



INTERNATIONAL AND COMPARATIVE MARITIME LAW CONFERENCE – CURRENT DEVELOPMENTS AND TRENDS

Inter-University Centre



DUBROVNIK,
19 – 20 September 2019

an independent, international centre for advanced studies
Inter
University
Centre
Dubrovnik





19 September 2019

Dear colleagues and friends,

We wish you welcome to the International Maritime and Comparative Law Conference in Dubrovnik! Although this is the first maritime law event organized by the Croatian Maritime Law Association here at the Inter-University Centre in Dubrovnik, for many of the participants who are members of the CMLA (at least for those of us who are not in the category of "young members") it is actually a kind of return to the place that brings pleasant memories, where we used to participate in various law courses during the days of our studies of maritime law and international law of the sea.

Now we are back at the Inter-University Centre, and we are launching this maritime law project with great satisfaction and honour because we have managed to gather an impressive group of speakers comprised of some of the most renowned university lecturers from eleven academic institutions from nine countries, as well as excellent practitioners with great experience and expertise in the field of maritime law.

As you may see from the programme, the Conference will deal, inter alia, with the most intriguing emerging maritime law issues like work of the UNCITRAL with regards to unification of foreign judicial sale of ships, as well as legal aspects of implementation of digitalisation in shipping, including blockchain technology and autonomous vessels. Among the six sessions of the ICMLC there is also one dedicated to current trends in shipbuilding and shipping, whereas the session dealing with implementation of maritime law into national legislation is particularly significant since the scope of this Conference is also to provide comparative approach to various maritime law issues. The final session of the ICMLC is dedicated to environmental topics, which are always in the focus of our interest and, having in mind the inter-connection between maritime law and international law of the sea, we are particularly delighted to include a presentation on the recent developments at the United Nations Conference dealing with Conservation of Marine Biological Diversity of Areas Beyond National Jurisdiction, which has just taken place at the UN. Besides the ICMLC programme, this brochure contains other details on conference speakers, abstracts of their presentations, and the social events.

We wish to conclude with expression of our gratitude to the kind and helpful staff of the IUC Secretariat, with great hope that the ISMLC will remain not just an occasional venture, and with promise that we will make every effort to enable its development as an annual event connecting maritime lawyers, both academics and practitioners from various parts of the world, not only to deepen their knowledge and share views on maritime law but also to enjoy the atmosphere of Dubrovnik as a special place with great cultural heritage and perfect setting for enjoying relaxed moments in a circle of friends and colleagues.

President of Croatian MLA
Prof. Dr. Gordan Stanković



Secretary General
Dr. Igor Vio



INTERNATIONAL AND COMPARATIVE MARITIME LAW CONFERENCE – CURRENT DEVELOPMENTS AND TRENDS

INTER-UNIVERSITY CENTRE DUBROVNIK, CROATIA
19th – 20th September 2019

PROGRAMME

Thursday, 19th September 2019

- 09:00 **Registration**
- 09:30 **Opening Ceremony**
- 10:00 **Unification of Maritime Law – Advantages and Challenges**
Key-note Speeches (*chair: Prof. Dr. Gordan Stanković*)
Prof. Emeritus Rhidian Thomas: Proposals for the International Unification of the Law and Practice Relating to the Judicial Sale of Ships
Avv. Giorgio Berlingieri: Wrongful Arrest of Ships: Where We Stand
Discussion
- 11:00 **Coffee break**
- 11:30 **Blockchain Technology in Maritime Transport – Legal Issues**
(*chair: Prof. Dr. Petra Amižić Jelovčić*)
Prof. Dr. Patrick Vlačić: Are the International and Slovenian Legislation Ready for Blockchain Bill of Lading?
Doc. Dr. Elena Orrù: Blockchain Technology and Smart Contracts and Their Implementation in the Shipping Sector
Discussion
- 12:30 **Welcome Reception at the Inter-University Centre**
- 14:00 **Autonomous Vessels – Emerging Legal Framework** (*chair: Prof. Dr. Patrick Vlačić*)
Prof. Dr. Justyna Nawrot – Doc. Dr. Zuzanna Peplowska Dabrowska: Autonomous but still Vessels? Remarks on Legal Landscape in the Face of Unmanned Ships
Doc. Dr. Julia Constantino Chagas Lessa: Are Seafarers about to Become Obsolete with the Advent of Unmanned Vessels?
Dr. Igor Vio: Autonomous Vessels de Lege Ferenda
Discussion
- 15:00 **Meeting of co-directors and speakers**
- 16:00 **Sightseeing: guided walking tour – old town / dinner** (departure from the IUC)

Friday, 20th September 2019

9:00 **Shipping and Shipbuilding – Current Trends**

(chair: Professor Emeritus Rhidian Thomas)

Prof. Dr. Aref Fakhry: IMO and Action against Corruption in Shipping

Zoran Tasić, LL.B.: The Prevention Principle and Extension of Time Clauses in Shipbuilding Contracts

Prof. Dr. Massimiliano Musi: How and to What Extent the Artificial Intelligence Will Change the Profession of Shipping Lawyers

Dr. Petar Kragić – Diana Jerolimov, LL.B.: Forum in Bills of Lading Disputes - Practical Dilemmas

Discussion

10:30 **Coffee break**

11:00 **Implementation of International Maritime Law into National Legislation**

(chair: Prof. Dr. Justyna Nawrot)

Prof. Dr. Dorotea Ćorić: Shipowner's Liability – What are the Limits in Croatian Law?

