

**4<sup>th</sup> ADRIATIC MARITIME LAW CONFERENCE**  
PORTOROŽ, 23-25 May 2019

**To the Members of the National Maritime Law Association of Italy, Slovenia and Croatia**

**23 May 2019**

Dear colleagues and friends,

Welcome to the 4th Adriatic Maritime Law Conference in Portorož!

After a “full circle“ (Portorož, Opatija, Grado), the Adriatic Maritime Law Conference is coming back to where it started. We may therefore say with great delight that the AMLC is not just an occasional venture, but a regular occurrence on the best way to becoming a tradition.

The programme is packed with presentations, which only confirms that the maritime law is and has always been an inexhaustible source of interesting new topics. We can also proudly say that this confirms the eagerness of maritime lawyers (both academics and practitioners, young and not so much so) to constantly broaden their knowledge and share their views in a relaxed and friendly atmosphere.

As you will gather from this brochure, the working part of the Conference is scheduled to take one and a half days. The programme is divided into several sections. After the opening ceremony and key-note speeches, presentations and discussions will deal with the following topics: Sea Ports and their Legal Regime – EU and national law; Offshore Oil and Gas Activities in the Adriatic Sea – Legal Issues; Legal Aspects of Nautical Tourism and Regime for Marinas; Passengers’ Transport by Ships in the Adriatic – Legal Aspects; Legal Aspects of Shipbuilding and Ship Financing in the EU and non-EU States; Industry 4.0 and Maritime Transport; Labour Law Issues in Shipping and Transport; and Recent Developments of Maritime and Transport Law.

This brochure contains many further details of the Conference programme, the speakers, the abstracts of their presentations, and the social events.

We wish you an interesting and enjoyable time in Portorož!

President AIDM

President DPPS

President HDPP

Avv. Giorgio Berlingieri

Mrs. Margita Selan Voglar

Prof. Dr. Gordan Stanković

# 4<sup>th</sup> ADRIATIC MARITIME LAW CONFERENCE

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## PROGRAMME

### Thursday, 23 May 2019 – Hotel Marko

13:00 – 13:30 **Registration and Welcome Reception**

13:30 – 14:15 **Opening Ceremony**

Mag. Jadran Klinec, Director of the Maritime Authority of Slovenia

Prof. Dr. Marko Pavliha, Head of the Legal Department, Faculty of Maritime Studies and Transportation (UL) and official candidate of the Republic of Slovenia for a judge at the General Court of the European Union

14:15 – 15:15 **Introductory Session: Key-note Speeches** (*chair: Mrs. Margita Selan Voglar*)

Avv. Giorgio Berlingieri: The Italian Maritime Law Association (1899 – 2019) - over the 120 years since its foundation

Prof. Dr. Gordan Stanković: 2019 Amendments to the Croatian Maritime Code - an overview

Prof. Dr. Norman Martinez: National Considerations in the Application of the LLMC Convention in Domestic Law

*Discussion*

#### **Update and Follow-up of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> AMLC**

15:15 – 16:30 Sea Ports and their Legal Regime – EU and national law (*chair: Prof. Dr. Gordan Stanković*)

Avv. Enrico Vergani: Recent developments and expected changes in Italian port law

Dr. Boris Jerman: The legal regime regulating the Port of Koper in the light of EU acquis

Prof. Avv. Elena Orrù: Recent developments on public financing of sea port and services according to EU law and case law

Dr. Božena Bulum: Corporate tax exemptions for ports according to the recent decisions of the European Commission and Court of Justice of the EU

Avv. Lorenzo Fabro: The port governance in Italy - present situation and open issues

*Discussion*

16:30 – 17:00 Offshore Oil and Gas Activities in the Adriatic Sea – Legal Issues (*chair: Dr. Boris Jerman*)

Dr. Mitja Grbec: Liability and compensation for transboundary oil pollution damage: is there a *compelling* need for an Adriatic (sub) regional agreement?

Doc. Dr. Mišo Mudrić: Energy related concessions on maritime demesne in Croatia

*Discussion*

17:00 – 17:30 **Coffee break**

- 17:30 – 18:30 Legal Aspects of Nautical Tourism and Regime for Marinas (*chair: Dr. Iva Tuhtan Grgić*)
- Prof. Avv. Massimiliano Musi: The reform of the Italian Pleasure Sailing Code: a focus on the main changes
- Prof. Dr. Ranka Petrinović – Dr. Vesna Skorupan Wolff: Yacht charter party agreement - a new contract in Croatian Maritime Law
- Prof. Avv. Giovanni Marchiafava: Cruise tourism liability regime: current legal issues
- Doc. Dr. Adriana Vincenca Padovan: Marina operator liability for damage to vessels at berth - a comparative approach
- 18:30 – 19:30 Passengers' Transport by Ships in the Adriatic – Legal Aspects (*chair: Avv. Francesco Siccardi*)
- Avv. Simona Coppola: Short sea shipping in the Adriatic Sea: what changes?
- Mag. Oec. Sandro Vidas: Croatian passenger ships in front of EU and IMO emissions reduction regulations – The GUTTA Project
- Avv. Filippo Cassola: Transport of passengers by sea: compensation of damages from an Italian perspective
- Avv. Cristiano Alessandri: Passengers carriage and carrier liability at Italian law: some peculiar cases.
- Discussion and concluding remarks*
- 20:00 ***Dinner at Hotel Marko***

## **Friday, 24 May 2019 – Hotel Marko**

- 09:00 – 10:00 **EU MARITIME DAY 2019: Transport Policy and Maritime Law**
- Mrs. Violeta Bulc, European Commissioner for Transport
- Discussion*
- 10:00 – 10:45 **Legal Aspects of Shipbuilding and Ship Financing in the EU and non-EU States** (*chair: Avv. Enrico Vergani*)
- Avv. Francesco Siccardi: The law and the practice in shipbuilding contracts
- Zoran Tasić, LL.B.: Legal aspects of refund guarantees in shipbuilding
- Discussion*
- 10:45 – 11:15 **Coffee break**
- 11:15 – 12:15 **Industry 4.0 and Maritime Transport** (*chair: Prof. Avv. Pierangelo Celle*)
- Prof. Dr. Patrick Vlačič: B/L on blockchain
- Prof. Cinzia Ingratoci: Maritime traffic flow governance and European information sharing environment: the new frontiers of VTS services
- Margita Selan Voglar, LL.B.: How to manage cyber risks within the shipping industry

Mag. Jana Rodica: Looking to the future: recent developments in relation to autonomous ships

*Discussion*

12:30 – 14:00 **Lunch at Hotel Marko**

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

15:00 – 16:30 **Labour Law Issues in Shipping and Transport** (*chair: Prof. Dr. Patrick Vlačič*)

Prof. Avv. Chiara Tuo: Determining international jurisdiction over individual employment contracts at sea: an EU law perspective through the recent developments of the ECJ and national caselaw

Prof. Dr. Nikoleta Radionov: Maritime safety & security vs. human rights of seafarers: new trends

Branko Krznarič. - Lana Krznarič, LL.B.: Legality of a boycott action against a ship with the purpose of signing a Collective Bargaining Agreement

Doc. Dr. Marija Pijaca: Social reform for Croatian seafarers in the 2019 Amendments

Dr. Karla Oblak: Gender differences in maritime industry

Doc. Dr. Nikola Mandić – Ing. Roko Glavinović: Maritime agent as an intermediary in the seafarers' employment - modern business and national legislation

*Discussion*

16:30 – 17:00 **Coffee break**

17:00 – 18:45 **Recent Developments of Maritime and Transport Law** (*chair: Dr. Igor Vio*)

Prof. Dr. Petra Amižić Jelovčić – Prof. Dr. Dragan Bolanča: Safety and security aspects in the 2019 Maritime Code Amendments

Prof. Avv. Pierangelo Celle: Excepted perils and the burden of proof in recent cases

Dr. Srđan Šimac: Mediation - a strategic tool for the risk management in maritime disputes

Elson Thana, LL.M.: Maritime transport in Albania - past, present and future legal frame

Dr. Petar Kragić: Tax reform in 2019 Amendments to the Croatian Maritime Code

Prof. Dr. Jelena Nikčević: Port state control – implementation in legislation of Montenegro

Prof. Dr. Axel Luttenberger: Maritime domain governance

*Discussion and concluding remarks*

18:45 – 19:00 **Closing Ceremony: NMLAs Presidents**

20:00 **Dinner at a restaurant (Piran / Portorož)**

## **Saturday, 25 May 2019**

09:15 – 14:30 **Sightseeing tour by boat** (*Piran with its salt-pans and maritime museum, Izola and/or Koper; light lunch served on board*)

## INAUGURAL SPEAKERS

**Dr. Violeta Bulc** graduated from the University of Ljubljana with a Bachelor's degree in Computer Science and Informatics. She followed up her undergraduate study by travelling to the USA, where she gained a Master of Science in Information Technology from Golden Gate University in San Francisco. Ms Bulc has completed an MBA from the Bled School of Management in Slovenia. She has a strong background in telecommunications, beginning in 1991 when she was an expert for wide-area networks performance analyses at DHL System in the USA and then from 1994 for Telekom Slovenije, for whom Ms Bulc worked first as Manager of Institutional Traffic, and then as a Director of Carrier Business. In 2003, when Ms Bulc became a counsellor to the MFA Working Group on the European Convention. Between 2004 and 2007, she was the representative of Slovenia in the Advisory Group for ICT at the European Commission, where she advised Member States on the development of the Eurasian Economic Unions. Ms Bulc has also been a member of the European Commission group on the e-Europe action and strategic plans, which promote internet provision and usage, for 2012 and 2020. She has held numerous other positions since 2010, including Member of the Council for an innovation society in the National Council of Slovenia (2010-12), coordinator of a series of workshops for the EU nuclear power plant strategy (2012-14), and visiting lecturer at MCI Innsbruck and the University of Ljubljana. Since 1 November 2014 she has served as the European Commissioner for Transport.

**Prof. Dr. Marko Ilešič** obtained his Doctorate in Law at the University of Ljubljana and subsequently completed judicial service examination, and specialised in comparative law at Universities of Strasbourg and Coimbra. He is author of numerous legal publications and has been Professor of Civil, Commercial and Private International Law. Since 2004 he has been serving as Judge at the European Court of Justice. Before that he was Vice-Dean (1995-2001) and Dean (2001-2004) of the Faculty of Law of the University of Ljubljana, Honorary Judge and President of Chamber at the Labour Court in Ljubljana (1975-86), President of the Sports Tribunal of Slovenia (1978-86), President of the Arbitration Chamber of the Ljubljana Stock Exchange, Arbitrator at the Chamber of Commerce of Yugoslavia (until 1991) and Slovenia (from 1991), Arbitrator at the International Chamber of Commerce in Paris, Judge on the Board of Appeals of UEFA and FIFA, President of the Union of Slovene Lawyers' Associations (1993-2005). He is a member of the International Law Association, of the International Maritime Committee and of several other international legal societies.

