cent of commercial cases do not reach the Supreme Court of Russia for consideration at a hearing but are dismissed at the initial evaluation stage.<sup>94</sup> However, if the case is heard, the appeal has a 93 per cent chance of success.<sup>95</sup>

Therefore, concerning ship arrest, the appeal is an ineffective tool for maritime claimants or defendants.

## **4 Judicial statistics**

This paper now considers certain practical aspects. It attempts to follow all the arrest cases for five years, from 2020 to 2024. One reason for this choice is that the legal and economic situation changed dramatically starting from the end of 2019, and the trends that would have

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<sup>87</sup> Ibid, Art 266(1).

<sup>88</sup> Ibid, Art 266(2).

<sup>89</sup> Ibid, Art 273(1).

<sup>90</sup> Ibid, Art 276(1).

<sup>91</sup> Ibid, Art 285(1).

<sup>92</sup> Ibid, Art 285(2).

<sup>93</sup> Ibid, Arts 291(2), 291(3).

<sup>94</sup> Artem Kozlov, 'Number of Appeals Decreased: Statistics for the Supreme Court in 2024' *Pravo RU* (12 February 2025) <<https://pravo.ru/story/257368/>> accessed 7 March 2025.

<sup>95</sup> 'Statistics of the Supreme Court of Russia: the most important numbers of the first half of 2024' (*The Supreme Court of Russia*, 13 August 2024) <[vsrf.ru/press\\_center/mass\\_media/33843/](https://vsrf.ru/press_center/mass_media/33843/)> accessed 7 March 2025.

been relevant to the Russian market before this period may not remain the same after the COVID-19 pandemic and the military conflict in Ukraine since 2022. Therefore, it is sensible to limit the scope of the research to the period after 2020.

Two general comments should be made before considering Russian judicial practice. First, judicial precedent is not a source of law in Russia. Judgments may only have a persuasive effect, nothing more. For this reason, it is better to use the term 'judicial practice' rather than 'case law' when dealing with Russian legislation. The only judicial source that directly influences courts is the explanatory acts of the Supreme Court of Russia and decisions of the Constitutional Court of Russia. Nevertheless, it is essential to see the trends and examine how Russian courts deal with ship arrest.

Second, a general rule is that the decisions of higher courts are more relevant. Decisions of the courts of first instance are usually disregarded as a matter of doctrine. This may not apply to ship arrest. As mentioned above, an appeal is not an effective remedy. In ordinary circumstances, diligent lawyers and shipowners would try to release the ship, either by application to the court of first instance or by providing alternative security. Therefore, the main sources of disputes and trends with regard to ship arrest should be derived from the practice of the first instance courts.

During the relevant period, there were 77 proceedings involving ship arrests. The proceedings were ascertained with the help of the official Russian electronic system of judgments,<sup>96</sup> which provides access to all the files of commercial proceedings. The search method was based on the fact that it is traditional for Russian courts to list the legislative provisions justifying the decision. When applying provisions on ship arrests, the courts refer to the relevant articles of the MSC. If the relevant rules are not referred to, it may mean that the arrest in question is not an 'arrest' under the Arrest Conventions. When studying Russian judicial practice, all the judgments concerning ship arrest mentioned Art 388 of the MSC, the ship arrest definition. All the cases where the relevant Art was mentioned were analysed. However, by itself, this method is not ideal. There would have been more precise figures if there were official statistics

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<sup>96</sup> <ras.arbitr.ru>.

on arrests. However, this provides results that are reasonably close to reality. Since the idea is to list all the arrest proceedings in Russia, the focus is on rulings of the courts of first instance.

The statistics (see Appendix) mention four characteristics of arrest: the ship type, the subject of the claim, the outcome of the proceedings, and whether the targeted ship was involved in the incident. Below is a graph that outlines the total number of arrest proceedings and their results. These are then commented upon in more detail for each year.

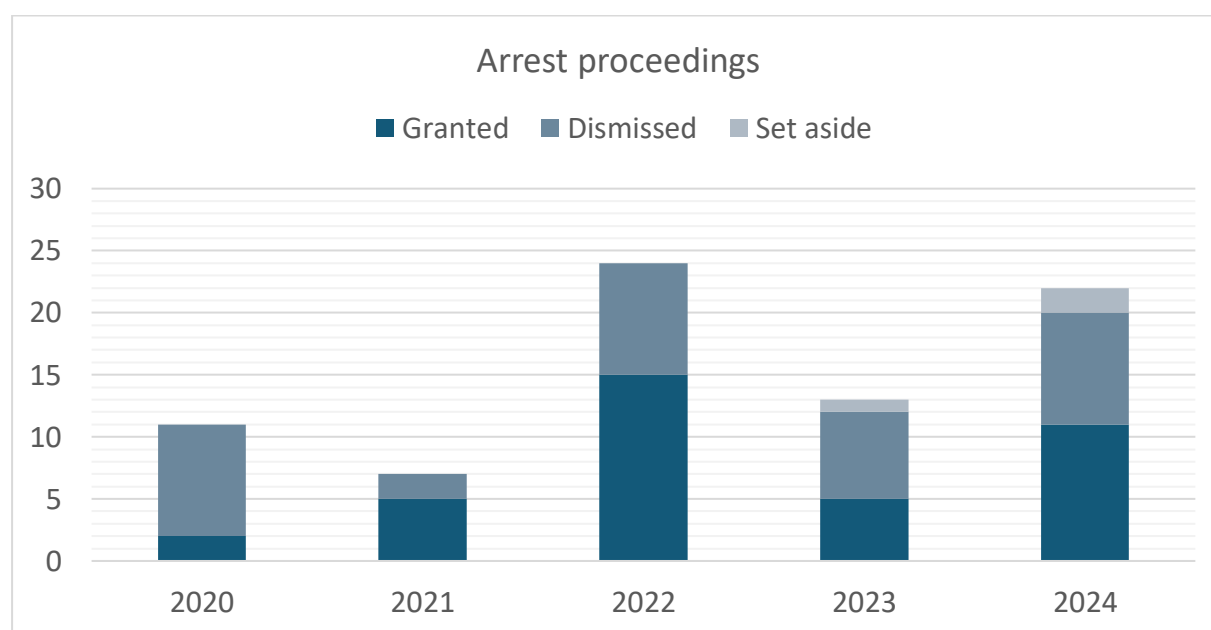


Fig 1. Arrest proceedings distribution 2020-2024

#### 4.1 Arrest cases in 2024

In 2024, 22 arrest proceedings were heard by the commercial courts. In 11 of these cases, arrests were granted. In two cases, the arrests were granted but set aside subsequently. In the other nine cases, the applications were dismissed. Interestingly, only one arrest proceeding concerned a sister ship, and that attempt was unsuccessful. In all other cases, maritime claimants sought to arrest ships involved in incidents.

