4th INTERNATIONAL SCIENTIFIC CONFERENCE ON MARITIME LAW

”MODERN CHALLENGES OF MARINE NAVIGATION“

SPLIT, CROATIA, 13th – 14th April 2023

SPEAKERS AND ABSTRACTS

ISCML SPLIT 2023

KEY-NOTE SPEAKERS

(Biographical Notes and Abstracts)

Dr ANN FENECH

FENECH & FENECH ADVOCATES
LA VALETTA (MALTA)

PRESIDENT OF THE COMITÉ MARITIME INTERNATIONAL (CMI)

Ann Fenech is the head of the marine litigation department at Fenech & Fenech Advocates. She is the past Managing Partner of the firm, having occupied the position of Managing Partner from 2008 to 2020. She qualified in 1986 and joined Holman Fenwick and Willan in London. From there she moved to Chaffe McCall Phillips Toler and Sarpy in New Orleans. On joining Fenech & Fenech in 1992, she created the marine litigation department. She has dealt exclusively with maritime issues for the past 36 years ranging from salvage to charterparty disputes and from towage to enforcement of mortgages. She lectures at the University of Malta and the International Maritime Law Institute and is a regular guest speaker at overseas maritime fora. She was the President of the Malta Maritime Law Association from 2008 until 2022, and has been a board member of the European Maritime Law Organisation since 2008. In 2012, 2014 and 2015 she was awarded Best in Shipping Law at the European Women in Business Law Awards held in London. From 2000 to 2010 she was the Chairman of the Pilotage Board and responsible for the drafting of the Pilotage Regulations 2003. In 2013 she was appointed Honorary Patron of the Malta Law Academy. In 2014 she was elected to the Executive Council of the Comité Maritime International (CMI). She was one of the founding members of the Malta Maritime Forum in 2015. She has been the co-Chair of the CMI IWG on International Recognition of Judicial Sales and the chief co-ordinator for the CMI in Working Group V1 at UNCITRAL which was deliberating and working on the CMI Beijing Draft on Judicial Sales of Ships. In December 2022 the United Nations General Assembly adopted the UN Convention on the International Effects of Judicial Sales of Ships. Dr Fenech is a member of the CMI IWG on Arrest of Ships and was Chair of the IWG on Ship Finance Security Practices. In October 2018 she was awarded the Honorary Membership of the Croatian Maritime Law Association. In November 2018 she was elected Vice President of the CMI at a General Assembly meeting at the IMO in London, and re-elected to the same position for a second term in 2021. She was elected President of the CMI during the General Assembly of the CMI held in Antwerp on Friday 21st October 2022. She is the first female to occupy this position in the 125 year history of the CMI. She has been involved in drafting a number of laws relating to shipping in Malta including amendments to the Merchant Shipping Act and the articles on actions in rem in the Code of Organisation and Civil Procedure.

THE CONVENTION ON JUDICIAL SALES OF SHIPS – WHY IS IT SO IMPORTANT?

Dr Fennech will speak about the relevance of the Convention on Judicial Sales of Ships and in particular about the importance behind the exclusive jurisdiction and the inability to re-arrest.

Professor *Emeritus* RHIDIAN THOMAS

SWANSEA UNIVERSITY
WALES (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. Previously he held positions at Cardiff University, the University of East Anglia, UK, and at universities in Europe, Scandinavia, Far East and North America. He was a member of the Departmental Advisory Committee on Arbitration Law which drafted the Arbitration Act 1996, and held the Francqui Chair at the University of Leuven, Belgium, in 2010-2011. He is currently a Visiting Professor at the University of Gothenburg, Sweden, and at the World Maritime University.

He 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 titulary member of the Comité Maritime International (and the International Standing Committee on Marine Insurance), British Maritime Law Association, Chartered Institute of Arbitrators and British Insurance Law Association.

His principal teaching and research interests are in the fields of maritime and shipping law, marine insurance law, international trade law and commercial arbitration. He has written, edited and contributed to many books and published widely in academic and professional journals. He is editor and contributor to the volumes in the Modern Law of Marine Insurance series.

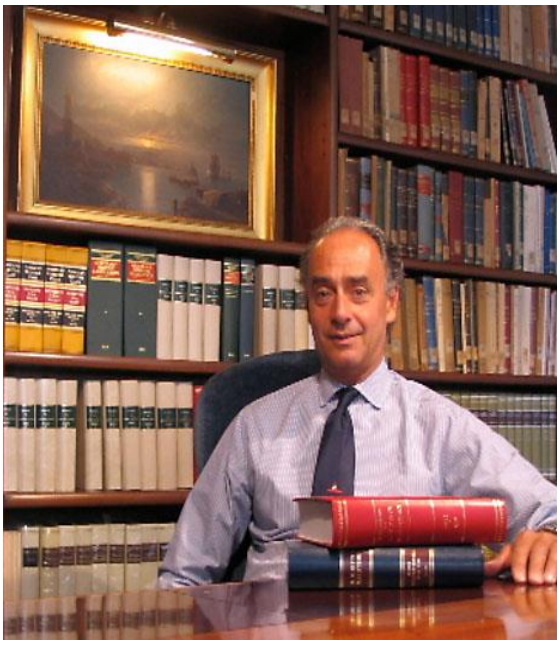
He is a frequent speaker at conferences and seminars, and also acts as an expert witness and consultant. In 2016 he was made an Honorary Member of the Croatian Maritime Law Association.

ADMIRALTY JURISDICTION IN THE COMMON LAW

A reflection on Admiralty courts and the nature of the substantive and procedural aspects of Admiralty jurisdiction. The distinction between in rem and in personam jurisdiction and proceedings, and between maritime liens and other rights of action in rem. Ship arrest procedure and the interrelation with international ship arrest conventions. And core elements of Admiralty substantive jurisdiction.

Avv. GIORGIO BERLINGIERI

STUDIO LEGALE
BERLINGIERI MARESCA
GENOA (ITALY)



Giorgio Berlingieri is Senior Vice President of Comité Maritime International, Advocate to the Italian Supreme Court of Cassation, Partner of Berlingieri Maresca Studio Legale Associato, Genoa, 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.

TIME BARS IN MARITIME CLAIMS

As a subject for a key note speech, it has been thought to choose one which may affect any topics in maritime law. One of the most unpleasant things for a lawyer is to miss a time bar. Of course it is easy to say that this should never happen, but sadly it may do. An overview is therefore made of the time bar periods, to possibly avoid the risk of that calamity. In principle, the time for bringing a claim is related to the underlying right. In Italian law the standard limitation period is ten years. However shorter periods apply in certain cases, either for claims in contract and in tort. There are then specific limitation periods in claims related to shipping matters. The same is for the matters considered in the international maritime conventions.

After an overview of the legal nature of limitation and of the rationale of a claim lapsing in time, the time bar periods in maritime law are considered, together with the relating terminology.

Limitation periods in contract start to run from the date on which the relevant right can be exercised or, in tort, when the injured party is in a position to know of the damage and of its author. It is therefore also examined when the limitation periods commence and, depending on their nature, whether are capable of being extended, interrupted or suspended.

Professor NORMAN A. MARTÍNEZ GUTIÉRREZ

DIRECTOR OF THE IMO INTERNATIONAL MARITIME LAW INSTITUTE (MALTA)

Prof. Norman Martinez is the Director of the IMO International Maritime Law Institute (IMLI), a position he assumed on 1 August 2022. He read law at the National Autonomous University of Honduras (UNAH). He then obtained a Master of Laws (LL.M.) Degree *with Distinction* (1998) and a Doctor of Philosophy (Ph.D.) Degree *cum laude* (2010) from IMLI. Prof. Martinez has been teaching at IMLI since 1999 and in 2019 he was conferred the Title of Full Professor of International Maritime Law. Prof. Martinez was admitted as an Advocate to the Honduran Lawyers' Bar Association (2005) and has acted as an international maritime law consultant since the year 2000, in which capacity he has advised a number of international clients and has drafted legislation for governments in several areas of maritime law.

He joined the International Maritime Organization's Roster of Experts in 2003 and in 2013 he became a member of the Panel of Arbitrators of the *Câmara Arbitral Marítima no Rio de Janeiro*, Brasil. He joined the Roster of Experts of the Food and Agriculture Organization in 2018 and has been engaged by the Organization in the capacity of Consultant as a Fisheries Insurance Legal Expert and International Fisheries Policy and Legal Expert since 2019. 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. In 2022, the Comité Maritime International (CMI) appointed him as Titulary Member. Professor Martinez has taught extensively in the areas of shipping law, law of the sea, and maritime legislation drafting. His book on *Limitation of Liability in International Maritime Conventions: The Relationship between Global Limitation Conventions and Particular Liability Regimes* has been widely acknowledged as a reference source for academics and practitioners alike. He is the author of many publications in the field of international maritime law and is a frequent speaker at international conferences and courses.

IMO'S EFFORTS TO ENSURE A UNIFIED INTERPRETATION OF THE PROVISIONS REGARDING LOSS OF RIGHT TO LIMIT LIABILITY

Limitation of Liability for maritime claims is a concept of respectable antiquity which is now deeply entrenched in the maritime industry. The concept has evolved throughout history establishing different methods of limitation and different tests for the person liable to lose the right to limit liability. When the 1976 LLMC Convention

was adopted, the international community adopted a test that was meant to render the right to limit liability as "virtually unbreakable", and this test has been followed in most modern liability conventions. The text of the articles seems to be quite clear and detailed enough to achieve its intended purpose. However, the actual interpretation of the treaty provisions rests on the States Parties, and experience has shown that courts have on many occasions broken the right to limit liability in circumstances that perhaps did not meet the criteria. For this reason, IMO has been spearheading efforts to ensure a unified interpretation of the provisions regarding loss of right to limit liability in different conventions.

In this respect, this presentation will explain the early test to break the right to limit liability and how this has evolved into the test we find today in different maritime conventions. It will then provide examples of cases where courts have broken the right to limit liability and thereafter will focus on IMO's work towards a unified interpretation on the test for breaking the owner's right to limit liability under the IMO conventions. The presentation will analyse the different resolutions adopted on this topic, and will discuss their strengths and their expected effect.

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SPEAKERS

(Biographical Notes and Abstracts)

Dr JAN-ERIK PÖTSCHKE
Ahlers & Vogel Rechtsanwälte PartG mbB
Hamburg, Germany

Dr Jan-Erik Pötschke, partner of the law firm Ahlers & Vogel Rechtsanwälte PartG mbB in Hamburg/Germany. He was admitted to the bar in 1997. He is working principally for Owners, Ship Managers and Marine Insurances and is experienced in sale and purchase transactions, charterparty and bills of lading disputes in the German commercial courts and in arbitration in Hamburg and London. As a member of the Ahlers & Vogel Maritime Casualty team, he has been involved in many casualty investigations. Jan-Erik is a member of the German Maritime Law Association, the German Association for Transport Law, the German/Singapore Legal Association, and of the Maritime and Transport Law Committee of IBA. Jan-Erik is a Titulary Member of CMI. He attended his first CMI-Conference in Singapore in 2001 and is a member of the CMI IWG on Judicial Sale of Ships where he has been involved in the drafting of the "Beijing Convention". As such he has given presentations about the Judicial Sale of Ships at the CMI Beijing Conference in 2012 and at the CMI Malta Colloquium in 2018. As a legal expert to the Ministry of Law of the Federal Republic of Germany, he has been a member of the German delegation at the UNCITRAL working group VI. Jan-Erik is a co-author of the commentary about Maritime Law in Germany in the Munich Commercial Law Commentary ("Münchener Kommentar zum HGB").

FROM THE NOTICE TO THE CERTIFICATE OF JUDICIAL SALE THE NEW "BEIJING CONVENTION OF JUDICIAL SALE OF SHIPS" [1]

The Beijing Convention has been recommended by the General Assembly of the United Nations for ratification by the member states to strengthen the international legal framework for shipping and navigation, and China is planning to arrange a signing ceremony in the beginning of September 2023 in Beijing.[2] The Beijing Convention shall establish a harmonised regime for giving international effect to judicial sales while preserving domestic law governing the procedure of judicial sales and the circumstances, in which judicial sales confer clean title. The Notice provision in Art. 4 and the Certificate of Judicial Sale in Art. 5 are two main articles of the Beijing Convention. Whereas the purpose of the notice is particularly important to safeguard the interests of the creditors of a shipowner, the Certificate of Judicial Sale is the key to the functioning of the Beijing Convention.

1. Notice, Art. 4

The notice provisions differ significantly between the various jurisdictions. The minimum requirements, to whom a notice of judicial sale must be given prior to a judicial sale are prescribed in Art. 4 (3). Art. 4 (4) describes the contents and refers to Annex 1 showing a possible model of a notice. The Notice must be published (Art. (5)) and shall be transmitted to a repository for publication. The Notice requirements do not serve as stand-alone obligations, but rather as a condition for the issuance of the Certificate of Judicial Sale pursuant to Art. 5.

[1] This name has been recommended by the UN General Assembly on 7 Dec. 2022; see A/RES/77/100.
[2] UNCITRAL promotes the signing of the Convention, which just needs three ratifications to become effective, Art. 21 (1).