Prof. Dr. Ersida Teliti – Prof. Dr. Ulpian Hoti: The Durrës Port Development through the Legal and Administrative Reforms

Prof. Dr. Giovanni Marchiafava: The Impact of the New Italian Security Regulation on the Search and Rescue of Migrants at Sea

Doc. Dr. Iva Tuhtan Grgić: Compensation for Damages in the Event of the Death of or Personal Injury to Maritime Passengers under Croatian Law

Discussion

12:30 **Meeting with the officials of the Inter-University Centre Secretariat**

13:00 **Lunch at the Restaurant “Atrium”**

15:00 **Conservation of Biological Diversity and Protection of Marine Environment**

(chair: Prof. Dr. Massimiliano Musi)

Dr. Ceren Cerit Dindar: The IMO 2020 Sulfur Cap –The Impact on Charterparties

Sandro Vidas, mag.oec.: Croatian Passenger Ships – Recent and Future Measures for Environmental Protection

Prof. Dr. Axel Luttenberger: Environmental Impact of Nautical Seaports

Branimir Farkaš, LL.B. - Ivona Anić Miklec, LL.B.: Development of an International Legally-Binding Instrument under the UNCLOS on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ Process)

Discussion and Final Remarks

16:30 **Closing Ceremony**

17:00 **Sightseeing: cable car to Srđ – Dubrovnik panorama** (departure from the IUC)

20:00 **Dinner in the old town**

Saturday, 21st September 2019

10:00 **Sightseeing: boat trip to the Island of Lokrum** (departure from the old port)

14:00 **Lunch in the old town**



ABSTRACTS AND BIOGRAPHICAL NOTES

KEY-NOTE SPEAKERS BIOGRAPHICAL NOTES AND ABSTRACTS

**Professor Emeritus
Rhidian Thomas
Institute of International Shipping and Trade Law
Swansea University
Wales, The United Kingdom**

Professor Thomas is Professor Emeritus of Maritime Law and Founder Director of the Institute of International Shipping and Trade Law at Swansea University, Wales, UK. He previously held academic posts at the Universities of Cardiff and East Anglia, and visiting positions at universities in Europe, Scandinavia, Far East and North America. He held the Francqui Chair at the University of Leuven in 2010/2011, and is currently visiting professor at Gothenburg University, World Maritime University and Bologna University. Professor Thomas is Editor-in-Chief of the Journal of International Maritime Law, and a member of the editorial board of Shipping & Trade Law. He is a titular member of the Comité Maritime International and its International Standing Committee on Marine Insurance, and a member of the British Maritime Law Association, and Chartered Institute of Arbitrators. He is also an Honorary Member of the Croatian Maritime Law Association. He was a member of the Departmental Advisory Committee on Arbitration Law which drafted the Arbitration Act 1996. His principal teaching and research interests are in the fields of maritime and shipping law, marine insurance law, international trade law and commercial arbitration law. He has written, edited and contributed to many books and published widely in academic and professional journals. In particular he is editor and contributor to the Modern Law of Marine Insurance series of volumes published by Informa Law from Routledge (UK). He is a frequent speaker at conferences and seminars, and also acts as an expert witness and consultant.

PROPOSALS FOR THE INTERNATIONAL UNIFICATION OF THE LAW AND PRACTICE RELATING TO THE JUDICIAL SALE OF SHIPS

The Comité Maritime International has prepared a Draft International Convention on Foreign Judicial Sales of Ships and their Recognition which is currently being considered by Working Group VI at UNCITRAL. The destiny and final form of any international convention that may emerge has yet to be determined. The object of the present session is to subject the Draft Convention to critical analysis, explaining the reasons for the convention, its structure and methodology, and subjecting its proposal to critical scrutiny. The hope is that this will assist national delegations in their assessment of the proposal.

Avv. Giorgio Berlingieri
Berlingieri Maresca Law Firm
Genoa, Italy

Avv. Giorgio Berlingieri is a Partner of Berlingieri Maresca Studio Legale Associato, Genoa (Italy), a Titulary Member of the Comité Maritime International and a Member of the International Working Group on Liability for wrongful Arrest of Ships. He is 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 Français*. His involvement with the CMI continues also as a member of the Nominating Committee, of the Planning Committee and of the Committee on Implementation and Promotion of Maritime Conventions.

WRONGFUL ARREST OF SHIPS: WHERE WE STAND

The 1952 Arrest Convention does not contain provisions in respect of liability of the claimant for wrongful arrest, its art. 6 simply referring to the law where the arrest is made. The 1999 Arrest Convention does not similarly regulate the relating substantive aspects, its art. 6 only providing that the Court of the arrest may impose security for loss or damage as a consequence of the arrest having been wrongful or unjustified, or excessive security having been demanded and obtained. From the Preparatory Works of the 1999 Convention it appears that an arrest is unjustified when there is no doubt about the solvency of the debtor. However, no standard or indication is provided to establish when an arrest is wrongful. The issue whether uniform rules should be provided in the matter of liability for wrongful arrest started to be considered by the CMI at the Conference of Hamburg in 2014. An International Working Group was subsequently constituted, a Questionnaire was circulated and many answers were submitted by the National Maritime Associations, which were considered at the 2016 CMI Conference in New York. The issue was considered again at a meeting which took place in London in the occasion of the 2018 CMI Assembly, further to which a second Questionnaire was circulated. The presentation provides a general overview on the issue of liability for wrongful arrest and of security, on the works of the CMI and on the possibility to achieving uniformity.

MODERATORS

Assoc. Prof. Dr. Gordan Stanković
Vukić & Partners
Rijeka, Croatia

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

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.

SPEAKERS - BIOGRAPHICAL NOTES AND ABSTRACTS

Prof. Dr. Patrick Vlačič
University of Ljubljana
Faculty of Maritime Studies and Transport
Portorož, Slovenia

Patrick Vlačič was born in 1970 in Slovenj Gradec in Slovenia. He finished the Faculty of Law of University of Ljubljana, masters, at Faculty of Law of University of Split (Croatia) and PhD again at Faculty of Law in Ljubljana in 2005. He worked at the Supreme Court as a judicial trainee and passed bar exam in 2008. From then to present is a professor at the Faculty for Maritime Studies and Transport of University of Ljubljana. He was also director of small international aerodrome, Aerodrom Portorož d.o.o.. Between 2008 and 2012 he was a Minister of Transport in 9th Government of Republic of Slovenia. At the moment he is assistant professor, and he lectures maritime law, commercial law, civil law, transport law and insurance law. He is also practising law, especially in area of transport and insurance. He is author or co-author of six books and many articles. He is also a musician and plays bass guitar in bands since year 14. He speaks Slovenian, English, Italian, Croatian and Serbian.

ARE THE INTERNATIONAL AND SLOVENIAN LEGISLATION READY FOR BLOCKCHAIN BILL OF LADING?