Most of the targeted ships were general cargo ships. In four proceedings, container ships were arrested, but three were concerned with one incident of non-payment for the supply of bunker fuel. Most claims involving ship arrest were contractual, concerning non-payment under the contracts of carriage of goods and charterparties. Two cases concerned allisions,



and one a collision. There was a salvage case, a ship title case, and a ship repair case. A bulk carrier was arrested for claims arising from the oil spill in two separate proceedings.

#### **4.2 Arrest cases in 2023**

In 2023, there were 13 arrest proceedings involving 18 ships. In five cases, arrests were granted. On one occasion, the arrest was granted but set aside. In the other eight cases, the applications were dismissed. The majority of ships targeted were tankers. In one case, four tugs were arrested to secure one claim. An arrest was not granted in three cases because the claim was not a maritime claim. Other claims dealt with allision, ship sales, repairs, salvage, title disputes, port dues, and charterparties.

#### **4.3 Arrest cases in 2022**

In 2022, 24 proceedings involved ship arrests. In 15 cases, arrests were granted. In the other nine, the applications were dismissed. Interestingly, in two instances, the claimants artificially separated safe anchorage from salvage to obtain two arrests for separate claims and to receive more security for the release of the ship. In two proceedings, attempts were made to arrest a sister ship, but both were unsuccessful.

In most cases, the courts dealt with the claims arising from ship sale agreements where the ship subject to the sale was arrested due to failure to execute the contract. Other claims related to salvage and allision disputes, charterparties and port dues. The prevailing types of targeted ships were general cargo ships, bulk carriers, tankers, and fishing vessels.

#### **4.4 Arrest cases in 2021**

The highest percentage of successful arrest attempts occurred in 2021. However, the total number of cases was relatively low. Only seven proceedings involved ship arrests. In five cases, the arrest was granted. Most of the targeted ships were general cargo ships. The other two were a bulk carrier and a reefer. As for the claims, the proceedings involved allision, salvage, ship sale, collision, and charterparty disputes.

#### 4.5 Arrest cases in 2020

In 2020, the opposite situation occurred. Out of 11 proceedings, only two arrests were granted. In nine cases, the applications were dismissed. There was one unsuccessful attempt to arrest a sister ship. Most claims arose from ship sale contracts. Other claims related to cargo, collision, salvage, and environmental damage. In one case, a failed attempt was made to arrest five ships involved in a bunkering agreement. The types of ships in arrest proceedings were general cargo, ro-ro cargo, pontoon, reefers, fishing vessels, and tankers.

#### 4.6 General comments

From the statistical data, it is clear that the ships are most often arrested for claims arising from non-carriage-related incidents such as oil spills, collisions, allisions, ship repairs, and ship sales. Most ships involved were Russian-flagged or registered in other jurisdictions, particularly open registries.<sup>97</sup> This situation is typical in the global shipping market.<sup>98</sup>

Another feature is that sister ships are not typically arrested in Russia. Maritime claimants attempted to arrest sister ships four times for five years, all unsuccessfully. This might be related to the types of incidents for which the arrest applications were submitted because the vessels involved were often available.

### 5 Practical Issues

In this part, the issues that arose in practice are addressed. The focus continues to be the five years from 2020 to 2024. However, some earlier decisions are used to illustrate the points made. These are not the only problems that may arise with regard to ship arrest. For instance, the correlation between national statutes and international treaties is not discussed in this section. Here, the issues that follow from the latest judicial practice are addressed.

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<sup>97</sup> Stephen Girvin, 'Nationality Requirements: Implications for Shipping Enterprises' in Stephen Girvin and Vibe Ulfbeck (eds), *Maritime Organisation, Management and Liability: A Legal Analysis of New Challenges in the Maritime Industry* (Hart Publishing 2021) 34 et seq.

<sup>98</sup> 'Governance at the International Maritime Organisation: The Case for Reform' (*Transparency International*, 3 April 2018) <<https://www.transparency.org/en/publications/governance-at-the-imo-the-case-for-reform>> accessed 29 April 2025.

## 5.1 Relativity of time

The courts do not always follow the five-day time limit for considering applications to set the arrest aside. In Case No A56-2312/2024, the application to set the arrest aside was submitted to the Court on 18 January 2024. It was decided in favour of the shipowner on 13 February 2024.<sup>99</sup> All this time, the ship stayed at the port. The same situation arose in Case No A56-84484/2023, where the application was submitted on 13 September 2023 but was decided on 4 October 2023.<sup>100</sup> This also occurred in several other cases.<sup>101</sup> This does not mean that all courts regularly breach the specified time limits. Some follow the terms stipulated in the CPC,<sup>102</sup> but there is a high chance that the proceedings will take longer than the law provides.

This problem is primarily connected with the procedure for setting aside the arrest. The application is considered during the hearing, and the parties present their arguments orally. Sometimes, the parties act unreasonably, or a judge cannot get the complete picture in one hearing. This leads to the postponement of the hearing, which is then scheduled beyond the stipulated time. The judges prioritise a fair trial over time efficiency. This is not necessarily a disadvantage of the Russian judicial system, but the problem with this approach is that setting an arrest aside becomes an ineffective mechanism to protect shipowners' rights. Following the specified time limits for such remedies as ship arrest is essential since every moment of delay costs money and may raise economic and environmental concerns.<sup>103</sup>

## 5.2 Alternative security

As mentioned, the right to have the vessel released upon providing an alternative security is stipulated directly by the MSC. One of the most convenient forms of alternative security is the P&I Club Letter of Undertaking (LOU).<sup>104</sup> However, not all jurisdictions accept LOUs as

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<sup>99</sup> Ruling of the Commercial Court of Saint Petersburg and Leningrad Region in Case No A56-2312/2024, 13/02/2024.