2. Repository, Art. 11

The Beijing Convention establishes a Repository to provide public access to instruments that are required to circulate under the Beijing Convention. The Notice and the Certificate of Judicial Sale shall be transmitted to the repository (Art. 11 (2)). The Repository will become the International Maritime Organisation (IMO), who agreed to make its Global Integrated Shipping Information System (GISIS) available.

3. Certificate of Judicial Sale, Art. 5

The Certificate shall be issued after the completion of the judicial sale. [3] It provides documentary evidence[4] that the judicial sale has conferred clean title to the ship. The prerequisite is that pursuant to the law of the state of judicial sale, the purchaser acquired clean title to the ship.[5] By virtue of Art. 5 (5) the Certificate shall be sufficient evidence of the matters contained therein. It is no document of title and does not replace the decision of the authority conducting the judicial sale under the law of the state of judicial sale whereby the purchaser acquires ownership of the ship. The contents and form of the Certificate is described in Art. 5 (2), which refers to a model in Annex II. The Certificate facilitates de-registration and registration of the ship[6] and the arrest is prohibited.[7] The Certificate secures the international effects of the judicial sale described in Art. 6 that clean title to the ship has been conferred on the purchaser and that this effect shall be accepted in every other State Party to the Beijing Convention.

Associate Professor GORDAN STANKOVIĆ
Law Firm Vukić, Jelušić, Šulina, Stanković, Jurcan & Jabuka
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, USA. Gordan is a partner and head of the Shipping and Admiralty Department at Vukić & Partners, Croatia's leading commercial and shipping law firm. He has extensive experience in various fields of shipping law, but his greatest expertise lies in the fields of shipbuilding, ship finance, ports/terminals/maritime demesne, and enforcement of maritime claims. On two occasions (2000 and 2006-2007) Gordan acted as legal consultant to the Government of Croatia on restructuring of the Croatian shipbuilding industry. Gordan has taught Maritime Law at the Maritime Faculty of Rijeka, the Law of Shipping Finance at the Rijeka Faculty of Law, and Maritime Procedural Law at the Split Faculty of Law. Gordan is the author of a series of monographs and papers on various shipping law topics, including the

[3] See the initial discussions in the Working Group VI the report 24 May 2019, para 41-47; A/CN.9/973 on completion; see also about the additional condition of finality the Working Group VI reports 02 Dec 2019, para 90; A7CN.9/1007; 29 Dec 2020, para 66-67; A/CN.9/1047/Rev.1
[4] Evidentiary value was emphasized by the Working Group, see report 29 Dec 2020 A/CN.9/1047/Rev.1 para 74.
[5] Art. 2 (c) Beijing Convention defines "clean title".
[6] See Art. 7 Beijing Convention, actions by the Registrar.
[7] Art. 8 Beijing Convention

chapter on Croatia in Kluwer's International Encyclopaedia of Laws – Transport Law. He has given presentations at numerous international and domestic maritime law conferences. 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. Gordan is the president of the Croatian Maritime Law Association and is listed as arbitrator at the Permanent Arbitral Court of the Croatian Chamber of Economy.

Professor IVANA KUNDA
Faculty of Law, University of Rijeka
Rijeka, Croatia

Ivana Kunda, Ph.D., is a Full Professor and the Head of the International and European Private Law Department at the Faculty of Law of the University of Rijeka, Croatia and a Vice-Dean for Research. She was awarded the University of Rijeka Foundation Award for the Year 2008 and the Faculty of Law in Rijeka Award for Research Excellence for 2019. She received grants including the Fulbright Research Fellow scholarship in 2010 for research at Columbia University, the GRUR scholarship in 2007, 2008 and 2014 for research at the MPI for Innovation and Competition and the IRZ scholarship in 2002 for research at the MPI for Comparative and International Private Law and the University of Hamburg. Ivana Kunda authored papers and book chapters published in Croatia and abroad and a monograph on overriding mandatory provisions. Ivana was or currently is involved in research under a dozen EU, international and national projects, in particular on the European private international law including three EU-funded projects on family and succession matters and five EU-funded projects on cross-border civil procedure. She is a co-editor of the *Balkan Yearbook of European and International Law* (BYEIL, Springer), member of the Editorial Board of the *Santander Art and Culture Law Review* (SACLR) and an editor of the global blog www.conflictoflaws.net. Ivana Kunda is also a member of the international team at the UNESCO Chair on Cultural Property Law of the University of Opole in Poland. She was a Visiting Professor at the University of Navarra, the IULM, the University Antwerp, the University of Ljubljana, University of Udine, WIPO Summer School and the MSU Croatia Summer Institute. Ivana is regularly called upon by domestic and foreign institutions (ERA, EJTN) to provide training to judges and legal professionals in the area of EU private international law. She has been involved in the drafting of the Croatian Private International Law Act as a member of the government-appointed working group. Among her professional memberships are International Law Association, ATRIP and Croatian Maritime Law Association, while she also acts as deputy-president of the Croatian Comparative Law Association. She is listed as an arbitrator at the Permanent Arbitral Court of the Croatian Chamber of Economy and as a mediator at the She passed the Croatian Bar Exam in 2004 and acts as a sworn court interpreter for English since 2001.

Assistant Professor DANIJELA VRBLJANAC
Faculty of Law, University of Rijeka
Rijeka, Croatia

Danijela Vrbljanac, Ph.D., is an Assistant Professor at the Chair of International and European Private Law, University of Rijeka, Faculty of Law. She was granted scholarships for research stays at the Max Planck Institute for Comparative and International Private Law in Hamburg, Europa Institute of the University of Saarland (Germany) and the University of Milan – Bicocca

(Italy). She conducted research on other renowned scientific institutions such as Trinity College Dublin (Ireland), the European University Institute in Florence (Italy) and the University of Aberdeen (Scotland).

Danijela has participated or is currently participating in several domestic scientific projects and EU-funded projects, such as the ongoing EU Justice project "DIGI-GUARD: Digital communication and safeguarding the parties' rights: challenges for European civil procedure". She teaches courses in Private International Law and European Private International Law at the Faculty of Law in Rijeka. Danijela is the author of multiple articles in the area of European private international law, data protection and European consumer law. She is a member of the Croatian Comparative Law Association.

SHIP ARREST IN CROATIA - PRESUMPTION OF RISK VS. NON-DISCRIMINATION PRINCIPLE

In Croatian law, ship arrest belongs to a wide category of interim injunctions. While the Croatian Maritime Code (the "MC") contains some specific rules dealing with ship arrest, the general rules contained in the Forced Execution Act (the "FEA") are also applicable to all the issues relating to ship arrest on which the MC is silent. Those *inter alia* include general preconditions that must be satisfied for an interim injunction to be issued. There are basically two such preconditions: (i) the likelihood of a valid applicant's claim against the respondent (the shipowner) – the *prima facie* case or *fumus boni iuris*; and (ii) the likelihood of a risk that, absent the interim injunction, the respondent will act to prevent or hamper the enforcement of the applicant's claim – *periculum in mora.*

The *periculum in mora* is of a subjective nature: the claimant must point to the concrete behaviour by the respondent leading to the conclusion that the respondent will try to prevent or hamper the enforcement of the claim. This is a difficult burden of proof, especially in urgent situations, such as those surrounding the ship arrest. According to the FEA, the *periculum in mora* need not be demonstrated and is presumed (i.e. taken to exist) where "the claim would need to be effectuated abroad". This criterion has been widely used by the parties seeking ship arrest in the Croatian courts whenever the case had an international dimension (mostly in the situations where the respondent was a company based outside Croatia, which is very often the case), thus avoiding the difficult burden of proof. The Croatian courts have approved such practice for decades, rendering ship arrest fairly easy to obtain in Croatia, and making Croatia quite popular as an arrest jurisdiction.

Recently, the High Commercial Court of Croatia (acting as an appeal court in ship arrest cases) has changed this well-established practice. It took the view that, whenever the respondent is domiciled in the EU, the Croatian courts cannot apply the presumption-of-risk rule, because that puts the respondents domiciled in Croatia (in relation to which the presumption of risk cannot apply and the applicant has to demonstrate the *periculum in mora*) in a better position than the respondents domiciled in other EU countries (in relation to which the applicant seeks to rely on the presumption of risk), which violates the principle of non-discrimination on grounds of nationality, contained in Article 18(1) of the Treaty on the Functioning of the EU. The authors will scrutinize the above view by the High Commercial Court, both from the perspective of the EU law and the underlying policy reasons at the national level.

JOSÉ MARIA ALCÁNTARA GONZALEZ
Arbitrator and Law Consultant
Málaga, Spain

José Maria Alcántara González was born in Málaga, Spain. After graduating in Law from the University of Madrid, he received a Diploma in International Law of the Sea from the University of Madrid and degrees in Social Sciences at the Leon XIII Institute in Madrid and in Political Sciences at the Madrid University. He completed the Course in Shipping and Shipbroking at the City of London College and received a Diploma in Shipping Law from the University College in London. During four decades of his career as a law practitioner, having been listed among the top lawyers in Spain by the "Best Lawyers" publication (US), José M. Alcántara was a partner in the firm "Goñi, Alcántara & Co." in Madrid, as well as a founder and senior partner in the firm "Abogados Maritimos y Asociados" in Madrid. He was a maritime law advisor to the Spanish Government, a delegate for Spain at several U.N. Conferences, a shipping law consultant in Panama, as well as a member of the Foreign Advisory Board at Tulane University. He retired from practice at the Bar in January 2012. José Alcántara has been a maritime arbitrator at the Arbitration Court of the Chamber of Commerce in Madrid, of the Court "Consolat de Mar" in Barcelona, the International Chambre of Commerce in Paris, and arbitration centers in London, Genoa, Monaco, Warsaw, Gdynia, Moscow, Cairo, Qatar, Bahrein, Montevideo, Panama City, Kuala Lumpur and Singapore. His experiences in legal education include lecturing maritime law and marine insurance at "Instituto Maritimo Español" in Madrid, "Centro de Estudios Comerciales" in Madrid, University of Barcelona, Carlos III University in Madrid, Tulane University in New Orleans, University of Havana, University of Panama, and CDEP University in Santo Domingo, Dominican Republic. José Alcántara is a titulary member and a former Executive Councillor of the "Comité Maritime International" (CMI), past president of several CMI ISC and a member of the CMI IWG on "Implementation of International Maritime Conventions". Over the years of various activities, he served as the President of the Spanish Maritime Law Association, the President of the International Maritime Conciliation and Mediation Panel, the President of the Spanish Association of Average Adjusters, and the President of the Iberoamerican Institute of Maritime Law. He is a member of the Board of Directors of the "Instituto Maritimo Español", of the Spanish Royal Navy League, of the Law Society of Madrid, an honorary member of the Maritime Law Associations of Argentina, Dominican Republic, Panama and Venezuela, as well as a founder member and manager of the international think tank Marlaw. He is the author of numerous articles and conference papers on maritime law.

ARBITRATION VERSUS MEDIATION IN SHIPPING

Prof. William Tetley once stated that "the Jurisdiction clauses in Bs/L were actually limitation of liability clauses". The Arbitration clauses inserted in most of the BIMCO printed forms provide for "English law to apply", which will likewise apply where the clause merely mentions "Arbitration, if any, to be in London". In that way there can be little doubt that Arbitration clauses as these appear in a large majority of shipping contracts are Common law clauses, that meaning, to put it simply, the provisions of English law and English caselaw. Whether or not, that is the law freely chosen by the parties is another issue, which would not deny the fact that the shipping parties usually govern themselves by English law to the extent of a rule of uniformity. The international pursuit for uniformity has not been achieved , and cannot probably

be, through treaties, Conventions, uniform rules or other methods of general consensus better than the reference to English law in arbitration clauses materially does in practice.

The result is that the contracting parties become legally bound by rules and practice of English law, albeit it may not have any connection with the underlying business, by the effect of the Arbitration clause, which in fact operates as "a choice of law clause". To many living in other world locations, such an approach may have little sense insofar as they would not regard English law to be an international uniform private Maritime Law, despite the fact that its leading benchmark is generally accepted as shipping stands today.

By submitting their disputes to **arbitration** in London in accordance with English law, there are, indeed, important advantages, some of which shall be outlined as follows:
- a long and well-established law in the shipping market,
- well known and predictable (under expert advice),
- excellent Arbitrators and leading Association (LMAA),
- a traditional arbitration location, relied upon by most of the shipping business providers, and international organisations,
- assisted by world-wide recognition and enforcement of awards.

There are some **disadvantages** and peculiarities to be mentioned as well, namely, the following:
- expensive lawyers (solicitors and barristers) fees on the high side,
- bound to undergo long delays due to the arbitrators´ agenda,
- often complex and eventful in the matter of discovery of documents,
- subject to interim and incidental appeals and awards and to special case judicial review (except in the fora in which the award is final),
- general application of English law by the London-based arbitrators,
- a need to appoint English solicitor and, as a hearing is due, a barrister,
- general grant of time extensions by the tribunal on party request,
- interim measures and injunctions (Mareva, Anton Piller Order),
- post-Brexit effects over cross-border enforcement of resolutions.