**Mag. Jadran Klinec** is currently the Director of the Slovenian Maritime Administration and appointed as a representative of the Republic of Slovenia in the Administrative Board of the European Maritime Safety Agency (EMSA). His professional education includes marine engineering master's degree at the Faculty of Maritime Studies and Transport in Portorož, Slovenia. He is a holder of a Certificate of Competency Chief engineer officer on ships powered by main propulsion machinery of 3000 kW propulsion power or more. As he has a maritime background, is well aware of the importance of the maritime law in the maritime shipping and also the importance of the seafarers, therefore he promotes the maritime profession.

**Prof. Dr. Marko Pavliha** is currently the official candidate of the Republic of Slovenia for a judge at the General Court of the European Union in Luxembourg, while he is still full professor of law, Vice-Dean for Research and Development and Head of Law Department at the University of Ljubljana, Faculty of Maritime Studies and Transportation, as well as a longstanding visiting professor and governor at IMLI, Malta. He was also inter alia Minister of Transportation, Vice-President of the Slovenian Parliament, Member of the Slovenian Judiciary Council, Secretary-General of CMI, one of the founding members and President of the Maritime Law Association of Slovenia. Prof. Pavliha is author and co-author of 39 books and hundreds of articles and essays. For further information see <http://www.primorci.si/osebe/pavliha-marko/890/>.

## KEY-NOTE SPEAKERS AND ABSTRACTS

**Avv. Giorgio Berlingieri** is a Partner of Berlingieri Maresca Studio Legale Associato from Genoa (Italy) Titulary Member of the Comité Maritime International, President of the Italian Maritime Law Association, Vice President for Italy of Instituto Ibero-Americano de Derecho Marítimo, Honorary Member of the Croatian Maritime Law Association, Editor in Chief of *Il Diritto Marittimo*, Member of the Contributory Board of *Droit Maritime François*.

### THE ITALIAN MARITIME LAW ASSOCIATION (1899 – 2019) – OVER THE 120 YEARS SINCE ITS FOUNDATION

The Italian Maritime Law Association was formed the 1 July 1899 and the first Conference of the Comité Maritime International it attended was that of London in 1899. The CMI was founded in 1896 and its first Conference was held at Brussels in 1897 and the second one at Antwerp in 1898. The London Conference was attended by the Nationals Maritime Associations formed at that time, namely, and in addition to the Italian one, by the Danish, French, German, Dutch, Norwegian, Swedish and United States Associations. The English Maritime Law Association was officially formed in 1908, however at the time of the London Conference there existed in England, within the International Law Association a Maritime Law Committee to deal with Comité Maritime International and which organized the 1899 CMI Conference together with the Chamber of Shipping of the United Kingdom. The topics discussed at the CMI 1899 London Conference were Collision and Responsibility of Shipowners. Since then the Italian Maritime Law Association attended with its delegates to all Conferences of Comité Maritime International contributing to the works for the unification of maritime law. The speech consists with a brief review of the history and of the activities of the Italian Maritime Law Association in the occasion of the 120<sup>th</sup> Anniversary from its foundation.

**Assoc. Prof. Dr. Gordan Stanković, Vukić & Partners Rijeka, Croatia** 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. He is the president of the Croatian Maritime Law Association

### 2019 AMENDMENTS TO THE CROATIAN MARITIME CODE - AN OVERVIEW

In March 2019, the Republic of Croatia introduced a new set of amendments to its Maritime Code. The amendments are the broadest and most comprehensive since the enactment of the Maritime Code in 2004, encompassing most of the chapters within the Code. Notable novelties include: more elaborated provisions on maritime accident investigation, as well as search and rescue activities; introduction of a

centralised electronic register of vessels, with the modernised rules on vessel registration procedure; further elaboration of the provisions dealing with wreck removal in order to harmonize them with the 2007 Nairobi Convention; introducing express priority of the Maritime Code provisions dealing with judicial sale of vessels over the respective provisions of the Bankruptcy Act in case the vessel is encumbered by maritime liens or ship mortgages or special legislative rights. Special attention has been awarded by the legislator to introducing a whole package of provisions dealing with the contracts in the nautical tourism (such as berthing contracts and yacht charter contracts). Amendments have also been introduced in various order parts of the Maritime Code to better serve the purposes of the Croatian marinas and provide support to the development of Croatian yachting. This includes: a revised definition of maritime liens; a revised definition of the vessel-repair contract and a revised scope of application of the provisions dealing with that contract; a revised list of “maritime claims” subject to vessel arrest; application of the provisions dealing with wreck removal being extended to areas on shore, with the possibility for a marina operator to perform voluntary removal and acquire the ownership over the wreck; introduction of a “large passenger yacht”; introduction of the tonnage tax in respect of yachts in international trade.

**Prof. Dr. Norman Martínez** is a Professor at the IMO International Maritime Law Institute (IMLI) where he has been teaching for the past 20 years. After reading Law at the National Autonomous University of Honduras (1996), he was awarded a Master of Laws (LL.M.) Degree *with Distinction* (1998) and a Doctor of Philosophy (Ph.D.) Degree in International Maritime Law *cum laude* (2010) by IMLI. Norman has acted as an international maritime law consultant since the year 2000. He joined the International Maritime Organization’s Roster of Experts in 2003 and the Roster of Experts of the Food and Agriculture Organization in 2018. Since 2013 he has been a member of the Panel of Arbitrators of the *Câmara Arbitral Marítima no Rio de Janeiro*, Brasil. He is the author of *Limitation of Liability in International Maritime Conventions: The Relationship between Global Limitation Conventions and Particular Liability Regimes*, Routledge, London / New York, 2011, and co-author of *Limitação da Responsabilidade Civil no Transporte Marítimo*, Editora Renovar, Rio de Janeiro, 2016. He is the Editor of the books *Serving the Rule of International Law* and *Serving the Rule of International Maritime Law: Essays in Honour of Professor David Joseph Attard* and is co-editor of *The IMLI Manual on International Maritime Law (3 Volumes)* Oxford University Press, Oxford, 2014-2016. Norman is also a member of the Editorial Board of *Benedict’s Maritime Bulletin* and has published numerous articles in prestigious law journals around the world. He has drafted legislation for governments in several areas of maritime law and has presented several papers at international conferences. In 2011 the Government of Honduras presented him with a Diploma of Recognition for steadfast contributions to the international maritime community and in particular to the promotion of the good name of the Republic of Honduras.

## **NATIONAL CONSIDERATIONS IN THE APPLICATION OF THE LLMC CONVENTION IN DOMESTIC LAW**

The current international regime regulating global limitation of liability for maritime claims is based on the 1976 LLMC Convention as amended by the 1996 Protocol thereto (itself amended by Resolution LEG.5(99) adopted by the IMO Legal Committee on 19 April 2012). The LLMC Convention is not a “liability” convention. The basis of liability for any given claim may be found under general law (contracts or tort), or under any of the conventions establishing “particular liability regimes” such as the conventions on the carriage of goods by sea, conventions on carriage of passengers and their luggage by sea, conventions on liability and compensation for pollution damage, and the convention on liability for the removal of wrecks. The LLMC Convention prescribes the necessary legal framework for the exercise the

right of global limitation of liability. It provides, *inter alia*, the list of persons entitled to limit liability, the claims subject to and excepted from limitation, the conduct barring limitation, the limits of liability, and issues relating to the constitution and distribution of the limitation fund. However, the Convention was – as most conventions are – drafted in a broad language to make it attractive for as many States as possible. For this reason, a number of areas which could have been objectionable by some States were left in the Convention as “options” or “possible reservations”. With this in mind, this presentation will address some of the national considerations which have to be taken into account in the incorporation and effective implementation of the LLMC Convention in domestic law. This topic is of great importance because if a State is not able to appreciate the possible impact of these particularities, it may not be able to benefit fully from the benefits that the Convention can offer.

## MODERATORS

**Dr. Igor Vio** is lecturing courses in Maritime Law, Law of the Sea, and Transport Insurance at the University of Rijeka - Faculty of Maritime Studies. 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. in the Maritime Law and Law of the Sea at the University of Split, Faculty of Law 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 United States and worked in the United Nations Office of Legal Affairs in New York City. 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” and member of the working group for drafting amendments of the Maritime Code. As an invited speaker he participated with presentations at various national and international conferences. He is the Secretary General of the Croatian Maritime Law Association and a Titular Member of the CMI.

**Dr. Iva Tuhtan Grgić** is Assistant Professor of Maritime and Transportation Law at University of Rijeka, Faculty of Law, Croatia. Prior to that she worked as a research assistant at the Department of Civil Law within the same Faculty. She defended a doctoral dissertation in 2014 and got her PhD degree from the University of Zagreb, Faculty of Law. She spent several research periods at the Max Planck Institute for Comparative and International Law in Hamburg, Germany and at European University Institute in Florence. She has worked on several scientific projects and participated with her presentations in various national and international conferences. She has published numerous papers in the field of civil, maritime and transportation law. She is involved in the working group for drafting Maritime Domain and Seaports Act. She is a member of Croatian Maritime Law Association since 2001 and its vice president since 2018. She is also a member of Croatian Comparative Law Association since 2008 and Croatian Transport Law Association since 2017.

## **SPEAKERS AND ABSTRACTS**

**Avv. Enrico Vergani**  
**Studio Legale Garbarino Vergani**  
**Genoa, Italy**

Enrico Vergani was admitted to the Genoa Bar on 1993 and after a professional experience as assistant in Studio Legale Ferrarini Ferraro - September 1990/September 1993 - he is one of the founding partner of Studio Legale Garbarino Vergani in 1994 and presently he is a Senior Partner in Studio Legale Garbarino Vergani. His Field of activity concerns all legal aspects of shipping and transport/logistics, including port infrastructure discipline, investigations covering serious marine casualties, including salvage, collision, general average and arbitration proceedings or litigation arising therefrom; Marine and non-marine insurance litigation; relationships with the Port Authority and port operators, public procurement and application of concession of terminal/licenses in the port areas; all aspects of ship finance; all shipping aspects related to financial restructuring; claim recoveries, tracking and attachment of assets (vessels, goods in transit, Charterers' assets). He is regular contributor to various reviews and publications including *Diritto Marittimo* (the most authoritative Italian law review in Maritime Law) *Ship2Shore*, *Porto & Diporto*. He has been Member of the Directorate of AIDIM - Associazione Italiana di Diritto Marittimo December 2014 / December 2017. He is currently a member of Propeller Club Port of Genoa, of Rotary Club – Genoa centro storico and a Member of the Working Group instituted by the Local Government (Regione Liguria) of the Port Reform. Furthermore he is a Consultant to the Italian Department of Transport on the compliance of Italian Port with EU Commission infringement procedure and implementation of the Free Trade Zone in the Port of Genoa area and a Member of Deep Sea Commission of Assarmatori – Italian Shipowner Association, Rome. Since June 2017 he is a Member of the Board of Directors of Stazioni Marittime S.p.A. – Genoa Cruise Terminal Independent upon designation of the Genoa Port Authority. A Chief Executive Officer and President of the Board of Directors of ASTER – Azienda Servizi Territoriali Genova S.p.A. upon May 2019 upon designation of the Major of the Municipality of Genoa.