<sup>100</sup> Ruling of the Commercial Court of Saint Petersburg and Leningrad Region in Case No A56-84484/2023, 04/10/2023.

<sup>101</sup> Ruling of the Commercial Court of Krasnodar Region in Case No A32-34735/2022, 02/09/2022; Ruling of the Commercial Court of Krasnodar Region in Case No A32-36800/2022, 22/11/2022.

<sup>102</sup> Ruling of the Commercial Court of Saint Petersburg and Leningrad Region in Case No A56-2539/2024, 10/03/2024.

<sup>103</sup> Michael Tsimpilis and George Gerassimou, 'Ship Arrest and Global Economics: Changes in Ship Arrest as an Indicator of Global Financial Well-Being and Environmental Consequences' [2024] LMCLQ 441, 458.

<sup>104</sup> Paul Myburgh, 'P & I Club Letters of Undertaking and Admiralty Arrests' (2018) 24 JIML 201, 208.

sufficient security.<sup>105</sup> In Russia, Club LOUs might be accepted,<sup>106</sup> but this is not established practice.<sup>107</sup>

Interestingly, an LOU may even be used to establish the limitation fund under the 1996 LLMC Convention.<sup>108</sup> A well-known principle of interpretation, *a fortiori*, ‘a hypothesis or conclusion for which there is stronger evidence than for one previously accepted’,<sup>109</sup> may be beneficial in interpreting Russian law.<sup>110</sup> If the limitation fund can be established by providing an LOU, it should also be allowed to be used as an alternative security. This is because if the limitation fund is established, claims can be made only against it.<sup>111</sup>

The acceptance of an LOU depends on the relevant insurer’s reputation.<sup>112</sup> Due to sanctions imposed in 2014 and, more importantly, in 2022 and subsequently, the twelve international P&I insurers that are members of the International Group of P&I Clubs left the Russian market, and the LOU mechanism is not often applied anymore. The International Group was even involved in sanctions enforcement.<sup>113</sup>

This may have increased the number of attempts to arrest ships since 2022. Major international insurers have left the market, and others cannot always provide sufficient

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<sup>105</sup> For instance, in South Korea, see CJ Kim, JH Shin, MH Lim, ‘Shipping Laws and Regulations Korea 2024-2025’, Q 4.5 (ICLG, 20 August 2024) <<https://iclg.com/practice-areas/shipping-laws-and-regulations/korea>> accessed 11 April 2025.

<sup>106</sup> Ruling of the Commercial Court of Krasnodar Region in Case No A32-19480/2008, 19/11/2008.

<sup>107</sup> Ruling of the Commercial Court of Saint Petersburg and Leningrad Region in Case No A56-102093/2017, 24/01/2018, later the bank guarantee was accepted, Ruling of the Commercial Court of Saint Petersburg and Leningrad Region in Case No A56-102093/2017, 28/02/2018; Ruling of the Commercial Court of Saint Petersburg and Leningrad Region in Case No A56-80864/2016, 22/05/2017.

<sup>108</sup> The Convention on Limitation of Liability for Maritime Claims, London, 1976, as amended by the Protocol of 1996 amending the Convention on Limitation of Liability for Maritime Claims of 19 November 1976, Art 11; Ruling of the Commercial Court of Saint Petersburg and Leningrad Region on Case No A56-18550/2006, 25/05/2006.

<sup>109</sup> *Oxford English Dictionary* (online) <<https://doi.org/10.1093/OED/7233617897>> accessed 26 May 2025.

<sup>110</sup> Artem Karapetov, Andrey Pavlov, Sergey Sarbash, Rashid Suleymanov, ‘Commentary to the Ruling of the Plenum of SC RF ‘On Certain Issues of Application of General Provisions of the Civil Code of the Russian Federation on Obligations and Their Execution’ (2017) 3 *Vestnik Ekonomicheskogo Pravosudiya Rossiyskoy Federatsii* 87, 105.

<sup>111</sup> The 1996 LLMC Convention, Art 13.

<sup>112</sup> Ruling of the Commercial Court of Saint Petersburg and Leningrad Region on Case No A56-18550/2006, 25/05/2006.

<sup>113</sup> Richard Meade, ‘Insurers Tell UK Government that Oil Price Cap is ‘Increasingly Unenforceable’ *Lloyd’s List* (London, 29 April 2024).

security to prevent the application.<sup>114</sup> This tendency may also relate to other economic and political factors outside the scope of this paper.

Another issue that arises concerns the amount of alternative security. As noted earlier, alternative security cannot exceed the value of the ship arrested or the claim, whichever is less. One of the curious cases where this issue arose was Case No A32-34735/2022.<sup>115</sup> In this case, the salvors arrested the vessel in order to claim a salvage reward. The parties agreed that a fair reward was 20 per cent of the ship's salvaged value. However, when arresting the vessel, the salvors argued that the value of the ship was as indicated in the insurance policy. The shipowner argued that the salvaged value was ten times less since the ship was a constructive total loss and should have been sold as scrap. The salvage agreement was subject to arbitration. The court found that the issue of the claim value was an issue of substance and could not be considered by the court in proceedings regarding a preliminary security measure. An arbitral tribunal should consider the dispute on the merits. Therefore, for alternative security, the court accepted the calculation of the salvors concerning both the ship and claim value. The decision was not appealed since the parties settled the dispute.

Case No A32-36800/2022 reached the opposite conclusion.<sup>116</sup> This case arose from the same incident. The salvors submitted a separate claim for ensuring the ship's safe anchorage. The court agreed with the defendant's argument that the amount claimed was unreasonable and stated that the alternative security of two times less than the claim would be sufficient and reasonable. The ship remained under arrest due to the negative decision in Case No A32-34735/2022.

Another strategy that may assist claimants in abusing their rights is artificially dividing one claim into several claims. This situation arose in Case Nos A32-31898/2022<sup>117</sup> and A32-35153/2022<sup>118</sup> and in the two cases already mentioned, Case Nos A32-34735/2022 and A32-36800/2022. The claimants divided their claims arising from a salvage incident into a salvage

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<sup>114</sup> List of companies left the Russian market available at <<https://leave-russia.org/leaving-companies>> accessed 29 April 2025.

