



ADRIATIC MARITIME LAW CONFERENCE

GRADO, 24-26 May 2018

To the Members of the National Maritime Law Associations of Italy, Slovenia And Croatia

23rd May 2018

Dear friends and colleagues,

We are happy to welcome you at the 3rd Adriatic Maritime Law Conference in Grado!

In this brochure you will find all the details of the Conference programme, the speakers and the presentations topics.

We shall have interesting presentations from speakers coming from various Adriatic coastal states to discuss new and exciting topics of maritime law (such as cybercrime and unmanned vessels) and an update with regard to the main topics of the 1st and 2nd AMLC. Besides that, this event would also give us an opportunity to explore a new common area and compare the legal regime of passengers' transportation by sea. The main topics of the Conference will encompass various legal aspects of passengers' transportation, such as issues concerning jurisdiction, liability, insurance, passengers' rights (including disabled passengers), and public transport concessions. Two focus sessions will be devoted to the investigations of maritime accidents involving passengers' ships and their use in criminal and civil court proceedings from the point of view of the Italian, Slovenian and Croatian law system, and to the environmental impact of passengers' and cruise ships.

We shall have also the opportunity to pay a special tribute to the late Prof. Francesco Berlingieri, President ad Honorem of the Comité Maritime International.

In hope to continue excellent experiences from Portoroz and Opatija, we wish you a very fruitful and interesting Conference here in Grado!

Yours faithfully,

President of AIDIM
Avv. Giorgio Berlingieri

President of DPPS
Ms. Margita Selan-Voglar

President of HDPP
Dr. Petar Kragić

ADRIATIC MARITIME LAW CONFERENCE GRADO, 24-26 May 2018

CONFERENCE PROGRAMME

Thursday, 24 May 2018 - Hotel Fonzari

14:00 - 14:30 Registration

14:30 - 15:00 Welcome Reception

15:00 - 15:30 Opening Ceremony

15:30 - 16:00 **TRIBUTE TO FRANCESCO BERLINGIERI**

Avv. Francesco Siccardi, Vice President of the Italian Maritime Law Association

16:00 - 17:30 **INTRODUCTORY SESSION: KEY – NOTE SPEECHES ON BEHALF OF THE THREE ASSOCIATIONS**

Chairman: Prof. Avv. Alfredo Antonini – President of the Trieste Committee of Italian Maritime Law Association

AVV. GIORGIO BERLINGIERI: **Francesco Berlingieri – at war and at home**

MARGITA SELAN VOGLAR, LL.B.: **Cyber Risk in Shipping and Insurance**

PROF. DR. GORDAN STANKOVIĆ: **Judicial Sales of Ships – Rocky Road to Unification**

Discussion

17:30 - 18:00 Coffee break

18:00 - 19:40 **UPDATE AND FOLLOW-UP OF THE 1ST AND 2ND AMLC CONFERENCES**

Chairman: Dr. Boris Jerman – Secretary General of the Maritime Law Association of Slovenia

DOC. DR. ADRIANA VINCENCA PADOVAN – DR. VESNA WOLFF SKORUPAN: **Report of the AMLC Working Group on the Legal Aspects of Nautical Tourism and the Way Forward**

AW. ALBERTO PASINO: **The New Italian Yachting Code: Some Preliminary Remarks**

AW. LORENZO FABRO: **The New Regime for Marinas in Italy**

MATO BOŠKOVIĆ, M.Sc. – DRAGOLJUB MARKOVIĆ, M.Sc.: **The Regulatory Framework and Organizational Model for Managing Ports and Marinas in Montenegro – the Current Situation and the Necessary Changes**

DR. BOŽENA BULUM – DR. MARIJA PIJACA: **Legal Consequences of the Application of Regulation EU 2017/352 on the Provision of Maritime Port Services in the Republic of Croatia**

DR. BORIS JERMAN: **Problem of the Noise in Ports**

Discussion and concluding remarks

20:30

Dinner at Hotel Fonzari

Friday, 25 May 2018 - Hotel Fonzari

9:00 – 10:00 **LEGAL FRAMEWORK FOR PASSENGERS' TRANSPORTATION BY SEA IN THE ADRIATIC**

Chairwoman: Ms. Margita Selan Voglar – President of the Maritime Law Association of Slovenia

PROF. DR. DRAGAN BOLANČA – PROF. DR. PETRA AMIŽIĆ: **Application of the Regulation (EU) 1177/2010 in Croatia – What More Can We Do for Disabled Persons and Persons with Reduced Mobility?**

PROF. DR. CHIARA TUO: **Determining international jurisdiction in the field of transports: between specialized conventions and EU Regulations**

PROF. DR. RANKA PETRINOVIĆ: **Legal Regime of Coastal Liner Shipping in the Republic of Croatia**

Doc. Dr. Nikola Mandić: **Public Transport Concessions in Coastal Liner Shipping after the Accession of the Republic of Croatia to the European Union**

Discussion

10:00 – 11:20 CARRIAGE OF PASSENGERS BY SEA – LIABILITY AND INSURANCE ISSUES

Chairman: Avv. Francesco Siccardi – Vice President of the Italian Maritime Law Association

PROF. DR. JASENKO MARIN: Rights of Passengers Travelling by Sea under Croatian Law

AVV. FILIPPO CASSOLA: The EC Regulation n.392/2009 and its application

PROF. AVV. PIERANGELO CELLE: Direct Action against Carrier's Liability Insurers

AVV. ANGELO MERIALDI: Domestic Liability Regimes in Carriage of Passengers by Sea

Discussion

11:20 – 11:50 Coffee break

11:50 – 12:30 INVESTIGATIONS OF MARITIME ACCIDENTS INVOLVING PASSENGERS' SHIPS AND THEIR USE IN CRIMINAL AND CIVIL COURT PROCEEDINGS

Chairman: Dr. Mitja Grbec- Vice President of the Maritime Law Association of Slovenia

PROF. DR. CINZIA INGRATOCI: Investigations of Maritime Accidents Involving Passengers' Ships in Italy

PROF. DR. AXEL LUTTENBERGER – PROF. DR. BISERKA RUKAVINA – PROF. DR. MERICA SLIŠKOVIĆ: Investigations of Maritime Accidents Involving Passengers' Ships in the Republic of Croatia

Discussion

12:30 – 14:00 Lunch at Hotel Fonzari

14:00 – 15:00 National Maritime Law Associations Meeting
(Delegates only)

15:00 – 16:40 ENVIRONMENTAL IMPACT OF PASSENGERS' SHIPS IN THE ADRIATIC SEA

Chairman: Dr. Petar Kragić – President of the Croatian Maritime Law Association

PROF. DR. DOROTEA ČORIĆ: Cruise Vessels in Croatian Seaports – Legal Regime for Pollution Prevention and Civil Liability for Damages

DOC. DR. IGOR VIO – BOJANA STANIĆ STANISAVLJEVIĆ, LL.B.: **Liner Ships for Transport of Passengers in the Adriatic – Implementation of International Regulations on Protection of Marine Environment in Croatia**

AVV. CRISTIANO ALESSANDRI: **The Impact of Cruise Ships in Venice**

DR. MITJA GRBEC: **New EU Policy with regard to the Reduction of Level and Detrimental Impact of Plastics from Shipping and Fishing Operations**

Discussion

16:40 – 17:10 Coffee break

17:10 – 19:10 **RECENT DEVELOPMENTS OF MARITIME AND TRANSPORT LAW**
Chairman: Dr. Igor Vio – Secretary General of the Croatian Maritime Law Association

DR. PETAR KRAGIĆ: **European Union and Maritime Law – Current Issues**

DR. CECILIA SEVERONI: **Unmanned Vessels**

JANA RODICA, LL.M.: **Recent Developments and Legal Challenges of Unmanned Vessels**

DIANA JEROLIMOV, LL.B.: **Croatian Ship Register – Past and Future**

LANA KRZNARIČ, LL.B.: **Slovenian Tonnage Tax Law – Recent Changes**

DR. GIOVANNI MARCHIAFAVA: **Cybercrime in Shipping**

Discussion and concluding remarks

19:10 – 19:30 Closing Ceremony: NMLAs Presidents

20:30 Dinner at a restaurant in Grado

Saturday, 26 May 2018

9:30 Visit of the Grado lagoon by cruise boat with on board refreshment (*Optional*)

TRIBUTE AND KEYNOTE SPEAKERS

AVV. FRANCESCO SICCARDI
STUDIO LEGALE SICCARDI BREGANTE & C.
GENOA, ITALY

FRANCESCO SICCARDI is a graduate (hons) at the University of Genoa and has been practicing shipping law in the last 50 years advising Marine Property and Liability Underwriters, Shipowners, Shipyards, International Organisations and other Operators. He is Senior Partner of Siccardi Bregante & C., that he founded in 1979, member of the National and International Arbitration Chamber of Milan and acts as Arbitrator in private references, frequent speaker at shipping law conferences, seminars and masters, in Italy and abroad, author of several articles on shipping law in the main specialized law journals, coauthor of “International Cargo Insurance”, London – New York, 2012, Titulary Member of the Comité Maritime International (CMI), Vice President of the Italian Maritime Law Association (AIDIM), Member of London Shipping Law Center.

TRIBUTE TO FRANCESCO BERLINGIERI

AVV. GIORGIO BERLINGIERI
STUDIO LEGALE BERLINGIERI MARESCA
GENOA, ITALY

GIORGIO BERLINGIERI is Senior Vice President CMI – Advocate to the Supreme Court of Cassation, Partner Berlingieri Maresca Studio Legale Associato, Titulary Member CMI, President Italian MLA, Vice President for Italy of IIDM, editor of *Il Diritto Marittimo*, member of the Contributory Board of *Droit Maritime Français*.