Industry 4.0 (a.k.a. I4) is well on the march. We are talking automation and data exchange in manufacturing technologies and processes which include cyber-physical systems (CPS), the internet of things (IoT), industrial internet of things (IIOT), cloud computing, cognitive computing and artificial intelligence. On the other hand, there are still some industries that insist on conventional paper-based business; the shipping industry is one of them. Bills of lading and letter of credits are still in a paper-based workflow. Even though this kind of workflow is slower, more expensive, and at risk of forgery the industry still uses paper bills of lading. There are many reasons for this situation: one is relatively conservative attitude of shipping industry, the second one in do-not-fix-it-if-it's-not-broken argument and the third are legal obstacles for the new technologies. There are in place a lot of substantive legal sources; international treaties, national legislation, soft law, court and arbitration practice. The older ones do not deal with e-documents (Hague 1924 or Visby rules 1968), the later ones, i.e. Hamburg rules from 1978 and much more Rotterdam rules from 2008, contain rules on electronic commerce. With the fact that Rotterdam rules are still not in force and it might take some time before this happens and that Hamburg rules are not very widespread, we are facing very old substantive law that is regulating bills of lading. There are two paths to solve this legal challenge. One is by contractual bases, and the other one is by adopting a law that solves open legal questions of use of electronic transferable documents. The goal of the presentation is to explain position of use of electronic bills of lading in Slovenia.

Doc. Dr. Elena Orrù
Alma Mater Studiorum - University of Bologna
Department of Legal Studies
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 “Insurance Law” and “International Contracts in Global Markets”, which are 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 has been 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 Editorial Boards of the reviews “*Il Diritto Marittimo*”, “*Rivista Italiana del Diritto della Navigazione*”, “*Rivista Italiana di Diritto del Turismo*”, “*Poredbeno pomorsko pravo*” and “*International Transport Law Review*” and of the book series “*Il Diritto Marittimo - Quaderni*”.

BLOCKCHAIN TECHNOLOGY AND SMART CONTRACTS AND THEIR IMPLEMENTATION IN SHIPPING AND INTERNATIONAL TRADE

During the last years, blockchain technology has gained great attention because of its potential and disruptive applications, over and above bitcoins. Shipping and international trade are among the sectors much more interested by blockchain projects, particularly where it is necessary to exchange information and transfer rights, while ensuring integrity of data and avoiding the risk of double-spending. Blockchain application in shipping and international trade deals both with contract and public law aspects and is not limited to the implementation of an e-bill of lading, even though this would indeed be a challenging goal. One of the most important advantages of this technology for shipping and international trade is smart contracts, consisting in computerized transaction protocols that enable the ‘automatic’ performance of contract obligations. For example, the application of smart contracts is being experimented for documentary credit. The presentation is meant to highlight the actual and prospective applications of blockchain technology and smart contracts in shipping and international trade, with a focus on multimodality, electronic bill of lading and documentary credit, and the related legal issues.

Prof. Dr. Justyna Nawrot
University of Gdansk
Faculty of Law and Administration
Gdansk, Poland

Prof. Dr. Justyna Nawrot is associate professor at the Maritime Law Department, Faculty of Law and Administration, University of Gdansk, where she teaches maritime law. Justyna Nawrot defended her doctoral thesis on Faculty of Law and Administration of Gdańsk University, Poland and was awarded the PhD in 2008. Since 2015 Justyna is a member of the Polish Maritime Law Codification Commission, nominated by the Polish Prime Minister, working on the new Polish Maritime Code. She is also vice president of the Polish Maritime Law Association under auspices of Comité Maritime International and a member of the Maritime Law Commission under auspices of Polish Academy of Sciences, the most prestigious Polish scientific organisation. She is also vice editor of *Prawo morskie*, scientific journal edited by the Polish Academy of Sciences, dedicated to maritime law and main subject editor on maritime law in the *Polish Law Review journal*. She was awarded a scientific grant dedicated to maritime safety legal system with aim to investigate if the legal framework of maritime safety standards forms a distinctive, coherent legal system. She is also main coordinator of scientific grant titled *Problems of contemporary maritime codes*, which emphasis the need for a comparative legal analysis of the problems emerging from contemporary maritime codes.

Doc. Dr. Zuzanna Peplowska-Dąbrowska
Nicolaus Copernicus University
Law and Administration Faculty
Torun, Poland

Zuzanna Peplowska-Dąbrowska is an assistant professor at the Maritime Law Unit of the Law and Administration Faculty at the Nicolaus Copernicus University in Toruń. Since 2015 she has been a member of the Polish Codification Commission for Maritime Law. She is vice-president of the Polish Maritime Law Association, a member of the board of the Maritime Law Commission and an arbitrator in maritime disputes. In 2017 she was awarded a grant by the Polish National Science Center for research dedicated to the problems of contemporary maritime codes. She has conducted her research in numerous maritime law centers, including Tulane University Law School (as a Fulbright grantee), the Scandinavian Institute of Maritime Law, and the University of Southampton Institute of Maritime Law.

AUTONOMOUS BUT STILL VESSELS? **REMARKS ON LEGAL LANDSCAPE IN THE FACE OF UNMANNED SHIPS**

Possibilities for the exploitation of autonomous ships have been for several years the subject of scientific debate and work of the most influential organizations dealing with shipping issues,

including the International Maritime Organization and the International Maritime Committee. Unmanned ships, defined a few years back as part of the future, are already operating in national navigation in several countries around the world. The available technology has always played an essential part in the development of shipping and is now one of the critical determinants of regulatory principles. The question of how these regulatory principles will correspond to the practical possibilities resulting from technological development is one of the key challenges regarding the future development of maritime law. Taking into account the possible different level of autonomy and as a consequence - different level of human control over its operations, a concern arise whether ships with different level of human control requires a different legal solutions or not. In the Author's opinion, the regulatory challenges flows from automatization of vessel's operation are different and vary depending on the level of human control over ship's navigation. As a consequence different regulatory approach may be required for automated vessels, whose navigation is subject to human decision-making at any stage - whether a human being is physically present on the ship or steering the ship remotely, and in relation to fully autonomous ships, the exploitation of which involves the possibility of eliminating the human factor as responsible for making navigation decisions, and the control function is taken over by appropriate IT solutions. The paper considers the differences between automatization and automations of the ship operations and its consequences to required legal solutions.