In balance, maritime arbitration remains, today, to be the most chosen way for resolving disputes among shipping interests, and neither court litigation nor other forms of ADR are yet a challenging option.

Mediation cannot be sought to play versus arbitration because, in the first place, is an option that can live with arbitration within the same settlement process (e.g., the Arbitration Clause in the NEWBUILDCON printed form), secondly, while arbitration must always lead to an award, whether final or not, mediation remains always flexible and optional for the parties to step out if the process is unsuccessful.

Why mediation in shipping disputes?
- a mediation process takes much shorter a time to conclude than an arbitration,
- the costs involved are considerably lower than those in arbitration,
- appointment of lawyers is neither required nor necessary,
- mediation attempts to allow the parties to arrive at solutions unrelated to any law framework, e.g., the renegotiation of a contract or the opening of new lines of business as part of a settlement agreement; commercial interest is the key rather than the legal answer,
- it helps upkeeping joint business projects, which could otherwise go away by the effect of a particular conflictive award after a fierce and costly battle in arbitration.

The shipping mediation has latterly emerged because of two facts, namely,

1. the validity and enforceability of the "mediation agreement", declared by the EU Directive 2008/52/CE and the UN Singapore Convention on Mediation of December 2018 (open to signature in Singapore in 2019 and entered into force internationally on the 12th December 2020);
2. the growing unrest in the shipping market out of the cost increase and the uneventful delay in the arbitration cases, 83% of which take place in London.

At an international level, the following organisations engage in maritime mediation:

- the Centre for Effective Dispute Resolutions (CEDR), based in London, which already by 2002 listed up to 10 Shipping Mediators,
- the Maritime Solicitors Mediation Services (MSMS), based in London and founded by 19 English maritime law firms with a view to promoting quicker solutions through mediation to sea carriage and marine insurance disputes,
- the BIMCO, Copenhagen, by providing standard forms suitable to ADR and Mediation Clauses, which specifically favour the use of mediation by means of "…if the other party does not agree to mediate, the fact may be brought to the attention of the (arbitral) tribunal and taken into account by the tribunal when allocating the costs as between the parties",
- the London Maritime Arbitration Association (LMAA), which sets up and makes available a full set of "mediation rules". The SMA (New York), the Chambre Arbitrale Maritime (Paris) and the Hong-Kong Maritime Law Association (HKMLA, founded in 1978) also do,
- the International Conciliation and Mediation Panel (IMCAM Panel), founded in 2006 and based in London, lists some 26 shipping mediators of high international reputation on service to the international shipping community as a whole, among whom Jonathan Lux is to be outlined, having formed a world-wide mediation team called "Lux Mediation", already with appointments in Europe, Asia and America. The IMCAM Panel has published its own set of rules, which suitably combine options to conciliation and mediation solutions.

Shipping mediation, however, has **disadvantages** and could not be adequate:

- where the opposing side is a bad payer, untrustworthy or near-insolvent,
- where one of the parties seek to obtain an arbitration award as a legal guidance for future similar disputes,
- where there is a time-bar issue to protect against,
- where one party is in the need of interim or precautionary measures to be taken in order to save removal of documents or of relevant sources of evidence (in the event that the mediation fails to reach a settlement),
- where facts or information disclosable during the mediation process may be of use at other subsequent proceedings, the mediation being absolutely confidential.

Then, **arbitration or mediation for shipping disputes?** Both methods can live together, each one according to the purposes and financial capability of the parties, should be perhaps the correct answer. Yet, the development and accountability of Arbitration clauses in shipping forms and the recent BIMCO´s support to four recommended fora (London, New York, Singapore and Hong-Kong) do not suggest that Mediation may soon run on an equal footing.

Associate Professor SVETISLAV JANKOVIĆ
Faculty of Law, University of Belgrade
Belgarde, Serbia

Svetislav Jankovic is an Associate Professor of Business Law at the Faculty of Law, University of Belgrade. He was born in Zemun in 1985. He graduated from elementary school "Rastko Nemanjic – Sveti Sava" in Nova Pazova with distinction (Vuk Karadžić award) and high school "Gimnazija Branko Radičević" in Stara Pazova. He graduated from the Faculty of Law, University of Belgrade in 2008, and completed a Master's program in Commercial Law at the same Faculty in 2009. During 2009 he received a scholarship from the "Foundation of Milija Jovanović and Luka Celović" at the University of Belgrade. After that, in the same year (2009), he enrolled in Ph.D. studies at the Faculty of Law, University of Belgrade – the Business Law course. During 2010 and 2011 he passed all exams with highest grades. Also in 2011 he successfully defended the seminar essay "The liability problem of public garage for stolen car of its client". In 2013, he successfully defended the project of doctoral thesis under the title "Specific legal regime of maritime liens". During 2014 he spent two months (June and July) at Max Planck Institute for Comparative and International Private Law, Hamburg, where he was granted a scholarship. He is a member of the Supervisory Board of Business Lawyers Association of the Republic of Serbia and a member of the Editorial Board of the Journal of Business and Economy.

CONFLICT OF STOPPAGE IN TRANSIT AND BILL OF LADING DISPOSAL

The author presents a new insight into this old problem through the theory which represents the bill of lading as only an obligatory and not proprietary document by which the transfer, holder passes only the right to demand fulfilment of obligation and not any proprietary right. Having in mind the mentioned theory, the author reintroduces the old conflict of rules, or to be more precise, the legal discordance between the seller's right of stoppage in transit and the right of a lawful holder of the bill of lading to freely dispose of the goods (which is represented in it). The buyer is entitled to the right to dispose of goods owing to his position of the consignee as a lawful holder of the bill of lading. Conversely, the seller derives his right to dispose of the same good from the contract of sale. The basic hypothesis is to solve this conflict of rules by giving an advantage to one of the rules to prevail in this collision. Finding a solution is complicated by countless rules prescribed by Commercial and Transport Law. There are different rules (which belong to Civil law and Common law concepts) that apply to the mentioned legal situation. Also, there are differences in CSGI and maritime law rules regarding this issue. Finally, there are differences between national rules. Concerning these differences coupled with the obligatory theory of bill of lading, legal practitioners could not find a stable solution for the legal conflict between seller and consignee regarding the same goods. Due to the discordance and uncertainty that this conflict brings, the author proposes new methods and measures for solving it, by giving the prevailing effect to the seller's right to stoppage in transit in comparison with the right of control of goods that belong to the consignee. The main argument for this conclusion is the auxiliary feature of the contract of carriage (in regards to the contract of sale) and the bill of lading from which it derived.

Senior Assistant Professor MASSIMILIANO MUSI
***Alma Mater Studiorum* University of Bologna,**
Bologna, Italy

Massimiliano Musi is a Senior Assistant Professor with tenure in Navigation Law at the Department of Sociology and Business Law at the *Alma Mater Studiorum* University of Bologna. From August 2019 to August 2021 he covered the same role at the Faculty of Law of the University of Teramo. In 2020 he obtained the National Scientific Qualification (*Abilitazione Scientifica Nazionale*) to serve as Full Professor of Navigation Law in Italian Universities. In the academic years 2016/2017 and 2017/2018 he was Adjunct Professor in Air Law at the School of Engineering and Architecture, University of Bologna, Campus of Forlì. He was awarded four Research Fellowships at the *Alma Mater Studiorum* University of Bologna from 2015 to 2018 on the following themes: "*The shipowners' compulsory insurance for maritime claims: problems of coordination between disciplines and possible solutions*" (2018); "*Off-shore platforms, strategic hubs for the production of fossil and renewable energy: comparative perspectives*" (2017); "*The Discipline of Logistics Services in the Transport Sector de Iure Condito et de Iure Condendo*" (2016); "*The Role of the Contractor and of the Policy Holder in the Cargo Insurance Contract*" (2015).

He has been named expert both in Maritime Law and in Transport Law at the University of Bologna since 2008, and in September 2012 he was awarded a PhD in European Transport Law. He has also been 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 more than 60 national and international Conferences (*inter alia*, in Seoul, Mexico City, London, Bruxelles, Istanbul, Rotterdam, Madrid, Antwerp, Southampton, Leuven, Zagreb, Bilbao, Tirana, Torùn, Split, Pula, Portoroz, Elbasan, Dubrovnik, Mali Lošinj, Opatija, Benicassim, Naples, Bologna, Ravenna, Catanzaro, Alghero, Castelsardo), over the years he has organised Summer Schools, Conferences and International Research Seminars at the University of Bologna, at Ravenna Campus and at the Port Authority of the Northern Adriatic Sea (Venice and Chioggia) and has taken part in research groups both at international and Italian level. Since 2011 he is a member of the Bologna Bar Association.

Since 2015 he is a Member of the *Associazione Italiana di Diritto Marittimo (AIDIM)* and since 2019 of the *Associazione Italiana di Diritto della Navigazione e dei Trasporti (AIDINAT)*. In November 2015 he was appointed as a member of the S*tanding Committee* of the *Y*CMI and of the *Committee for the Ship Nomenclature*, inside the *Comité Maritime International* (CMI), which studies the definition of "ship" in international Conventions in the maritime sector and in the domestic legislation of each Country, in order to find a solution aimed at achieving a greater uniformity at the international level. Since 2014 he is General Secretary of the Journal "*Il Diritto Marittimo*" ("Class A" Journal according to the ANVUR classification) and since 2015 of the book series "*Il Diritto Marittimo - Quaderni*". Since 2022 he is also member of the *Comitato di Direzione* of the Journal "*Il Diritto Marittimo*". 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 2010 he is a Member of the International Propeller Clubs - Port of Bologna, of which he has been Secretary from 2015 to 2020. Massimiliano wrote four monographs, more than 80 articles and case comments and edited eight collective volumes, related to the matter of Maritime and Transport Law.

SOME INSIGHTS ON THE LEGAL NATURE OF REMOTELY-OPERATED UNDERWATER VEHICLES AND ON THE DISCIPLINE APPLICABLE TO THEM

The growing success of remotely-operated vehicles (or "ROVs") is primarily due to the variety of uses to which they are destined, such as maintenance of oil platforms and pipelines, search for wrecks, seabed mapping, mining prospecting, positioning of submarine cables, and scientific research. Despite the increasing diffusion of ROVs, the problem of their legal nature, to which the issue of the discipline applicable to them is closely connected, is still open, as clearly emerges from the heated debate in doctrine and the conflicting jurisprudential interpretations. The speech aims to investigate what are the main hermeneutical lines in this regard and to propose a possible critical solution.

Associate Professor IGOR VIO
University of Rijeka, Faculty of Maritime Studies
Rijeka, Croatia

Igor Vio is an Associate Professor at the University of Rijeka, Faculty of Maritime Studies, where he is the head of the Department of Social Sciences. He teaches courses in Maritime Law, Law of the Sea, Maritime Labour Law, Environmental Law and Transport Insurance. As a visiting lecturer, he has delivered courses at the IMO International Maritime Law Institute in Malta, IMO International Maritime Academy in Trieste, and International Ocean Institute at Dalhousie University in Halifax, Canada. His legal education includes an LL.B. degree at the University of Rijeka, Faculty of Law, an LL.M. in Ocean and Coastal Law at the University of Miami, School of Law, an LL.M. in the Maritime Law and Law of the Sea and a 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 at the United Nations Office of Legal Affairs in New York City. Igor 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 a 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.

Assistant Professor ZUZANNA PEPŁOWSKA-DĄBROWSKA
Nicolaus Copernicus University in Toruń
Law and Administration Faculty
Toruń, Poland

Zuzanna Pepłowska-Dąbrowska is an Assistant Professor at the Commercial and Maritime Law Department of the Law and Administration Faculty at the Nicolaus Copernicus University in Toruń. She was a member of the Polish Codification Commission for Maritime Law between 2015 and 2019. She is a vice president of the Polish Maritime Law Association, a member of the Maritime Law Commission's board of the Polish Academy of Sciences and an arbitrator in

maritime disputes. Dr Pepłowska-Dąbrowska was awarded a scientific grant by the Polish National Science Center for the research dedicated to the problems of contemporary maritime codes in 2017. She is an author of many publications in the field of maritime law in Polish and English, including Codification of Maritime Law (Informa Law from Routledge, 2020) and Maritime Safety - A Comparative Approach (Informa Law from Routledge, 2021) both as a co-editor and as a contributor. She has conducted her research in multiple maritime law centers, including Swansea, Southampton, Oslo, Cadiz, Castellon de la Plana and New Orleans (the latter one as a Fulbright grantee).

REGULATORY APPROACH TO REMOTE OPERATION CENTERS AND REMOTE OPERATORS – UNMANNED VESSELS DILEMMAS

With the advent of autonomous shipping, new legal challenges have arisen. Among the variety of pressing issues, this paper will analyse the legal status of Remote Operation Centers (herein: ROCs) and remote operators, as this type of Maritime Autonomous Surface Ship will most likely be exploited on a larger scale sooner than ships operated and navigated by Artificial Intelligence. This paper will put in focus several public law issues, including the dilemma whether the master's responsibilities, as described under the international legal framework, can be associated with the ROC and how the ROC's personnel can fit into the seafarer concept. The authors will also try to identify the regulatory gaps concerning the operation of the ROCs. Moreover, the liabilities of the remote operator and ROCs will be evaluated in an attempt to verify how those two new figures should be incorporated under the legal framework of several liability conventions.