### **RECENT DEVELOPMENTS AND EXPECTED CHANGES IN ITALIAN PORT LAW**

The presentation is the carrying on of the work Mr. Vergani proposed at the 2016 AMLC on “Port reforms and EU regulation – The State aid issue” based on the entry into force at the end of March 2019 of the European regulation 352/2017 for the provision of port services and common rules on financial transparency of ports. The European regulation makes it mandatory to identify a competent authority in the field of port services. The EU Regulation applies to the provision of port services such as fuel supply, cargo handling, mooring, passenger services, collection of waste materials arising from vessels, pilotage and towage services. Unfortunately, at the moment in Italy the EU Regulations has not been acknowledged whilst a further review of domestic regulation and 2016 Reform Law is still in process. The application of the Regulation can provide a unique occasion to introduce and finally apply effective and well-suited erga omnes rules with the protection of competition starting from transparency and proportionality costs as well as a right to self-production in line with EU indications and competition rules.

**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 has been actively involved in the academic sector. He has published extensively in the field of transport, logistic, maritime and commercial law.

## **THE LEGAL REGIME REGULATING THE PORT OF KOPER IN THE LIGHT OF EU ACQUIS**

The EU acquis represents a legal basis for the regulation of commercial and other activities in member states, including port sector. However, the EU acquis contains only one general legal act that regulates port sector, i.e. Regulation (EU) 2017/352. It is directly applicable in EU member states and therefore also relevant to the Port of Koper. Performance of port services in the port are regulated by Slovenian Maritime Code and accompanying Decree on the Administration of the Freight Port of Koper. Both legal documents were adopted before Regulation (EU) 2017/352 and are in many aspects less detailed than Regulation (EU) 2017/352. Decree on the Administration of the Freight Port of Koper contains as well different criteria regarding selection of concessionaire in the Port of Koper as Regulation (EU) 2017/352. Therefore Regulation (EU) 2017/352 will play an important role in further development of the Port of Koper.

**Assist. Prof. Avv. Elena Orrù**  
**Department of Legal Studies, Alma Mater Studiorum - University of Bologna**  
**Bologna, Italy**

Elena Orrù graduated in Law *magna cum laude* with a thesis in Transport Law, on “Anticompetitive behaviours in the port and airport sectors”, for which she received the Paolo Cagnoni Prize 2001/2002 and the Rotary Prize for the Faculties of the University of Bologna 2001/2002. In 2007, she obtained her PhD in European Transport Law at the University of Bologna with a thesis on the regime of State aids in the aviation sector. Since November 2010, Elena is Tenured Assistant Professor of Navigation Law at the Department of Legal Studies of the University of Bologna and obtained the National Scientific Qualification (ASN) to function as Associate Professor in Italian Universities. Since 2007, she is a member of the Bologna Bar Association. Elena lectures on International Sale and Shipping Contracts and Public Transport Law at the University of Bologna and in PhD and Master courses. She is Adjunct Professor of “International Contracts in Global Markets”, which is lectured in English, and of “Transport Infrastructures Law”. She has been member of several international and national research groups, on topics pertaining to navigation and transport law. She spent research periods and was Visiting Professor at foreign universities. Elena is a regular speaker in international and Italian conferences and the author of several books and articles. She is a member of AIDIM – Associazione Italiana di Diritto Marittimo and of AIDINAT – Associazione Italiana di Diritto della Navigazione e dei Trasporti, and a member of the Scientific Board of the “*Rivista Italiana di Diritto del Turismo*”, and of the Editorial Boards of the reviews “*Il Diritto Marittimo*”, “*Rivista Italiana del Diritto della Navigazione*”, “*Poredbeno pomorsko pravo*” and “*International Transport Law Review*” and of the book series “*Il Diritto Marittimo - Quaderni*”.

## **RECENT DEVELOPMENTS ON PUBLIC FINANCING OF SEA PORT INFRASTRUCTURES AND SERVICES ACCORDING TO EU LAW AND CASE LAW**

The development of transport infrastructures, and particularly seaport ones, is currently playing great importance at the international trade level. One of the most relevant examples is, indeed, the PRC's Belt and Road Initiative. In this scenario, public financing could be crucial for the development of the transportation and logistics system of a Country, but is subject to mandatory limits under the EU law.

The presentation is meant to highlight the outcomes of the recent EU Commission's decisions and ECJ's case law concerning public financing to sea port infrastructures, facilities and services, in order to infer the actual framework within which EU Member States can further the development of their port and maritime transport systems in compliance with the TFEU.

In particular, much attention will be paid to the recent decisions concerning Italian seaports, which challenged the traditional nature of Port System Authorities and of some port services under the Italian law.

**Dr. Božena Bulum**

**Adriatic Institute of the Croatian Academy of Sciences and Arts  
Zagreb, Croatia**

Božena Bulum graduated in 2000 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" and obtained her PhD degree in 2008. She worked as a trainee at Commercial Court in Split and passed Bar Exam in 2003. Since 2006, she has been employed at the Adriatic Institute of the Croatian Academy of Sciences and Arts. Božena Bulum has published several scientific and professional papers, one monograph titled "Maritime transport services and port services in Competition Law of the European Community" and chapter of the book titled "European Transport Law". She has worked on several scientific projects of the Adriatic Institute. Also, she was a member of the Expert Commissions which drafted Croatian Maritime Code and Maritime Domain and Seaports Act.

## **CORPORATE TAX EXEMPTIONS FOR PORTS ACCORDING TO THE RECENT DECISIONS OF THE EUROPEAN COMMISSION AND COURT OF JUSTICE OF THE EU**

Tax legislation of the European Union (EU) Member States has been mostly enacted by each country at national level. The European Commission proposes common tax legislation when it deems that measures at EU level are necessary for the proper functioning of the EU internal market. Additionally, before entering into force any EU tax legislation must be unanimously agreed by all EU Member States. It should be pointed out that higher level of harmonisation of national tax laws has been achieved with regard to indirect taxes (taxes imposed upon a transaction, such as VAT and excise duties) than with regard than with regard direct taxes (taxes imposed upon a person, a company or a property such as income tax and corporate tax). Also, responsibility of the European Commission is determining whether state aid granted by EU Member States gives any company, sector or person an unfair advantage over their competitors. It also includes state aid given by tax reductions or exemptions. In that context in 2013 the Commission has started the inquires on the functioning and taxation of ports in Member States in order to ensure fair competition in the EU port sector. The inquiries showed that most Member States subject their ports' economic activities to the normal national corporate tax regime. On the contrary, some Member States allow corporate tax exemptions for ports. In 2016, the Commission decided that

the corporate tax exemption granted to Dutch seaports was state aid and required the Netherlands to subject ports to corporate tax. This decision is upheld on appeal in the judgment of the General Court in case T-160/16, *Groningen Seaports v European Commission*. Furthermore, the European Commission has required Belgium, France, Italy and Spain to abolish the corporate tax exemptions granted to their ports in order to ensure that ports are subject to the same corporate taxation rules as other companies. In this paper we analyse reasoning behind these decisions as well as taxation of Croatian ports.

**Avv. Lorenzo Fabro**  
**Berlingieri Maresca Studio Legale Associato**  
**Genoa, Italy**

In 2005 he graduated in Law with honours at the University of Genoa 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) and member of the Standing Committee of the Young CMI; he writes regularly for *Il Diritto Marittimo* law review and on other journals specialized in shipping law.

## **THE PORT GOVERNANCE IN ITALY – PRESENT SITUATION AND OPEN ISSUES**

The aim of the presentation is to provide an overview on the legislation on port governance in Italy, in particular after the reform contained in the Legislative Decree of 4th August 2016, n. 169 and the creation of the *Autorità di Sistema Portuale*. After an introduction on the most relevant provisions concerning port governance from the law 8th January 1994, n. 84, an analysis about the application of the reform will be provided together with some hints about the development strategies connected to the administration of port areas in Italy. A particular focus on the role of the Port Authorities as coordinating body among the various port stakeholders shall be considered.

**Dr. Mitja Grbec**  
**Maritime Law Association of Slovenia**  
**Titus Group; Mare Nostrvm, Corporate & Advisory Services**  
**Koper, Slovenia**

Dr. Mitja Grbec is currently the Vice-President of the Maritime Law Association of Slovenia, after serving as a President in the period 2010-2016, and visiting lecturer at the IMO International Maritime Law Institute in Malta. He graduated law at the University of Ljubljana Faculty of Law, passed a BAR examination 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 is a certified mediator and accredited to act as a member of supervisory boards in companies administered by the Slovenian state holding (SDH).

He has held several positions both in the academia and corporate sector, including that of a permanent lecturer at the IMO International Maritime Law Institute (IMO IMLI) in Malta, member of the Supervisory Board of the company Slovenian Railways d.o.o. (2011- 2015) and member of various group of expert on international law and law of the sea (since 2007). 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 and co- author with Professor Marko Pavliha of a book on arrest of ships in Slovenia (*ABC pomorskega prava: Začasna zaustavitev ladje*). He is currently acting as the Legal Director of an international manufacturing group owned by British interest having its principal headquarters in Slovenia/Koper (*Titus Group*) and as a consultant in the field of international, transport/maritime and commercial law (*Mare Nostrvm, Corporate & Advisory Services*).

## **LIABILITY AND COMPENSATION FOR TRANSBOUNDARY OIL POLLUTION DAMAGE: IS THERE A COMPELLING NEED FOR AN ADRIATIC (SUB) REGIONAL AGREEMENT?**

The aim of this presentation is to expand the discussion on the International Legal Framework for Regulation on Offshore Activities in the Adriatic Sea with a specific emphasize on liability and compensation and on the actual and/or potential role of Adriatic States in that regard. An argument was put forward during the I. and II. AMLC about the desirability of the adoption of an Adriatic (sub-regional) agreement regulating this issue. This presentation will try to provide an update on the current status and on the feasibility/necessity of such agreement particularly from the standpoint of the current status of the ratification/ implementation of the 'Offshore Protocol' to the Barcelona Convention and furthermore from the standpoint of the EU *acquis* regulating its area and its application in the Adriatic Sea.

**Dr. Mišo Mudrić**  
**University of Zagreb Faculty of Law**  
**Zagreb, Croatia**

Assistant Professor Mišo Mudrić (PhD) is an Assistant Professor at the Department for Maritime and Transport Law. He serves as an arbitrator at the Permanent Arbitration Court at the Croatian Chamber of Commerce, in domestic and foreign arbitration. He obtained a PhD degree at the Faculty of Law, University of Hamburg, being a Scholar of the Max Planck Institute for Comparative and International Private Law in Hamburg. He serves as the Secretary General of the Croatian Association of Insurance Law, being a founder of the Association. He also serves as the Vice President of Croatian Maritime Law Association. He is the executive editor of the international scientific and expert journal "The International Transport Law Review", Faculty of Law, University of Zagreb. He acts as a representative of the Croatian Maritime Law Association in several working groups of the Comité Maritime International ("Reformulation of the Lex Maritima" and "Maritime Law for Unmanned Ships") and as Croatian expert within Migration and Home Affairs Directorate General of the European Commission ("Systems for Security Practitioners", and within MARSAFENET project, Cost action IS1105. He has organized and co-organized around 10 international scientific and expert conferences, published over 60 publications (including two author monographies, and two monographies as a chapter author), held lectures at over 40 domestic and international scientific and expert conferences, prepared peer-reviews for a number of domestic and foreign publishers (monographies and journals), acted as a guest editor for domestic publications, and held a number of expert workshops.