<sup>115</sup> Ruling of the Commercial Court of Krasnodar Region in Case No A32-34735/2022, 02/09/2022.

<sup>116</sup> Ruling of the Commercial Court of Krasnodar Region in Case No A32-36800/2022, 22/11/2022.

<sup>117</sup> Ruling of the Commercial Court of Krasnodar Region in Case No A32-31898/2022, 05/07/2022.

<sup>118</sup> Ruling of the Commercial Court of Krasnodar Region in Case No A32-35153/2022, 21/07/2022.

claim and a safe anchorage claim. The salvage claims were contractual,<sup>119</sup> and the safe anchorage claims were based on unjustified enrichment.<sup>120</sup> As the courts did not assess the claims on the merits at the preliminary stage, they could not decide whether a salvage contract had covered the safe anchorage and granted arrests to secure each claim. The shipowner had to provide alternative security to release the vessel in both proceedings.

This tactic circumvents the security limitation provided by the MSC. The alternative security cannot exceed the vessel's value or the claim in one proceeding. If the claim is artificially divided, each claim has a separate limitation fund. Therefore, in a worst-case scenario, double the value of the ship would have to be provided to ensure its release. Furthermore, this reduces the chances of a successful ship release. The shipowner must prove that there are grounds for setting aside arrests in both proceedings. Quite often, these arguments are similar. However, different judges consider these parallel proceedings, and the shipowner's arguments may be interpreted differently.

### 5.3 Proportionality

One of the requirements for security measures is the proportionality of the measure to the value of the claim.<sup>121</sup> That means that the negative consequences caused by the security measure should be reasonably proportional to the claim. As a procedural requirement, this may apply to ship arrest.<sup>122</sup> However, there is a contrary practice.<sup>123</sup>

The problem is that without the arrest, it is often impossible to enforce the claim, even though it is insignificant in value. This is due to the widespread accepted use of one-ship companies,

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<sup>119</sup> Ruling of the Commercial Court of Krasnodar Region in Case No A32-34735/2022, 02/09/2022; Ruling of the Commercial Court of Krasnodar Region in Case No A32-31898/2022, 05/07/2022.

<sup>120</sup> Ruling of the Commercial Court of Krasnodar Region in Case No A32-36800/2022, 22/11/2022; Ruling of the Commercial Court of Krasnodar Region in Case No A32-35153/2022, 21/07/2022.

<sup>121</sup> Resolution No 15 (n 54), s 14; Art 91(2) of the CPC.

<sup>122</sup> Ruling of the Commercial Court of the Republic of Crimea in Case No A83-18423/2024, 11/09/2024; Ruling of the Commercial Court of Saint Petersburg and Leningrad Region in Case A56-2312/2024, 13/02/2024.

<sup>123</sup> Ruling of the Commercial Court of Krasnodar Region in Case No A32-35114/2024, 26/06/2024; Ruling of the Commercial Court of Saint Petersburg and Leningrad Region in Case No A56-84484/2023, 04/10/2023; Ruling of the Commercial Court of Krasnodar Region in Case No A32-35153/2022, 21/07/2022.

which occurs when a shipowner company has only one ship and no other property.<sup>124</sup> A ship is a mobile asset that may not be easily accessed for enforcement.<sup>125</sup>

One of the clearest examples is crew claims that might not be substantial but require security. The question is whether the arrest application to secure a crew claim should be dismissed if the claim's value is disproportionate to the potential damages caused by the arrest.

Seafarers are in a weaker position than shipowners,<sup>126</sup> which is why crew claims deserve protection and security. They might be the only reason for preserving special maritime remedies.<sup>127</sup>

An argument favouring proportionality is that this prevents claimants from abusing their rights. However, a mechanism of 'necessity' ensures the same result, but to a lesser extent. Owing to necessity, the claimant should demonstrate that the security is needed to enforce the potential judgment. Even though the arrest is disproportionate to the claim, if needed, it is fair to grant security, especially when shipowners deliberately take action to limit or avoid liability by establishing one-ship companies.

Proportionality restricts maritime claimants who need security. As the preventative aspect of proportionality can be replaced by a necessity requirement, which may infringe upon the maritime claimants' rights, it cannot be fully justified in relation to ship arrest.

## 5.4 Sanctions

One current trend that may affect ship arrest is the sanctions imposed on Russia by the European Union<sup>128</sup> and the United States of America<sup>129</sup> and countersanctions imposed by Russia on so-called 'unfriendly' States.<sup>130</sup>

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<sup>124</sup> Berlingieri vol 2 (n 4) [8.73].

<sup>125</sup> Paul Myburgh, 'Admiralty Law – What is it good for?' (2009) 29(1) U of Queensland LJ 19, 26.

<sup>126</sup> Andrew Tettenborn, 'The Maritime Lien: An Outdated Curiosity' [2023] LMCLQ 405, 415 et seq.

<sup>127</sup> Ibid.

<sup>128</sup> Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine [2014] OJ L229/1 (version of 25 February 2025).

<sup>129</sup> <<https://ofac.treasury.gov/sanctions-programs-and-country-information/ukraine-russia-related-sanctions>> accessed 11 April 2025.

<sup>130</sup> 'Review of Sanctions in Connection to Russia's Invasion of Ukraine' (2022) 1 Maritime LJ 23.

Russian procedural law also provides for special provisions regarding sanctions. The CPC stipulates that Russian courts have exclusive competence to consider disputes involving parties affected by restrictive measures<sup>131</sup> and may issue an anti-suit injunction against courts or arbitrations in the states that impose such measures on Russian parties.<sup>132</sup> The reasoning is the probable lack of a fair trial in the relevant forums. In other words, the Russian parties cannot receive a fair trial in the courts bound by 'discriminatory' regulations.<sup>133</sup> EU law separately provides that Russian anti-suit injunctions and judgments based on the CPC provisions cannot be enforced.<sup>134</sup>

Suppose a Russian court has exclusive competence to consider a dispute against a foreigner. In that case, the relevant claim can be enforced only in Russia, at least from the Russian legislator's perspective. The relevant party's lack of property in Russia makes enforcement impossible. This alone may justify the arrest. This situation happened in one case that reached the stage of a cassation appeal.<sup>135</sup> In this case, the court of first instance dismissed the application for ship arrest because the claimant failed to prove the impossibility or difficulty of enforcing the judgment if the security measure had not been granted. The Court of Appeal upheld the ruling. The District Court (cassation instance) also upheld the ruling. Still, it stated that the fact that the Russian court had exclusive competence to consider the dispute justified the arrest because the judgment could only be enforced in Russia. There was no other defendant's property available. The arrest was not, however, granted because the ship had already left Russian waters.