FRANCESCO BERLINGIERI – AT WAR AND AT HOME

It is a narrative of the years of Professor Francesco Berlingieri during the second world war, from the time when he enrolled with the Italian Royal Navy in early 1942 at the age of 20, then joining the Naval Academy of Livorno in July 1942. He subsequently attended the antisubmarine course with the Divers and Assault Unit at Varignano, La

Spezia and then embarked on war ship corvette “Ape” as navigating officer in February 1943. Following the armistice on 8 September 1943 he joined the Naval Assault Unit at Taranto, training as a torpedo man and the 20 June 1944, conscious of the impossibility to be rescued, successfully attacked a German submarine in la Spezia, then being able to cross the battle line and to reach the liberated territory south of Florence. He subsequently applied to be dismissed from the Navy and worked in Fiumicino as a diver for a salvage company, at the same time completing the law studies started before the war at the University of Genoa, graduating at the University of Rome in December 1944. The narrative continues with his life at home after he started training in his father law firm. He got married the 9 June 1947 with Anna Origone, and they built up their family of four children Giorgio, Andrea, Paolo, Matteo, to whom they constantly devoted all their love, with my father also being able at the same time to tirelessly attend to his other passion, the maritime law and its unification. He was a sporty person: before the war he rode, played rugby and boxed. With the family growing up he transferred his passion for many sports to his children and I have enchanting remembrances of being learned to sail, sky and row. He was so a just father, always patiently listening his sons but being very strict regarding behaving, formalities and education. There are so many childhood memories and of the more recent times to tell, always dominated by his absolute love for my mother with whom he shared every instant of his life including all his travelling abroad for the CMI or other professional commitments.

MARGITA SELAN VOGLAR, LL.B.
TRIGLAV INSURANCE COMPANY
LJUBLJANA, SLOVENIA

MARGITA SELAN VOGLAR is the President of the Maritime Law Association of Slovenia. She is President of Transport and Credit insurance Committee at Slovenian Insurance Association and she represents Slovenian Insurance Association at IUMI as Council Member. She graduated at the Faculty of Law in Ljubljana. After graduation she joined Triglav insurance Company, Ljubljana and still working there as Director of transport insurances. Main domain of her activities is Road carriers Liability and Cargo insurances and she is co-author of publication CMR convention with commentary (2005). She regularly participates as lecturer in different seminars/conferences related to carriers liability and transport insurances in Slovenia and Croatia.

CYBER RISK IN SHIPPING AND INSURANCE

New technologies have major impact on our lives and business. Shipping industry is applying new technological solutions for improvement of their services for cutting costs and reducing human error risks and to provide certain surveillance over shipment of goods. Smart containers, smart logistics, e-navigation, autonomous vehicles are only some of the last technological solutions welcomed by shipping industry which enable sharing of different information and data about status and movements of shipments. Unfortunately, new technologies cause security problems and difficulties of emerging new threats and risks. Cyber risks have developed among technological progress and they represent serious threat to new technologies in shipping. They have various forms and there is no hundred percent solution to mitigate or avoid them. So how is shipping industry dealing with this issue and is it successful? Daily practice shows that as much efforts are put into this issue it cannot prevent worse case scenarios on sea or at ashore. Associations from different stakeholders in shipping industry try to assure and impose different guidelines how to tackle cyber risks. Do insurers see opportunity to develop business in cyber risk area? Is it possible to get an insurance policy, pay premium and be on safe side? There are insurance products for cyber risks on standalone basis which can be bought by clients. But in most if not in all existing standard insurance coverages dealing with marine risks – on hull and machinery or cargo or liability or off-shore insurance coverages cyber risks are expressly excluded. How can damage caused by cyber risk be refunded if at all?

**PROF. DR. GORDAN STANKOVIĆ
VUKIĆ & PARTNERS LAW FIRM
RIJEKA, CROATIA**

GORDAN STANKOVIĆ studied law at the University of Rijeka, Faculty of Law. He obtained LL.M. degrees from the law faculties of Split, Croatia and Southampton, UK, and a Ph.D. degree from the law faculty of Split. He was a Fulbright visiting scholar at the Tulane Law School in New Orleans, Louisiana, US. He is the author of *'Limitation of Liability for Maritime Claims'*, and *'Maritime Liens and Mortgages'*, co-author of the chapter on Croatia in Kluwer's International Encyclopaedia of Laws – Transport Law, and a co-editor of *'Maritime Environmental Law: A Handbook of Selected Laws and Regulations'*. He has been involved in the drafting of the Croatian Maritime Code as a member of the working group on registration of ships, liens and mortgages, as well as the working group on judicial sales of ships and ship arrest. He has also participating in the preparation of the CMI Draft International Convention on Foreign Judicial Sales of Ships and their Recognition.

JUDICIAL SALES OF SHIPS – ROCKY ROAD TO UNIFICATION

The purpose of the presentation is, first, to point out to the main goal to be achieved by the unification with regard to international recognition of legal effects that accrue upon judicial sales of ships, second, to briefly present the most significant provisions of the CMI draft of the International Convention on Foreign Judicial Sales of Ships and their Recognition, and third, to provide an outline of CMI's efforts in trying to find an appropriate forum that would serve as a vehicle to transform this draft into an international convention. It is hoped that the presentation will raise awareness of the urgent need by all the maritime nations to assist CMI's in those efforts.

SPEAKERS & ABSTRACTS

DOC. DR. ADRIANA VINCENCA PADOVAN
CROATIAN ACADEMY OF SCIENCES AND ARTS
ADRIATIC INSTITUTE IN ZAGREB, CROATIA

ADRIANA VINCENCA PADOVAN graduated in 2002 from the Faculty of Law, University of Zagreb, where she also obtained her Ph.D. in 2011. She obtained her LL. M. degree in 2003 at the IMO International Maritime Law Institute (Malta). She is a research associate at the Adriatic Institute of the Croatian Academy of Sciences and Arts. From 2003 until 2010 she worked in the Marine Department of Croatia Insurance Co. In 2007/2008 she was assistant lecturer at the IMO/IMLI. She is a visiting lecturer at the Maritime and Transport Law Department of the Zagreb Law Faculty, where she has held the academic title of Assistant Professor since 2014. Dr. Padovan passed the Croatian bar exam in 2006. She holds training seminars in marine and transport insurance and is a mediator at the Centre for Mediation of the Croatian Insurance Bureau. Dr. Padovan takes part in the professional committees of the Croatian Ministry of the Sea, Transport and Infrastructure for the drafting of the maritime legislation. She leads a national research project financed by the Croatian Science Foundation. She has published over 30 professional and academic papers and book chapters, and a monograph titled *The Role of Marine Insurance in the Protection of Marine Environment from Ship-source Pollution*.

DR. VESNA SKORUPAN WOLFF
CROATIAN ACADEMY OF SCIENCES AND ARTS
ADRIATIC INSTITUTE IN ZAGREB, CROATIA

VESNA SKORUPAN WOLFF graduated in law in 1993 at the Faculty of Law, University of Zagreb (Croatia), where she also obtained her Ph.D. in 2005. She passed her Bar exam in 1995, and gained her LL.M. in 1999. Since 2003, she has been employed at the Adriatic Institute of the Croatian Academy of Sciences and Arts, where she currently works as senior research scientist. Between 1993 and 1998 she worked at a law office, and between 1998 and 2003, at the Supreme Court of the Republic of Croatia. Dr. Skorupan Wolff has been part of the Professional Committee for the revision of the Croatian Maritime Code since 2012. She has participated as researcher on several scientific projects funded by the Croatian Ministry of Science and Croatian

Science Foundation. She is a board member of the Croatian Maritime Law Association, a member of the Croatian Association of Insurance Law and a member of the Scientific Council for Government Administration, Judicature and the Rule of Law of the Croatian Academy of Sciences and Arts. She has published a number of articles and academic papers. She has participated with presentations and papers at several domestic and international conferences related to maritime law.

REPORT OF THE AMLC WORKING GROUP ON THE LEGAL ASPECTS OF NAUTICAL TOURISM AND THE WAY FORWARD

At the occasion of the 2nd AMLC held in Opatija in May 2017, a new AMLC working group was established with a mandate of comparative research of the laws and regulations dealing with nautical tourism of the Adriatic countries, considering the significance of nautical tourism for the Adriatic coastal states, but also for all European maritime nations. It has a potential of creating opinions and ideas for further harmonisation of the relevant laws and practices in the interest of legal certainty. The report will summarise the activities of the working group over the past year, including the cooperation within the project DELICROMAR hosted by the Croatian Academy of Sciences and Arts and financed by the Croatian Science Foundation which has been professionally supported by the three Adriatic MLAs. Furthermore, an overview of the current developments in the Croatian legal framework for nautical tourism will be given, including the current revision of the Croatian Maritime Code and the Maritime Domain and Seaport Act, and finally some ideas and initiatives for the future work of the working group will be presented.

AVV. ALBERTO PASINO
ZUNARELLI – STUDIO LEGALE ASSOCIATO
TRIESTE

ALBERTO PASINO graduated from the University of Bologna – Faculty of Law in 1992 with a thesis on “The liability of the sea carrier in container transport”, published in 1994. After two years training with Prof. Enzo Volli he joined Zunarelli – Studio Legale Associato in 1995, becoming Resident Partner of the Firm’s Trieste Office in 1996. He is currently Senior Partner and member of the Managing Board of the Firm. His main areas of practice are maritime and transport law, commercial law, civil law and litigation. He has vast experience in litigation and arbitration with regard to terminal operator liability, multimodal, sea and land transport, international freight

forwarding, yachting and building contracts. Alberto is an active member of several associations: he chaired the Propeller Club – Port of Trieste for eight years and sits in the Board of Directors of AIDIM. He has been a member of the Steering Committee of Il Diritto Marittimo since 2015. He holds seminars at university and master degree courses on transport law, maritime law and international commercial law, and has published several articles on those subjects. He has been a member of the committee appointed by the Italian Ministry of Infrastructures and Transport for the drafting of the Italian Yachting Code (D.Lgs. 18.7.2005, n. 171). He is a recognized practitioner in the area of dispute resolution (Chambers Global 2018 – Italy) and a recommended lawyer according to Legal 500 EMEA 2018.