## **ENERGY RELATED CONCESSIONS ON MARITIME DEMESNE IN CROATIA**

Presentation is focused on the issues related to concessions on maritime demesne with an aim to develop energy infrastructure and conduct energy-related activities. To this end, an overview of key legal institutes is provided by analysing the Concessions Act, Maritime Demesne and Maritime Ports Act, Energy Act, Gas Market Act and Alternative Fuels Infrastructure Deployment Act. A special focus is related to the “LNG small scale” activity

**Prof. Avv. Massimiliano Musi**  
**University of Bologna Faculty of Law**  
**Bologna, Italy**

Massimiliano is Adjunct Professor in Air Law at the University of Bologna and in 2017 he has obtained the National Scientific Qualification (ASN) to function as Associate Professor in Italian Universities. He was awarded four Research Fellowships at the University of Bologna from 2015 to 2018. He has been named expert both in Transportation Law and in Maritime Law at the University of Bologna since 2008, and in September 2012 he was awarded the Ph.D. in European Transport Law. He is also Lecturer at many higher education courses, Masters and Ph.D. courses and he held some lessons at the European Parliament for the Directorate for Legislative Acts. He has been invited to participate as a speaker in many international Conferences (*inter alia*, Seoul, London, Bruxelles, Istanbul, Rotterdam, Leuven, Zagreb, Bilbao, Tirana, Toruń, Split, Portoroz, Elbasan, Mali Lošinj, Opatija, Benicassim, Naples, Bologna, Ravenna, Sassari, Catanzaro, Alghero, Castelsardo) and over the years he has organized Summer Schools, Conferences and International Research Seminars at the University of Bologna and at Ravenna Campus. Massimiliano is a member of the Bologna Bar Association since 2011. Coordinating a team of lawyers, he provides legal advice and assistance to Clients especially with reference to Corporate, Commercial, Maritime and Transport Law. Since 2015 he is Member of the *Associazione Italiana di Diritto Marittimo* (AIDIM) and in November 2015 he was appointed as member of the Committee for the Ship Nomenclature, inside the *Comité Maritime International* (CMI) and in September 2017 he was appointed as member of the YCMI's Standing Committee. Since 2014 he is General Secretary of the Editorial Committee of the Review “*Il Diritto Marittimo*” and since 2015 of the book series “*Il Diritto Marittimo - Quaderni*”. Since 2016 he is Executive Editor of the “*International Transport Law Review*” and since 2017 he is a member of the Editorial Board of the Croatian Journal “*Comparative Maritime Law*”. Since 2015 he is Secretary of the International Propeller Clubs - Port of Bologna. Massimiliano wrote three monographies, more than 50 articles and case comments and edited six collective volumes, related to the matter of Maritime and Transport Law.

### **THE REFORM OF THE ITALIAN PLEASURE SAILING CODE: A FOCUS ON THE MAIN CHANGES**

Over the last years, the Italian discipline of Pleasure Sailing has been deeply reformed with the purpose of guarantee a greater competitiveness to the sector and above all in order to execute European policies regarding the development of the coastal territory and maritime tourism. In this context, the reform of the Pleasure Sailing Code (i.e. the Legislative Decree no.171/2005) implemented by the Legislative Decree n. 229 of 3 November 2017, represented one of the most awaited measures of the port and logistic reform. As it clearly emerges from the analysis of the main innovations introduced by the aforementioned

Legislative Decree, the Italian Legislator, through the transposition into the national legal order of the European Directive 2003/44/CE on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft, showed its interest for the development and renewal of a constantly growing sector. In particular, among the innovations which deserve to be discussed, a particular focus shall be made on both the new centralised data collection system called “*Sistema Telematico Centrale*” and the related digitalization of Ship registers which has recently entered into force in accordance with the provisions of the Presidential Order No. 152/2018. Finally, the advantages of the recent reform will be analysed, in order to highlight the impacts on the current features of pleasure sailing and the administrative regime of the pleasure craft.

**Prof. Dr. Ranka Petrinović**  
**University of Split, Faculty of Maritime Studies**  
**Split, Croatia**

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 Shipowner'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.

**Dr. Vesna Skorupan Wolff**  
**Adriatic Institute of the Croatian Academy of Sciences and Arts**  
**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 Croatian Academy of Science and Arts, where she currently works as senior research scientist. Between 1993 and 1998, she worked at the attorney office and between 1998 and 2003 at the Supreme Court of 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 and a member of 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.

**YACHT CHARTER PARTY AGREEMENT – A NEW CONTRACT  
IN CROATIAN MARITIME LAW**

Nautical tourism has been developing extensively in the Republic of Croatia where there are about 140 nautical tourism ports today. There were 17,000 berths in marinas last year with the income of about 115 million euros. Croatia is one of the most important charter destinations in the world as shown by data on the number of overnight stays in nautical tourism. Thus, in the period from January to September 2018 more than 440,000 arrivals and more than 3 million overnight stays in nautical charter were registered in Croatia. The total number of charter vessels in Croatia reached almost 4,400 (4,375) in 2018. Having a good legislative framework for regulation of charter operations is of the greatest interest to Croatia due to importance of this branch of tourism. For the first time in Croatian legislation the *Amendments to the MC of 2019* regulate the chartering of yachts and boats as nominate contracts. Yacht charter party agreement is a contract by which the owner undertakes to deliver a yacht or boat to the charterer for the purpose of recreational navigation, and in return, the charterer is obliged to pay hire. The contract is concluded for a specific period. Yacht charter party agreement frequently includes accommodation of persons on the chartered vessel. Vessel can be chartered with or without crew. The authors discuss the legal definition and essential elements of the contract, rights and obligations of the contract parties, their contractual liability and termination of the contract. The analysis leads to a conclusion that the statutory regulation of the yacht charter party agreement is a step forward that should contribute to the predictability of legal protection of the parties involved, a uniform judicial interpretation of these contracts, and to the improvement of yacht charterers' business practices.

**Prof. Avv. Giovanni Marchiafava**  
**“Sapienza” University**  
**Rome, Italy**

GIOVANNI MARCHIAFAVA has been involved in research activities in Transportation Law since 2000. In 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 Associate Professor National Scientific Qualification. In 2018 visiting researcher at the Centre of European Law, King’s College London (UK). Currently lecturer of “Transportation Law IUS/06” and academic coordinator of the Jean Monnet Module “Transportation Law and Court of Justice of the European Union” (TLCJEU) at the Department of Legal Sciences, “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.

## **CRUISE TOURISM LIABILITY REGIME: CURRENT LEGAL ISSUES**

The regulations of the EU Member States transposing the Directive (EU) 2015/2302 on package travel and linked travel arrangements came into force on 1 July 2018. The World Tourism Organization elaborated a draft Convention on the Protection of Tourists and on the Rights and Obligations of Tourism Service Providers to be negotiated and adopted by an International Treaty Conference. Both the legal instruments aim to reach a high and uniform level of the tourist consumer protection. The UNWTO draft Convention adopted the liability regime established by the Directive for the performance of the package. The paper examines the tourism cruise liability and compensation regime in the light of the Directive (EU) 2015/2302, focusing on the “ruined cruise” damage and its quantification. A comparative analysis of EU Member States travel package liability and compensation regimes is conducted.

**Doc. Dr. Adriana Vincenca Padovan**  
**Adriatic Institute of the Croatian Academy of Sciences and Arts**  
**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 senior 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 lead 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*.

### **MARINA OPERATOR LIABILITY FOR DAMAGE TO VESSELS AT BERTH - A COMPARATIVE APPROACH**

The presentation deals with marina operator liability arising from berthing contracts and their particular legal nature. The idea is to synthesize the results of a comparative field research undertaken in Croatian, Slovenian, Montenegrin, Maltese, Italian and Spanish marinas with a special focus on the relevant marina operators' private regulation and business practice. The presentation will show how the regime of marina operator liability depends on the legal nature of berthing contracts, which in practice and theory may range from berth rental to vessel deposit. Furthermore, a comparison will be made with the concept of wharfinger liability and the relevant legal solutions adopted under the law of the United States of America generally differentiating between vessel bailment and slip rental agreements. The clauses usually found in marina operator general terms and conditions will be discussed, especially considering the standard business practices and the manner in which marina services and marina operator contractual obligations are frequently performed in practice. Finally, the new legislative solution adopted in the framework of the Croatian Maritime Code to regulate berthing service provider liability arising from berthing contracts will be shortly presented and explained. The author will present the reasons, arguments and considerations taken into account by the drafters of the new legislative provisions when creating the proposal to introduce the berthing contract into Croatian maritime law as a typical nominate contract for the first time in the legal history of Croatia.

**Avv. Simona Coppola**  
**Studio Legale Garbarino Vergani**  
**Genoa, Italy**

After graduating in maritime law at the University of Pisa, Simona joined Garbarino Vergani law firm in 2003. In 2009 she increased her experience at the international law firm in London, Hill Dickinson and at Charles Taylor Consulting. In April 2010 Simona attended a course in London at Lloyd's Academy on "Time Charterparty and Voyage Charterparty". In May 2011 Simona attended a course in London at Lloyd's Academy on "International Marine Insurance". Simona is a member of Propeller Club in Genoa

and Port of Naples and of the Italian Association of Maritime Law (AIDIM) and she is part of the editorial staff of the review "Lex Trasporti" in which she is responsible for the shipping matters. On 5th November 2013, Simona has been appointed by acclamation President of YoungShip Italia, the Italian branch of YoungShip International founded in 2004 in Norway. From 14th October up to 14th November 2015 Simona has cooperated as teacher with the Faculty of Engineering in Naples Federico II in the project of professional training "LIMS- experts in management services of the logistic information".

## **SHORT SEA SHIPPING IN THE ADRIATIC SEA**

In my speech I will take the opportunity to underline the biggest project and achievements gained by the Italian ports facing the Adriatic waters. Starting from the very interesting exchanges of ideas we had in our last meeting in this prestigious international conference, I will do a fast overview of our Adriatic ports with a specific focus on the increase of marine traffic and the implementation of the infrastructure. Trade routes in the Adriatic areas increased a lot in the recent period and big investments comes and are planned to come. The ports of Venice, Bari and Ancona with their straightness and weaknesses will be the main ports I am going to speak about.