Doc. Dr. Julia Constantino Chagas Lessa
Erasmus University
Rotterdam, The Netherlands

Doc. Dr. Julia Constantino Chagas Lessa is an Assistant Professor and Program Coordinator of the LLM Commercial and Company Law at Erasmus University Rotterdam. Prior from moving to Rotterdam, she lectured Commercial and Maritime Law at the University of Westminster and University of East Anglia. She has also lectured at the bachelor's level at City, University of London, where she completed her PhD in Maritime Law. Doc. Dr. Chagas Lessa is involved in numerous academic activities, being the board member of the German American Maritime Institute, one of the executive editors of the International Transport Law Review, an executive member of the London Universities Maritime and Policy Group and a member of the Cross-Border Insolvency and Commercial Law Group. She regularly speaks in academic and industry conferences, having published articles in several renowned academic law journals. Before moving to Europe, she practiced law for a few years in Brazil, where she had the opportunity of dealing with international clients such as Citibank, Vestfrost, Amway, NIKE, BNL, and HSBC.

ARE SEAFARERS ABOUT TO BECOME OBSOLETE WITH THE ADVENT OF UNMANNED VESSELS?

Unmanned vessels are deemed to become a reality in the next few years. Some will even go as far as claiming that they already are a reality. Regardless if they are soon to be a reality or if they already are, the fact is that they are a topical subject, being one of the main, if not the main, topics discussed at the International Maritime Organization. Undeniably, many studies have been conducted around the subject, with many bringing more questions than answers. Nevertheless, what many seem to agree on is that with the advent of unmanned vessels, seafaring will be extinct. This paper will attempt to examine to which extent, if any, this “general believe” is accurate. In order to that, the paper will start with a general analysis of autonomous vessels and what has been established so far to later analyse seafaring and its importance, to only then analyse what is most likely to happen with the world oldest career.

Dr. Igor Vio
University of Rijeka
Faculty of Maritime Studies
Rijeka, Croatia

Igor Vio is teaching 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 and Ph.D. degree in Maritime Law from the University of Split Law Faculty. As a UN fellow he spent one year in the United States and worked at 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 Titulary Member of the CMI.

AUTONOMOUS VESSELS DE LEGE FERENDA

After several years of research projects in various parts of the world, engaging significant scientific, financial and workforce resources, which had as their main goal the safety testing and control of unmanned ships and other autonomous marine vehicles, with the concept of remote

control of unmanned ships and other autonomous marine vehicles, with the concept of remote bridge in its focus, tangible results have been achieved in demonstration of their complete functionality. The world's first unmanned and fully-automated vessels designed for offshore operations within energy, scientific and fish-farming industries have already started sailing under the British and Norwegian flag. Having in mind that these projects share the strategic goal of having fully operated autonomous seagoing cargo vessels within the end of the next decade, the main stakeholders in the shipping industry agree upon the emerging need for creating new national legislation in many states as well as an international legal and regulatory framework that will cover a wide spectrum of safety, security, liability and insurance issues. These developments are inevitably causing significant activities within the International Maritime Organization (IMO), since the agency accepted the compelling need to adopt the necessary guidelines and rules for unmanned operations in international waters. Naturally, before unmanned ships of any kind, whether controlled from a remote centre by radio communications or with on-board computerised navigation systems, start operating successfully in international trade, the IMO will have to consider amendments of the entire regulatory framework as to enable the safe, secure and environmentally sound operation autonomous surface ships within the existing IMO instruments (SOLAS, COLREG, MARPOL and STCW) and perhaps creation of new ones. Some necessary changes are also expected in UNCLOS 82 with respect to the basic definitions of ship and vessel, as well as regarding the concepts of freedom of navigation, rights and duties of flag state, coastal state and port state. Consequently, all these changes in the mentioned conventions together with many others (like threats and risks of piracy, terrorism, cyber-crime and marine pollution) will have to be included eventually also in numerous national laws implementing the international instruments. The 2019 Croatian Maritime Code Amendments Act introduced the new concept of autonomous surface vessel defining it as a seaborne craft which, depending on the degree of automation and the requirements for direct supervision of the permanent service, can sail without the crew on board or with a reduced number of crew members.

Prof. Dr. Aref Fakhry
World Maritime University
Malmö, Sweden

Dr. Aref Fakhry is Associate Professor at the World Maritime University in Malmö. He is an experienced educator, adviser and advocate in maritime law and policy. His strengths lie in the areas of shipping, maritime security and marine environmental law. He is currently involved in cross-industry campaigns aimed at tackling corruption in the maritime industry. He is also leading projects in digital maritime applications. Dr. Fakhry is engaged in enhancing maritime interests across the Middle East and North Africa.

IMO AND ACTION AGAINST CORRUPTION IN SHIPPING

As the UN specialized agency for maritime matters, the International Maritime Organization (IMO) has included in its upcoming biennial agenda the development of guidance and/or rigid rules aimed at tackling the scourge of corruption in port and ship transactions. It is expected that a debate will ensue between IMO and other stakeholders, including the United Nations Office on Drugs and Crime (UNODC), which has the responsibility for implementing the United Nations Convention against Corruption. The latter is a wide-ranging treaty with little teeth and impact. The presentation will provide a situational assessment of the issues and the legal questions posed to the maritime legal community.

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, Croatia. After graduating at the Law Faculty in Split Zoran's career started at the same shipyard where he was involved in export shipbuilding contracts and shipbuilding finance for 8 years. In late 1980s he 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. In 2006 Zoran Tasić 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. He 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.

THE PREVENTION PRINCIPLE AND EXTENSION OF TIME CLAUSES IN SHIPBUILDING CONTRACTS

One of the most common disputes arising under shipbuilding contracts relates to delays in delivery of a vessel. This presentation deals with an old English law principle known as “prevention principle” in the context of shipbuilding contracts. Under the principle no party to a contract should be allowed to benefit from its own failure to perform. In the context of shipbuilding contracts this principle should give protection to a shipyard in case of delays in delivery of the vessel that are

caused by the buyer and no liquidated damages should be payable by the shipyard and the contractual delivery date shall be replaced by a time reasonably required to complete the vessel. In other words, where the buyer's defaults (such as late buyer's supplies, interfering with modifications, failure to promptly provide and approve vessel's design and drawings, late payments of the contract price, etc.) affect the build schedule which results in delay in construction and delivery of the vessel such buyer's action represents an act of prevention. In consequence, the builder should not be further bound by the delivery date set out in the shipbuilding contract. On the other hand, it is equally common that most shipbuilding contracts contain extension of time clauses granting shipyards permissible delays in such events. However, pursuant to a number of English courts' cases the prevention principle shall not apply where the shipbuilding contract contains extension of time clauses governing permissible delays and the liquidated damages shall still be payable, subject to extension of time clauses. This presentation deals with a difficult question: if the shipyard fails (or is time barred) to claim application of the extension of time clauses for the delays caused by the buyer's defaults(s) does the prevention principle still apply?