THE NEW ITALIAN YACHTING CODE: SOME PRELIMINARY REMARKS

The purpose of the presentation is to address the legislative reform of the recreational boating legislation approved by the Italian Legislator through Law 229/2017. The presentation aims at pointing out the changes brought by the decree to the subject of recreational boating and at highlighting – through the analysis of the most significant issues tackled by the decree – the answers provided by the Italian legislator to the needs long expressed by the sector. The presentation will focus on the civil law changes, and in particular on those regarding the contracts of use of recreational craft and on the consequences of such changes on the assumption of the capacity as ship-owner, with specific regard to their use for commercial purposes. The presentation will also address public law changes, from those concerning safety checks on recreational craft to the new professional figures introduced by the reform. An answer will also be given to the question posed at the end of the presentation held last year in Opatija, on the legislator’s choices concerning the relationship between the Yachting Code and the Navigation Code, and on whether or not the legislator’s choice (made through Law 171/2007) to recognize that recreational boating rules have a special nature in relation to general navigation legislation, but are not fully autonomous from it, has been confirmed.

AVV. LORENZO FABRO
BERLINGIERI MARESCA STUDIO LEGALE ASSOCIATO
GENOA

LORENZO FABRO graduated in Law with honours at the University of Genoa In 2005 with a dissertation on marine hull insurance. He joined Studio Legale Maresca in 2005

as a trainee; in 2008 he was admitted to the bar of Genoa and became partner of same law firm in 2009. He spent a training period in a London law firm working on several shipping matters, he worked at the Consulate of Italy in Cape Town (South Africa) as *stagiaire* of the Ministry of Foreign Affairs and attended the 2009 summer course of International Private Law at the Hague Academy of International Law. He is founding partner of Berlingieri Maresca Studio Legale Associato; his practice includes assisting clients during contractual negotiations, dispute resolution and litigation before courts and arbitrators with considerable experience in maritime law, international trade law and comparative law issues and particular interest in charterparties, shipbuilding contracts as well as contracts of sale and purchase of ships and yachts. He is a member of the Executive Committee of the Young Group of Italian Association of Maritime Law (AIDIM); he writes regularly for *Il Diritto Marittimo* law review and on other journals specialized in shipping law.

THE NEW REGIME FOR MARINAS IN ITALY

The aim of the presentation is to provide an update on the legal regime of marinas in Italy and, in particular, to give a general overview about the amendments recently adopted to the Italian Yachting Code on this topic (by means of the D.lgs. number 229 of 3rd November 2017). After an introduction on the most relevant new provisions concerning ports and berths used for touristic scopes, including the special regime for marine protected areas, an analysis about the Italian discipline of the assistance and salvage of yachts and pleasure crafts rendered by marinas and different entities will be addressed. A short comparison between the new legislation on assistance of yachts and pleasure crafts and the domestic and international provisions on salvage will complete the presentation.

MATO BOŠKOVIĆ, M.Sc.

**PUBLIC ENTERPRISE FOR COASTAL ZONE MANAGEMENT OF MONTENEGRO
BUDVA, MONTENEGRO**

MATO BOŠKOVIĆ was born on 27 January 1983. in Kotor, Montenegro. He finished Maritime High School – Nautical department. In 2003 he graduated from the Faculty of Nautical Tourism at the University of Dubrovnik. He has been permanently employed in Public Enterprise for Coastal Zone Management of Montenegro, from 2004 to 2012 worked in the sustainable development department. Since 2012, he has been advanced as a Senior Independent Associate in the sector of port management of

local importance. He was a participant in numerous domestic and international workshops about port management. Mr Bošković also was participant in National Training on Preparedness and Response to Sea Pollution for Government Administrators and Senior Manager – 2006, International leadership course for government administrators (USA 2008) and National workshop on contingency planning – 2010.

DRAGOLJUB MARKOVIĆ, M.Sc.

**PUBLIC ENTERPRISE FOR COASTAL ZONE MANAGEMENT OF MONTENEGRO
BUDVA, MONTENEGRO**

DRAGAN MARKOVIĆ was born on 05 November 1958 in Cetinje, Montenegro. He finished Grammar High school in Cetinje in 1997. In 1983. he graduated at University of Belgrade – Faculty of Science and Mathematics, Department for Spatial Planning. He has been permanently employed in Public Enterprise for Coastal Zone Management of Montenegro until 2004. Today, he works as Deputy Director and Head of Department for marinas of local significance. From 2001-2004 He was Deputy Minister of Ministry for Environment and Urban Planning. From 1993-2001 he was Advisor for Spatial Planning and Urbanism in Ministry for Environment and Urban Planning. From 1986-1993 he was advisor for Spatial planning in Municipality of Cetinje. From 1984-1986 he was spatial planner in Institute for Urban Planning and Design. He was a participant in numerous domestic and international projects. He was Coordinator in developing Republic Spatial Planer as well as Spatial Plans for NP “Lovćen” and “Skadar Lake”. He was author of National Report and City Study of Podgorica for HABITAT Conference in Istanbul, also coordinator in making Spatial Plan for Coastal Zone. In 1999. He did optimal High ways Corridors in Montenegro. He was Leader in Government Project “Reform of Spatial Planning System” (New law for Spatial Planning in cooperation with UNDP and developing project for making new Spatial Plan of Montenegro in cooperation with GTZ) and coordinator in developing and accomplishing National Strategy for Integral Coastal Zone Management.

THE REGULATORY FRAMEWORK AND THE ORGANIZATIONAL MODEL FOR MANAGING PORTS IN MONTENEGRO (THE CURRENT SITUATION AND THE NECESSARY CHANGES)

Local harbours and marinas in Montenegro are managed by Public Enterprise for Coastal Zone Management, founded in 1992. So far, this Public Enterprise has developed a model of a private public partnership which, according to the general opinion, has achieved excellent results regarding the use and organisation of beaches etc. Managing ports and marinas is a relatively new activity for the Public Enterprise. Six smaller ports / harbours (local ports/harbours), in the so-called „transition period“ at the end of the last century, have lost their „operator/manager“. A decade ago, entrepreneurial (investment) marine construction initiatives began to be implemented through the model of private public partnership and BOT system. Two marinas have been built and two more are process of realisation. The transformation of Public Enterprise into the Agency for Coastal Zone Management is in progress. All of them have capacity more than two hundred (200) berths. Marinas' concessionaires have taken over the entire business of marinas with the obligation to pay fees. Those marinas function within the hotel reasons in front of the hotels as one unit. It can be said that they represent tourist capacity in the part of nautical tourism offer. Those marinas don't have a special importance for the small public maritime affaire. With the development of nautical tourism, the need for new berths for yachts has increased. Taking into account, this kind of pressure, five ports of local importance function as marinas. The other coastal infrastructure (docks, berths, moorings) that are built for the needs of small local public maritime affaire are in the function of nautical tourism, more and more. At the same time, the development of coastal traffic starts again. In such a situation there is a conflict in the space between the need to secure the conditions for the development of nautical tourism, as a priority economic development branch on the one hand and development of public coastal traffic as a basis for improving the functioning of total traffic. The challenge is to optimally define the capacities for the development of marinas and other parts of coastal infrastructure and facilities/objects in the function of coastal traffic; define a regulatory framework that will not favor one in relation to others and establish an organizational model that will ensure the efficient functioning of nautical tourism and maritime transport. Reorganizing the current regulatory framework, creating new spatial plans with the component sea use planning and reorganizing the administration, provide a chance for the improvement of nautical tourism and coastal maritime traffic.

BOŽENA BULUM, PH. D.,
CROATIAN ACADEMY OF SCIENCES AND ARTS
ADRIATIC INSTITUTE IN ZAGREB, CROATIA

BOŽENA BULUM works as a senior research associate at the Adriatic Institute of the Croatian Academy of Sciences and Arts. She graduated from the Faculty of Law of the University of Split where she also attended the Postgraduate Scientific Study of “Maritime Law and the Law of the Sea”. Božena Bulum obtained her PhD degree at Faculty of Law of the University of Split, with the thesis related to competition in the maritime transport sector. During the Postgraduate Study she worked as a trainee at Commercial Court in Split and passed Bar Exam. She is author of one scientific monograph titled “*Maritime transport services and port services in Competition Law of the European Community*”, and co-author of the book titled “*European Transport Law*”. Furthermore, she has published several scientific and professional papers. Her field of scientific interest covers maritime law, and European transport law. She has worked on several scientific projects and currently is collaborator on a scientific project of the Adriatic Institute of the Croatian Academy of Science and Arts titled “*Developing a Modern Legal and Insurance Regime for Croatian Marinas – Enhancing Competitiveness, Safety, Security and Marine Environmental Standards*”. She was a member of the Expert Commission which drafted Croatian Maritime Code and Maritime Domain and Seaports Act.

DR. BORIS JERMAN
PORT OF KOPER, SLOVENIA

BORIS JERMAN is the Secretary General of the Maritime Law Association of Slovenia, and till 2014 was Assistant Professor at the University of Ljubljana, Faculty of Maritime Studies and Transportation. He studied law at the University of Ljubljana, where he earned both his MA and Ph.D. degrees in transportation law. He is the head of the Legal Department of the Port of Koper (Luka Koper d.d.) and actively involved in the academic sector. He has published extensively in the field of transport, logistic, maritime and commercial law.

PROBLEM OF THE NOISE IN PORTS

Protection against noise is one of the priorities to improve health and environmental safety in the European Union. Certain aspects of this area have already been regulated by some directives and decisions, without a systematic and global approach to this problem. For example Council Directive 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles as well as Council Directive 77/311/EEC of 29 March 1977 on the approximation of the laws of the Member States relating to the driver-perceived noise level of wheeled agriculture or forestry tractors were adopted for such purposes. In 2002, the European Parliament and the Council enacted Directive 2002/49/EC relating to the assessment and management of environmental noise (the Environmental Noise Directive – END), which was also enforced in Slovenia. The main purpose of the Environmental Noise Directive is that it covers all possible sources of noise pollution, including ports. In 2005, Slovenia adopted Decree on limit values for environment noise indicators. Nowadays, the main problem of many commercial ports in the EU, including the Port of Koper as the central Slovenian port, is their close vicinity to cities and densely populated urban areas. In accordance with the Environmental Noise Directive, Member States have introduced the category of noise annoyance if the levels of day or night noise exceed the limit values of noise indicators specified for each area by the national legislation. Unfortunately, night noise limits are still a major obstacle for ports as a part of infrastructure explicitly mentioned in the Environmental Noise Directive and national legislations. In accordance with the Directive and national legislation, the source of noise shall not be in operation if it exceeds noise limits, and it may only be used to a certain extent. Adaptation to new rules is not only a legal issue, but also a major technical challenge. Noise pollution is certainly one of the environmental problems which are most difficult to solve.