**Mag. Oec. Sandro Vidas**  
**Croatian Shipowners' Association Mare Nostrum**  
**Zagreb, Croatia**

Sandro Vidas was born in Rijeka in 1988 and after graduating at the University of Rijeka Faculty of Economics he moved to Zagreb in order to start as assistant apprentice within the Ministry of the Sea, Transport and Infrastructure. After one year at the Ministry where he was working on the Croatian Tonnage Tax Scheme, Maritime Code and international law, he transferred to the Shipowners' Association where he has been working for the last five years. As director of the Association he is focused on EU initiatives in order to green the flag, upgrade maritime links and invest in green ports infrastructure with the goal to protect global biodiversity and enhance shipowners' business. Association has been active in negotiations with Trade Unions for seafarers' rights sailing on Croatian flagged ships in national and international trade.

## **CROATIAN PASSENGER SHIPS IN FRONT OF EU AND IMO EMISSIONS REDUCTION REGULATIONS – THE GUTTA PROJECT**

Croatian Shipowners' Association Mare Nostrum is actively advocating for green shipping and is currently involved in activities with regards to MRV Regulation implementation in the Republic of Croatia. Association's activities within EU funded project "GUTTA", CBC Interreg Italy Croatia are focused on the update of knowledge and policies about MRV Reg. in the short sea shipping related to transportation of passengers and goods in inter Adriatic transport, increased know-how in vessels fuel efficiency, safety of passengers and the use of eco-route Decision Support System in order to decrease CO2 emissions. GUTTA will first of all facilitate the implementation of the MRV Regulation on CO2 emitted by vessels calling at European ports, providing among others the baseline emission scenario upon which the project aims to improve. Secondly, data of actual CO2 emissions by several vessels operating in the Adriatic maritime space will be statistically related to the marine and meteorological conditions experienced during navigation. This information will be part of a pilot-action for planning of eco-routes, given the

forecast environmental state. Such a decision support system, based on the open-source model VISIR ([www.visir-model.net](http://www.visir-model.net)), will be made available to all vessels operating in the programmed area. Thirdly, GUTTA will make a review of the passenger fluxes cross the Adriatic, between Italy and Croatia. These data will be analysed for an objective assessment of the needs of the relevant stakeholders, representing a key step for a public expression of interest in new maritime routes between Italy and Croatia.

**Avv. Filippo Cassola**  
**Berlingieri Maresca Studio Legale Associato**  
**Genoa, Italy**

Avv. Filippo Cassola graduated in 2005 at Law with honours 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.

#### **TRANSPORT OF PASSENGERS BY SEA: COMPENSATION OF DAMAGES FROM AN ITALIAN**

The aim of the presentation is to provide a general overview on the practice issues regarding compensation of damages arising out of transport of passengers by sea. A special focus will be given to the regime and the application of the Regulation (EC) No. 392/2009 on the liability of carriers of passengers by sea in the event of accidents with particular reference to recent casualties occurred. An analysis on the application and interpretation under Italian law of compensation of the various items of damage including some hints on the issue of the punitive damages and on the recent judgments delivered by Courts in this respect.

**Avv. Cristiano Alessandri**  
**Studio Legale Alessandri Lo Torto**  
**Venice, Italy**

Cristiano Alessandri was born in Venice, Italy on March 8th 1956. In 1981 he obtained his Law degree at Padua University. He joined the Venice Bar on September 18<sup>th</sup> 1984 and was admitted to practice before the Supreme Court of Italy on June 19<sup>th</sup> 1997.

#### **PASSENGERS CARRIAGE AND CARRIER LIABILITY AT ITALIAN LAW: SOME PECULIAR CASES**

Contract of carriage of passengers by sea: an overview of governing law in respect of Adriatic traffic. Italian regulations and Case Law on carrier liability. A critical case: is a *Venetian Gondoliere* to be regarded to as a passenger carrier in a gondola ride?

**Avv. Francesco Siccardi**  
**Siccardi Bregante & Co.**  
**Genoa, Italy**

Avv. Francesco Siccardi is the founding partner of Siccardi Bregante & Co. a Law firm specializing in shipping commercial law since 40 years and is an active Member of CMI, AIDIM (Italian MLA) and London Shipping Law Center. He is author of several articles and works on shipping, transport and insurance law, co-author of "*International Cargo Insurance*" (London 2012) and author of the newly published "*Avaria Comune e le Regole di York Anversa*" (Turin 2019).

## **THE LAW AND THE PRACTICE IN SHIPBUILDING CONTRACTS**

The economic significance of the shipbuilding market and the financial relevance of each contract has since prompted the parties to the shipbuilding contract to agree a detailed regulations of their respective rights and obligations. The drafting techniques and the need to strike an equitable balance between the parties interests has thus produced specific provisions that go beyond if not against the legal framework frequently represented by rules conceived in a different scenario. This presentation is aimed to provide a short commentary of some of the most significant clauses and to underline how same differ/depart from the rules of law.

**Zoran Tasić, LL.B.**  
**Dedicato Consulting**  
**Zagreb, Croatia**

Zoran Tasić is Director of Dedicato Consulting and also acts as a Consultant to the Management Board of Shipbuilding Industry Split, in Split, Croatia. After graduating at the Law Faculty in Split Zoran's career has started at the same shipyard where he was involved in export shipbuilding contracts and shipbuilding finance for 8 years. In late 1980s Zoran has joined Shipping Department of Stephenson Harwood, a City of London firm of solicitors where he worked on shipping finance and shipbuilding disputes for 15 years. In 2002 Zoran joined Ince & Co, another City of London firm of solicitors where he worked on shipping related matters for 2 years. Upon return to Croatia he joined Raiffeisenbank Austria d.d. in Zagreb as a Deputy Head of Legal Department. In 2006 Zoran has formed Banking & Finance team at Zagreb branch of Anglo-Austrian law firm CMS Reich-Rohrwig Hainz, where he spent 10 years being involved in many projects in Croatia financed by international banks. Zoran is a listed Arbitrator in domestic and international disputes at the Croatian Chamber of Commerce. He has spoken at many conferences and written articles on the international finance and shipbuilding matters.

## **LEGAL ASPECTS OF REFUND GUARANTEES IN SHIPBUILDING**

It has been noticed for some years that the shipping and shipbuilding markets have suffered major distresses, followed by a number of cancelations of shipbuilding contracts worldwide. Naturally, refund guarantees, provided by the shipyards' banks to secure repayment of the instalments of the contract price in case that buyer has cancelled the shipbuilding contract due to the shipyard's breach, have proved again to be of high importance. This presentation deals with the purpose and legal nature of refund guarantees commonly used in shipbuilding industry with a reference to English courts cases. It will try to elaborate on whether refund guarantees should be absolutely independent of the underlying

shipbuilding contract or not. It will also try to answer the question whether refund guarantees should be payable on first demand or subject to satisfactory evidence that the beneficiary is entitled to make a demand for payment. In addition, this presentation will deal with certain aspects of applicable law and jurisdiction clauses of refund guarantees. The right of beneficiary to assign its rights under a refund guarantee is of a particular interest of its bank financing the contract price for the newbuilding. Whether refund guarantees can be assigned and how they should be assigned in order to achieve their legal and commercial purposes is particularly dealt with in this presentation. A special emphasis is put on the importance of the clear language in refund guarantees.

**Ass. Prof. Patrick Vlačič**  
**University of Ljubljana**  
**Faculty of Maritime Studies and Transport in Portorož**  
**Portorož, Slovenia**

Patrick Vlačič graduated at the Faculty of Law in Ljubljana, completed LL.M. studies of Maritime Law and Law of the Sea at the Faculty of Law in Split, Croatia, and obtained PhD degree at the Faculty of Law in Ljubljana. He was trainee at the Court of Appeal in Koper from 1995 to 1997 and passed the bar exam in 1998. He has worked at the Faculty of Maritime Studies and Transport since 1997. He was the Director of Portorož Airport between 2002 and 2004, and Minister of Transport of Republic of Slovenia from 2008 to 2012. He is the author of the book “Limiting Liability in Transport Law”, co-author and editor of the books “Maritime Law I and II”, and co-author of the textbooks “Transport Law” and “Introduction to Freight Forwarding”.

## **B/L ON BLOCKCHAIN**

In 2019 most of issued bills of lading (BL) in maritime shipping industry are still in hard copy. Systems like Bolero, essDOCS and e-title™, all three have been approved by the International Group of P&I Clubs (first two in 2010 and third one in 2015), have never really been widely accepted as an alternative to traditional paper BL. It is not that just shipping companies and NVOCC, shippers and consignees have to accept electronic BL (eBL) but also banks, customs authorities and government agencies will be utmost important in acceptance of paperless trade. There are many challenges that will be faced in order that all the three functions of a bill of lading will be preserved: bill of lading as a receipt, as a document of title and as a proof of contract of carriage which incorporates the Hague or Hague-Visby Rules. For instance: do international treaties apply to eBL, cargo can only be delivered against presentation of the original BL to the Master – how does it work with eBL, how can you endorse eBL, what about clausing of eBL, rejection of eBL, cyber security and insurance of companies that provide eBL trading? These challenges are intriguing but not unsolvable. The advantages are vast. Three main gains of usage of eBL are speed, lower cost and better security. With the introduction of public blockchain technology the eBL is getting momentum. This technology enables the level of security that could not be imagined a decade ago. The switch to paperless trade is still to happen. The question is who will be leaders in this process and who will be followers?

**Prof. Cinzia Ingratoci**  
**University of Messina, Department of Law**  
**Messina, Italy**

Cinzia Ingratoci is currently Associate professor of Navigation Law, Transport Law and International Law of the Sea at the Department of Law, University of Messina. She is professor of Transport Law and Sustainable mobility at the Department of Economics of the same University. From March 2017: National scientific qualification as Full Professor, Sector 12 E/3 "Economy, financial and agri-food market and navigation Law", SSD IUS/06. She is awarded with PhD in "Navigation and Transport Law". She is a Visiting Professor at World Maritime University-Malmö (2014); visiting researcher at University of Cadiz (2018) and Ghent (2019). From 2018 she is a Scientific coordinator of the International Research Program on "*Community monitoring, control and information system: toward a common maritime zone*" (University of Messina, in collaboration with the Universities of Ghent and Oslo). She is a 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. She is a Member of the Editorial Board of "Diritto marittimo (il)" and "Rivista del Diritto della navigazione", Member of Scientific Committee of Academic Series "Ricerche CUST". She is author of two research monographs and she has published more than 30 articles in peer-reviewed scientific journals and books.

### **MARITIME TRAFFIC FLOW GOVERNANCE AND EUROPEAN INFORMATION SHARING ENVIRONMENT: THE NEW FRONTIERS OF VTS**

The traditional role of VTS includes receiving vessel information from an Automatic Identification System from ships and from a port management information system (PortMIS), to make it available in an organized form for all shipping traffic in a specified area, to protect human life at sea, vessel safety and the marine environment. VTS provides assistance to help navigational decision-making processes on board and to monitor the effects of decisions taken on the traffic. This is useful in difficult navigational or meteorological circumstances or in the case of deficiencies, incidents and emergency response activities etc. To minimise nautical risks and maximise efficiency of marine traffic, ships are assisted through the provision of navigational advice, local knowledge (pilotage) and by physical assistance while manoeuvring (harbour tug service).