In another case, the arrest circumvented the foreign company's decision to leave the Russian market.<sup>136</sup> Two vessels were arrested for claims arising from port facilities construction

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<sup>131</sup> Art 248.1 of the CPC.

<sup>132</sup> Ibid, Art 248.2.

<sup>133</sup> Review of Judicial Practice of the Supreme Court of Russia No 3 (2023), approved by the Presidium of the Supreme Court of Russia on 15 November 2023, s 31; Explanatory note to the Project of Federal Law No 754380-7 'On amendments to particular legislative acts of the Russian Federation for the protection of rights of some categories of natural and artificial persons in connection with the unfriendly actions of the United States of America and other foreign countries'.

<sup>134</sup> Council Regulation (EU) 2024/1745 of 24 June 2024 amending Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine [2024] OJ L available at <<http://data.europa.eu/eli/reg/2024/1745/oj>> accessed 25 April 2025, s 14; Council Regulation (EU) No 833/2014 (n 128), Art 5ab.

<sup>135</sup> Ruling of the Commercial Court of the North-Western District in Case No A56-13164/2024, 05/09/2024.

<sup>136</sup> Ruling of the Commercial Court of the North-Western District in Case No A42-3901/2022, 24/11/2022; Ruling of the Commercial Court of the North-Western District in Case No A42-3902/2022, 24/11/2022.



contracts that involved the use of ships. Upon arrest, the right to use the vessels was transferred to a third party affiliated with the claimant. The claim occurred when the Netherlands company, Boskalis, decided to leave the Russian market due to the sanctions. A Russian counterparty argued that this decision contradicted the terms of the contract. Boskalis's ships were arrested. As a result of these specific circumstances, the claimant could use the defendant's equipment even before the judgment on the merits because the arrest was granted 'with the right to use'.

In 2017, the court refused to accept a P&I Club LOU as an alternative security due to the restrictive measures implemented by the European Union.<sup>137</sup> The court's main argument was that the insurer could not pay, as restrictive measures might have prohibited it. Therefore, the LOU did not form sufficient security as required.

The imposition of restrictive measures due to the political situation widens the scope of ship arrest. It provides claimants with new arguments regarding obstacles to claim enforcement and the lack of a fair trial. Overall, it makes it easier to arrest foreign vessels and more challenging to obtain their release.

## **6 Maritime or non-maritime remedies**

As confirmed by judicial practice, arrest is one of the security measures in line with non-maritime arrests, injunctions and others stipulated by the CPC. This part now analyses distinctive features of maritime arrest that justify its separation from non-maritime preliminary remedies.

### **6.1 Drastic measure**

In judicial practice, a maritime arrest is more drastic than a non-maritime arrest because it provides for the detention of the ship, while a non-maritime arrest only prohibits the relevant register from entering any information on ship ownership.<sup>138</sup> This difference is most clearly

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<sup>137</sup> Ruling of the Commercial Court of Saint Petersburg and Leningrad Region in Case No A56-80864/2016, 22/05/2017.

<sup>138</sup> Ruling of the Commercial Court of Primorskiy Region in Case No A51-19931/2021, 23/12/2022.

illustrated by cases where a non-maritime arrest was granted, but a maritime one was not.<sup>139</sup> In those cases, a non-maritime arrest prohibits the register from entering anything related to the relevant property.

This measure alone is sensible when the property concerned is naturally immovable.<sup>140</sup> A building cannot move, so there is no need to detain it. This does not apply to ships. Also, it seems doubtful that there is no way to detain property under the general procedural rules. This can be demonstrated in an insolvency case, No A51-1300/2024, where two ships were arrested and detained.<sup>141</sup> The defendant appealed since the arrest was made in contradiction to the MSC provisions. The Court of Appeal found that the arrest in the form of ship detention was necessary due to the nature and value of the claims. The court separately emphasised that the arrest was granted not under MSC provisions but according to general procedural rules provided by Ch 8 of the CPC.

Therefore, it does not follow from judicial practice that maritime arrests cause more severe consequences to the defendant. There is no restriction on detaining the defendants' property outside maritime remedies. Accordingly, it cannot be said that ship arrest is a more drastic remedy available only to maritime claimants.

## 6.2 Title

Another, probably more important, feature is that it is possible to arrest a ship that is not owned by the person liable but chartered by them. This is an actual difference between maritime and non-maritime security measures. General measures secure the claim against the shipowner, and therefore, the property of another party cannot be arrested. It might be possible to lift the corporate veil, but this is a much more complicated procedure.

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<sup>139</sup> Ruling of the Commercial Court of Murmansk Region in Case No A42-6013/2023, 05/12/2023; Ruling of the Commercial Court of Primorskiy Region in Case No A51-189203/2022, 12/01/2023; Ruling of the Commercial Court of Murmansk Region in Case No A42-3254/2019, 15/02/2022; Ruling of the Commercial Court of the Republic of Crimea in Case No A83-7672/2022, 29/06/2022.

<sup>140</sup> Ships are considered immovable property in Russia, Art 130(1) of the Civil Code of the Russian Federation Part I No 51-FZ, adopted on 21 October 1994.

<sup>141</sup> Ruling of the Fifth Commercial Court of Appeal in Case No A51-1300/2024, 24/04/2024. The interrelation between insolvency and ship arrest is discussed in Ulrik Rammeskov Bang-Pedersen, 'Ship Arrest and Insolvency Proceedings: A European Perspective' in Girvin and Ulfbeck (n 97) 164 et seq.

However, the general procedural requirements apply to maritime arrest. The necessity for security needs to be proved. Claims not secured by maritime liens can be enforced only from the property owned by the person liable. Under Russian law, there are no statutory actions in rem.<sup>142</sup> The claim cannot be channelled to the shipowner only by virtue of a ship arrest. In the interpretation of Russian courts, ‘arrest in rem’ would mean a connection between a claim and a ship, while ‘arrest in personam’ – a connection between a claim and a person liable.<sup>143</sup> The arrest of property not belonging to the person liable would not secure the claim and cannot be considered necessary.<sup>144</sup>

Even though the MSC permits the arrest of ships chartered but not owned by the person liable, the court can dismiss the arrest application. This arrest would not secure the claim against that person because it is not their property being arrested.