DR. MARIJA PIJACA
MARITIME DEPARTMENT
UNIVERSITY OF ZADAR, CROATIA

MARIJA PIJACA is postdoctoral researcher at the Maritime Department of the University in Zadar, Croatia, where she held lectures in several courses in the domain of maritime law and in course of commercial law at the Management Department of the University in Zadar. She graduated from the Faculty of Law of the University of Zagreb and after graduation enrolled in the Postgraduate Scientific Study of “Maritime Law and the Law of the Sea” at the Faculty of Law of the University in Split. During the Post-

graduate Studies she showed interest in the majority of courses, especially in the matter of maritime property law. The postgraduate master's degree studies at the Faculty of Law of the University of Split she finished with the thesis: „Contracts on Towing Operation at Sea“. She also finished PhD at Faculty of Law of the University of Rijeka with the thesis *Bareboat charter*. She lived and worked in London for the British-Croatian Chamber of Commerce. She is author and co-author of few scientific papers. Also, she is the author of a scientific monograph titled "*Bareboat charter*". From May 2017 she is an associate of the scientific project of the Adriatic Institute of the Croatian Academy of Science and Arts, titled "Developing a Modern Legal and Insurance Regime for Croatian Marinas – Enhancing Competitiveness, Safety, Security and Marine Environmental Standards – DELICROMAR“.

LEGAL CONSEQUENCES OF THE FUTURE APPLICATION OF THE REGULATION 2017/352 ON THE PROVISION OF PORT SERVICES IN THE REPUBLIC OF CROATIA

Regulation 2017/352 establishes a framework for the provision of port services and common rules on financial transparency and on port service and port infrastructure charges in the European Union (hereinafter: Union, EU). It starts to apply in March 2019 and will be applicable to all maritime ports of the trans-European transport network, as listed in the Regulation (EU) No 1315/2013, including Croatian ports of Rijeka (core network port) and ports of Pula, Zadar, Šibenik, Split and Ploče (comprehensive network ports). Port system in Croatia is mostly regulated by Maritime Domain and Seaports Act (hereinafter: MDSA), adopted in year 2003 (as amended) and its by-laws, and also by provisions contained in the Concession Act, adopted in 2017. Focus of our analysis is put to ports open for public traffic, because Regulation 2017/352 regulates only these ports. In ports open for public traffic port administration and management function (exercised by public bodies, port authorities) are generally apart from its economic use which is, as a rule, awarded to the private operators, on the basis of concession contracts. However, in situations when port authority also provides port services (self-provision), such as in case of services for which other economic subjects have no interest, currently applicable provisions of the MDSA can lead to the conflicts of interest, because granting of concessions for providing port services and other ancillary services comes within the competence of the port authority, which also establishes that there is no interest of other operators for specific service. With respect to pricing and financial autonomy of ports it should be pointed out that although port authorities are separate legal entities, not mere administrative departments of central government, their financial autonomy is significantly reduced

because the central government retained several important functions in administrating ports. In that sense, influence of central government is also notable with respect to port service charges and port infrastructures charges (terms used in MDSA are port charges and port dues). Finally, proposals for changes of the MDSA with regard to market access to port services and financial transparency of ports in the Republic of Croatia are submitted.

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DRAGAN BOLANČA is Full Professor of Maritime and Transport Law, at the Faculty of Law, University of Split. He graduated from the University of Split Faculty of Law in 1980, and then completed a two-year post-graduate course in the Maritime Law and Law of the Sea and received a Master's degree in 1987 (the title of his master's thesis was "*Incidents of Navigation and the Shipowner's Liability in Maritime Transactions*"). He was awarded PhD degree in 1994 and his doctoral thesis is entitled "The Institute of Excepted Perils and the Shipowner's Liability in the Carriage of Goods". Before he became a teaching assistant at the Split Faculty Law (1991) he had worked first as a lawyer and later as a judge (1982-1991). He passed the bar examination in 1984. He served as Vice-Dean at the Faculty (2000-2002), Headmaster at the Postgraduate course in the Maritime Law and Law of the Sea (2000-2004, 2008-2012), Dean at the Faculty (2004-2006), Vice-Rector for juridical and personnel issues of University of Split (2006-2010, 2010-2014). He is the Vice-President of the Croatian Maritime Law Association. Besides publishing many scientific papers, Dragan Bolanča is the author of several books: "*The Institute of Excepted Perils and The Shipowner's Liability in the Carriage of Goods*", "*Maritime Law - Selected Themes*", "*The Legal Status of Sea Ports as Maritime Demesne in the Republic of Croatia*" and "*Croatian Administrative Law of Navigation*".

PROF. DR. PETRA AMIŽIĆ JELOVČIĆ
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PETRA AMIŽIĆ JELOVČIĆ is Associate Professor of Maritime and Transport Law, at the Faculty of Law, University of Split. She was born in 1979. She graduated from the University of Split Faculty of Law in 2002, and then completed post-graduate course in the Maritime Law and Law of the Sea and received a Master's degree in 2005

(*Collision of Ships*). She was awarded PhD degree in 2007 and her doctoral thesis is entitled *Maritime Carriage of Nuclear Material*. Petra Amžić Jelovčić has been working at the Faculty Law in Split since 2005, first as research assistant from 2005 till 2009 when she became an assistant professor. From 2012 she works as an associate professor and is a vice-head of Department of Maritime and Transport Law. She is an author of many scientific journal papers and of two scientific books; *Maritime Carriage of Nuclear Material with a Special Reference to Liability for Nuclear Material* (2010) and *Croatian Coast Guard – Legal framework* (2017). She is the head of Croatian Maritime Law Association – branch office Split.

APPLICATION OF THE REGULATION 1177/2010 IN CROATIA: WHAT MORE CAN WE DO FOR DISABLED PASSENGERS AND PASSENGERS WITH REDUCED MOBILITY?

Ports in the EU-28 handle almost 400 million maritime passengers a year. In order to enhance their rights and protection, EU has adopted Regulation 392/2009 and Regulation 1177/2010. Regulation 392/2009 incorporates the relevant provisions of 2002 Protocol to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, but also contains some additional provisions to it aiming to obtain complete uniformity within EU, as well as suitable protection for passengers. Regulation 1177/2010, on the other hand, establishes rules for sea and inland waterway transport whose main goal is to achieve non-discrimination between passengers with regard to transport conditions offered by carriers and non-discrimination and assistance for disabled persons and persons with reduced mobility. In this article, authors will focus on the application of the Regulation 1177/2010 in Croatia with special reference to the rights of disabled persons and persons with reduced mobility. According to this Regulation ‘disabled person’ or ‘person with reduced mobility’ is any person whose mobility when using transport is reduced as a result of any physical disability, intellectual disability or impairment, or any other cause of disability, or as a result of age, and whose situation needs appropriate attention and adaptation to their particular needs of the service made available to all passengers. Those persons should be accepted for carriage and not refused transport, except for reasons which are justified on the grounds of safety and established by the competent authorities. Furthermore, they should enjoy the right to assistance in ports and on board passenger ships free of charge. Coastal Liner Services Agency is national enforcement body responsible for the enforcement of this Regulation in Croatia whose biannual reports give us an insight on its application in domestic ports and represent guidelines for our future improvement in that matter, as well.

PROF. CHIARA E. TUO
UNIVERSITY OF GENOA

CHIARA ENRICA TUO is associate professor of EU law at the University of Genoa (Department of Law) where she teaches EU law and Private International Law. She has spent various periods of time abroad for research purposes (Institute of Advanced Legal Studies, London, 2005, and Max Planck Institute for Comparative Law and Private International Law, Hamburg, 2008). Since 2003, she participates in research projects financed by the European Commission, the Italian Ministry of Education, University and Research, and the University of Genoa. She participates as speaker in conferences both at the international and national level. She is the author of fifty publications including three monographs dealing with EU air transport law and the jurisdiction and the recognition of judgments in civil and commercial matters. She is a member of the editorial boards of the journals “Diritto internazionale privato e processuale”, “Il diritto marittimo”, “Diritto del commercio internazionale” and “European Papers”.

DETERMINING INTERNATIONAL JURISDICTION IN THE FIELD OF TRANSPORTS: BETWEEN SPECIALIZED CONVENTIONS AND EU REGULATIONS

EU Regulation No 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (“Brussels Ia Reg.”) does not clarify the relationship between its own rules and the provisions on jurisdiction or recognition of judgments laid down by international conventions on transport matters. Art. 71 of the Reg. simply states that it “shall not affect” the international conventions on particular matters to which Member States are parties without providing any criterion for the purposes of establishing whether a transport convention falls within Art. 71 or not. The EU Court of Justice (“ECJ”) has laid down a test establishing the conditions upon which – pursuant to Art. 71 – issues of jurisdiction or recognition of judgments are to be dealt with in accordance with an international convention instead of with the Reg. However, the said test (*i*) does not seem apt at ensuring that degree of legal certainty for litigants which – as remarked by the ECJ itself – is pursued by the Reg. and should guide its concrete application; (*ii*) has been conceived with specific regard to cases falling within the scope of application of both the Reg. and the CMR, failing, therefore, to address situations connected with other transport conventions. In the light of the above, the paper is aimed at (*i*) clarifying the conditions that must be met for a transport convention to be deemed falling within the scope of Art. 71 of the Reg.; (*ii*) providing

some examples of the practical operation of Art. 71 with regard to transport conventions other than the CMR; (iii) make some critical remarks – also by comparison with the ECJ consolidated test – on the approach followed by national courts in applying Art. 71 in cases involving transport conventions.