The increase of maritime traffic, especially along strait and coastal areas, has focused attention on further problems of marine congestion, with the aim to predict marine traffic, for two reasons: energy saving and improving seaport operation efficiency. A Traffic Organisation Service (TOS), especially in times of congestion that may affect the flow of traffic, prevents the development of dangerous situations and provides for safe and efficient movement of traffic within the VTS area. Monitoring the traffic and enforcing adherence rules and regulations are integral parts of traffic organisation.

In this framework, the paper analyses the role of VTS in providing administrations with valuable information on future traffic and cargo flows in its intermediate sea area, to implement a proactive planning approach in managing sea operations. *Maritime traffic flow governance* could be made available by collecting VTS information using the Common Information Sharing Environment (CISE), through the development of VTS *apparatus*. This would enable public authorities to retrieve and use information already gathered by authorities from other sectors, in order to substantially improve their awareness over their maritime area of responsibility.

**Margita Selan Voglar**  
**Triglav Insurance Company**  
**Ljubljana, Slovenia**

Margita Selan Voglar has graduated in 1991 from the Faculty of Law, University of Ljubljana. After graduation she joined Triglav Insurance Company, Ljubljana and still working there as Director of transport insurances. She is the President of the Maritime Law Association of Slovenia since 2017. She is President of Transport Insurance Committee at Slovenian Insurance Association and she represents Slovenian Insurance Association at IUMI as Council Member. 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.

## **HOW TO MANAGE CYBER RISKS IN SHIPPING INDUSTRY**

Technological development is not speeding down – on the contrary more and more new solutions are coming out to ease and speed up businesses. 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 and documents digitalisation in shipping are only some of the last technological solutions welcomed by shipping industry. These solutions enable sharing of different information and data about status and movements of shipments. Does more technology and digitisation in shipping really improve risk assessment it just creates false impression of safety and security? 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. So how is shipping industry dealing with this issue and is it successful? Do insurers see opportunity to develop business in cyber risk area?

**Mag. Jana Rodica**  
**Maritime Law Association of Slovenia**  
**Weisserberg d.o.o.**

Mrs. Jana Rodica obtained a Law degree from the University of Ljubljana in 2004 and concluded with distinction a 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 Executive 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 developer. After pursuing her Master's degree, she was assistant lecturer at the Faculty of Maritime Studies and Transportation at the University of Ljubljana. She was subsequently as Managing Director of a Shipping Agency and as General Manager at the Lloyd's Agency in Koper. She concluded with distinction her Level 2 Lloyd's Certificate in Marine Cargo Surveying. She

was the General Manager for Slovenia and Managing Director for Croatia for a multinational company providing insurance and marine inspection services. Currently, she is the General Manager of Weisserberg, the Slovenian subsidiary of a Swiss company by the same name engaged in international risk, insurance and claims management.

## **LOOKING TO THE FUTURE – RECENT DEVELOPMENTS IN RELATION TO AUTONOMOUS SHIPPING**

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 autonomous shipping. The shipping industry today has changed almost beyond recognition. Unmanned vessels are no longer a futuristic concept, but have become reality. Therefore, developments brought about by technology need to be considered also in this respect. Recently, the number of projects dedicated to unmanned vessels is increasing. The World's first designated test area for autonomous vessels in Norway has been established. If we refer to a vessel in a maritime traditional manner, the master and the crew must ensure the vessel's safe operations, also observing applicable maritime law as well as regulatory provisions. With the new era of unmanned vessels, the existing legal and regulatory framework must be carefully re-examined in order to ensure safety at sea for all. Unmanned vessels may be classified according to the level of automation. We have to distinguish between remotely operated vessels and fully autonomous ships. 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. The Group is now working on a code of practice. In 2015 the European project MUNIN (Maritime Unmanned Navigation through Intelligence in Networks) was implemented to examine unmanned merchant shipping operations in relation of developing technology for unmanned vessels. The IMO is in the process of updating SOLAS and the Comité Maritime International (CMI) has established a Working Group on Maritime Law for unmanned craft, in order to consider how international conventions and regulations may be adapted to operation of unmanned vessels on t high seas. The International Working Group on Unmanned Ships was also established. In 2019, the IMO will review regulations pertaining to Maritime Autonomous Surface Ships (MASS). Furthermore, during 2019 the IMO will analyse the most appropriate way that regulations can address development of MASS operations, accounting for the technology, human element and operational factors. In this regard, several concerns are also in relation to 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.

**Prof. Avv. Chiara Enrica Tuo**  
**University of Genoa, Department of Law**  
**Genoa, Italy**

Prof. Avv. 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 and partner in Studio legale Carbone e D'Angelo (a law firm based in Genoa). She has spent various periods of time abroad for research purposes and, since 2003, takes part in research projects financed by the European Commission, the Italian Ministry of Education, University and Research, and the University of Genoa. She is currently involved as head of the Genoa-based-unit in the PRIN 2017 project coordinated by the Bologna

University. She participates as speaker in conferences both at the international and national level and 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 law journals “Diritto internazionale privato e processuale”, “Il diritto marittimo”, “Diritto del commercio internazionale” and “European Papers”.

## **DETERMINING INTERNATIONAL JURISDICTION OVER INDIVIDUAL EMPLOYMENT CONTRACTS AT SEA: AN EU LAW PERSPECTIVE THROUGH DEVELOPMENTS OF THE ECJ AND NATIONAL CASE LAW**

Regulation (EU) no. 1215/2012 (Brussels I-bis) provides specific and exhaustive rules on jurisdiction as regards individual employment contracts, including maritime employment. According to such rules, whose objective is to protect the employee as the contract's weaker party, the employer may be sued before the courts of either its EU domicile or, irrespective of the latter, of the EU State where, or from which, the employee habitually carries out his work or where the business which engaged the employee is situated. No mention is made by the provisions in question of the public international law rule conferring jurisdiction on the flag State nor is such a factor attributed any relevance by the ECJ and national case law when it comes to ascertain the seafarer's habitual workplace for the purposes of Reg. n. 1215/2012. In this framework, the aim of the presentation shall be to (i) briefly address the reasons why such an approach may sometimes fall short of achieving the abovementioned protection-of-workers objective pursued by the Regulation and (ii) suggest some possible alternative solutions.

**Prof. Dr. Nikoleta Radionov**  
**University of Zagreb Faculty of Law**  
**Zagreb, Croatia**

Nikoleta Radionov is a full professor with tenure at the Department for Maritime and Transport Law at the University of Zagreb School of Law, where she teaches a dozen courses on the graduate and postgraduate level concerning land, air and maritime transport, EU transport law and transport insurance law. She graduated from Zagreb School of Law in 1994, obtained her LL.M. degree in 1998, and her Ph.D. degree in 2002 at the same institution with a doctoral thesis „Carrier's liability for damages in land transport “. She is the author of two books, several book chapters and over 30 articles dealing with transport law. Prof. Radionov participated in the work of over 50 scientific and professional conferences and seminars, and pursued her scientific research at different prestigious international institutions (Hamburg, Heidelberg, Firenze, Torino, Edinburgh, Rodos etc.). She is the president of the Croatian Transport Law Association and vice president of the Croatian Academy of Legal Sciences. In 2017 and 2018 prof. Radionov was a visiting lecturer at the China University of Political Sciences and Law in Beijing and East China University of Political Sciences and Law in Shanghai where she taught the course “European Transport Law”. She speaks English, French, Italian, German and Spanish.

## **NEW DEVELOPMENTS IN SAFETY & SECURITY IN MARITIME TRANSPORT VS. HUMAN RIGHTS OF SEAFARERS**

Modern developments in maritime law in the last two decades gather around two major issues: maritime safety and security. There have been many important normative and implementation developments in those fields on the international, leading to a better preservation of marine environment from the ship-source pollution, as well as to raising the standard of ship and port state security from different types of

attack (those of pirates, terrorists, thieves, illegal immigrants, trafficking etc.). The most important normative instruments in those fields, enacted under the auspices of the IMO, were the 2002 IMO International Safety Management Code (ISM Code) and the 2002 IMO International Ship and Port Facility Security Code (ISPS Code). However, the tendency towards severe and continuous breach of human rights of seafarers while enforcing those Codes in practice have been detected. The implementation of ever increasing levels of safety and security preventive measures on board ships, without at the same time increasing the number of crew members, have led to refusal of shore leave, extra loads of work and overstrain, sleep deprivation, too fast rotations, lack of representation in criminal proceedings and other forms of breaching of human rights of seafarers in practice. The consequences of the global economic crisis and recession in the shipping sector have worsened the situation, since shipping companies are struggling to minimize the operating costs, cutting first on the cost of manpower. The human and labour rights of seafarers have therefore found themselves captured between the rock and the hard place: the imperative to implement mandatory ISM and ISPS safety and security measures on the one hand, and the imperative to keep the costs of manpower as low as possible on the other. The ILO 2006 Maritime Labour Convention, which entered into force in 2013 and presently binds 93 countries, with over 91% of world gross tonnage, finally shed some light over the gloomy seafarers' reality. Named also „seafarers' bill of rights“ due to its comprehensive list of rights it covers for the first time in maritime history, it is a pivotal counterweight to previously mentioned interests at stake. However, it's true force and impact for the global protection of seafarer's rights is often disputed, for reasons which will be analysed in this presentation.

**Branko Krznarič**  
**LANIBRA d.o.o.**  
**Koper, Slovenia**

Branko Krznaric is duly qualified for the rank of Marine Engineer and he fulfilled the requirements prescribed by the Maritime Law concerning Ranks, Professional Qualification and Licenses of Merchant Marine Crewmembers. His maritime carrier began in 1982 as Apprentice Engineer on high seas and he worked at sea until December 1995 with the highest position held whilst at sea as 2<sup>nd</sup> Engineer Officer. At the end of 1995 he was elected President of the Seamen's Union of Slovenia. In June 1998 he was accredited by the International Transport Workers' Federation (ITF), London, and the Seamen's Union of Slovenia (SUS) as an ITF Inspector, responsible for Port of Koper, Slovenia, and Port of Trieste, Italy. He was also President of the Slovenian Federation of Trade Unions (National Trade Union Center). He was a member of official Slovenian State Delegation at 84th (Maritime) Session of the International Labour Conference in Geneva, Switzerland, in 1996, participating in adoption of six conventions and recommendations and a Protocol concerning the living and working conditions of seafarers. In January 2005 he started working in ITF Secretariat, Headquarters in London, as Head of Agreements Unit, assuming the role of Agreement Development Manager in 2007. Besides other duties and responsibilities, he was responsible for coordination of the international collective bargaining between the ITF and affiliates, shipowners and their representatives and also for maintaining close relationship with shipowners on senior level. He has been working for the ITF Secretariat / Headquarters in London more than 12 years until 31 August 2017, when he founded his own company LANIBRA d.o.o. The Company is specialised in Labour Law, Social Security Law and Maritime Law and provides consultancy services and assistance regarding labour issues in Maritime Industry. LANIBRA d.o.o. is providing its services to numerous clients from all over the world, which are altogether operating around 2.500 vessels. Branko is an expert on matters related to the International Transport Workers' Federation (ITF), workers' organizations / unions, the International Labour Organization (ILO) and the International Maritime Organisation (IMO). He is also an expert on the International Labour Organisation (ILO) Maritime Labour Convention, 2006 (MLC, 2006), with an excellent knowledge and understanding of the

Convention, holding a Certificate of Competency on the ILO MLC, 2006. He was recently appointed as Surveyor / Auditor by Panamanian services S.A. affiliated company Classification Services Single Member Private Company, commercially known as RS Class, which was appointed by Panama Maritime Authority (AMP) in relation to the Panama Ship Registry. In this regard he is authorised to handle cases of Panama flag vessels having to undergo an MLC, 2006, related survey in order for Declaration of Maritime Labour Compliance Part II and / or Maritime Labour Certificate to be issued. He is a well-established speaker on maritime international conferences. He is a member of Maritime Law Association of Slovenia.