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Professor JASENKO MARIN
Faculty of Law, University of Zagreb
Zagreb, Croatia

Jasenko Marin, Ph.D., is a Full Professor with Tenure at the University of Zagreb, Faculty of Law. He is the head of the Department of Maritime and Transport Law. He holds classes in a number of courses devoted to maritime law, transport law and insurance law. He wrote dozens of scientific papers in the field of transport and insurance law. He is one of the founders and the first president of the Croatian Insurance Law Association. In the period 2014-2018, he was an Insurance Ombudsman appointed by the Croatian Insurance Bureau. He is a long-time arbitrator of the Centre for International Arbitration based in Shanghai. Furthermore, he serves as an arbitrator at the Permanent Arbitration Court of the Croatian Chamber of Commerce. He is a member of the Academic Advisory Board of the Institute for European Traffic Law based in Luxembourg. He actively participated in dozens of international and domestic scientific and professional conferences.

Associate Professor MIŠO MUDRIĆ
Faculty of Law, University of Zagreb
Zagreb, Croatia

Associate Professor Mišo Mudrić, Ph.D., is an Associate Professor at the Department for Maritime and Transport Law, Faculty of Law, University of Zagreb, Croatia. He serves as an arbitrator at the Permanent Arbitration Court at the Croatian Chamber of Commerce, in domestic and foreign arbitration. He has obtained a Ph.D. 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 is a founder of the Croatian Association of Insurance Law. He currently acts as the Vice President of the Croatian Maritime Law Association. He acts as a member of the Comité Maritime International Working Group on the *Maritime Law for Unmanned Ships*. He is the Head of Project *Legal Framework for Autonomous Vehicles*, Faculty of Law, University of Zagreb.

AUTONOMOUS VEHICLES – PANEL

The panel on autonomous vessels will consider the potential impact that the existing regulation and practice regarding autonomous vehicles on the land and in the air might have on the maritime sector. Considering that the International Maritime Organization and supporting organizations such as Comité Maritime International are heavily invested in analysing different routes to regulate autonomous vessels, the panel will analyse attractive solutions already enacted or enforced regarding motor vehicles with higher levels of autonomy and aerial drones with similar capabilities. Finally, the discussion will examine whether such solutions might help regulate autonomous vessels.

Professor TINA SOLIMAN HUNTER
Macquarie Law School,
Centre for Energy and Natural Resources Innovation and Transformation (CENRIT)
Macquarie University
Sidney, Australia

Professor Tina Soliman-Hunter is a Professor of Energy and Resources Law and Director of the Centre for Energy and Natural Resources Innovation and Transformation (CENRIT) at Macquarie University, Australia.

Her research interests include offshore petroleum law and decommissioning, energy security, offshore energy, CCS, nuclear energy, Arctic resources law, the energy transition, including hydrogen and underground carbon sequestration, and regulatory reform for carbon reduction in industrial processes. She also researches in the Russian Arctic, examining maritime issues (especially oil and gas activities in the high north, and the Northern Sea Route), oil spill response, microplastics pollution, and State control of hydrocarbon extraction and pollution of the Arctic.

Tina has undertaken teaching and research in numerous countries including the UK, Australia, Norway, Canada, Iceland, Greece, Finland, Russia, the USA, and the Philippines. She has academic qualifications in marine sediments and geology, political science, applied science, and law. She is presently an Honorary Professor at the University of Eastern Finland, and a Professor of Earth Sciences at the Biological Research Institute, Tomsk State University, Russian Federation.

THE ROLE OF FSRU'S IN ADDRESSING WAR-INDUCED ENERGY INSECURITY IN EUROPE

In an era of unprecedented energy insecurity, the role and importance of LNG have never been greater. Util recently, most research and regulation has centred around the transport of natural gas from producer to user. However, the Russo-Ukrainian war and subsequent energy insecurity arising from the loss of supply of Russian gas into Europe has highlighted the critical importance of little-known LNG Floating Storage and Regassification Units (FSRUs) in addressing European energy security.

This conference presentation will address the role of FSRUs in addressing the European energy crisis, their use and integration within existing European energy infrastructure, and the legal issues arising from their implementation in Europe. It will include a study of the deployment of FSRUs in Finland, as well as the implications for their integration in the Adriatic.

Avv. ALBERTO PASINO
Zunarelli – Studio Legale Associato
Trieste, Italy

Alberto Pasino is a Senior Partner of Zunarelli – Studio Legale Associato and is based in Trieste. His main areas of practice are maritime and transport law, commercial law and dispute resolution, with a particular focus on terminal operator liability, multimodal, sea and land transport, international freight forwarding, and yachting contracts. Alberto is a member of the Board of AIDIM and of the Steering Committee of *Il Diritto Marittimo* and chairs the Transport Law Commission of the Union Internationale des Avocats. He has been a member of the committee appointed by the Italian Ministry of Infrastructures and Transport for the drafting of the Italian Yachting Code (D.Lgs. 18.7.2005, n. 171) and is currently serving as a member of the Trieste City Council.

THE EFFECTS OF EU SANCTIONS AGAINST RUSSIA OVER UKRAINE ON THE USE OF RECREATIONAL VESSELS?

The presentation will focus on case-law on the freezing of recreational vessels, with a specific view on French and Italian authorities, with a particular view on differences in case law and national legislation, despite a European framework. The discussion will consider how these different rules are enforced and what problems are emerging from their application.

Assistant Professor RICHARD L. KILPATRICK, JR.
College of Charleston
Charleston, South Carolina, USA

Richard L. Kilpatrick, Jr. is an Assistant Professor of Business Law at the College of Charleston in Charleston, South Carolina (USA). He teaches Commercial Law, International Business Law, and Maritime Law. He has published academic journal articles and book chapters covering a range of maritime and international commercial law issues, and he has presented his work at conferences and invited lectures around the world. He holds a Juris Doctor from Tulane University Law School, and he is a member of the Illinois bar and Maritime Law Association of the United States.

MARINE INSURANCE CHALLENGES IN THE BLACK SEA HUMANITARIAN CORRIDOR

The war in Ukraine has substantially disrupted Black Sea agriculture exports, giving rise to food insecurity across the world. In efforts to limit these humanitarian consequences, Russia, Ukraine, Turkey, and the United Nations agreed to the "Black Sea Grain Initiative" in July 2022, establishing a humanitarian shipping corridor allowing vessels to transport food and fertilizer products out of designated Black Sea ports. Since merchant ships perform the voyages under this initiative, a range of commercial consequences flow from these efforts. Among the practical logistics challenges are marine insurance questions, including whether war risk insurance underwriters are amenable to offer policies to offset the high risk of warzone voyages, whether protection and indemnity clubs would absorb the risk of marine pollution clean-up caused by a hostile attack on a vessel, and whether rapidly evolving economic sanctions targeting Russia-connected trades allow the necessary coverage. With the aim of evaluating these insurance dynamics, this paper contributes to the dialogue examining the commercial implications of creating a safe and functioning humanitarian shipping corridor during wartime in the Black Sea and offers prescriptive commentary on its viability as a model for future conflicts affecting maritime trade.

Dr. PETAR KRAGIĆ
Zadar, Croatia

Petar Kragić was born in 1953 in the city of Zadar, Croatia where he finished elementary and middle school. He studied law at the Law Faculty of the University of Split from 1972 to 1976. At the same university, he obtained his MA and Ph.D. in maritime law. He is the author of a legal textbook Tanker Charter parties and a number of articles on maritime law topics. He is a speaker at maritime conferences. Dr Kragić spent his professional career as an in-house lawyer for the Croatian largest shipowning company. He was the president of the Croatian Maritime Law Association from 2000 until 2018 and the chairman of the legal committee of the 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

Rotterdam Rules, and he was a member of the Croatian delegation to UNCITRAL. He is a member of the drafting committee for Croatian maritime law. He participated in UNCITRAL Working Group on Judicial Sale of Ships as an expert in the Croatian delegation. He is a titulary member of the CMI and CMI EXCO member.

Professor PETRA AMIŽIĆ JELOVČIĆ
Faculty of Law, University of Split
Split, Croatia

Petra Amižić Jelovčić is a 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 a post-graduate course in Maritime Law and Law of the Sea and received a Master's degree in 2005 (Master thesis: *Collision of Ships*). She was awarded Ph.D. degree in 2007 and her doctoral thesis is entitled *Maritime Carriage of Nuclear Material*. Petra Amižić Jelovčić has been working at the Faculty of Law in Split since 2005, first as a research assistant from 2005 to 2009 when she became an Assistant Professor. From 2012 to 2018 she worked as an Associate Professor. She is the head of the Department of Maritime and Transport Law. Prof. Amižić Ječlovčić is an author of many scientific journal papers and of three scientific books; Maritime Carriage of Nuclear Material with a Special Reference to Liability for Nuclear Damage (2010), Croatian Coast Guard – Legal framework (2017) and Maritime Law (2023). She is vice-president of Croatian Maritime Law Association.

DIANA JEROLIMOV
Zadar, Croatia

Diana Jerolimov graduated from the Law Faculty of University of Zagreb. She joined the Croatian largest ship owning company where as an in-house lawyer and head of the Legal and Insurance Department she specialised all aspects of shipping law. Mrs. Jerolimov was president of the Legal Committee of Croatian Chamber of Shipping and a member of the working group for drafting Croatian maritime law. She was in the CMI drafting committee for the Rotterdam Rules and a member of the Croatian delegation to UNCITRAL and the Croatian shipowners' delegation to ILO. She is a member of the Croatian Maritime Law Association and author of a number of articles on maritime law topics and is a speaker at maritime law conferences. Mrs. Jerolimov has been involved in writing commentary to the Croatian Maritime Code.

AMENDMENTS TO THE CONVENTION ON COLLISION OF SHIPS

Convention for the Unification of Certain Rules of Law with respect to Collisions between Vessels was adopted at the International Maritime Conferences held in Brussels in 1910 (1910 Collision Convention) and entered into force in 1913. Over the century its provisions have been applied whenever a collision occurred — irrespective of the place where it happened — between, at least, two sea-going vessels or between a sea-going vessel on the one hand and an inland navigation vessel on the other, provided that all ships involved fly the flag of a contracting party to the Convention. Due to modern technological improvements and some

deficiencies of the 1910 Collision Convention that have been revealed through the years of application, CMI has decided to initiate the procedure of its amendments. Discussions at the CMI Antwerp conference of October last year indicated that mandatory insurance might become the most controversial topic of the amendments to the Collision Convention 1910. At the national levels a number of countries allow direct action against insurer, including Norway where two large P&I clubs that cover over 20 percent of the world fleet are domiciled. English courts consider direct action against insurers brought abroad under foreign law as a matter of contractual law and uphold law and jurisdiction clauses of the insurance contracts between the insurer and assured, ruling that such clauses bind the third party claimant subrogated in the assured rights. On the other hand, the European Union directive calls for mandatory insurance for all ships flying a flag of a member state or entering its ports, but stops short of allowing direct action against insurers. The claimant could obtain a right to sue the insurer provided it managed to arrest the ship and received security from the insurer. The presentation considers arguments pro et contra mandatory insurance, with specific emphasis on the concept of public interest (constantly evolving with the development of civilization - its values and organizational/technical achievements) that emerged as the basic issue in the debate. It explains business and legal procedures of putting up security and flexibility of the insurers in coming up with solutions required by law. The possibility of replacing "direct action" with "enforcement action" that would closely emulate current standard business practices is also explained.

Associate Professor IVA PARLOV
BI Norwegian Business School,
Oslo, Norway

Iva Parlov is an Associate Professor at BI Norwegian Business School. Her professional competence and interests lie in the domain of shipping, both from the perspective of international maritime law and in the law of the sea context. She is the author of the monograph Coastal State Jurisdiction over Ships in Need of Assistance, Maritime Casualties and Shipwrecks (Brill 2022), and has been continuously publishing her research in journals and collected works. Parlov holds a Ph.D. in the law of the sea (Faculty of Law, Norwegian Centre for the Law of the Sea, UiT the Arctic University of Norway), an LL.M degree in international maritime law (cum laude; IMO International Maritime Law Institute, Malta), and a master degree in law (mag iur. cum laude; Faculty of Law, University of Rijeka, Croatia).

THE DEVELOPING INTERNATIONAL LAW ON MARITIME CASUALTIES: HOW FAR HAVE WE COME AND WHERE ARE WE HEADING TO?