PROF. DR. RANKA PETRINOVIĆ
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RANKA PETRINOVIĆ was born in 1960, and graduated from the Faculty of Law, Split University, in 1983, completed post-graduate courses in Maritime Law and Law of the Sea and received her Master’s degree in 2001 (the title of her thesis: *Insurance of Shipowners’s Liability for Damage in Collision*). She was awarded in 2005. Her doctoral thesis is entitled *Protection of the Environment as the element of Modern Right to Salvage*. She worked first in “Split” Shipyard in the Sales Department as a legal consultant for Shipbuilding Contracts and Newbuilding Insurance (1986-1996) and later in the Legal Department of Shipping Company Jadroplov BE Ltd. (H.&M. Insurance and Registry of Ships) (1986-2002). At University of Split – Faculty of Maritime Studies, she has worked as lecturer (since 2002), assistant professor (since 2006), associate professor (since 2009) and full professor (since 2013). Ranka Petrinović was Associate Dean for Financial Affairs (2006-2010). She attended several professional seminars in the field of maritime law and marine insurance. She is a member of Croatian Maritime Law Association.

LEGAL REGIME OF COASTAL LINER SHIPPING IN THE REPUBLIC OF CROATIA

This paper addresses the legislation on public transport activities in liner and occasional coastal maritime traffic in the Republic of Croatia. Accessible under the same terms and conditions, public transport refers to the transport of passengers and cargo under the contract of carriage. The main legislation act regulating in Croatia maritime public transport is the Law on liner and occasional coastal maritime transport. This legislation act established a suitable public transportation system which ensures a regular transport connection between the inhabited islands and the mainland, between the islands themselves, as well as it provides regular coastal towns connections with an adequate number of daily two-way lines with regard of the island life conditions and its future development. Detail analysis of the legal framework and its disadvantages is given within.

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NIKOLA MANDIĆ was born in 1985 in Split, and graduated from the Faculty of Maritime Studies, University of Split in 2007 obtaining the degree of maritime transport engineer. He completed post-graduate courses in the Maritime Law and Law of the Sea at the Faculty of Law, University of Split, and received his Master's degree in 2010. He completed post-graduate doctorate studies in the field of Legal Sciences at the Faculty of Law, University of Mostar, in 2015 and acquired the doctoral degree (Ph. D.). His doctoral thesis was titled: *Liability of the Carrier in the Carriage of Goods by Sea with Special Reference to the Rotterdam Rules 2009*. He has been employed at the Faculty of Maritime Studies, University of Split, as an assistant (since 2008), postdoctoral researcher (since 2015) and assistant professor (since 2016). Since 2009 Nikola Mandić has been cooperating with University of Split – Department of Marine Studies. He participated in twenty scientific conferences, cooperated in various scientific and professional projects, and has published thirty scientific papers. He is a member of Croatian Maritime Law Association (Rijeka), Economy Jurist Association (Split) and Croatian Association for Insurance Law (Zagreb).

PUBLIC TRANSPORT CONCESSIONS IN COASTAL LINER SHIPPING AFTER THE ACCESSION OF THE REPUBLIC OF CROATIA TO THE EUROPEAN UNION

Public transport in liner coastal maritime traffic refers to the transportation of cargo, passengers and vehicles in the internal waters and the territorial sea of the Republic of Croatia, performed on pre-established liner shipping routes in accordance with published conditions and prices of the service schedule. Prior to Croatian membership in the EU, Croatian liner services were solely reserved to Croatian shipping companies. With the expiration of the EU pre-accession transitional period and with the expiration of valid concessions, this market opened up to the shipowners from the EU. This paper analyses state lines under concessions and particularly the liner fleet by types of ships used in liner trades. In this sense, certain recommendations and solutions are given.

PROF. DR. JASENKO MARIN
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JASENKO MARIN is a full professor at the University of Zagreb (Croatia), Faculty of Law, Department for Maritime and Transport Law. He is keeping lectures on maritime law, transportation law and insurance law at the graduate and postgraduate (doctoral) level. Professor Marin is a member of the Scientific Advisory Committee of the European Institute of Traffic Law. He is a member of the Panel of arbitrators of the Shanghai International Arbitration Centre (SHIAC). He is also an arbitrator of the Permanent Arbitration Court at the Croatian Chamber of Commerce for the disputes containing international elements as well as for national disputes. He is also a member of the supervisory board of the Croatian Maritime Law Association. He was one of the founders of the Croatian Association for Insurance Law (AIDA-Croatia). Professor Marin is a mediator of the Croatian Insurance Bureau – Mediation Centre. He is a former Insurance Ombudsman appointed by the Croatian Insurance Bureau (2014-2018). Professor Marin was a member of the Expert Commission which drafted 2004 Croatian Maritime Code and its amendments. He is author or co-author of several scientific books and over 40 scientific articles related to transport and (transport) insurance, which have been published in Croatian or English language. He took an active part on over 20 international and national scientific conferences and seminars devoted to the various topics of maritime law, transportation law and insurance law.

RIGHTS OF PASSENGERS TRAVELLING BY SEA UNDER CROATIAN LAW

Strengthening the rights of passengers became one of the top priorities of the worldwide shipping community. The purpose of the lecture is to determine the level of protection of maritime passengers' rights according to the Croatian legal system. Rights of passengers carried by sea are established by various sources of international law, law of the European Union and Croatian domestic law. Such rights are, for example, right to non-discrimination in access to transport, right to mobility (especially important for disabled passengers and passengers with reduced mobility), right to information, right to fulfilment of the transport contract, right to get assistance, right to compensation under certain circumstances (including damages for death of or personal injuries to a passenger), right to an effective system of complaint handling etc. Provisions of the Croatian Maritime Code as well as provisions of some other relevant laws (for example Law on Compulsory Traffic Insurance, Law on Consumer

Protection, Law on Provision of Tourist Services) shall be elaborated and compared to the solutions provided by the relevant international and EU legislation. Special attention shall be devoted to the topics of liability insurance and passenger insurance in the context of securing and realization of passengers' rights.

AVV. FILIPPO CASSOLA

BERLINGIERI MARESCA STUDIO LEGALE ASSOCIATO

GENOA

He graduated in 2005 at Law with honors at the University of Genoa with a dissertation on Port Authority and regulations. After spending a trainee period in London at Stephenson Harwood in the shipping finance department, he joined Studio Legale Berlingieri in 2006 as a trainee being then admitted to the Bar of Genoa in 2010. He became partner of Studio Legale Berlingieri in 2016. He is founding partner of Berlingieri Maresca Studio Legale Associato; his practice includes all the areas of shipping litigation with particular focus on arrest and forced sale of vessels, ship financing and shipbuilding contract, liability arising out from shipping casualties, multimodal and land carriage, port concessions. He is member of AIDIM (Italian Maritime Law Association) and contributes to the quarterly "Il Diritto Marittimo". He is attending seminars and conferences in shipping matters in Italy and abroad.

THE EC REGULATION N. 392/2009 AND ITS APPLICATION

The aim of the presentation is to provide a general overview on the regime and application of the Regulation (EC) No. 392/2009 on the liability of carriers of passengers by sea in the event of accidents. The liability regime of the carriers in respect of deaths and injuries as well as in respect of losses to luggage and vehicles will be analyzed with reference to the limitation regime provided by the Athens Convention relating to the carriage of passengers and their luggage by sea, 1974 as amended by the protocol of 2002 and as mentioned by Reg. 392/2009 and with specific reference to the regime of the loss of the right to the limitation provided by art. 13 of said Convention will be dealt with. An analysis on the application and interpretation under Italian law of limitation of liability in case of wilful misconduct or gross negligence will complete the presentation with some hints on the issue of the punitive damages and on the possible application of the Regulation by Courts.

PROF. AVV. PIERANGELO CELLE
UNIVERSITY OF GENOA
STUDIO LEGALE TURCI
GENOA

PIERANGELO CELLE is Associate Professor of Maritime Law and a member of the PhD Program on “Logistics and Transport” in the University of Genoa. He is the author of three books and many peer-reviewed papers, covering several topics of International, EU, and Maritime law. A member of the Scientific Committee of the “Diritto Marittimo” Law Review and affiliated to the Italian Center of Excellency on Logistics, Transport and Infrastructures in the University of Genoa (member of the Board) and to AIDIM (member of the Board), he frequently speaks at Congress and Seminars on Maritime and EU law topics. Partner in Studio Legale Turci (a maritime law firm based in Genoa, Milan and Paris) since 1992, has developed his practice specialising in transport, marine casualties, insurance, and EU law, working actively both before Courts and as a consultant. He acts frequently as Arbitrator and Umpire in shipping disputes.

DIRECT ACTION AGAINST CARRIER’S LIABILITY INSURERS

Several international conventions provide for a compulsory financial security – usually provided by the stipulation of specific insurance policies – covering the special risks regulated by those conventions: this is the case for the 1974 Athens Convention relating to the carriage of passengers and their luggage at sea, as amended by the 2002 Protocol (art 4bis), which also provides for the right of the injured party to take direct action against the liability insurers of the Carrier. The Regulation of 23 April 2009 (EC) No 392/2009 of the European Parliament and of the Council on the liability of carriers of passengers by sea provides that the liability regime in respect of passengers and the rules on insurance shall be governed by the same rules set out in the convention, including those on the direct action. As a result, such direct action plays a very significant role in the context of the protection of those who suffer damages as a result of the activity of the Carrier: the presentation will analyse who has to procure the insurance cover, who are the beneficiaries of such cover, who is entitled to file the direct action against the Insurers, the legal regime applicable to such direct action, including the issue of jurisdiction, in the light of the relevant ECJ decisions. It will also be discussed if the present regime grants a sufficient protection to the injured party, also considering the general EU rules concerning the protection of such party in the context of the insurance contracts.

AVV. ANGELO MERIALDI
STUDIO SICCARDI BREGANTE & C
GENOA

ANGELO MERIALDI is partner of the law firm Siccardi Bregante & C. in Genoa, Italy, since 2004. Before joining the firm, he undertook work placements with the Maritime Safety Unit at the European Commission and with RINA (the Italian Classification Society) and obtained a Doctorate of Research in International Law at the University of Florence.