**Lana Krznic, LL.B.**  
**LANIBRA d.o.o.**  
**Koper, Slovenia**

Lana Krznic started her studies at the Faculty of Law, University of Ljubljana, Slovenia, and continued her education at the European Faculty of Law, 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 a well-established company 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. LANIBRA d.o.o. is providing its services to numerous clients from all over the world, which are altogether operating around 2.500 vessels. She is well-experienced in providing advice and assistance to shipowners, managers, manning agents and charterers with matters related to the International Transport Workers' Federation (ITF) and its policies, workers' organizations / unions and their functioning, the International Maritime Organisation (IMO) and the International Labour Organization (ILO) and has a considerable knowledge and understanding of the related international maritime conventions, rules and regulations, particularly of the International Labour Organisation's (ILO) Maritime Labour Convention, 2006 (MLC, 2006). She is a member of Maritime Law Association of Slovenia.

## **LEGALITY OF A BOYCOTT ACTION AGAINST A SHIP WITH THE PURPOSE OF SIGNING A COLLECTIVE BARGAINING AGREEMENT**

The presentation addresses the issue of the legality of a boycott action against a ship with the purpose of signing a Collective Bargaining Agreement (CBA), providing a general overview on the topic on a global scale. Many shipowners around the world are facing an industrial action by the International Transport Workers' Federation (ITF), an international federation of transport workers' trade unions, or by ITF-affiliated unions on its behalf in the form of boycott. This is related to the ITF's Flag of Convenience (FOC) Campaign, which was formally launched in 1948. The FOC declaration of vessels or shipping registers is not made by national or international authorities, but is rather a trade union process and is decided by the ITF. The use of flags of convenience is defined as a situation where beneficial ownership and control of a vessel lies elsewhere than in the country of the flag the vessel is flying. As part of the campaign against the use of such flags, the ITF has developed a set of policies for establishing certain standards for seafarers on FOC vessels, which are said to form the basis of the ITF's Collective Agreements, which set the wages and working conditions for crews on FOC vessels irrespective of nationality. However, there are no requirements as per international law which would require vessels to be covered with the ITF agreement. Furthermore, since the Maritime Labour Convention, 2006 (MLC, 2006), an International Labour Organisation (ILO) convention, otherwise known as the Seafarers' Bill of Rights, adopted in February 2006, with the objective to ensure decent working and living conditions for all seafarers, came into force in August 2013, setting out minimum standards of protection of seafarers' rights to be met on an international level, the role of the ITF has been called into question. The ship's

MLC certificate confirms that the ship meets the convention's requirements for the crew's pay and working conditions. Nevertheless, it often happens in ports worldwide, but most significantly in the Nordic countries where legislation provides opportunities for achieving CBAs against the shipowners' wishes by using industrial action, however within certain limits, the ITF or ITF-affiliated unions on behalf of the ITF undertake an industrial action in a form of boycott. Such actions are carried out in cases where particular vessels are not covered with a CBA and also in cases where they are covered, however not with a CBA of an ITF-affiliated union, with the purpose of signing an ITF approved CBA, also requesting certain financial contributions to the ITF Welfare Fund as a part of signing the CBA, or in cases of vessels covered with an ITF approved CBA, when the ITF assesses the agreement is not properly adhered to by the shipowner, in order to enforce ITF policy. The presentation focuses on the former situations, with the question of the legality being raised in relation to a valid legal basis for boycott action with the purpose of forcing companies to sign a CBA, presented through a few (court) cases.

**Doc. Dr. Marija Pijaca**  
**University of Zadar Maritime Department**  
**Zadar, Croatia**

Marija Pijaca is assistant professor 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 Postgraduate 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 is author and co-author of few scientific papers.

### **SOCIAL REFORM FOR CROATIAN SEAFARERS IN THE 2019 AMENDMENTS**

The Croatian Parliament adopted the new Act on Amendments to the Maritime Code in February 2019 (further: 2019 Amendments). The most significant changes in 2019 Amendments have been done in the part concerning the social reform for seafarers. Those amendments can be divided into three groups: 1) novelties in the subject of seafarer trainees, 2) new solutions in the subject of "inability" to realise 183 days of sailing for the exemption from tax obligation and 3) novelties in the subject of seafarers' retirements. With regard to seafarer trainees, the 2019 Amendments stipulate that the Ministry of the Sea, Transport and Infrastructure may participate in covering the costs of salaries and contributions of trainees during the traineeship. Furthermore, in relation to the existing tax regime for seafarers in international navigation, the 2019 Amendments stipulates which circumstances must be included for the purpose of achieving the necessary 183 days of navigation in the year for which income tax obligation is established. And finally, with regard to the seafarers' retirements, according to the 2019 Amendments, seafarers will be able to retire at the age of 60 and after 15 years of navigation. Thanks to these changes, we believe that the 2019 Amendments are an important step forward in regulating seafarers' social rights and by adopting the same, the new phase of the social reform for the seafarers has been carried out.

**Dr. Karla Oblak**  
**Legal consultant**  
**Ljubljana, Slovenia**

Karla Oblak graduated at the Faculty of Law in Ljubljana, completed LL.M. studies of International and European Business Law at the University of Vienna and obtained PhD degree in Management Accounting at the Faculty of Economics in Ljubljana. She worked as a teaching assistant at the Faculty of Maritime Studies and Transport and at the Faculty of Economics. She is a member of a research team doing research in Behavioural economics and is regular contributor to different publications. She works as an entrepreneur and consultant.

## **GENDER GAP IN MARITIME TRANSPORT: THE IMPORTANCE OF PERSONALITY TRAITS**

Transport and maritime transport in particular is one of sectors that have traditionally been considered as almost exclusively masculine sectors. In order to encourage more women to engage in a career at sea a number of measures have been adopted but the question remains if the measures undertaken can effectively overcome the gender gap in wages, representation in high profile positions and interest for maritime sector. Women are generally more risk averse (Dweck 2000 and Byrnes, Miller and Shafer 1999), have lower expectancies, aspirations (e.g. Boggiano, Main and Katz 1988, Cutrona et al 1994, Elliot and Dweck 1988 and Harackiewicz and Elliot 1993) and are less prepared to engage in challenging tasks (Niederle and Yestrumskas, 2008). We will theoretically evaluate the differences in personality traits between women and men that are preventing women to enter the maritime transport and explore the impact of legislation on gender-equal access to maritime sector.

**Doc. Dr. Nikola Mandić**  
**University of Split Faculty of Maritime Studies**  
**Split, Croatia**

Nikola Mandić was born in 1985 in Split, Croatia. He finished elementary and Nautical High School in Split. He graduated from the Faculty of Maritime Studies, University of Split, in 2007 at undergraduate studies in Maritime Management and got the degree of a maritime transport engineer. He completed a post-graduate course in the Maritime Law and Law of the Sea at the Faculty of Law, University of Split, in 2010 and received a Master's degree. He completed post-graduate doctorate studies in the field of Legal Sciences at the Faculty of Law, University of Mostar, in 2015. He acquired the doctoral degree (Ph. D.). He has been employed at the Faculty of Maritime Studies, University of Split, as an assistant (from 2008), postdoctoral researcher (from 2015) and assistant professor (from 2016) in courses: *Maritime Public Law, Maritime Property Law, Maritime Agency and Freight Forwarding, Contracting in Maritime Affairs and Transport Law*. Since 2009 he has been cooperating with University Department of Marine Studies, University of Split, in the courses: *Maritime and Fishing Public Law and Law on Marine Environmental and Fishing Protection*. He has been a mentor for over fifty undergraduate and graduate theses. He participated in twenty scientific conferences and has also published around forty scientific papers on maritime law and maritime traffic (legal aspects of navigational safety, maritime contracts, averages, environmental protection law, public transport in coastal liner shipping etc.). He has cooperated in scientific and professional projects in the field of maritime law, maritime transport, maritime management etc. He is a member of *Croatian Maritime Law Association* (Rijeka), *Economy Jurist Association* (Split) and *Croatian Association for Insurance Law* (Zagreb).

**Ing. Roko Glavinović**  
**University of Split Faculty of Maritime Studies**  
**Split, Croatia**

Roko Glavinović was born in 1996 in Split, Croatia. He has finished elementary school as well as the First Gymnasium in Split. He got his bachelor's degree from the undergraduate university study programme from the Faculty of Maritime studies, University of Split, in 2018 at the studies of Maritime management. He is currently studying Maritime management at the graduate university study programme at the Faculty of Maritime studies, University of Split. In year 2018 he engaged in student's practice in maritime industry for which he got a rector's award for the best student on practice. He has cooperated on several scientific papers as well as projects with the student's organization where he has been directly connected with maritime science and maritime industry.

### **MARITIME AGENT AS AN INTERMEDIARY IN THE SEAFARERS' EMPLOYMENT – MODERN BUSINESS AND NATIONAL LEGISLATION**

Maritime agent is a specific institute in maritime law and in maritime industry. Maritime agent deals with variety of jobs which includes representation, mediation obligations, assistance in maritime business in general and especially while the vessel is in harbour and during the conclusion of different maritime contracts. The business of services of the recruitment and placement of seafarers should be particularly emphasized. Crewing agent, which deals with the recruitment and placement of seafarers, is a particular type of agent in maritime industry. In Republic of Croatia, the activities of crewing agents are regulated by *Regulations on mediation in employment of seafarers* from 2018. Those Regulations are fundamental conditions that has to be fulfilled by legal entities engaged in mediation in the employment of the seafarers as well as procedures and methods of their empowerment and the supervision of their work. In addition to the *Regulations on mediation in employment of seafarers*, especially important is the *General Data Protection Regulation (GDPR)* considering that the crewing agent collects personal data of the seafarers. Variety of information systems are utilized in modern maritime operations which are used by crewing agents in order to deliver the data of the seafarer's embarkation or disembarkation, i.e. their navigation service. This paper shows Croatian Integrated Maritime Information System (CIMIS) which is implemented in year 2013. with the purpose to simplify various procedures in maritime business. Crewing agents are the users of CIMIS. In addition, this paper shows other contemporary tools and program packages which are relevant in operations of maritime agents.