Prof. Dr. Massimiliano Musi
University of Teramo
Faculty of Law
Teramo, Italy

Prof. Dr. Massimiliano Musi is Senior Research Fellow with tenure in Navigation Law at the University of Teramo. In 2017 he obtained the National Scientific Qualification to serve as Associate Professor of Navigation Law. He was Adjunct Professor in Air Law and was awarded four Research Fellowships at the University of Bologna. 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*, in 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. 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.

HOW AND TO WHAT EXTENT THE ARTIFICIAL INTELLIGENCE WILL CHANGE THE PROFESSION OF SHIPPING LAWYERS

The presentation is aimed at analysing the different ways in which Artificial Intelligence is currently applied in the legal profession, focusing on the potential implications of new software like Ross Intelligence, Kyra systems and LawGeex, for the lawyers operating in the shipping market. The speech will be focused on the AI's applications relating to legal research and contract review as well as on the comparison between the activities carried out by lawyers at both judicial and out-of-court level, in order to evaluate both the advantages and disadvantages that a use of the AI could bring to the legal activities carried out by the lawyers operating in maritime and shipping market. In this context, if we consider the features of the contracts and, more in general, of the most commonly used transport/shipping documents, it seems possible to conclude that a high level of standardization in technical documentation takes place on different levels: the content, the structure and the layout of documents. From one side, this circumstance clearly facilitates the AI's applications on the shipping lawyer's activity, especially in the preliminary phase of the document creation, when the support of an IT tool can allow lawyers to use software templates to create filled out documents based on data input. Moreover, remaining in the field of out-of-court activity, software, such as LawGeex and Kira Systems, are able to validate contracts providing suggestions for editing in case they fail to meet the standards. Thus, it seems that for the shipping lawyer mainly involved in out-of-court activity, the benefits linked to the use of AI's applications are those related to the contract drafting phase and to the assessment of regulatory aspects. However, a number difficulties may arise if we consider the lawyer's role in the litigation phase, especially in relation to the stage of the contract's interpretation, for example in order to define the dispute relating to a cargo claim or to an event of ship seizure. Just think of the shape and complexity of the various types of charter parties, where the variation of a single word can make a big difference, and where the role of *usages* (soft law) always has a certain importance. In these circumstances, it seems not easy to see the advantages associated with the new technologies. In the end, all the above issues will be discussed in order to answer to a big question: “can these new technologies really replace the activity of the lawyer operating in the shipping market?”

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

Dr. Petar Kragić was born in 1953 in the city of Zadar, Croatia, where he finished elementary and secondary education. He studied law at Law Faculty of the University of Split from 1972 till 1976. At the same university he obtained his LLM and PhD in maritime law. He is author of a legal textbook Tanker Charterparties and a number of articles on maritime law topics. He is speaker at maritime conferences. Dr. Kragić spent his professional career as in house lawyer for the Croatian largest shipping company Tankerska plovidba. He was the president of the Croatian Maritime Law Association from 2000-2018 and chairman of the legal committee of Croatian Chamber of Shipping, a 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 investment fund. He participated in the CMI drafting committee for the Rotterdam Rules, was a member of the Croatian delegation to UNCITRAL and a member of the drafting committee for Croatian maritime law. He is a titular member of the CMI.

Diana Jerolimov, LL.B.
Head of the Legal and Insurance Department
Tankerska Shipping Co.
Zadar, Croatia

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

FORUM IN BILLS OF LADINGS DISPUTES PRACTICAL DILEMMAS

After gaining independence United States adopted a development policy based on protectionism and interventionism in order to catch up with Great Britain, the strongest economy in the world. Among other measures, US enacted The Harter Act 1893 as mandatory rules in order to fight the bargaining power of the British ship-owners who used to include exoneration clauses in the carriage by sea contracts. The Harter Act did not contain provisions on jurisdiction and forum. Other former

British colonies followed the suit and started passing laws by coping the Harter Act. In Australia the legislators concluded that it is not sufficient to pass mandatory rules, if Australian courts would not apply them, but the British courts that would have jurisdiction due to the clauses inserted in the contract of carriage by the British ship-owners. Therefore the Australian Sea-Carriage of Goods Bill 1904 provided for the exclusive jurisdiction of Australian courts. The Hague Rules 1924 intend to pass an international convention which would replace national legislative acts based on The Harter Act. The notion that the convention would bring a universal liability regime for the carrier's liability leads the draftsmen to leave out rules on jurisdiction. To fill up the lacuna theory of *forum non convenient* was developed. The Hague Visby Rules 1968 did not deal with jurisdiction or forum. The Hamburg Rules 1978 came back to the idea of regulating forum and jurisdiction matters in the convention, and The Rotterdam Rules 2008 followed the approach. After the above overview the presentation deals with a case where a Hamburg Rules country seems reluctant to recognise arbitration clause incorporated in a Bill of lading, and calls for exclusive jurisdiction of its arbitration, which might be understood as a part of the ordinary judicial system (because the appeal against arbitration tribunal award is allowed to the regular courts), and considers various issues that emerge in such case.