On April 14, 2015, the Nairobi International Convention on the Removal of Wrecks (WRC) entered into force to address various problems concerning hazardous wrecks. Despite the somewhat misleading title: 'wreck removal', the WRC is not confined to wrecks proper, but also includes ships that are still afloat – i.e., unfolding maritime casualties. These were indeed the focus of the 1969 International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (Intervention Convention), adopted in response to the Torrey Canyon (1967) catastrophe. Taking the Intervention Convention and the Torrey Canyon as the starting points, this paper investigates the developments of the international law of the sea over

the last fifty-five years in the context of maritime casualties and such issues as intervention, places of refuge, and wreck removal. It argues that the WRC may serve as a proof that the developments at stake have been characterized by a gradual increase of coastal State jurisdiction beyond the limits of the territorial sea. In contrast, within the limits of the territorial sea some attempts at restricting coastal States' powers are visible, particularly in relation to the principle of proportionality. As far as the problem of places of refuge is concerned, the developments brought under the WRC show that prospects for a stand-alone treaty (along the lines of an earlier CMI proposal) would come as unrealistic. Rather, working on a robust due diligence regime would seem to be more feasible. Finally, international law could face new developments in the context of bringing autonomous ships to our waterways. Regulatory challenges and solutions in this context, however, remain unclear.

HAIYANG YU
Maastricht University
Maastricht, The Netherlands

Haiyang Yu, LL.M. (EUR, Rotterdam), LL.B. (ECUPL, Shanghai), is a Ph.D. fellow at the Faculty of Law of Maastricht University, the Netherlands. He is a fellow of the Maastricht Institute for Transnational Legal Research (METRO) and a member of the Ius Commune Research School, which is a cooperation among the law schools of Maastricht University, KU Leuven, Utrecht University and the University of Amsterdam. He is involved in organizing the Ius Commune Ph.D. training programme in Maastricht. In 2022 he conducted a research internship at the International Maritime Organization in London. He is a board member of the Stichting China-Europe Commercial Collaboration Association (CECCA Foundation, NL) and the head of the maritime law team of CECCA London. Haiyang holds the National Legal Profession Qualification of China and he is a member of the China Maritime Law Association and Dutch Transport law Association (NVV). He is the Executive Editor of the Journal of Transnational and Chinese Maritime Law (ISSN 2634-4777). He organizes conferences and seminars for CECCA, such as "The Salvage of the Vessel Ever Given in the Suez Canal (19 May 2021)". His most recent paper on environmental salvage has been accepted by the Journal of Maritime Law and Commerce, a law review devoted to maritime law in the United States and he has been invited to present his research at various academic conferences, such as the German Law & Economics Association Annual Conference 2022 (Nancy, France, 7-8 July 2022) and the Transport Law De Lege Ferenda 2022 (Dubrovnik, Croatia, 5-10 September 2022).

RETHINKING ENVIRONMENTAL SALVAGE AND SALVAGE LAW: PARADIGM SHIFT TOWARDS AN EFFICIENT MECHANISM?

Professional salvors who have the capacity to respond to global maritime casualties work mostly on a "No-Cure, No-Pay" basis under the traditional salvage law. The age-old Lloyd's Form (LOF, "No Cure – No Pay") is considered by salvors as the favourable contract, allowing a more generous reward based on the salved property than other service-fee contracts. Financial incentivization is essential for professional salvage contractors to keep state-of-art equipment and skills for emergency response in maritime accidents. However, in cases where the

distressed vessels and properties on board could easily cause damage to the environment, the salvors are not satisfied with the incentives provided, they find it difficult to collect the salvage reward for their environmental services and they may also be exposed to potential risks and liabilities. Moreover, as shown by the independent report by Hugh Shaw published in July 2022, the decline in LOF and the general decline of professional salvage contractors are real concerns. This presentation will examine the phenomenon of "Environmental Salvage" and propose an efficient mechanism using the law and economics analysis.

Professor DOROTEA ĆORIĆ
Faculty of Law, University of Rijeka
Rijeka, Croatia

Dorotea Ćorić, Ph.D. works at the Faculty of Law, University of Rijeka. She is a Full Professor with 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. Prof. Ćorić was a member of the Expert Working group for drafting the Croatian Maritime Code of 1994 and of 2004 and its amendments. She is a consultant of the Ministry of Sea, Traffic and Infrastructure for the international maritime agreements. She is deputy editor-in-chief 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 the Croatian Academy of Sciences and Arts –Adriatic Institute in 2002 and *Marine Pollution from Ships – International and National Law Rules*, published by the Faculty of Law Rijeka in 2009.

Associate Professor IVA TUHTAN GRGIĆ
Faculty of Law, University of Rijeka
Rijeka, Croatia

Iva Tuhtan Grgić is an Associate Professor at the University of Rijeka, Faculty of Law, where she teaches Maritime and Transportation Law, Marine Environmental Protection Law and Administrative Maritime Law. She got her Ph.D. 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, at European University Institute in Florence and at Sapienza – University of Rome. 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. 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.

IS THERE A NEED FOR THE REPUBLIC OF CROATIA TO ADOPT THE 2010 HNS CONVENTION?

Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (2010 HNS Convention or Convention) aims to ensure adequate and prompt compensation for damage to persons and property, the costs of clean-up and reinstatement measures, as well as economic losses caused by the carriage of hazardous and noxious substances (HNS) by sea. The 2010 HNS Convention complements existing international liability and compensation regimes for marine pollution caused by oil carried as cargo (CLC/Fund regime) and oil used for the propulsion of the ship (bunker regime). The Convention has not yet entered into force.

For the Convention to enter into force, it must be ratified by at least 12 States, which must meet certain tonnage criteria and report annually on the amount of HNS cargo received in a State. There are currently six States Parties to the Convention. Four of these States have more than 2 million units of gross tonnage each, so the tonnage requirement has already been met. With the current six States Parties, the Convention only needs six more States to ratify it. At the time of the last ratification the required volume of cargo contributing to the general account (40 million tonnes) was met.

The European Union adopted Council Decision (EU) 2017/769 of 25 April 2017 authorising EU Member States to ratify or accede to the 2010 HNS Convention within a reasonable period of time, for the parts falling under the exclusive competence of the Union, and if possible by 6 May 2021. In addition, EU ministers signed a declaration in 2020 underlining the importance of ratifying a number of international maritime conventions, including the 2010 HNS Convention. A number of EU Member States and other states are expected to ratify the Convention in the coming years, enabling it to enter into force. With this in mind, the authors put strong emphasis on the need for the Republic of Croatia to ratify the 2010 HNS Convention.

The Convention is becoming increasingly important as the transport of HNS by sea by almost all types of ships, including container ships, chemical, liquefied natural gas (LNG) and liquefied petroleum gas (LPG) tankers, is growing. Given the maritime and tourist orientation of the Republic of Croatia, the authors highlight the Croatian interest in protecting its coast and sea from pollution. Croatia has ratified the 1992 CLC/Fund and Bunker Liability Regime and has ensured adequate compensation for pollution damage in its coastal waters resulting from oil spills from tankers and ships other than tankers.

Pollution cases not covered by specific international regimes (including pollution caused by HNS substances) are governed by Article 812 of the Croatian Maritime Code. It regulates the non-contractual liability of the owner or operator of a ship to the environment. This liability regime does not provide adequate compensation for damage caused by HNS. In view of the dangers posed by the transport of HNS by sea and the extent of the damage that may occur, the authors strongly recommend that the competent Croatian authorities consider the issue of ratification of the 2010 HNS Convention as soon as possible.

Professor LIDIJA RUNKO LUTTENBERGER
University of Rijeka, School of Polytechnics
Rijeka, Croatia

Lidija Runko Luttenberger is a Full Professor in Environmental Engineering at the School of Polytechnics of the University of Rijeka. She got her bachelor, master of science and doctoral degrees at the Faculty of Engineering of the University of Rijeka. She worked in shipbuilding industry as design engineer, sales manager and management board member, in municipal utilities company as department manager, and also as the undersecretary of state in the Ministry of Environment and Nature Protection. She authored the book Water and Waste Management and more than 100 scientific and professional papers in the field of environmental protection.

Professor AXEL LUTTENBERGER
University of Rijeka, Faculty of Maritime Studies
Rijeka, Croatia

Axel Luttenberger is a Full Professor with Tenure at the 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 the Bar examination and has long-lasting practice in the marine insurance business as a legal attorney and legal advisor. He has experience in local government and government public service, as he was the City Mayor of Opatija and a Member of the Croatian Parliament. He has published four books and over a hundred academic papers. His main activities are teaching maritime, commercial and environmental law at various university and vocational programmes.

IVANA KOSOVAC
PAR University College
Rijeka, Croatia

Ivana Kosovac graduated from the Faculty of Maritime Studies in Rijeka and has a Master's degree in Traffic engineering. She is a lecturer in project management and an expert associate in the department for EU funds at Par University of Applied Sciences. She worked in the public and civil sectors as an expert for infrastructure projects and projects financed by the EU funding programmes. She also worked on public calls for co-financing smaller projects/programs by municipalities and cities and at national projects financed by the ministries.

ENVIRONMENTAL PROTECTION AND THE OUTCOMES OF ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE

Environmental impact assessment, along with neminem laedere (no-harm) and precaution principle, has emerged as an essential element of a preventive approach to environmental protection and resilient development, and has accordingly received considerable attention. It provides decision-makers with information as to the possible effects of a proposed activity

before the activity takes place, thereby allowing for an informed decision as to whether that activity should be allowed to proceed, whether further measures are required before such authorization is granted, or whether other alternatives are preferable. Besides ecological there are also social impacts affecting people and communities in which they live as a result of projects. Environmental impact assessment programs have changed the way project proponents and the authorities charged with approving projects proceed. The most evident change is the inclusion of measures in project proposals to mitigate adverse environmental effects. On the other hand, once the competent body pursuant to opinions received excludes the possibility of significant environmental impact, it issues within the screening process the administrative decision establishing that it is not necessary to implement the environmental impact assessment procedure. The analysis is made of sources of law, as well as the shortcomings of environmental impact assessment in practice as a one-time exercise. In the authors' opinion the environmental impact assessment exercise is often conducted late in the planning process, often long after the project proponents have become attached to a particular design concept. The authors are focusing attention on the disputable practice of steering screening procedure so as to avoid environmental impact assessment and the general absence of follow-up to check on whether mitigation measures were implemented. Properly conducted environmental impact assessment yields more far-reaching benefits in a decision-making process which implements a holistic approach embedding social impact of project as well.

Associate Professor ADELIÈ POMADE
University of Bretagne Occidentale
Brest, France

Adélie Pomade is an Associate Professor of Public Law at the University of Bretagne Occidentale (France), and a specialist of Environmental Law. She works on the Law-society interface in order to better understand how laws are initiated and applied, and the role of civil society in legal life. In this perspective, she explores the place of law in the prospective approaches set up by territorial actors, in order to think about tomorrow's laws with the stakeholders (legal scenarios).

SHIPPING INDUSTRY, RENEWABLE ENERGIES AND DECARBONISATION

Maritime transport is undergoing major changes, driven by successive ecological crises and current societal trends. Thus, we can observe various complementary initiatives aimed at decarbonising the activity or reinforcing the use of renewable energies: the transformation of container ships of the future, the recycling of racing boats to contribute to more ecological freight, the re-establishment of the freight practices of previous centuries. It should be noted that such initiatives can be driven or supported by law: international and European law encourage and participate in this dynamic, international or regional organisations (United Nations, European Union, etc.) support the approach in various ways.

The contribution proposes to develop this issue through 1) an inventory of the different ways in which the nautical industry is concretely taking up the challenges linked to the use of renewable energies and decarbonisation (futuristic perspectives of charterers, re-appropriation of boats destined for destruction, or "extreme" prospects for a hitherto disappeared cargo); 2)

an overview of the law (international, European, national – if relevant -) applicable to or encouraging the development of greener shipping industry, calling on the technologies and creativity of shipbuilders, or deciding to return to the roots of maritime transport.

Professor MERICA SLIŠKOVIĆ
Faculty of Maritime Studies, University of Split
Split, Croatia

Merica Slišković graduated from the Faculty of Maritime Studies, University of Dubrovnik – Study in Split and received her Ph.D. from the Faculty of Agriculture, University of Zagreb. She began her scientific and teaching career at the Faculty of Maritime Studies in Split and is currently a Full Professor in the field of biotechnical sciences. The basic scientific interest of Professor Slišković is ecology and protection of marine ecosystems, which is visible through published papers in WoS and SCOPUS databases. At the Faculty of Maritime Studies in Split, she was the Vice-Dean for teaching, and held several managerial activities. She is currently the head of the University of Naval Studies. She is a member of the Editorial Board of the Croatian Journal of Fisheries. As a leader and coordinator, she currently works on two projects. She also has successfully completed two projects for the application of the Croatian Qualifications Framework, and as a researcher on one international project.

Professor RANKA PETRINOVIĆ
Faculty of Maritime Studies, University of Split
Split, Croatia

Ranka Petrinović was born in 1960 and graduated from 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. She was awarded in 2005 with her Doctoral Degree (Ph.D.). Her doctoral thesis is entitled „Protection of the Environment as the Element of Modern Right to Salavage.“ She worked in Split Shipyard (1986-1996) in the Sales Department as a legal consultant for Shipbuilding Contracts and Newbuilding Insurance and later in the Legal Department of Shipping Company Jadroplov BE Ltd (H&M Insurance and Registry of Ships, 1996-2002). At the University of Split – Faculty of Maritime Studies she has worked as a lecturer (since 2002), Assistant Professor (since 2006), Associate Professor (since 2009), Full Professor (since 2013) and Full Professor with Tenure (since 2018). 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.