DOMESTIC LIABILITY REGIMES IN CARRIAGE OF PASSENGERS BY SEA

Pursuant to Regulation (EC) No 392/2009 the regime of the Athens Convention and respective IMO Guidelines applies in Italy to the liability of passengers' carrier in domestic sea-going voyages for Class A vessels under art. 4.1 of Directive 98/18/EC. In relation to Class B vessels, the Athens regime will be applicable starting from 31.12.2018. Passengers' carrier liability for domestic voyages falling outside the scope of the above provisions is governed by the domestic regime of art. 409 ff. of the code of navigation ("Cod. Nav.") The domestic regime applies to a significant number of touristic and commuting voyages in the Italian waters. Under art. 409 Cod. Nav. the carrier is liable for any damage suffered by the passenger deriving from events occurred from embarkation to disembarkation, unless the carrier proves that the event was caused by force majeure or fortuitous event. Art. 409 Cod. Nav. has been subjected to construction by case law, whereby a distinction is made between events "caused by carriage" and events "caused during carriage", to which different rules on burden of proof apply. Although the domestic passengers' carrier's liability regime does not provide for a limit of liability, the carrier who is also the owner of the ship can in principle limit liability under the general rule on limitation of shipowner's liability of art. 275 Cod. Nav. However this applies to ships of less than 300 GRT only. For ships of 300 GRT and over, Italy not being a party to the LLMC, the issue of limitation is not straightforward.

PROF. CINZIA INGRATOCCI
UNIVERSITY OF MESSINA

CINZIA INGRATOCCI is associate professor of Transport Law, International Law of the Sea, Navigation Law, in the Faculty of Law, University of Messina. Professor of

Navigation Law, Faculty of Law, University of Reggio Calabria. PhD in “Navigation and Transport Law”, University of Messina. Visiting Professor at World Maritime University-Malmö in 2014. Member of the Council and Technical Scientific Committee of CUST (University Center for Studies on Transport ‘Elio Fanara’) of the University of Messina. College Board Member and Doctoral Degree Tutor for Law PhD, University of Messina. Member of the Editorial Board of “Diritto marittimo (il)” and “Rivista del Diritto della navigazione”. Member of Scientific Committee of Academic Series “Ricerche CUST”.

INVESTIGATIONS ON MARITIME ACCIDENTS INVOLVING PASSENGER SHIPS IN ITALY

The paper deals with the legal regime of maritime investigations both within the navigation code and with regard to the most recent Legislative Decree 165/2011 implementing Directive 2009/18/EC. Articles 578 ff. nav.c., still in force, entrust marine authorities with a technical assessment, the use of which the code itself foresees in civil proceedings. On the contrary, investigations carried out in the context of EU legislation present exclusively preventive purposes, underlined by their autonomy compared to other types of investigations and by the duty of confidentiality for the independent investigation body. Legislation foresees that evidence collected during the investigation is not available for purposes other than technical investigation, in a framework aimed to achieve the broadest collaboration of informed people, which is essential for a clear and complete reconstruction of any causal link. However, the declared autonomy of safety investigation must be combined with principles of collaboration and cooperation between the different investigating authorities, particularly relevant in the case of investigations involving claims that affect passenger ships, in relation to which criminal and compensation actions are often taken at the same time. The usefulness of circulation of information, inherent in navigational code rules, is not radically excluded even in the procedure set out in Decree 165/2011. Following *notizia criminis*, the coordination of the investigative field, to be carried out through specific operational agreements, acquires relevance in the case of unrepeatable assessments, with the need for an anticipation of protection of subjects involved, not only in terms of legal assistance, but also concerning evaluation of their behaviours (just culture). Limits and modalities by which information collected during marine and safety investigations can be used in civil and criminal proceedings are analysed on the basis of case law concerning inquiries on accidents involving passenger ships.

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AXEL LUTTENBERGER is a full professor with permanent tenure and the head of Social Sciences Department at the Faculty of Maritime Studies of the University of Rijeka. He got his Bachelor's Law degree at the University of Rijeka, Faculty of Law, and became Master of Law and Doctor of Law at the University of Split, Faculty of Law. After passing bar examination he had long lasting practice in marine insurance business as legal attorney and legal advisor. He had experience in local government and government public service having been the City Mayor of Opatija and Member of Croatian Parliament. He has published four books and over ninety academic papers. His main activities are teaching maritime, commercial and ecology law at various university and vocational programmes. He is a member of a number of organisations, including Croatian Maritime Law Association. He is involved in projects for maritime industry, government entities and non-governmental environmental associations.

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BISERKA RUKAVINA is associate professor of Maritime Law, at the Faculty of Maritime Studies University of Rijeka. She completed the postgraduate master's degree studies at the Faculty of Law of the University of Rijeka in 2005. She obtained her PhD degree at the Faculty of Law of the University of Split in 2010. Biserka Rukavina has been working at the Faculty of Maritime Studies in Rijeka since 2001, first as research assistant from 2001 till 2010 when she became an assistant professor. From 2015 she works as an associate professor. Her field of scientific interest covers maritime law and environmental law. She has published twenty scientific papers and is involved in several projects for maritime industry. She is a member of the Croatian Maritime Law Association and the Association for Promotion and Development of Maritime Industries.

PROF. DR. MERICA SLIŠKOVIĆ
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MERICA SLIŠKOVIĆ is Associate Professor and vice-dean for teaching and students at University of Split Faculty of Maritime Studies in Split. BSc in maritime transport and engineer in maritime transport Maritime Faculty in Split, MSc and Ph.D. in biotechnology Faculty of Agriculture in Zagreb. Main area of interest is protection of marine environment. She teach MARPOL related courses Protection of Sea and Sea Environment, Technology of pollution removal at Faculty of Maritime Studies in Split. Also, she is professor at PhD studies at University of Rijeka Faculty of Maritime Studies Rijeka. She was involved in implementation of Manila Amendments to the Syllabus at Faculty of Maritime Studies Split. She participated as an expert in evaluation of maritime study programs at University of Montenegro. She is Member of organization board of IMSC conference. Author and co-author of many science articles and few professional elaborates.

INVESTIGATIONS OF MARITIME ACCIDENTS INVOLVING PASSENGER SHIPS IN THE REPUBLIC OF CROATIA

The paper elaborates national provisions regulating the conduct of safety and administrative investigations for maritime casualties and accidents in the Republic of Croatia. On 5 November 2015, the Government of the Republic of Croatia adopted the Regulation on the manner and conditions for the carrying out of maritime casualties and accidents investigation, which transposes in the legal order of the Republic of Croatia the Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council. The conduct of administrative investigation in the Republic of Croatia is regulated by the Ordinance on the manner, requirements and powers for conducting an administrative investigation of marine accidents enacted in 2016. Unlike security investigations, an administrative investigation is conducted to collect evidence and data for detecting the perpetrator of a maritime accident and ascertain his/her misdemeanour and criminal responsibility. Authors present the outcomes of the safety and administrative investigation procedures to effectively establish the circumstances and causes of such casualties and accidents with the purpose to improve maritime safety and reduce the risk of future casualties involving passenger` ships and prevent pollution from ships.

PROF. DR. DOROTEA ČORIĆ
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DOROTEA ČORIĆ works at the Faculty of Law, University of Rijeka. She is full professor and head of Department for Maritime and Transport Law, University of Rijeka, Faculty of Law. She holds lectures on Maritime and Transport Law, Marine Environment Protection Law and Maritime Administrative Law. Prof. Coric was member of the Expert Working group for drafting 1994 Croatian Maritime Code and 2004 Maritime Code and its amendments. She is assistant editor of the Comparative Maritime Law journal and vice-president of the Croatian Maritime Law Association. Professor Coric has published many scientific articles and professional papers in the domain of maritime and transport law and is the author of the books “*International Regime on Liability and Compensation for Oil Pollution Damage*”, published by Croatian Academy of Sciences and Arts and “*Marine Pollution from Ship’s – International and National Law Rules*”, published by Faculty of Law Rijeka.

CRUISE VESSELS IN CROATIAN SEAPORTS – LEGAL REGIME FOR POLLUTION PREVENTION AND CIVIL LIABILITY FOR DAMAGES

The cruise industry has experienced enormous growth in terms of popularity, size and variety of destinations in last years. Croatian coast is very attractive for cruise companies and their passengers. The Republic of the Croatia is second country on the Adriatic Sea by cruise traffic, right after Italy. Undoubtedly, cruise industry is a significant contributor to the Croatian economy. However, cruise ships generate a number of waste that can result in discharge to the marine environment. They have been compared to “floating cities” and volume of waste that they produce is comparably large, consisting of black water, graywater, solid waste, hazardous waste, oily bilge water, ballast water and other wastes. Those waste, if not properly treated and disposed of, can pose serious risk to marine environment and human health. The purpose of this presentation is to provide a brief overview of the Croatian law regulating the standards of prevention of pollution from cruise ships as well as pollution liability regimes. The relevant international (MARPOL) and EU standards (Directive 2000/59/EC on port reception facilities for ship generated waste and cargo residues) are implemented into Croatian law through Maritime Act and respective by-laws. The author critically analyzes how the relevant pollution prevention and liability standards are implemented and enforced in the context of the cruise industry and concludes on the adequacy and efficiency of the existing law.

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IGOR VIO lectures Maritime Law, Law of the Sea, and Transport Insurance at the Faculty of Maritime Studies in Rijeka. As a visiting lecturer he has delivered courses at the IMO IMLI in Malta, IMO IMA in Trieste, and International Ocean Institute at Dalhousie University in Halifax, Canada. His legal education includes LL.B. degree at the University of Rijeka Faculty of Law, LL.M. in Ocean and Coastal Law at the University of Miami School of Law, LL.M. and Ph.D. degree in Maritime Law from the University of Split Faculty of Law. As a UN fellow he spent one year in the US and worked in the United Nations Office of Legal Affairs. Dr. Vio has published papers covering various fields of the international law of the sea and maritime law. He was the editor of the volume *Maritime Code of the Republic of Croatia and Recent Developments in the Area of Maritime and Transportation Law*. As an invited speaker he participated at various national and international conferences. He is the Secretary General of the Croatian Maritime Law Association and a Titulary Member of the CMI.