Prof. Dr. Dorotea Ćorić
University of Rijeka
Faculty of Law
Rijeka, Croatia

Prof. Dr. Dorotea Ćorić, works at the Faculty of Law, University of Rijeka. She is full professor (tenure) and head of Department for Maritime and Transport Law. She holds lectures on Maritime and Transport Law, Marine Environment Protection Law and Maritime Administrative Law. She was a member of the Expert Working group for drafting both the 1994 Croatian Maritime Code and 2004 and its amendments. She is consultant of the Ministry of Sea, Traffic and Infrastructure for the international maritime agreements. She is assistant editor of the *Comparative Maritime Law* journal and former vice-president of the Croatian Maritime Law Association. Professor Ćorić has participated in many scientific conferences both in Croatia and abroad. She has published many scientific articles and professional papers in the domain of maritime and transport law and is the author of the books - *INTERNATIONAL REGIME ON LIABILITY AND COMPENSATION FOR OIL POLLUTION DAMAGE*, published by Croatian Academy of Sciences and Arts –Adriatic Institute in 2002 and *MARINE POLLUTION FROM SHIP'S – International and National Law Rules*, published by Faculty of Law Rijeka in 2009.

SHIPOWNER'S LIMITATION OF LIABILITY - WHAT ARE THE LIMITS IN CROATIAN LAW?

The presentation gives a brief overview of the ruling of the Commercial Court in Split pertaining to establishment of the limitation of liability fund. The operator of the m/s "STI Polar" (port of registry, flag and nationality of Marshall Island) applied to limit his liability for damaged to port

property (installation) caused by STI Polar at the port Ploče on 5 August 2018. The question arose what limits of liability, under the Croatian law, should be applied in this case? Whether amounts prescribed by national act or those by relevant unification instrument binding for Croatia should be applied? The operator argued that limitation fund should be calculated according to limits set out in art. 396. st.2. of the Croatian Maritime Act (the amounts correspond to those in the 1996 Protocol), and creditors disagreed and argued that limitation fund should be set up taking into account the 1996 Protocol “tacit acceptance” procedure raised limits, considering that Marshall Islands and Republic of Croatia are parties to the 1996 protocol to the Convention on Limitation of Liability for Maritime Claims 1976 (LLMC). Under the 1996 Protocol’s *tacit acceptance* procedure (Art 8) the 1996 Protocol limits of liability recently raised by about 50%. The new limits, accepted under *tacit acceptance* procedure were announced by IMO as come into force on 8th June 2015 and apply automatically in the states parties of the 1996 LLMC Protocol. According to the Art 141 of the Croatian Constitution international treaties which have been concluded and ratified in accordance with the Constitution, published and which have entered into force shall be a component of the domestic legal order of the Republic of Croatia and shall have primacy over domestic law. The Court, considering that this is a dispute with international element, accepted the allegations of the creditors and approved the establishment of the limitation fund according to the new limits that came into force in June 2015 through the Protocol’s *tacit amendments* procedure.

Prof. Dr. Ersida Teliti
University of Tirana
Faculty of Law
Tirana, Albania

Born in Durrës, Albania in 1984, she had finished Faculty of Law, University of Tirana, awarded with “Golden Medal”. In 2013, she finished her Ph.D. in “Consumer Contracts”. From 2015 she got the Associated Professor title, from the Faculty of Law, University of Tirana. From 2006 she has been involved in teaching, as full time lecturer in University of Durrës and University of Tirana, main courses: Contract Law, Advanced Contract Law, Transport Law, Consumer Law in Bachelor and Master Studies. She has been as a national expert, in different issues related to consumer protection, in collaboration with Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) Albania, Serbia and now Macedonia. From 2014, she is the Executive Director of Albanian Consumer Center, involved in different national projects. In 2017 she finished the Albanian School of Political Studies, supported by the Council of Europe and 2018 the Academy of European Integration and Negotiations, European Movement Albania, under Jean Monnet Programme. Actually, she is a senior expert for e-commerce issues in CEFTA Region.

Prof. Dr. Ulpian Hoti
University of Durrës
Faculty of Business
Durrës, Albania

Dr. Ulpian Hoti is graduated in the Faculty of Economics, at the University of Tirana, in Business Management. From 2015, he is an Associate Professor of Economy. Dr. Ulpian Hoti has participated in different conferences and has published different papers in which has treated the financial issues and management of institutions of higher education. He has a long experience in management and administration of higher education institutions and in the sector of public administration. For 11 years Mr. Hoti has been Chancellor of Aleksandër Moisiu University. Currently, he is a full time lecturer at the Management Department of the Business Faculty, University of Durrës.

THE DURRËS PORT DEVELOPMENT THROUGH LEGAL AND ADMINISTRATIVE REFORMS

The Durrës Port is the largest in Albania. Due to its geographical location, it has a great importance in the national and regional market. It covers nearly 78% of maritime trade at the national level. The functioning of the Durrës Port is ruled by the Law no. 9130, dated 08.09.2003 “On Port Authority”, with respective bylaws and amendments. Through years Executive Board has taken lots of decisions, in order to regulate the everyday life of this structure. The paper aims to analyse the legislative framework in a historical view and economic one. The authors will emphasize the necessity of changes throughout the administrative reforms. Nearly all the port operations are supported by private companies, through concessionary contracts, a key economic and social factor. Transparency and the conflict of interest are black holes in the entire process. They clearly have supported by private companies, through concessionary contracts, a key economic and social factor. Transparency and the conflict of interest are black holes in the entire process. They clearly have recommendations on legal aspects, on governmental structure and economic importance.

Prof. Dr. Giovanni Marchiafava
Sapienza University
Rome, Italy

Prof. Dr. 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. 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. In 05-07/2018 and 08-09/2019 visiting researcher at the Centre of European Law, King’s College London (UK). 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.

THE IMPACT OF THE NEW ITALIAN SECURITY REGULATION ON THE SEARCH AND RESCUE OF MIGRANTS AT SEA

On 15 June 2019, in Italy entered into force the Law Decree 14 June 2019 no 53 establishing new provisions on public security, converted into Law 8 August 2019 no 77. The Decree deals also with preventing and combating illegal immigration at sea. It modifies the current Italian Immigration Law. Article 1 of the Decree provides that the Italian Ministry of Interior, with respect to his role of coordinator among the national authorities competent in checking borders and the international obligations, can limit and prohibit access, transit and stopping of vessels in the territorial sea. These measures can be adopted for security reasons, or if the current immigration law has been breached, as provided by Article 19 (g), of the 1982 Law of the Sea Convention, and shall be adopted by the Ministry of Interior in agreement with the Ministry of Transport and Ministry of Defence, in informing the Prime Minister. According to Article 2 of the Decree, if the master of the vessel does not comply with such decision, he will be subjected to a pecuniary penalty. Additionally, the shipowner will be also jointly liable in paying such penalty. This paper aims to analyse the mentioned provisions and their impact on Maritime Law. Such an analysis is based on considering the judgements of the Italian Courts related to measures prohibiting the access of vessels carrying migrants rescued at sea in the territorial waters.