Associate Professor NIKOLA MANDIĆ
Faculty of Maritime Studies, University of Split
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 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. His doctoral thesis was titled: Liability of the Carrier in the Carriage of Goods by Sea with Special Reference to the Rotterdam Rules 2009. He acquired a 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) and Associate Professor (from 2022) in courses: Maritime Public Law, Maritime Property Law, Maritime Agency and Freight Forwarding, Contracting in Maritime Affairs and Transport Law. 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 entered in the Scientists Registry under no. 301594. He is a member of Croatian Association of Maritime Law (Rijeka) and Economy Jurist Association (Split).

TONY VUKOVIĆ, mag. iur.
Faculty of Maritime Studies, University of Split
Split, Croatia

Tony Vuković was born in 1988 in Split, Croatia. He finished elementary and High School in Omiš. He graduated from the Faculty of Law, University of Mostar with a master's degree in law (mag. iur.) in 2015. His graduated thesis was titled: "Freedom of movement for workers in the EU". Currently, he attends doctoral studies in law, Faculty of Law, University of Mostar. He has been employed at the Faculty of Maritime Studies, University of Split, as associate legal expert (from 2016 to 2020) and head of human resources (from 2020 to present). He attended various seminars in the field of personal data protection and labour law. He participated in scientific project "University of Split Functional integration PMF-ST, PFST, KTF-ST through the development of scientific research infrastructure in the Three faculties building. He acquired valid certificate in the field of public procurement and diploma of the EU School of projects.

ANALYSIS OF POLLUTANTS EMITTED BY SHIPS IN THE FOCUS OF THE MEPC IN THE PERIOD 2010 TO 2022

Over the years, there has been a change in awareness of the various types of pollutants emitted by ships and their impact on the environment. Given the international nature of maritime transport, all major issues are regulated by the International Maritime Organization (IMO), including the issue of prevention and control of pollution of the marine environment by ships. The Marine Environment Protection Committee (MEPC), one of several IMO committees, is responsible for the control and prevention of pollutants that may be released from ships into the environment. A wider range of measures should be taken during the year to prevent pollution of the marine environment.

Most ship-source pollution, such as oil, harmful liquid substances carried in bulk, pollutants carried by sea in packaged form, sewage, garbage, and air pollution, is regulated by the International Convention for the Prevention of Pollution from Ships (MARPOL). In addition,

issues such as anti-fouling systems for ships, the transfer of non-indigenous species through ships' ballast water, and environmentally sound recycling of ships and accompanying regulations should also be considered. This means that in addition to the aforementioned MARPOL Convention, the OPRC Convention and its 2000 Protocol (OPRC-HNS), the Anti-fouling Systems Convention (ASF Convention), the International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention), and the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (the Hong Kong Convention) should also be considered.
The objective of the study is to analyse which pollutants emitted by ships were the focus of the MEPC during the period from 2010 to 2022. For this purpose, the minutes of a total of 18 MEPC meetings during the study period were analysed. The results show that the most frequently discussed topics concern air pollution.

Attn., Associate Professor MITJA GRBEC
Law Office GRBEC; Maritime Law Association of Slovenia
Koper, Slovenia

Dr Mitja Grbec is an attorney-at-law in the port town of Koper/Capodistria, the Secretary-General of the Maritime Law Association of Slovenia, an Associate Professor at the Faculty of Management of the University of Primorska and visiting lecturer at the IMO International Maritime Law Institute in Malta. He graduated from law at the University of Ljubljana Faculty of Law and completed his LLM and Ph.D. studies in international maritime law at the IMO International Maritime Law Institute (IMO IMLI) in Malta. He has held several positions both in the academia and corporate sector, including that of a permanent lecturer at the IMO International Maritime Law Institute (IMO IMLI) in Malta, Senior Lecturer at the Faculty of Maritime Studies and Transportation (University of Ljubljana, Slovenia) member of the Supervisory Board of the company Slovenian Railways d.o.o. and President and Vice-President of the Maritime Law Association of Slovenia. 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 the paperback version in 2015. He is currently an attorney-at-law in the port city of Koper (LAW OFFICE GRBEC), Slovenia, and a consultant in the field of international maritime law (Mare Nostrvm d.o.o.). He has been recently appointed as a Titulary Member of the Comité Maritime International (CMI).

SAFETY AT SEA AND PROTECTION OF THE MARINE ENVIRONMENT IN THE ADRIATIC-IONIAN REGION – INTERNATIONAL AGREEMENTS AND PROPOSALS FOR POTENTIAL UPGRADES

The majority of agreements in the field of safety of navigation within the Adriatic and Ionian seas were prepared for and signed on the occasion of the launching of the Adriatic and Ionian Initiative (AII) in Ancona on 19 May 2000. The common characteristic of such agreements is that they are bilateral or trilateral (Italy, Croatia, and Slovenia about the North Adriatic) and that they apply either to the Adriatic (i.e., Northern Adriatic) or the Ionian Sea. The approach adopted at the time of the launching of the AII in 2000 was therefore to achieve improvements

in the field of safety of navigation in the Adriatic and Ionian through a coordinated network of bilateral and/or trilateral agreements binding agreements on a certain topic, and not, generally speaking, through a single multilateral convention, involving all Adriatic and Ionian States. Noteworthy is the fact, that about the elaboration of a comprehensive 'Adriatic system' in the field of ship reporting and routing measures, the Adriatic States opted for a two-tier approach. The first step was a conclusion of a series of bilateral and trilateral binding agreements between themselves, while the second was the submission of a joint proposal to the IMO. This contribution aims to provide some proposals on how to upgrade the existing international agreements concluded among the States bordering the Adriatic and Ionian regions in the field of safety of navigation and protection of the marine environment.

Dr. sc. BOŽENA BULUM, Scientific Advisor
Adriatic Institute of the Croatian Academy of Sciences and Arts
Zagreb, Croatia

Božena Bulum is a Scientific Advisor at the Adriatic Institute of the Croatian Academy of Sciences and Arts. In 2003, she passed the Bar Exam. She gained her LL.M. in 2005 (thesis: "Time charter in modern maritime practice") and Ph.D. in 2008 (thesis: "Regulation of maritime transport services and access to port services market in the competition law of the European Union") from the Faculty of Law in Split. Her current research interests include, in particular EU transport law and maritime law. As an expert in these fields, she was a member of the Expert Committees for the drafting of the new Maritime Domain and Seaports Act, the Croatian Maritime Code amendments (2011, 2013, 2015, and 2019), and the Act on Transport in Liner Shipping and Occasional Coastal Maritime Transport (2022). She speaks at international and Croatian conferences on Maritime and Transport Law. Božena has participated as a member of the research teams on scientific projects financed by the Ministry of Science and Croatian Science Foundation. She is a board member of the Croatian Maritime Law Association and a founding member of the Croatian Competition Law and Policy Association. She has published one academic monograph, several book chapters, and a number of academic and professional papers.

Assistant Professor MARIJA PIJACA
Maritime Department, University of Zadar
Zadar, Croatia

Marija Pijaca is an 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 her 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 Ph.D. at Faculty of Law of the University of Rijeka with the thesis "Bareboat Charter". She lived and worked in London for the British-

Croatian Chamber of Commerce. From May 2017 to May 2019 she was an associate of the scientific project of the Adriatic Institute of the Croatian Academy of Science and Arts, titled "Developing a Modern Legal and Insurance Regime for Croatian Marinas – Enhancing Competitiveness, Safety, Security and Marine Environmental Standards – DELICROMAR". From January 2020 she is an associate of the research project of the Adriatic Institute of the Croatian Academy of Science and Arts, titled "Challenges in the Legal Regulation of Seaports considering Application of the European Union Law and National Legal Tradition". She is author and co-author of several scientific papers. Also, she is the author of a scientific monograph titled "Bareboat Charter".

FUNCTIONING OF THE CONSORTIA BLOCK EXEMPTION REGULATION IN THE CURRENT LINER SHIPPING SERVICE MARKET – IS THERE A JUSTIFICATION FOR ITS FURTHER PROLONGATION?

A consortium is an agreement between two or more vessel-operating carriers which provide international liner shipping for the carriage of cargo (mainly in containers) relating to one or more routes or trades. The main characteristics of a consortium agreement are the sharing of space and the determination of port calls and schedules between the parties of the agreement. Consortia generate economies of scale and better utilization of the space of the vessels for the benefit of carriers. A fair share of the benefits resulting from these efficiencies should be passed on to users of the shipping services in the way of better coverage of ports, lower prices and better quality of services. In the EU, Article 101(1) Treaty on the Functioning of the European Union prohibits agreements between undertakings that restrict competition. However, Council Regulation (EC) No 246/2009 prescribes that the European Commission may exempt consortia from the application of Article 101(1) of the Treaty for a period of five years, with the option of prolongation. Consequently, the Commission adopted in 2009 the Consortia Block Exemption Regulation No 906/2009 (CBER), which provides the particular terms for such an exemption for consortia agreements. The Commission prolonged the validity of the CBER in 2014 and 2020. As the CBER is expiring in April 2024, the Commission is evaluating the functioning of CBER, especially the role and performance of consortia in the COVID-19 crisis that disrupted the global maritime supply chains. Since the establishment of consortia between shipping lines may have an impact on the customers, such as shippers, freight forwarders, and port and terminal operators the Commission asked for the opinion of all interested parties on the functioning of the EU legal framework regulating consortia. The opinions and arguments put forward by the interested parties are analysed in this paper. The ultimate goal of the paper is to assess whether a further extension of the exemption for liner shipping consortia from the EU competition rules is still justified.

Professor ŽELJKA PRIMORAC
Faculty of Law, University of Split
Split, Croatia

Željka Primorac is a Full Professor of Maritime and Transport Law at the Faculty of Law, University of Split (Croatia). She graduated law at the Faculty of Law University of Split in 2003, completed a post-graduate course in Maritime Law and Law of the Sea (Faculty of Law University of Split) and received a Master's degree in 2008 (the title of thesis: *Life Insurance with specific regard to Seamen*). She was awarded a Ph.D. degree in 2011 (doctoral thesis title: *Maritime Compulsory Insurance).* In 2006 she passed the Croatian Bar exam at the Ministry of Justice, Republic of Croatia. She worked as a lawyer in bank (2003-2008). Since 2009 she has been employed at the Faculty of Law University of Split, Department of Maritime and Transport Law as a Professor teaching the following courses: Maritime and Transport Law; Insurance Law; Maritime Environment Protection Law. Since 2011 she has worked as an Assistant Professor on the following courses: Maritime and Transport Law; Insurance Law; Maritime Environment Protection Law; Compulsory Insurance in the Republic of Croatia; Land and Air Law; Maritime Carriage of Nuclear Material; Inland Navigation Law and European Transport Law, since 2017 as an Associate Professor and since 2022 as a Full Professor. She participated in numerous domestic and international conferences and symposiums related to maritime and insurance law. She is a co-author of two scientific books: Protection of Passengers' Rights in Land Transport (2016) and Croatian Coast Guard – Legal Framework (2017). She is also the author and co-author of over 40 scientific papers from the field of Maritime and Transport Law and Insurance Law. She is a member of the Croatian Maritime Law Association; Croatian Transport Law Association and a full member of the Croatian Academy of Legal Science.

EXPANSION POSSIBILITIES OF THE APPLICATION OF THE EUROPEAN PASSENGER NAME RECORD SYSTEM TO MARITIME TRANSPORT

Pointing to the most significant solutions of the European PNR system, the author emphasises that air carrier obligations to collect and transfer data on passengers do not also apply to maritime carriers. At the European level, it has not been standardised in terms of purpose and content the same obligation for the maritime carrier, within a separate legal act, modelled on the solutions of the PNR Directive. However, the author points to certain solutions contained in the national legislation of Belgium, by which the Passenger Name Record Act from 2016 implements the solutions of the PNR Directive in Belgian national legislation prescribing that PNR data is also collected in relation to passengers in maritime transport when they travel from/to/through Belgium. Since the majority of EU Member States are not opposed to extending the scope of the PNR Directive on maritime transport or other transport modes, issues of a technical, financial and legal nature are pointed out in connection with the possible extension of the application of the PNR Directive on the maritime sector. The author advocates the adoption of special, uniform EU rules that will regulate in detail the scope of data that will be collected, the method of their transfer and other issues, taking into account EU data protection rules and the Court of Justice of the European Union (CJEU) interpretation of some solutions of the PNR Directive in case C-817/19.

Associate Professor GORAN VOJKOVIĆ,
Faculty of Traffic and Transport, University of Zagreb
Zagreb, Croatia

Goran Vojković was born in Split in 1971. He has more than twenty years of work experience in the civil service and private sector, working on different types of jobs; from the Governmental Office Counsellor to the Head of Governing Council of the Port Authority of the port of Vukovar. For four years he was a member of the Supervisory board of JANAF company, and, for two terms, he was an external member of the Committee for Legislation of the Croatian Parliament. Also, he has great experience working on EU projects both in Croatia and Bosnia and Herzegovina. Currently, he works as an Associate Professor at the Faculty of Traffic and Transport, University of Zagreb, and at the University North, and he co-operates with other higher education institutions in Croatia.