BOJANA STANIĆ STANISAVLJEVIĆ, LL.B.
JADROLINIJA SHIPPING COMPANY
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BOJANA STANIĆ STANISAVLJEVIĆ graduated law and obtained her LL.B. degree at the University of Rijeka, Faculty of Law. After graduation and bar exam she worked in a law firm specializing in civil and commercial law. She joined the Jadrolinija Shipping Company a decade ago and as the legal counsel has covered various fields of maritime law, especially shipbuilding contracts, contracts of ship's purchase, passengers' claims, collisions, salvage and a variety of issues regarding passenger vessels' safety, security and certification. She has also been in charge of marine insurance and handled relations with hull insurers and P & I Clubs.

LINER SHIPS FOR TRANSPORT OF PASSENGERS IN THE ADRIATIC – IMPLEMENTATION OF INTERNATIONAL REGULATIONS ON PROTECTION OF MARINE ENVIRONMENT IN CROATIA

Preventing pollution from liners and ferries has become a priority for Croatian government and shipping companies involved in the passengers' transport in the Adriatic. Paper covers implementation of international legal instruments (like revised Annex VI of MARPOL with reduction of global sulphur limits in fuel by January 2020) and EU law (Regulation 2015/757 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport) and their application to Croatian passenger fleet, analysing various aspects of marine and air pollution prevention: control of air emissions by types of diesel fuel and use of scrubber equipment, potential introduction of LNG as fuel in passenger traffic, measures related to ships' recycling and IHM certification, acceptable use of antifouling coating on passenger ships, cavitation sludge treatment and reception facilities in Croatian ports.

**AVV. CRISTIANO ALESSANDRI
STUDIO LEGALE ALESSANDRI
VENICE, ITALY**

CRISTIANO ALESSANDRI was born in Venice, Italy on March 8th 1956. He joined the Venice Bar on September 18th 1984 and was admitted to practice before the Supreme Court of Italy on June 19th 1997. He also works as counsel to the Italian Transport Regulation Authority as from July 1st 2016. He is a member of AIDIM and AIDNI.

THE IMPACT OF CRUISE SHIPS IN VENICE

The presentation analyses the transformation of the port of Venice from a commercial to a tourist port, which has occurred in a rather short period of time. Such change has had a great impact on the economy of the area, with local reactions and international echoes. It will be also examined the Government decree no. 79 of March 2nd 2012, its enforcement and recent developments, together with the present regulatory framework and the prospects.

DR. MITJA GRBEC
MARITIME LAW ASSOCIATION OF SLOVENIA
PORTOROŽ, SLOVENIA

MITJA GRBEC is the Vice-President of the Maritime Law Association of Slovenia and visiting lecturer at the IMO International Maritime Law Institute in Malta. He graduated law at the University of Ljubljana Faculty of Law and completed his LL.M. and Ph.D. studies in international maritime law at the IMO International Maritime Law Institute (IMO IMLI) in Malta. He has held several positions both in the academia and private sector, including that of a permanent lecturer at the IMO International Maritime Law Institute (IMO IMLI) in Malta and that of a member of the Supervisory Board of the company Slovenian Railways d.o.o. (2011-2015). Among other he is the author of the book ‘Extension of Coastal State Jurisdiction in Enclosed or Semi-enclosed seas: A Mediterranean and Adriatic Perspective’, published by Routledge (London, New York) in 2014 and reprinted in paperback version in 2015.

NEW EU POLICY WITH REGARD TO THE REDUCTION OF LEVEL AND DETRIMENTAL IMPACT OF PLASTICS FROM SHIPPING AND FISHING OPERATIONS

The transition to a more circular economy, where the value of products, materials and resources is maintained in the economy for as long as possible is at the essence of EU’s efforts to develop a sustainable, low carbon, resource efficient and competitive economy. Plastics is one of the priority areas addressed in the “*EU action plan for the Circular Economy*” (COM (2015) 614 final). In line with Sustainable Development Goal 14, the Commission proposed an aspirational target of “reducing marine litter by 30 % by 2020 for the ten most common types of litter found on beaches, as well as for fishing gear found at sea, with the list adapted to each of the four marine regions in the EU”. This paper accordingly discussed the new efforts at EU level aiming at reducing the level and detrimental impact of plastic from shipping with a special emphasize to plastic used by the fishing industry.

DR. PETAR KRAGIĆ
TANKERSKA SHIPPING COMPANY
ZADAR, CROATIA

PETAR KRAGIĆ is the President of the Croatian Maritime Law Association and a Titulary Member of the CMI. He is heading the Legal & Insurance Department of Tankerska Shipping Company. After graduating law summa cum laude at the University of Split, Petar Kragić joined Tankerska plovidba in 1976. He obtained his LLM and PhD degrees in maritime law from the University of Split, Faculty of Law. He is a regular speaker at maritime conferences, the author of legal textbook “*Tanker Charterparties*” and a number of articles on maritime law. Petar Kragić is a member of the drafting committee for Croatian Maritime Code. He was a member of the CMI drafting committee for the Rotterdam Rules and a member of the Croatian delegation to UNCITRAL Conferences. He is a former chairman of the Legal Committee of the Croatian Chamber of Shipping. For a number of years he was a director of the UK P&I Club, SiGCo. and of international investment fund.

EUROPEAN UNION AND MARITIME LAW – CURRENT ISSUES

EU economic model has been based on ordoliberal theoretical approach, which calls for free market competition without distortions by state aid or monopolies. In shipping the state aid is limited to bringing terms of making business for EU ship-owners in line with the world’s norm, which has been taken as FOC business environment. However, the world market is not a perfect place. Some EU member states have provided assistance and support to national fleets beyond approved aid measures and, on the other hand, some Asian countries have been making remarkable progress in development of their national fleets under polices based on state planning, interventionism and protectionism. Economically most vibrant part of the planet has a different development model based on the ideas of 19. century German economist Fridrich List. He advocated protectionism and interventionism for, at that time, still non-unified German states as a policy aimed at catching up with Great Britain. What can be done? Should the EU regulations be changed? How EU could buttress its shipping and make it more competitive? What about operating costs of the ships and the rules applicable on crew salaries? Could crewmembers on the same ship have different salaries for the same job because of the different costs of living in their respective homelands? The presentation offers some thoughts on possible future scenario if EU shipping policy and regulations were not changed. In addition it criticized (i) using state aid for increasing and collect taxes, (ii) judgement in Erika

case where the European Court of Justice ruled in 2008 that international shipping conventions did not apply once the cargo had turned into waste by wreckage of a ship, (iii) uncertainty about status of P&I IG structure, which has been serving international shipping well since 19th century, and made trading possible after EU Directive on Civil Liability introduced compulsory insurance, which in turn, has not been used to simplify Rotterdam Rules and made them more practical and attractive to international business community.

PROF. CECILIA SEVERONI
UNIVERSITY OF UDINE, ITALY

CECILIA SEVERONI is a Tenured Assistant Professor in the University of Udine (Italy), with second-level university qualification in Commercial, Economic, Financial and Agri-food markets, Maritime and Air law, and Adjunct Professor in Commercial Law. She wrote several books, including two on salvage, and articles on maritime and transport law, with recent contributions on the law issues posed by autonomous vehicles. In 2017 she headed a study group of the Italian NMA Aidim on Unmanned Ships, in response to the questionnaire of the Comité maritime international. She is a regular speaker at Conferences and Seminars on various topics of Navigation and Transport law.

PROSPECTS OF INTRODUCTION OF UNMANNED SHIPS IN THE CURRENT LEGAL SYSTEM

An unmanned ship, conducted with the use of artificial intelligence poses unexplored problems to the extent that the AI acts according to mechanisms of autonomy and interacting the sea environment and the related infrastructures, e.g. ports. Given that it is expected that the autonomous ship can learn from the surrounding environment and change its operating behavior, the circumstances and the places where it will operate, this will induce effects also on the shipowner's liability regime. The legal system of liability for collision is based on the principle that the ship is liable for collision if there is an intentional or negligent behavior of the responsible subject, unless he can provide evidence of fortuitous event or force majeure. The criterion of liability based on fault is to be considered valid, also in relation to an unmanned ship, if and until the subject who has assumed the management of the ship can be identified. Waterborne unmanned vehicles are supposed to be used in *dangerous, dull and dirty* scenarios, in which it may be dangerous to send a ship with a crew. Among these are traditionally included

many rescue hypotheses, in which there is a danger of damage also for the rescuer, or repetitiveness and length of the operations themselves. In this framework, the main problems that to be considered relate to salvage with autonomous vehicles, in order to identify the subject responsible for providing assistance, according to the general duty to provide assistance to people in danger. In the case highlighted above, there are important repercussions on the liability regime, which currently focuses on the shipowner's role.

JANA RODICA, LL.M.
VAN AMEYDE GROUP
KOPER, SLOVENIA

Mrs. Jana Rodica obtained a Law degree from the University of Ljubljana in 2004 and concluded with distinction Master's degree in International Maritime Law at the IMO International Maritime Law Institute in Malta. In 2009 she received the Maltese Government Prize for Best Performance in the Law of the Sea examination. In 2010 she concluded the London School of Public Relations and obtained a Diploma in PR. She is author and co-author of several articles and scientific papers, member of the Supervisory Board of Maritime Law Association of Slovenia, member of the Supervisory Board of The International Propeller Club Port of Koper and a former representative of EJCCL (European Journal of Commercial Contract Law, Belgium, Brussels). Following graduation, Mrs. Rodica worked in a well-established law firm, as legal adviser at the European Consumer Centre and at the Health Insurance Company as senior product development expert. After pursuing her Master's degree she was lecturer at the Faculty of Maritime Studies and Transportation, University of Ljubljana. Afterwards she was engaged as Managing Director of a Shipping Agency and General Manager in Lloyd's Agency in Koper and concluded with distinction Level 2 Lloyd's Certificate in Marine Cargo Surveying. She is currently the General Manager for Slovenia and Managing Director for Croatia for the Van Ameyde Group a primary Dutch insurance-services provider and marine-surveying company.