Doc. Dr. Iva Tuhtan Grgić
University of Rijeka
Faculty of Law
Rijeka, Croatia

Iva Tuhtan Grgić is Assistant Professor at University of Rijeka, Faculty of Law, where she teaches Maritime and Transportation Law, Marine Environment Protection Law and Administrative Maritime Law. She got her PhD degree in civil law and civil law procedure 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. With her presentations in various national and international conferences and round tables she worked constantly on dissemination of her research results. She is author of numerous papers in the field of civil law and maritime law, with main points of her interest in property law, legal status of maritime domain and its usage. As an expert for maritime domain she is also member of the Expert Committee for drafting of the new Law on Maritime Domain and Seaports and serves as ad hoc legal adviser to the business sector. She worked on several projects as a member of research teams, dealing with legal aspects of transformation of social ownership, concessions on maritime domain and nautical tourism. She is a Vice President of Croatian Maritime Law Association, a member of Croatian Comparative Law Association and Croatian Transport Law Association.

COMPENSATION FOR DAMAGES IN THE EVENT OF DEATH OF OR PERSONAL INJURY TO MARITIME PASSENGERS UNDER CROATIAN LAW

Contracts of carriage of passengers by sea are frequently concluded and performed in Croatia, due to its long coastline and numerous islands. They relate both to the transport of residents and tourists to and from the islands and to the maritime transport in the broad sense - which takes place in the context of cruises and excursions, not only by ships but also by boats. Unfortunately, during these transports and cruises accidents occur, causing in some cases death of or personal injury to passengers. Under Croatian law there are two legal regimes regulating carriers' liability and compensation of passengers or their families for such damages. The first one is applicable to the compensation of damages suffered during the domestic carriage on board ships of classes C and D, in which case Croatian Maritime Code applies. The second one is applicable to compensation for damage suffered during the international carriage or a domestic carriage of passengers on board ships of classes A and B, in which case the Regulation (EC) 392/2009, incorporating Athens Convention of 2002, or the Athens Convention of 2002 applies. The passengers are much better protected under the second regime, as it provides for a more stringent liability of carriers, higher limits of liability, more favourable limitation criteria, compulsory insurance and direct action against the insurer. Such legal "dualism" unjustifiably discriminates between passengers and thus it should be, *de lege ferenda*, eliminated by extending the scope of application of Regulation to all sea-going voyages.

Dr. Cerin Cereit Dindar
Institute of International Shipping and Trade Law
Swansea University
Wales, The United Kingdom

Dr. Ceren Cerit Dindar graduated with LLB from Ankara University in 2009. Following her graduation and legal internship period, she was called to Ankara Bar in 2010. She obtained her LLM degree in International Commercial and Maritime Law at Swansea University in 2013 securing a distinction mark in her dissertation. In June 2019, Ceren was awarded the degree of PhD in Charterparties Law by Swansea University remarkably with no corrections following her viva examination. Her PhD research mainly focuses on legal issues concerning delivery and redelivery of the vessel in time charters. Full scholarship is provided by Turkish Ministry of Education for her LLM and PhD studies. Ceren has held the position of research assistant at the Institute of International Shipping and Trade Law (IISTL) for the last three years. During her time at Swansea University, Ceren has played an active role in coordination and organization of colloquiums which is annually held by IISTL in the fields of Maritime Law. As a keen public speaker, Ceren has presented papers at various conferences including 1st International Scientific Conference of Maritime Law held at University of Split, 2nd International Transport and Insurance Law Conference (INTRANSLAW Zagreb) and 4th and 6th International Research Seminars in Maritime, Port and Transport Law, organised by the University of Bologna. She has also published several articles in the field of Maritime law in academic journals. Her last article entitled ‘The Performance of the Chartered Ship: A Much Clearer Obligation under the NYPE 2015’ has been published in a special issue of The Journal of International Maritime Law on charterparties. Her research interests lie in charterparties law, shipping law and transportation law.

THE IMO 2020 SULPHUR CAP - THE IMPACT ON CHARTERPARTIES

IMO 2020 Sulphur Cap which requires that the sulphur content of the fuel oil used by the commercial ships not exceed 0.50% (against the current legal limit of 3.50%) will come into a force on 1 January 2020. There is no doubt that a new sulphur regime will reduce the level of sulphur oxide emanating from the ships, so that will have positive impacts on both environment and human health but at the same time the regime will cause to several problems for the shipping industry. This paper aims to indicate and evaluate charterparty disputes that are likely to arise after the new sulphur regime takes effect. One of the ways for the ships to meet the new limit of 0.50% is to install a scrubber system which serves the purpose of removing sulphur from the exhaust before releasing to the atmosphere. With regard to such an installation, it is anticipated that questions of — (i) who will be financially liable for the installation and associated dry-docking? (ii) who bears the loss of time arising from the installation? (iii) where the scrubber system is defective at time of delivery of the vessel, how this will affect the seaworthiness of the vessel? (iv) what will be happen

in a case that a scrubber system becomes a defective during the charter service? will this be enough to trigger maintenance obligation of the shipowner? will the vessel be accepted off-hire during the period that the ship is repaired? — will arise and these will be the main concerns of this paper. Apart from these, the attention will be given how disputes as to the payment for bunkers retained on board at time of redelivery of the vessel are solved. The paper will also focus on to what extent disputes indicated above can be set aside by the shipowner and charterers through contractual mechanisms and whether BIMCO 2020 Fuel Transition Clause for Time Charter Parties and BIMCO 2020 Marine Fuel Sulphur Content Clause for Time Charter Parties can have a role in this regard.

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 - RECENT AND FUTURE MEASURES FOR ENVIRONMENTAL PROTECTION

Coastal liner passenger transport in Croatia has a long standing tradition where significant operators are Jadrolinija and Rapska plovidba d.d. amongst other companies in connecting islands with land and vice versa. Solutions to green the fleet are currently being deployed through new technology achievements for waste, emissions and other pollutant reduction targets. Due to intended coasts and more than 50 inhabited islands, there is more than 60 vessels operating in the Adriatic. Current efforts and future shipowners' visions to enhance shipping and maritime tradition will be presented including port electrification projects.