### 6.3 Maritime liens

One unique maritime law institution distinct from general commercial law remedies is the maritime lien.<sup>145</sup> The law explicitly provides that the ship involved in the incident may be arrested for the claim secured by a maritime lien.<sup>146</sup> The MSC list of claims secured by the maritime lien is derived from the 1993 MLM Convention.<sup>147</sup> The understanding of maritime lien in Russia would be relatively similar to common law,<sup>148</sup> giving the claimant the right to satisfy its claim from the ship, irrespective of title, with the highest priority.<sup>149</sup>

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<sup>142</sup> On actions in rem, generally, see Tettenborn and Rose (n 43) [4.001] et seq; Kimbell (n 43) 90 et seq.

<sup>143</sup> Ruling of the Commercial Court of Krasnodar Region in Case No A32-14434/2024, 19/03/2024; Ruling of the Fifteenth Commercial Court of Appeal in Case No A32-1584/2016, 22/02/2019; Ruling of the Commercial Court of Krasnodar Region in Case No A32-66449/2023, 05/12/2023. All rulings referred to Ruling of the Presidium of the Supreme Commercial Court of Russia No 9284/02, 19/11/2002, Ruling of the Supreme Commercial Court of Russia No VAS-9003/13, 17/02/2014, Ruling of the Supreme Commercial Court of Russia No VAS-2562/14, 07/03/2014.

<sup>144</sup> Ruling of the Commercial Court of the Far Eastern District in Case No A59-1514/2019, 03/03/2022.

<sup>145</sup> The utility of maritime liens has been criticised in Tettenborn (n 126).

<sup>146</sup> Art 390(1)(1) of the MSC.

<sup>147</sup> Ibid, Art 367.

<sup>148</sup> Generally, on maritime liens see DR Thomas, *Maritime Liens* (Stevens & Sons 1980); Tettenborn and Rose (n 43) [4-038] et seq.

<sup>149</sup> Art 368 of the MSC.

In some cases, a maritime lien does not exclude the need to prove the procedural requirements stipulated by the CPC.<sup>150</sup> That means the claimant still needs to prove that the arrest is necessary. If there is a reasonable chance that the claim secured by a maritime lien may be enforced without this arrest, it will not be granted.<sup>151</sup> The claim remains against the person liable, but with specific rules for its enforcement.

Maritime liens are a unique institution that distinguishes ship arrest from other security measures listed in the CPC. This is mainly because the ship may be arrested even if it is not owned by the person liable, which is unimaginable for other measures. This is because the enforcement of judgment against the person liable for the value of the ship does not depend on ownership.

The courts sometimes interpret provisions on maritime liens differently from their original intention. This is primarily because ‘maritime lien’ in Russian is translated literally as ‘maritime pledge’. In one case, the Court applied the provisions of the Civil Code on a contractual pledge to a claim secured by a maritime lien.<sup>152</sup> It did not result in a completely wrong judgment, but, at least in theory, demonstrated that the courts do not always interpret the nature of this institution as a privileged claim.

Maritime liens are a unique feature of ship arrests. However, they have nothing to do with the list of maritime claims, in personam connection, or other rules on ship arrest. Their applicability is limited to five specific claims listed in the MSC.<sup>153</sup>

## **6.4 Ship arrest regime**

The MSC and the 1952 Arrest Convention do not exclude the application of general procedural rules. On the contrary, they create additional obstacles in the form of a closed list of maritime claims. The tool that should assist maritime claimants in enforcing their claims makes it more difficult.<sup>154</sup> There have been cases where the application for ship arrest was dismissed because

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<sup>150</sup> Ruling of the Twenty-First Commercial Court of Appeal in Case No A84-7666/2023, 26/09/2024. Cf Ruling of the Commercial Court of Krasnodar Region in Case No A32-66449/2023, 05/12/2023.

<sup>151</sup> Ruling of the Commercial Court of Rostov Region in Case No A53-32373/2022, 30/09/2022.

<sup>152</sup> Judgment of the Twelfth Commercial Court of Appeal in Case No A12-37666/2015, 31/10/2019.

<sup>153</sup> Art 367 of the MSC.

<sup>154</sup> Ruling of the Thirteenth Commercial Court of Appeal in Case No A56-15081/2024, 16/05/2024.

the claim was not of a maritime nature.<sup>155</sup> However, the courts rarely rely exclusively on the non-maritime nature of the claim. It was only in Case No A59-6874/2022 that this was the sole reason for the dismissal of the application. In other cases, the courts additionally stated that the procedural grounds for ship arrest were unmet. So, it does not make much sense to retain this institution as it presently is. The procedural requirements for ship arrest should be lowered, or the list of maritime claims should be denounced.<sup>156</sup> Otherwise, the uniqueness of ship arrest is exploited beyond its purpose.

Ship arrest provides a distinct mechanism for maritime claims enforcement, but only regarding maritime liens. This is not due to the arrest itself but owing to the nature of the maritime lien. A claim secured by a maritime lien can be enforced against a ship even though it no longer belongs to the person liable. This feature alone cannot justify the existence of the list of maritime claims. These two institutions are disconnected. There is also an argument that maritime liens are not entirely justified.<sup>157</sup> Discussion of the maritime lien falls outside the scope of the paper. If the legislator prefers to preserve it, separate provisions on ship arrest might exist within the maritime lien regulation.

## **7 Conclusion**

Russian law follows international trends on ship arrest. The MSC includes or aims to include the best global practices, combining the 1952 and 1999 Arrest Conventions provisions. General procedural provisions prevent the claimants from abusing their rights. The detention of the ship for 72 hours, as of right, gives the courts sufficient time to consider the application more thoroughly and issue a considered decision.

The question that arises is whether Russia is an arrest-friendly state. There is no complete answer to this. For five years, there have been cases in which the courts have expressly said

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<sup>155</sup> Ruling of the Commercial Court of Sakhalin Region in Case No A59-6874/2022, 21/02/2023; Ruling of Commercial Court of Sakhalin Region in Case No A59-3035/2023, 13/12/2023; Ruling of the Commercial Court of Primorskiy Region in Case No A51-18903/2022, 12/01/2023; Ruling of the Commercial Court of Primorskiy Region in Case No A51-15873/2022, 29/09/2022.