RECENT DEVELOPMENTS AND LEGAL CHALLENGES OF UNMANNED VESSELS

The purpose of this presentation is to cast at glance and contribute to the evaluation of the recent developments and legal challenges in relation to unmanned vessels. The shipping industry today has changed almost beyond recognition. We have to consider rapid changes brought about by modern technology and the multiple purposes for which unmanned vessels will be used. Unmanned vessels are no longer a futuristic concept, but a reality. Recently the number of projects dedicated to unmanned vessels is increasing, including the world's first designated test area for autonomous vessels in Norway. If we refer to a vessel in a maritime traditional way the master and the crew must ensure that the vessel its safe operation and observe several maritime law regulatory provisions which are in place. With the new era of unmanned vessels the existing legal framework must be carefully observed in order to ensure safe operation at sea for all. Unmanned vessels can be categorized according to the level of automation. We have to distinguish those remotely operated to the fully autonomous one. Thus, the legal framework will therefore have to be flexible as will affect the international maritime law regulations. Furthermore a number of international maritime law provisions other than rules implemented to directly secure safety at sea will also be affected. Currently they are several concerns also in relation to the personnel operating from the onshore control centre together with available electronic surveillance regarding compliance of the requirements of the conventions. Recently the Autonomous Systems Regulatory Working Group (MASRWG) has released a code of conduct for surface maritime autonomous systems, and is now working on a code of practice. Between 2012 and 2015 the European project MUNIN (Maritime Unmanned Navigation through Intelligence in Networks) was carried out regarding the unmanned merchant shipping operations in relation of developing a technology for unmanned vessels. The IMO is in the process of updating SOLAS and the Comité Maritime International (CMI) has also established a Working Group on "Maritime law for unmanned craft" to consider how international conventions and regulations can be adapted to provide for the operation of unmanned vessels on the high seas. The topic in relation to unmanned vessels will also have implications for civil law matters, such as liability, chartering of vessels and marine insurance. The focus of the discussion will be the evaluation whether an unmanned ship still is a ship, on the importance of principles developed by customary international law, how it can comply with the duties from the law of the sea, what about the crewing and operational regulations rules concerning international responsibility for damage caused by unmanned vessels and several concerns regarding possible threats of piracy and cyber-attacks. The final part

of the presentation will present the conclusions drawn upon the discussion of the issue concerned.

DIANA JEROLIMOV, LL.B.
TANKERSKA SHIPPING COMPANY
ZADAR, CROATIA

DIANA JEROLIMOV studied law at the University of Zagreb Faculty of Law. She has been employed by Tankerska plovidba, the largest shipping company in Croatia since 1988. She is now a deputy director of the Legal and Insurance Department and as in house lawyer in the shipping company has considerable experience in all aspects of maritime law. She is a member of a Croatian Maritime Law Association, President of Legal Committee of Croatian Chamber of Shipping and was a member of the Croatian delegation to UNCITRAL and delegation of Croatian ship-owners to ILO. She is author of a number of articles on maritime law topics and speaker at conferences on maritime law.

CROATIAN SHIP REGISTER – FROM PAST TO FUTURE

The purpose of this paper is to give an overview of the legislative reform of registration of ships and mortgages (hypothecs) in the Republic of Croatia. It looks at history of registration and transformation of the legal concept of mortgage in Croatian law. The procedure for registration of ships and hypothecs as it had been prescribed by the Maritime and Inland Navigational Law of 1977 (being the former Yugoslav Federal Act, adopted by the Republic of Croatia on 1991) was a combined court -administrative procedure and was in joint competency of the Commercial courts and Harbour Master Offices. The most significant change was introduced by the Maritime Code 1994, whereby the Commercial courts were excluded from the procedure of ships and hypothecs registration. The Maritime and Inland Navigational Law 1977 had the concept of “*the contractual right of pledge on ship*”, as socialistic political system did not like the word “*hypothec*” as it sounded too capitalistic. Enforcement of the contractual right of pledge on ship could have been done by the court (judicial) sale of ship only. Maritime Code of 1994 adopted legal term for mortgage – “*hypothec on ship*”, to distinguish it from the civil hypothec over real estate. *Under* the hypothec on ship concept, the creditor was allowed, beside the court sale remedy, to take possession of the ship and exploit it to recover the claim, provided the remedy of taking possession was agreed with the debtor. When the hypothec on ship was enforced outside of the

Republic of Croatia by commencement of legal proceeding in the foreign country, the creditor (mortgagee) was entitled to enforce the hypothec through a public sale of a ship, in conformity with procedural law governing public sale of a country where the ship was seized. Maritime Code 2004 introduced the hypothec on ship equal to English mortgage. Mortgagee is entitled to enforce the mortgage by (i) taking possession and exploiting the ship, (ii) court sale, (iii) private out of court sale and (iv) public auction, if enforcement of mortgage is exercised in foreign country in accordance with foreign procedural law which does not recognize the court sale. The proposed amendments to the Maritime Code in the field of the system of registration of ships and mortgages are of organizational and technical nature, while some amendments deal with substantive law. The aim of suggested amendments is to create modern, centralized and electronic system of registration which would provide its customers expeditious procedure and service in line with those of the competitive ship registries. Legal changes that would deal with certain issues which *inter alia* include registration of claims secured by maritime liens on vessel and enforcement of mortgage are under consideration.

LANA KRZNARIČ, LL.B.
LANIBRA COMPANY
KOPER, SLOVENIA

LANA KRZNARIČ started her studies at the Faculty of Law, University of Ljubljana, Slovenia, and continued her education at the European Faculty of Law in Nova Gorica, Slovenia, where she graduated and acquired the professional title Bachelor of Laws (LL.B.). She is currently working as Director of Legal and General Affairs at LANIBRA d.o.o., which is specialised in Labour Law, Social Security Law and Maritime Law and which provides consultancy services and assistance regarding labour issues in Maritime Industry. The Company is well-established and has a good number of clients from all over the world. Lana is responsible for organisation, execution and coordination of activities in the field of legal and general affairs, implementation and supervision of legal procedures on behalf of the company, the preparation of contracts, agreements and other legal acts and for providing legal advice. Furthermore, she also represents the company and assists in the formulation of its strategic goals and in the preparation of business plans, supervises development and execution of business strategies and related changes and contributes to achieving the company's business goals and plans. She is a member of Maritime Law Association of Slovenia.

SLOVENIAN TONNAGE TAX LAW – RECENT CHANGES

Shipping has always been one of the essential foundations of economic growth and prosperity throughout history, as maritime transport enables trade and connections between nations. It is crucial in maintaining global competitiveness of European companies. With the aim of fulfilling the requirements of the European transport policy and of encouraging the development of maritime transport and creating appropriate conditions to achieve competitiveness of shipping companies in the world market Slovenian strategic policies and related legislation were adopted. For the purpose of achieving the set goals, a system of tonnage-based tax was introduced in Slovenia with the Tonnage Tax Act, entered into force in 2007, as alternative regime for calculating the tax base for the purposes of the corporate profit tax, with an election term lasting for 10 years with an option of a renewal election. In the Tonnage Tax Act it is determined that in case a company, which is using the tonnage tax scheme, sells ships, included in the tonnage tax regime, it is obligated to use the income from the sale of ships for the purchase of one or several ships or of a shipping company in a period of five years. If a company fails to comply with this requirement, such company is obligated to include in its tax account for the taxation period in which the five-year term expires, these types of income into its tax base to be assessed under the Corporate Income Tax Act. Aiming to extend the tonnage tax scheme and to mitigate the conditions concerning aforementioned reinvestment requirement a recent legislative procedure for amending the Tonnage Tax Act took place. The Act amending the Tonnage Tax Act was rejected by the National Assembly in March this year, prompting polemics.

DR. GIOVANNI MARCHIAFAVA
MARCHIAFAVA & MARCHIAFAVA STUDIO LEGALE
ROMA, ITALY

GIOVANNI MARCHIAFAVA has been involved in research activities in Transportation Law since 2000. In June 2006 awarded a Ph.D. in Transportation Law at *Sapienza* University of Rome, and in 2008 a LL.M. in Maritime Law at the University of Southampton (UK). In 2009-2011 awarded a Research Fellowship at *Sapienza* University of Rome. In 2017 obtained the National Scientific Qualification, as an Associate Professor. Currently lecturing in Transportation Law at *Sapienza* University of Rome. Author of a monograph, several articles and case notes. Other memberships: 2000, member of the editorial board of the law review, *Diritto dei trasporti*; 2001 and 2003, member of the Transportation Legal Studies Institute (ISDIT) and the Italian

Maritime Law Association (AIDIM), respectively; 2017, member of the International Working Group of the Comité Maritime International (CMI) on Cybercrime in Shipping; 2004, member of the Italian Bar Association.

CYBERCRIME IN SHIPPING

Cybercrimes are among the most serious threats to maritime safety and security. The shipping sector is especially vulnerable experiencing an increase of cyber-attacks against information and operational technologies. Maritime operators have become aware of these cyber risks to ships, port infrastructures and other shipping facilities, which in the past had not been perceived. This previous lack of awareness has delayed the introduction of measures in preventing and minimising cybercrimes in shipping. Currently, the International Community has not yet provided mandatory legal instruments in dealing with this issue. A joint working group of international shipping operators, headed by the Baltic and International Maritime Council (BIMCO), formulated guidelines on cyber security for ships, which have been updated after the adoption of maritime cyber risk management guideline by the International Maritime Organization (IMO). The EU Parliament and Council adopted the Directive (EU) 2016/1148, regarding measures for a common high level of network and information system security across the European Union. According to this Directive each EU Member State must adopt a strategy in achieving and maintaining a high level of network and information system security which should be adopted in maritime transport sector. The Directive designates the shipping companies, port authorities and vessel traffic service operators, as “operators of essential services”, which have the obligation to provide measures to ensure the security of their network and information systems. Subsequent to the Directive, the EU Member States have introduced in their legal systems regulations aimed at protecting information and communication systems from cyber-attacks. The paper provides an overview on the main legal instruments adopted at international, European and national levels in supporting shipping safety and security against cybercrimes, highlighting the current obstacles preventing the adoption of harmonised regulations.

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