Dr MELITA MILENKOVIĆ
Faculty of Transport and Traffic Sciences, University of Zagreb
Zagreb, Croatia

Melita Milenković is a postdoctoral researcher at the Faculty of Traffic and Transport Sciences, University of Zagreb. She was born in Slavonski Brod, where she graduated from the 'Matija Mesić' high school. She then enrolled at Edmonton Green Community College in London, England, where she graduated with a degree in English Language and Information Technology. In 2013, she graduated from the Faculty of Law, University of Osijek, where she obtained a Master's degree in Law. From 2013 to 2017, she was a county councillor in Brod-Posavina County. At that time, she worked in Đuro Đaković Holding in Slavonski Brod as a legal trainee, and in 2015 she started working at the Faculty of Traffic and Transport Sciences at the University of Zagreb as a research and teaching assistant. During the Covid-19 pandemic, she attended the third year of postgraduate doctoral studies in the field of administrative law at the Faculty of Law, University of Ljubljana, and wrote a doctoral thesis entitled “The applicative Croatian model of concessions for managing airports with comparative analysis”. She was awarded a Ph.D. degree in 2021, when she became a postdoctoral researcher and continued to work at the Chair of Transport Law and Economics, at the Faculty of Transport and Traffic Sciences. She is the author of numerous scientific papers and professional contributions in the field of legislation and the need to amend the Acquis with topics such as concession contracts (for highways, ports, and airports), case studies on smart cities, autonomous vehicles, autonomous ships and modern technologies such as data protection, IoT devices and their implementation in the national legislation of the Republic of Croatia.

CONCESSIONS ON REQUEST ON THE MARITIME DOMAIN

According to the Directive, 2014/23/EU on the award of concession contracts and Croatian Concessions Act NN 69/17 the basic method of awarding concessions in the Republic of Croatia is public bidding, very similar to the public procurement procedure. Such a procedure best fulfils the principles of the Treaty on the Functioning of the European Union (TFEU), such as the principle of freedom to provide services, but also the principles arising from it, such as the principles of equal treatment, proportionality, and transparency. However, the European and

thus Croatian legal framework also provides one exception - concessions on request. This form of awarding of concession is strictly defined as an exception by the rules of the Croatian Concessions Act. It is possible, and also necessary, in certain cases to enable the awarding of a concession upon request on the maritime domain in Croatia, which is enabled by the existing legal framework. However, these cases must be clearly defined by the Law, and there must be a justified need to award a concession on request. Therefore, this paper will deal with the possibilities for the procedure of awarding concessions on request for the maritime domain, especially taking into account the announcement of the new legal framework for the regulation of the maritime domain in the Republic of Croatia.

JOSIPA VUČENOVIĆ, mag.iur.
Brodospas d.d.
Split, Croatia

Josipa Vučenović,mag.iur. is an in-house lawyer in the Offshore, Towage, Salvage & Shipping Company Brodospas d.d. Split and she is employed there since 2013. She was born on 29th September 1989 in Šibenik. She finished elementary school and secondary grammar school in Šibenik. In 2013, she graduated from the Faculty of Law, University in Split. Ms. Vučenovic's interest is focused on maritime law, commercial law, civil law and labour law. She passed the Bar Exam in 2020. She is a co-author of scientific paper with Asst. Prof. Marija Pijaca, Ph.D. and Božena Bulum, Ph. D. titled "Differences in Contracting of Harbour, Coastal and Ocean Towage" published in the ICTS 2020 Maritime, Transport and Logistics Science Conference Proceedings. She is a member of Croatian Maritime Law Association and a member of the Legal Committee of Croatian Shipowners Association "Mare Nostrum".

APPLICATION OF REGULATION (EU) 2017/352 IN RELATION TO THE CROATIAN MARITIME DOMAIN AND SEAPORTS ACT - POSSIBLE AMENDMENTS OF CROATIAN LAW CONCERNING PORT TOWAGE

The first part of the presentation deals with the concept of the legal status of the maritime domain in the territory of the Republic of Croatia. The Law on Maritime Domain and Sea Ports determines the boundaries of maritime domain as common property (*Lat. res communem omnium*) on the basis of a non-proprietary regime (*Lat. res extra commercium*).
The second part considers the relationship between the Regulation (EU) 2017/352 of the European Parliament and of the Council of 15 February 2017 establishing a framework for the provision of port services and common rules on the financial transparency of ports and Regulation (EU) 2020/697 amending Regulation (EU) 2017/352, (so as to allow the managing body of a port or the competent authority to provide flexibility in respect of the levying of port infrastructure charges in the context of the COVID – 19 outbreak) on one hand, with the regulations of the Law on Maritime Domain and Sea Ports, including proposed amendments regarding port towage on the other hand. The third part of presentation gives a short description of the National Development Plan for Ports of Special international economic interest for the Republic of Croatia and the National Development Plan for Ports open for public transport having county/ local importance.

Attn. VIVIAN VAN DER KUIL
Rotterdam, The Netherlands

Vivian has been working as a maritime lawyer since 2009. She deals with cases concerning (limitation of) liability in respect of maritime casualties such as collisions, salvage, wreck removal and marine pollution, as well as marine insurance and shipbuilding (disputes). She has i.a. acted for Owners/P&I in the EVER GIVEN and BALTIC ACE matter. She is working on a Ph.D. on classification societies at the Erasmus University Rotterdam. She also works as a deputy Court of Appeal judge and is a civil procedural law teacher with vocational training for lawyers in the Netherlands.

CLASSIFICATION SOCIETIES AND SHIP SAFETY 2.0.

The aim of the paper is to look at the role that classification societies play with regard to ship safety and more specifically regarding new technological developments such as autonomous vessels, alternative fuels and cybersecurity. When the developments in law fall behind, the classification societies appear to step in to regulate. But what are the consequences of this development? Traditionally classification societies only had a private, commercial role but over the years they have also taken over the task of surveying vessels and in some cases even the issuing of certificates on behalf of flag states. This can be explained by the fact that ship safety has until the end of the 18th century been a merely private matter. Only after major shipping disasters such as with the TITANIC in 1912 the issue became a public interest and was regulated. In the 1970s and 80s, numerous vessels changed flags and were registered under so-called flags of convenience. It was at that time quite straightforward to obtain a survey from a classification society to change the flag. After incidents with vessels such as the EXXON VALDEZ, BRAER, PRESTIGE and ERIKA more strict rules were introduced at IMO and EU levels for classification societies acting on behalf of flag states, the so-called recognised organisations. The study will try to explain these developments and will focus on issues that may arise due to the fact that classification societies have various tasks; public as well as private and in fact also determine the rules vessels need to comply with. The study will set out the current legal framework for classification societies. Classification societies have been the subject of various studies over the years, but these mainly focus on the liability of classification societies when conducting commercial classifications. This paper is part of a Ph.D. research project about classification societies and balancing public and private interests. https://www.eur.nl/en/esl/research/our-research/rebalancing-public-private-interests.

Professor NEBOJŠA JOVANOVIĆ
University of Belgrade, Faculty of Law
Belgrade, Serbia

Nebojša Jovanović was born in 1962 in Kovin, a town in Serbia, as one of the republics of former Yugoslavia. He graduated law in 1986 in the University of Belgrade – Faculty of Law. Before dealing with legal theory, he was dealing with practice as a junior lawyer at his father's office in Kovin. He passed the bar examination in 1987. The Faculty of Law of the University of Belgrade employed him in 1989, where he was awarded the Master's degree (M.Ph. 1992), by defending his thesis on the theme 'Contractual Liability of the River Carrier of Goods'. He was awarded Ph.D. in 1995 at the same Faculty by defending thesis on the theme 'The Legal

Nature of Stock Exchanges and of Stock Exchange Bargains'. The author became a Professor in 2001 at the Faculty of Law of the University of Belgrade, where he still works as a Full Professor. He also holds the positions of manager for doctoral studies and chief of the Civil Law Department. He lectures on the subjects of Company Law, Commercial Law, Transport Law and Stock Exchange Law. The author is a member of the Executive Board of the Business Lawyers Association of Serbia. Also, he was a member of the Board of the Permanent Arbitration at the Chamber of Commerce and Industry of Serbia from 2017 to 2021.

His main publications are the following books: (1) Praktikum trgovinskog prava (Eng. Casebook on Business Law), Belgrade: Dosije, 1999 (463 pages); (2) Emisija vrednosnih papira (Eng. The Securities Issue), Belgrade: Privredni pregled, 2001 (398 pages); (3) Berzansko pravo (Eng. The Law of Stock and Commodity Exchanges), Belgrade: Faculty of Law, University of Belgrade, 2009 (537 pages); (4) Praktikum iz obligacionog prava (Eng. Casebook on Law of Obligations), Dosije: Belgrade, 2009 (278 pages); (5) Uvod u common law ugovorno pravo (Eng. Introduction to Common Law Contracts), Belgrade: Faculty of Law, University of Belgrade, 2015 (357 pages); (6) Saobraćajno pravo – Opšti deo (Eng. Transport Law – General Rules), Belgrade: Faculty of Law, University of Belgrade, 2017 (564 pages); (7) Trgovinsko pravo (Eng. Commercial Law), co-authors: Vuk Radović, Mirjana Radović; Belgrade: Faculty of Law, University of Belgrade, 2021 (pages 763), (8) Kompanijsko pravo (Eng. Company Law), co-authors: Vuk Radović, Mirjana Radović; Belgrade: Faculty of Law, University of Belgrade, 2023 (pages 736).

THE LIABILITY OF CLASSIFICATION SOCIETIES FROM THE PERSPECTIVE OF THE AGGRIEVED PARTIES

In this paper the author contemplates the problem of the civil law liability of classification societies toward parties who suffer loss due to their professional fault (e.g. shipowners, cargo owners, ship buyers, or even states for ecological damage). International conventions, such as the UN Convention on the Law of the Sea of 1982, charge the flag states of the ships for their safety in navigation. However, in recent decades, many states have delegated their function to survey their vessels' seaworthiness to classification societies, who are mostly private entities (e.g. companies). In practice, classification societies are sometimes negligent when inspecting such vessels, awarding them a higher class than they really deserve, or even confirming that they are seaworthy although they are not. As a consequence of this practice, the aggrieved parties sometimes try to gain compensation not only from the "wrongdoing" shipowner, but also from the classification society. In such litigations, they allege that the classification society performed its functions negligently, which is the cause of their loss. Since classification societies are not protected by limited liability like shipowners, the aggrieved parties often try to obtain from them the part of the damage that they were unable to gain from the liable shipowner. Whenever the liability of the classification society is not regulated by their contract with the co-contractor, the answer lies in the relevant national law. It is the author's opinion that the aggrieved parties in navigation must be adequately legally protected from the "clumsy" work of classification societies in certifying vessels, but also that classification societies may not be ruined by too severe regulations. The author attempts to find an appropriate solution in balancing the interests of both parties in this issue by analysing disharmonised comparative law and judicial practice (e.g. France, Italy, Belgium, the US, the UK, Canada, and the EU). The conclusion is that there is a need for an international convention that would regulate the contractual and tort liability of classification societies for damage caused to other parties in navigation due to professional fault. The author proposes the main principles of the liability of classification societies.

ZORAN TASIĆ
Dedicato Consuilting
Split, Croatia

After graduating at the Law Faculty in Split, Croatia, Zoran Tasić has started his career at the Shipbuilding Industry Split where he was involved in export shipbuilding contracts and shipbuilding finance for 8 years. In the late 1980s, Zoran 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 Raiffeisen Bank 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 Croatian projects 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.

SHIP FINANCE: DUTY OF CARE OWED BY BANKS

Under English law, duty of care means that a person must take reasonable care and skill to make sure their actions keep others around them safe. This presentation deals with banks' duty of care in the context of enforcement of their English law ship finance securities such as ship mortgage and assignment of insurances.

Standard provisions of ship mortgages registered in many common law flag states empower the banks, in the event of default under the loan agreement or any securities, to sell the mortgaged ship. Equally, the assignment of ship's insurances entitles the bank to make a claim under the policy directly to the insurer or to settle any such claim with the insurer.

However, when exercising its right to sell the ship under the mortgage or to make a claim under the insurance policy the bank owes a duty of care to the shipowner. The bank should not ignore the shipowner's equity of redemption in the ship or in the policy. It must take reasonable care to obtain a proper price for the ship and act in good faith and for a proper purpose. This duty of good faith arises either by way of the implied term of the mortgage or the assignment, or at common law duty or duty in equity i.e. duty to be "fair and impartial".

Breach of this duty may result not in common law damages but in an order that the bank account to the shipowner, not for what the bank actually received through sale or a settlement with the insurer, but for what it should have received.

This presentation also deals with the issue as to whether the bank's equitable duty is implied term of the mortgage or the assignment and whether certain provisions in the contract can exclude the bank's liability for negligence.