<sup>156</sup> This issue was discussed in relation to other civil law jurisdictions, Abou-Nigm (n 3) [7.94].

<sup>157</sup> Tettenborn (n 126).

that ships can be arrested only if the substantive requirements are met.<sup>158</sup> In other cases, the standard of proof was set so high that it was almost impossible to arrest the ship due to the necessity and proportionality requirements.<sup>159</sup> In parallel proceedings, the same court could reach contradicting decisions regarding the amount of counter-security and the possibility of its reasonable assessment.<sup>160</sup> In another case, the arrest can be granted in complex circumstances that can be considered questionable.<sup>161</sup> At the same time, the clear application for the arrest of the ship owned by a one-ship company when a maritime lien secures the claim can be dismissed.<sup>162</sup> In earlier periods, some cases involved LOUs being accepted as alternative security,<sup>163</sup> others did not.<sup>164</sup>

It seems that this is the main issue regarding ship arrest in Russia. The claimant can never reasonably predict whether its application will succeed. The defendant cannot expect a reasonable alternative security to ensure the vessel's release. Avoiding Russia may be a more sensible solution for a claimant who can shop for forums, which is almost always possible in merchant shipping due to its international character.<sup>165</sup> This is not because Russian law is stricter regarding ship arrest than other civil law countries, but because the uncertainty is too high.

Another question addressed is whether separate provisions on ship arrest give maritime claimants more options to enforce their claims. The answer is a negative one. Indeed, it is the opposite. The special maritime arrest provisions create more obstacles to obtaining security by introducing substantive requirements while not excluding procedural ones. If so, it might

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<sup>158</sup> Ruling of the Commercial Court of Saint Petersburg and Leningrad Region in Case No A56-102093/2017, 30/04/2021.

<sup>159</sup> For example, Ruling of the Commercial Court of Primorskiy Region in Case No A51-19112/2022, 21/11/2022.

<sup>160</sup> Ruling of the Commercial Court of Krasnodar Region in Case No A32-34735/2022, 02/09/2022, Ruling of the Commercial Court of Krasnodar Region in Case No A32-36800/2022, 22/11/2022.

<sup>161</sup> Ruling of the Commercial Court of the North-Western District in Case No A42-3901/2022, 24/11/2022; Ruling of the Commercial Court of the North-Western District in Case No A42-3902/2022, 24/11/2022.

<sup>162</sup> Ruling of the Commercial Court of Rostov Region in Case No A53-32373/2022, 30/09/2022; Ruling of the Commercial Court of Rostov Region in Case No A53-37005/2021, 26/10/2021.

<sup>163</sup> Ruling of the Commercial Court of Krasnodar Region in Case No A32-19480/2008, 19/11/2008.

<sup>164</sup> Ruling of the Commercial Court of Saint Petersburg and Leningrad Region in Case No A56-102093/2017, 24/01/2018.

<sup>165</sup> Generally, on forum shopping in different countries, see Carel Baron van Lynden (ed), *Forum Shopping* (Informa Law from Routledge 2013).

be sensible to consider abolishing these provisions, save for the arrest of ships when a maritime lien secures the claim.

## Appendix

### List of cases involving ship arrests from 2020 to 2024

#	Case No	Ship Name	Ship Type	IMO No	Subject	Outcome	Sistership
2024							
1.	A32-11424/2024	HAI JIN JIANG	Bulk carrier	9432256	Oil spill	Granted	No
2.	A32-25918/2024	HAI JIN JIANG	Bulk carrier	9432256	Oil spill	Granted	No
3.	A32-35114/2024	GAM EXPRESS	General cargo	8204119	Cargo claim	Granted	No
4.	A32-5069/2024	ARS ET LABOR	Oil/chemical tanker	9396385	Allision	Granted	No
5.	A32-65618/2024	SUNFLYTE	Oil/Chemical tanker	9228813	Cargo claim	Granted	No
6.	A32-8336/2024	VETLUGA	General cargo	9143611	Collision	Granted	No
7.	A51-15718/2024	STK-1026	General cargo	8719372	Repairs	Dismissed	No
8.	A51-4336/2024	MINXIN	Bulk Carrier	9303003	Allision	Granted	No
9.	A51-4591/2024	BRAUZER	Fishing vessel	8320925	Charter	Dismissed	Yes
10.	A53-42541/2024	KAMA	General cargo	8860822	Title	Granted	No
11.	A56-15013/2024	FLYING FISH 1	Container ship	9200811	Salvage	Dismissed	No
12.	A56-15081/2024	KAPITAN DANILKIN	General Cargo	8406729	Charter	Dismissed	No
13.	A56-2312/2024	SAPODILLA	General cargo	9418999	Cargo claim	Set aside	No
14.	A56-2539/2024	HONRISE	Container ship	9230206	Charter	Granted	No
15.	A56-28562/2024	NEWNEW PANDA 1	Container ship	9315965	Bunkering	Dismissed	No
16.	A56-33233/2024	NEWNEW STAR 2	Container ship	9329643	Bunkering	Dismissed	No
17.	A56-46315/2024	MYRA	Oil products tanker	9336490	Cargo claim	Dismissed	No
18.	A56-50118/2024	CS FLOURISH	General cargo	9438365	Charter	Set aside	No
19.	A56-54557/2024	NEWNEW STAR	Container ship	9353228	Bunkering	Dismissed	No
20.	A56-70810/2024	MYRA	Oil products tanker	9336490	Cargo claim	Dismissed	No