**Prof. Dr. Dragan Bolanča**  
**University of Split Faculty of Law**  
**Split, Croatia**

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 was the Vice-President of the Croatian Maritime Law Association (2000 – 2018). 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”, “Croatian Administrative Law of Navigation”, “Traffic Law of the Republic of Croatia” and “Law Insurance of the Republic of Croatia”.

**Prof. Dr. Petra Amižić Jelovčić**  
**University of Split Faculty of Law**  
**Split, Croatia**

Petra Amižić Jelovčić is Full 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 Amižić 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 till 2018 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 a vice-president of Croatian Maritime Law Association.

## **SAFETY AND SECURITY ASPECTS IN THE 2019 MARITIME CODE AMENDMENTS**

The Croatian Maritime Code (CMC) came into force on December 29, 2004. In the meantime, mentioned act was changed five times: in 2007, 2008, 2011, 2013 and 2015. Finally, in February 2019, new amendments of CMC entered into force. Their intention was to boost the competitiveness of the Croatian shipping sector and empower the status of sailors on the domestic and foreign markets. Furthermore, these new solutions were meant to reduce administrative barriers, accelerate the process of the full digitisation of the maritime sector and to align the national maritime legislation with EU Regulations and international treaties signed by Croatia. Crucial interventions were made in the Part 3 of the CMC which deals with Safety of Navigation and Pollution from Maritime Crafts. In this respect, prevention rules as well as rules of preparedness and intervention in cases of unexpected marine pollution were implemented. Moreover, the new CMC comprises regulations regarding search and rescue of persons in distress at sea and specifies procedure of investigation of accidents in the maritime transport.

**Prof. Avv. Pierangelo Celle**  
**University of Genoa**  
**Studio Legale Turci**  
**Genoa, Italy**

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 Logistic, 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.

### **EXCEPTED PERILS AND THE BURDEN OF PROOF IN RECENT CASES**

The liability regime of the carrier under the Brussels Convention 1924 and subsequent Protocols is perhaps one of the most frequently litigated areas of maritime law; despite that, the issue of the burden of proof in respect of the excepted perils provided for by Art. IV is still not wholly clear and a matter of dispute between Carrier and Cargo interests. The presentation will discuss recent cases on the topic and the impact of Hamburg and Rotterdam rules on the issue.

**Dr. Srđan Šimac**  
**High Commercial Court of the Republic of Croatia**  
**Zagreb, Croatia**

Srđan Šimac is a judge of the High Commercial Court of the Republic of Croatia and its former President, the President of the Croatian Mediation Association, arbitrator, mediator and mediation trainer. He has extensive experience in resolving business conflicts and disputes, especially maritime disputes, at court and in mediation. He is a lieutenant of merchant marine ship. He has master's degree in Maritime Law and doctorate degree in mediation. He is Croatian mediation pioneer and one of the leading mediators in Croatia in domestic and international business disputes. He is a national and international educator in mediation, negotiation, communication and conflict management skills. He is an international mediator: Washington (ICSID nominated by the Croatian Government), London (CEDR International Panel), Vienna (VIAC), Roma (JAMS International), Moscow and Hong Kong. Dr. Šimac is a member of several international mediation organizations; an international mediation expert/consultant/accredited mediation trainer (CEDR, EBRD, IDLO); an author of articles on mediation and Ph.D. thesis - "Mediation as Generator of Change in Judicial System and Legal Profession." He is a winner of "Mediation Oscar" - CEDR Award 2012 winner for ADR and Civil Justice Innovation; Croatian Mediation Association Award 2013 and Slovenian Association of Mediators Award 2016.

### **MEDIATION - A STRATEGIC TOOL FOR THE RISK MANAGEMENT IN MARITIME DISPUTES**

The art of business lies in finding the right balance between profitability and risks. In doing business, any company is trying to reduce any risk. Litigation and arbitration have always been a high risk, both in terms of the uncertainty of outcome and costs. The primary purpose of the maritime business is to make

a profit, not disputing. Companies don't earn money during lengthy and expensive legal procedures. Do you prefer to reduce costs, prevent waste of time, eliminate risk and uncertainty, regain control of the dispute, avoid the imposition of solutions and keep a business relationship, or to keep the status quo? Do you prefer a long-term victory or the settlement now? Winning is not the best way of doing business. Mediation makes possible all participants in disputes to win without defeating. Do not consider a failed negotiation as the end of the consensual efforts to solve the conflict. That moment is the best for an advanced form of negotiation - mediation, and the mediator. Mediation is a practical and efficient business strategy on how to manage early the conflict and the risks of the conflict. Try first not to allow conflict to become a legal dispute. Second, do not let that the business problem becomes the legal one exclusively. There are no legal problems in the business world, just business ones. Take care of them accordingly. Choose mediation; it makes risky business conflicts and disputes predictive and manageable. The maritime industry must embrace change to prosper.

**Dr. Petar Kragić**  
**Senior Legal Adviser**  
**Tankerska Shipping Co.**  
**Zadar, Croatia**

Dr. Petar Kragić was born in 1953 in the city of Zadar, Croatia. He studied law at Law Faculty of the University of Split where he obtained its MA and PhD in maritime law. He is author of the legal textbook Tanker Charterparties and a number of articles on maritime law topics. He is speaker at maritime conferences. Dr. Kragić has been employed by Tankerska plovidba, Croatian largest shipping company since 1976 in which he headed the Legal & Insurance Department, was Vice President of Managing Board, and currently is the Senior Legal Adviser to the Company. Dr. Kragić was the president of the Croatian Maritime Law Association from 2000-2018, chairman of the legal committee of Croatian Chamber of Shipping, Director in a leading international insurance company UK P&I Club 1994 -2009, and in SiGCo - international provider of guarantees for oil pollution liability, and in an international multi billion investment fund. He was in the Croatian delegation to UNCITRAL and has been member of the drafting committee for Croatian maritime law. He is a titular member of the CMI.

## **TAX REFORM IN 2019 AMENDMENTS TO THE CROATIAN MARITIME CODE**

The EU economic development concept is about creation of the single market as a level field where the companies and nations would compete on equal terms. Without any protectionist or interventionist measures available and with harmonised tax system the developing member states are not in position to protect their national industries from the competition of the agents of developed economies with advanced technologies and financial resources. However, all nations - developed and developing - are trying to obtain approval of EU on such versions of EU law framework designed to boost their respective competitive edge. The presentation shall depict changes to the Croatian shipping tax regime, reasons behind their introduction, their shortcomings and limitations imposed by the domestic policies and EU regulations. The changes have been designed to include yachts and their crews in the shipping tax scheme in order to promote the Croatian competitive edge in nautical tourism. The implications of the solutions copied from a member state vis-à-vis initial proposition will be discussed. The amendments to the tax exemptions for seaman on merchant fleet will be explained, together with alternatives available to the draftsmen.

**Prof. Dr. Jelena Nikčević**  
**University of Montenegro Maritime Faculty**  
**Kotor, Montenegro**

Professor Jelena Nikcevic PhD was born in Nikšić, Montenegro. She graduated at the Faculty of Law in Podgorica 1994. She defended her master thesis in December 1998. In February 2004 she defended her PhD dissertation at the Faculty of Law in Belgrade. She worked as a teaching assistant at the Faculty of Law in Podgorica from 1994 to 1997. In 1999 she started to work at the Maritime Faculty Kotor as a full-time employee. Shortly afterwards, she was elected as teaching assistant for a group of legal courses. She was elected as an assistant professor 2005 for the aforementioned group of courses after which, in 2010, she was elected as an associate professor which position she still holds. From 2011 until 2016, Jelena Nikcevic has held the position of Vice Dean for Finance at the Maritime Faculty. Subjects of her scientific interest are, as follows: maritime law, safety at sea, marine environmental law and business law.

### **IMPLEMENTATION OF THE PORT STATE CONTROL INTO LEGAL SYSTEM OF MONTENEGRO**

In order to determine whether ships comply with the international maritime safety standards port state control (PSC) has been carrying out. Thereby, the role of each single state is very important. Montenegro strives towards becoming a full member of the Paris Memorandum of Understanding (Paris MoU) on Port State Control since 2011. Therefore, it contributes increasing maritime safety, protecting the sea from pollution, eliminating substandard ships and reducing the number of detained ships which meet the safety requirements. In this direction, Montenegro has undertaken numerous activities. Within this presentation special attention is paid to the implementation of the PSC into the legal system (framework) of Montenegro through the examination of the necessary conditions which the maritime administration must fulfil in order to become a full member of MoU. In other words, full accession of Montenegro to Paris MoU has been addressed as a key issue. It is about the inadequate legal regulation and Montenegrin PSC legislation incompatibility with Paris MoU which led to the PSC's operation in Montenegrin ports in a manner that is not compliant with the provisions of MoU. Towards overcoming this problem, some changes in the national legislation and the adoption of a new Rulebook on the PSC have been done. Concluding considerations emphasises the positive steps of Montenegro on the road to MoU and its further activities on continuous monitoring and implementation of security requirements, all together in cooperation with MoU member states.

**Prof. Dr. Axel Luttenberger**  
**University of Rijeka Faculty of Maritime Studies**  
**Rijeka, Croatia**

Axel Luttenberger is a full professor with permanent tenure at the Faculty of Maritime Studies of the University of Rijeka. He got his Bachelor's degree at Law of the Law school of Rijeka, and became Master of Law and Doctor of Law at the Law school of Split. He took bar examination and has long lasting practice in marine insurance business as legal attorney and legal advisor. He has experience in local government and government public service having been the City Mayor of Opatija and Member of Croatian Parliament and its Committee on the Constitution, Standing Orders and Political System and Legislation Committee. He has published 4 books and over 100 academic papers. His main activities are

teaching maritime law, law of the sea and environmental law at various university and vocational programmes.

## **MARITIME DOMAIN GOVERNANCE**

The vulnerability and intense use of the coastal zone due also to predatory investors practice place additional pressure on the protection of marine environment and seek governance response involving proactive approach of regulatory bodies. Maritime domain is a common good governed by public authority that has to care for it, maintain it and is responsible for it. It encompasses the sea, seashore, islands, waters, air space, mineral resources, and other natural assets, as well as land, forests, flora and fauna, other components of the natural environment, real estate as well as of particular cultural, historical, economic or ecological significance. This paper urges for implementation of marine spatial planning as a multidisciplinary instrument for easier enforcement of ecosystem approaches, in addition to enforcement of integrated zone management aiming for coordinated application of different policies affecting the coastal zone and related to activities. The analysis is focused on governance as the establishment of policies and strategies, and continuous monitoring of their proper implementation, by the members of the governing body of an organization. Good governance characteristic is participation, rule of law, transparency, responsiveness, consensus orientation, equity, effectiveness and efficiency, accountability and strategic vision. The result of the evaluation is that there is insufficient material and resource capacity of state administration bodies and local authorities. The author advocates for a more polycentric approach to be achieved by stakeholders in environmental law and policy within the law of the sea scheme for the benefit of the improved implementation of good governance in marine environment.