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

Axel Luttenberger is a full professor with permanent tenure at Faculty of Maritime Studies of the University of Rijeka. He got his Bachelor of Law degree at the University of Rijeka School of Law, and became Master of Law and Doctor of Law at the University of Split Law School. He passed 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. He has published four books and over hundred academic papers. His main activities are teaching maritime, commercial and environmental law at various university and vocational programmes.

ENVIRONMENTAL IMPACT OF NAUTICAL SEAPORTS

While it is expected that nautical seaports environment complies with the requirements similar to those prevailing at recreational facilities that is not the case. The pollution impact of nautical tourism seaports is significant and that is the reason for developing the system that would ensure permanent monitoring and research in order to preserve the environment and ecosystems for future well-being of tourism sector. Each nautical seaport has different sensitivity and the characteristics of their social and ecological environment are different. The growth must correspond to the demands, complying in any case with governance measures and pollution prevention. For instance, qualitative risk assessment using the risk matrices recommended by International Maritime Organization and other standards cannot be used for the risk assessment of the pollution of precisely determined part of the coastal sea by black waters from various vessels. Classification, identification, collection and management of waste in nautical seaports must be implemented as standard service, and other impacts should be considered as well. The broad objective is to raise quality standards of nautical seaports and provide for appropriate regulatory framework.

Branimir Belančić Farkaš, LL.B.
Head of Sector for Maritime Economy, Legal, International and EU Affairs
Ministry of Maritime Affairs, Transport and Infrastructure
Zagreb, Croatia

Branimir Belančić Farkaš was born in Zagreb. Graduated at Faculty of Law of the University of Zagreb. Civil servant at the Ministry of Maritime Affairs, Transport and Infrastructure since 2005. Currently Head of Sector for Maritime Economy, Legal, International and EU Affairs within the Directorate for Maritime Affairs. Experienced in legal, international and EU affairs in maritime sector. Coordinating Croatian delegations at the International Maritime Organization (IMO) and

participating in the work of other international organizations. Participated in negotiations for the accession of Croatia to the European Union in Chapter 14 – Transport policy. Coordinating drafting of legislation in maritime sector, including harmonization of national legislation with the EU legislation. Representing Croatia as EU Member State at Comitology, Council (Shipping Working Party, Law of the Sea, Integrated Maritime Policy, EU Maritime Security Strategy) and other European institutions dealing with maritime affairs.

Ivona Anić Miklec, LL.B.

Directorate for Maritime Affairs

Ministry of Maritime Affairs, Transport and Infrastructure

Zagreb, Croatia

Ivona Anić Miklec was born in Zagreb. In 2016 she graduated *cum laude* from the Faculty of Law Zagreb as one of the best student in the generation. During her studies she was awarded the Dean's award for achievement in the study and was working as a student intern at the Municipal Criminal Court in Zagreb, the Municipal Labour Court in Zagreb, the Municipal Civil Court in Zagreb, Allianz Zagreb Ltd. and Generali Insurance Company. She was also involved in cooperation with several Chairs as a student assistant, but mainly with the Chair of Maritime and General Transport Law within which she had the opportunity to participate in organization of the "Intranslaw 2015" – 1st International Transport & Insurance Law Conference. After graduation, she was officially appointed as a member of the Organising Committee of the "Intranslaw 2017" and until 2018 was working as a corporative lawyer in the Generali Insurance Company. Since June 2018 she works in the Ministry of Maritime Affairs, Transport and Infrastructure in the Sector for Maritime Economy, Legal, International and EU Affairs, dealing with, among other things, European and international maritime law. She is also a member of the Working Party on the Law of the Sea within the Council of the EU and part of the Croatian team which is going to chair this Working Party during the Croatian Presidency of the Council in 2020.

**DEVELOPMENT OF AN INTERNATIONAL LEGALLY-BINDING INSTRUMENT
UNDER THE UNCLOS ON THE CONSERVATION AND SUSTAINABLE USE OF
MARINE BIOLOGICAL DIVERSITY OF AREAS BEYOND NATIONAL JURISDICTION
(BBNJ PROCESS)**

Having in mind the vital role of the oceans and seas in ensuring smooth functioning of economies and societies all over the world, and taking into account the growing pressures that oceans and seas are facing, the importance of ensuring effective protection of marine ecosystems and sustainable use of marine resources is becoming ever more evident. While some coastal states have regulated activities with direct impact in areas within their national jurisdiction, the text of the future "world-wide" international agreement on conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ Agreement) is being drafted under the auspices of the

United Nations as an implementing agreement under the United Nations Convention on Law of the Sea (UNCLOS). The draft BBNJ Agreement is covering different topics such as marine genetic resources, including questions on the sharing of benefits, measures such as area-based management tools, including marine protected areas, environmental impact assessments and capacity-building and the transfer of marine technology. Some of the issues covered by this paper are related to the following questions: how does this draft BBNJ Agreement relate to the rights and obligations of states parties to UNCLOS; legal implications of non-parties to UNCLOS becoming parties to this Agreement; and the role of the European Union during the negotiations in relation to the BBNJ Agreement.

Conference Co-ordinator:

Dr. Igor Vio, University of Rijeka

Conference Directors:

Prof. Dr. Patrick Vlačič, University of Ljubljana

Prof. Dr. Petra Amižić Jelovčić, University of Split

Prof. Dr. Justyna Nawrot, University of Gdansk

Prof. Dr. Massimiliano Musi, University of Teramo



**HRVATSKO DRUŠTVO ZA
POMORSKO PRAVO**

Studentska ulica 2
HR 51000 Rijeka, Croatia
e-mail: hdpp@pfri.hr
<http://www.hdpp.hr>

Inter
University
Centre
Dubrovnik

An independent, international centre for advanced studies



INTER-UNIVERSITY CENTRE

Fraňa Bulića 4
HR 20000 Dubrovnik, Croatia
e-mail: iuc@iuc.hr
<http://www.iuc.hr>

INTER-UNIVERSITY CENTRE

DUBROVNIK,
19 – 20 September 2019