21.	A83-18423/2024	NOVAYA ZEMLYA	Bulk carrier	9549281	Collision	Granted	No
22.	A84-9014/2024	NOVAYA ZEMLYA	Bulk carrier	9549281	Charter	Dismissed	No
2023							
23.	A59-3035/2023	ARGO	Fishing vessel	8803422	Non-maritime claim	Dismissed	NA
24.	A24-5339/2022	OCTOPUS	Bunker tanker	-	Ship sale	Dismissed	No
25.	A32-66449/2023	GUZEL	Ro-ro cargo	7728699	Allision	Granted	No
26.	A42-6013/2023	POLAR ROCK	Crude oil tanker	9116632	Ship sale	Dismissed	No
27.	A51-18903/2022	RASSVET	Fishing vessel	8667048	Non-maritime claim	Dismissed	NA
28.	A51-2808/2023	SHENG SHENG-6	General cargo	8358013	Allision	Dismissed	No
29.	A51-768/2023	CHUKOTKA PLUS	Oil products tanker	7927960	Repairs	Granted	No
30.	A56-84484/2023	KRISTIN	Container ship	9190212	Ship management	Set aside	No
31.	A59-2548/2023	SVITZER ANIVA SVITZER SAKHALIN SVITZER BUSSE SVITZER KORSAKOV	Tug Tug Tug Tug	9369253 9369241 9389605 9389590	Charter	Granted	No
32.	A59-6874/2022	STR-503 LAZER GRINDA DOZORNYI	- - -	- - -	Non-maritime claim	Dismissed	NA
33.	A73-6940/2023	KC HADONG	Bulk carrier	9161687	Salvage	Dismissed	No
34.	A83-26814/2023	ISTRA	Oil products tanker	9632088	Title	Granted	No
35.	A84-7666/2023	VIVA-962	Edible oil tanker	8878764	Port dues	Granted	No
2022							
36.	A06-10967/2022	LARISA	Non-self-propelled cutter suction dredger	NA	Ship sale	Dismissed	No

37.	A06-7540/2022	TIYAM	General cargo	8874495	Ship use	Dismissed	No
38.	A06-7541/2022	OMSKIY-130	General cargo	8858104	Ship use	Dismissed	No
39.	A21-14164/2021	CETUS STAR	Bulk carrier	9278741	Cargo claim	Granted	No
40.	A32-31898/2022	LIDER BULUT	Ro-ro cargo	9198719	Salvage	Granted	No
41.	A32-31974/2022	SATURN	Fishing vessel	9287651	Title	Granted	No
42.	A32-34735/2022	AHMET TELLI	Chemical tanker	9035292	Salvage	Granted	No
43.	A32-35153/2022	LIDER BULUT	Ro-ro cargo	9198719	Safe anchorage	Granted	No
44.	A32-36800/2022	AHMET TELLI	Chemical tanker	9035292	Safe anchorage	Granted	No
45.	A32-37072/2022	PAWELL NEFTERUDOV-50M	General cargo Ore/oil carrier	8315499 8726155	Charter	Dismissed	No
46.	A32-46754/2022	VOSKHOD	Fishing vessel	NA	Ship sale	Dismissed	No
47.	A32-49798/2022	MILLA	General cargo	9004487	Charter	Dismissed	No
48.	A42-3254/2019	GRAF DVINA TOVRA	Ore/oil carrier Oil products tanker Tanker	8726208 8711734 7719002	Ship sale	Dismissed	Yes
49.	A42-3901/2022	NORDIC GIANT	Dredger	NA	Ship use	Granted	No
50.	A42-3902/2022	ARCTIC SCRADEWAY NORDIC GIANT	Pontoon Dredger	9364497 NA	Ship use	Granted	No
51.	A51-15873/2022	MRS-079	-	NA	Non-maritime claim	Dismissed	NA
52.	A51-17705/2022	XIAN HAI LIN 7	Fishing vessel	9801794	Maritime agency	Dismissed	NA
53.	A51-19112/2022	TORNADO	Reefer	8404575	Charter	Dismissed	Yes
54.	A51-19931/2021	BEREG MECHTY	Reefer	822571	Port dues	Dismissed	No
55.	A51-20882/2021	ANTA	Bulk carrier	9258337	Allision	Dismissed	No
56.	A51-2945/2022	PLAVKRAN NO 89	Crane ship	8927175	Repairs	Granted	No

57.	A53-32373/2022	MEKHANIK YUZVOVICH	General cargo	9116101	Allision	Dismissed	No
58.	A59-4474/2022	TAIKO MARU 38	Fishing vessel	NA	Ship sale	Dismissed	No
59.	A83-7672/2022	GRUPER	Port tender	-	Ship sale	Dismissed	No
2021							
60.	A21-7186/2021	PLUTO	Bulk carrier	9432531	Allision	Granted	No
61.	A32-9548/2021	APRIL	General cargo	9013024	Salvage	Granted	No
62.	A51-30303/2017	ATLANTICA	Reefer	8812796	Ship sale	Granted	No
63.	A53-37005/2021	MEKHANIK YUZVOVICH	General cargo	9116101	Allision	Dismissed	No
64.	A56-102093/2017	RMS GOOLE	General cargo	9213600	Collision	Granted	No
65.	A59-1514/2019	PACIFIC RAY	General cargo	9812807	Charter	Granted	No
		ATLANTIC RAY	General cargo	8900983			
66.	A83-13339/2021	BAYKAL	General cargo	8721533	Ship sale	Dismissed	No
2020							
67.	A19-8038/2020	-	-	-	Ship sale	Dismissed	No
68.	A32-27578/2020	ALTAY	Ro-ro cargo	8118827	Cargo claim	Dismissed	No
69.	A32-37573/2020	BULK KREMI 1	Pontoon	7516046	Collision	Granted	No
70.	A51-12270/2020	DOBROFLOT	Passenger ship	8815243	Repairs	Dismissed	No
71.	A51-13197/2020	KAL MA 2	Fishing vessel	8202472	Ecological damage	Granted	No
72.	A51-1534/2020	RETRIEVER	Reefer	9109500	Ship sale	Dismissed	No
73.	A51-18495/2020	VASILY SHUKSHIN	General cargo	9057288	Salvage	Dismissed	No
74.	A51-24204/2019	BEREZOVNEFT	Bunker tanker	7109336	Ship sale	Dismissed	No
75.	A51-24422/2019	SARGAL	Fishing vessel	7828748	Ship sale	Dismissed	No
76.	A51-26050/2019	TITANIYA	Reefer	8727147	Ship sale	Dismissed	Yes

77.	A56-28915/2020	SPARTA SPARTA II SPARTA III SPARTA IV PIZHMA	Ro-ro cargo Ro-ro cargo General cargo General cargo General Cargo	9268710 9160994 9538892 9743033 8814354	Bunkering	Dismissed	No
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