Professor NATAŠA PETROVIĆ TOMIĆ
Faculty of Law, University of Belgrade, Serbia

Nataša Petrović Tomić is a Full Professor at the Belgrade Faculty of Law, Department of Civil Law. She is a member of the Managing Board of the Business Lawyers Association of Serbia, a member of the editorial staff of the journal Law and Economy, a member of the editorial staff of the journal Harmonius, a member of the Publishing Council of the Insurance Trends journal and a reviewer of a number of scientific papers. She has also been working as a consultant. Prof. Petrović Tomić is one of the founders of HARMONIUS, an Association (Network) of Scientists and Scholars in the field of legal studies, and Director of Consumer Law and Insurance Law Studies. She has authored a number of articles in the field of commercial law, insurance law, business ethics and corporate governance. Prof. Petrović Tomić has participated in a number of international and national conferences. She was awarded a scholarship by the Max Planck Institute for Comparative and International Private Law in Hamburg, where she also completed several research stays during the writing of her doctoral thesis as well as in her capacity as a lecturer at the Faculty of Law. She was a guest lecturer at the Faculty of Law, University of Zenica from 2016 to 2018. Since 2015, Prof. Petrović Tomić has been on the team of the National Bank of Serbia and the Chamber of Commerce of Serbia that provides training to insurance brokers and agents. She also worked as a consultant on a project entitled "Modernization of the legal regulation of insurance contract" run by the Faculty of Law, University of Ljubljana, that has resulted in the enactment of the Insurance Contract Bill. Prof. Petrović Tomić speaks English, Spanish, German, and French and can understand professional literature written in Slovenian. Nataša has published numerous scientific papers and articles in leading international journals and is an active member of various professional associations such as European Law Association, Association of Commercial Lawyers of Serbia, Harmonius and Association for Insurance Law of Serbia.

THE USE OF ARBITRATION IN THE MARINE INSURANCE MARKET

The topic of this article is the use of arbitration as a method of dispute solution in the marine insurance market. Maritime law has a long and rich history, which some characterize as being mankind itself. Maritime arbitration most commonly arises from disputes involving contracts for the carriage of goods, insurance or shipping. And for hundreds of years, the maritime industry has used alternative dispute resolution in one form or another, most notably arbitration. When speaking about dispute resolution, "maritime" is practically synonymous with "international" and it is easy to understand why maritime arbitration is widely known as a type of international commercial arbitration. Section 2 of this article analyses the use of arbitration vs. the ordinary court system as a forum in marine insurance disputes, while Section 3 points out numerous benefits to resolving marine insurance disputes through arbitration rather than through litigation. Marine insurance disputes submitted for arbitration are many and varied, some of which come from the contract between the insurer and insured others arising from maritime accidents. Maritime arbitration is a flexible and specialized system to resolve insurance disputes, but it gained popularity in the present era as a result of booming international trade and commerce between different countries where this trade found that shipping is the best way among different means of transportation for its low costs and the large volume of cargo transported by it. Finally, the author demonstrates that insurance in general, and marine insurance in particular, is a highly complicated and technical topic. Marine insurance disputes usually involve many complex legal and factual issues. Resolving such disputes requires special knowledge of maritime insurance law and merchant shipping.

Adjunct Associate Professor 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 the Head Office of Croatia Insurance Co. In 2007/2008 she was an assistant lecturer at the IMO/IMLI. She is a visiting lecturer at the maritime and transport law departments of the law faculties in Zagreb and Rijeka and at the Croatian Zagorje Polytechnic Krapina. She holds the academic title of an Adjunct Associate Professor at the Zagreb Law Faculty. Dr Padovan passed the Croatian bar exam in 2006. She has held a number of training seminars in marine and transport insurance at the Croatian Insurance Bureau (CIB) Insurance Education Centre and is a mediator at the CIB Centre for Mediation. Dr Padovan takes part in the professional committees of the Croatian Ministry of the Sea, Transport and Infrastructure for the drafting of maritime legislation. She conducted a national research project entitled "Developing a Modern Legal and Insurance Regime for Croatian Marinas - Enhancing Competitiveness, Safety, Security and Marine Environmental Standards (DELICROMAR)" financed by the Croatian Science Foundation from 2017 to 2019. She has published over 40 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* (Croatian Academy of Sciences and Arts, 2012).

THE ELEMENTS OF SEAWORTHINESS IN THE CONTEXT OF MARINE INSURANCE REVISITED

Seaworthiness is generally extremely important for any marine insurance contract. In particular, hull and machinery insurance, as well as shipowner liability insurance, are generally provided on the assumption that the ship is seaworthy unless the insurer knowingly and voluntarily accepts to insure under special conditions a ship that does not meet all seaworthiness requirements. This basic principle is present in various forms in national laws that regulate marine insurance contracts. Unseaworthiness leads to certain adverse legal consequences under marine insurance contracts. From the insurer's standpoint, the aim of the legal concept of seaworthiness is to control the quality and alteration of the insured risk and eliminate substandard ships from the insurance portfolio and from the shipping trade in general. The objective of this paper is to clarify the meaning of the legal concept of seaworthiness in general terms, particularly in the context of marine insurance, and to discuss various elements of seaworthiness. In doing so, the author explores the traditional seaworthiness doctrine faced with the challenges of technological developments and automatization in maritime transport. The idea is to present primary findings of research in progress that shall constitute a basis for a deep and thorough study entailing a comparative law analysis of the legal consequences of unseaworthiness under various national legal systems of civil law and common law tradition.

Associate Professor AREF FAKHRY
World Maritime University
Malmö, Sweden

Dr Aref Fakhry is an Associate Professor at the World Maritime University, a centre of excellence in education and research in maritime affairs established by the International Maritime Organization in Malmö, Sweden. After receiving his legal education in Canada, where he practiced shipping and insurance in a leading law firm, Prof. Fakhry initiated an international career that took him to the European Commission, the United Nations Conference on Trade and Development in Geneva, as well as the IMO International Maritime Law Institute in Malta. Prof. Fakhry pursued his doctoral studies at the University of Southampton, specialising in the doctrine of frustration in relation to the capture of vessels by pirates at the high tide of ransom attacks off the coast of Somalia. He has a special interest in enhancing maritime affairs in the Middle East and North Africa. Prof. Aref Fakhry has served as a consultant to EU, UN and World Bank agencies. He is affiliated with the Holy Spirit University of Kaslik in Lebanon and the International Ocean Institute headquartered in Malta. His strengths lie in the legal areas of commercial shipping, maritime security and marine environmental protection. Prof. Fakhry is currently involved in cross-industry campaigns aimed at tackling corruption in the maritime industry. He is also leading projects in digital maritime applications.

THE *EVER GIVEN* GROUNDING: WHAT WE KNOW AND DON'T KNOW ON ONE OF THE LARGEST CONTAINER SHIP INCIDENTS IN MARITIME LAW

The grounding of the container ship Ever Given on 23 March 2021 and its prolonged blockage of the Suez Canal caused a significant disruption to world supply routes and underscored the huge impact that larger vessels could bring about to ocean sustainability. A raft of legal measures were undertaken to deal with the multiple facets of the incident, including compensation to the Egyptian authorities operating the Canal. A general average loss was reportedly declared. In a recent move, Maersk filed a lawsuit against the owner and operator of the container ship seeking million-dollar damages for delays caused by the grounding to navigation in the Canal. This paper will set the record straight on what is known regarding the incident, which is imbued in some mystery. A discussion of core legal issues will be undertaken.

Assistant Professor GIOVANNI MARCHIAFAVA
Department of Economics, University of Genoa
Genoa, Italy

Giovanni Marchiafava is an Assistant Professor of Navigation and Air Law (2020-2023), and Academic Coordinator of the Jean Monnet Module EUTIMIST "EU Transport Infrastructures, Multimodality, Interconnection, Sustainability and Technology" (2022-2025) at the Department of Economics, University of Genoa. He has been involved in research activities in Navigation and Air Law since 2000. In 2006 he was awarded a Ph.D. in Navigation and Air Law at "Sapienza" University of Rome, and in 2008 an LL.M. in Maritime Law at the University of Southampton (UK). In 2009-2011 he was awarded a Research Fellowship in Navigation and Air Law at "Sapienza" University of Rome. In 2017, he obtained the Associate Professor National Scientific Qualification. In 2017-2021, he was Adjunct Professor of Transportation Law and in 2018-2021 Academic Coordinator of the Jean Monnet Module TLCJEU "Transportation Law and Court of Justice of the European Union" at the "Sapienza" University of Rome. He authored a monograph, handbook, several articles and case notes. In 05-07/2018 and 08-09/2019, he was a visiting researcher at the Centre of European Law, King's College London (UK). In 01/2020, he was a visiting researcher at the Centre de Droit Maritime et Océanique, Faculty of Law, University of Nantes (FR). Other memberships: 2020, member of the CIELI, Italian Centre of Excellence on Logistics, Transport and Infrastructures, University of Genoa; 2020, member of the Sea Study Centre, University of Genoa; 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; 2021, Italian Society of International Law and European Law (SIDI); 2004, member of the Italian Bar.

FLOATING STRUCTURES: CURRENT LEGAL ISSUES

The development of new technologies has improved the use of floating structures. The proposed paper aims to deal with current legal issues related to floating structures used in maritime tourism. Definition, classification, regulation, liability, insurance and jurisdiction issues will be examined. In this regard, a comparative analysis between civil and common law systems will be carried out. Case law will also be considered.

Assistant Professor KHANSSA LAGDAMI
ITF Seafarers Trust Chair
World Maritime University
Malmö, Sweden

Khanssa Lagdami is the ITF Seafarers Trust Chair Assistant Professor of Maritime Labour Law and Policy at the World Maritime University (WMU). In addition, Dr Lagdami is the academic coordinator of the Maritime Welfare (Mari-Wel) program at WMU which is a professional development program that delivers a comprehensive overview of topics and issues related to seafarer welfare, bringing together world-leading experts on seafarer rights, maritime regulations, and welfare issues. Dr. Lagdami strengths lie in maritime labour law, human rights at sea, maritime security and the future of work in the maritime sector. She is currently involved in significant research projects on the impact of new and emerging technologies on seafarers. Dr Lagadmi holds a Ph.D. in Maritime Law from Nantes University in France.

AUTOMATION, DIGITALIZATION AND EMERGING TECHNOLOGIES IN SHIPPING - IMPACTS ON SEAFARERS' OCCUPATIONAL SAFETY AND HEALTH (OSH) AND THEIR LABOUR RIGHTS

Automation in ships has been associated with efficient operations, fewer accidents/casualties, fuel-saving, vessel autonomy, enhanced situational awareness, effective navigation. The introduction of automation on ships since the 1980s has contributed to the reduction of crew sizes. Stricter regulations to ensure safety and environmental protection have increased, as well as rules, to ensure OSH on ships, resulting in a bureaucratization of ships operation and the multiplication of procedures and reporting requirements.

According to the industry, the idea is not to develop systems for going to a captain free-navigation but to enhance the capabilities of the onboard crew, as vessels must operate 24 hours a day. However, as new technology is being introduced, work practices based on them create new challenges to workers' health and safety.

This paper aims at filling some of the gaps in the current mainstream academic and policy debate on issues related to the introduction of new technologies and their impact on the maritime future of work.

The latest discussions on the introduction of new technologies have focused, so far, on how seafarers will be affected in terms of the reduction of their number, the new skills, and competencies that will be needed as a consequence of technological evolution. Most of these discussions are broadly adopting a "quantitative" approach by forecasting the number of seafarers that will remain in the future maritime market. This paper, instead, is adopting a "qualitative" approach by stressing out issues related to the consequences of new technologies on jobs that would remain in place or will be created after introducing more automated and digitalized processes. It addresses the detrimental effects of technology on awarding legal capacity and seafarers' rights in terms of safety and health as well as their labour rights protection. It examines international regulations related to the application of technology on ships and their enforcement by providing practical examples from the field.

Associate Professor ANDRIJANA BILIĆ
Faculty of Law, University of Split
Split, Croatia

Andrijana Bilić, is an Associate Professor of Labour and Social Security Law, at the Faculty of Law, University of Split. She graduated from the University of Split Faculty of Law in 1998, and then completed a post-graduate course in Maritime Law and Law of the Sea and received a Master's degree in 2004 (Master's thesis: *Contract of employment with special reference to seamen*). She was awarded Ph.D. degree in 2012 and her doctoral thesis is entitled *Flexibility and deregulation of employment relations*. Andrijana Bilić has been employed at the Faculty of Law in Split since 2000, first as a research assistant from 2000 to 2012 when she became an Assistant Professor. She became an Associate Professor in 2018. Since 2012, she has held the position of head of Department of Labour and Social Security Law. She is the author of many scientific journal papers and of a book titled *International Labour Law* (2006).

WHO WANTS TO STAY ON BOARD? INDUSTRY 4.0 AND MARITIME EDUCATION AND TRAINING

Industry 4.0 has, among other industries, affected also the maritime industry. Digital transformation and autonomous systems paved the way for the introduction of Maritime Autonomous Surface Ships (MASS). So, it is evident that the maritime industry's employment pattern will be drastically altered due to technological advancements, calling for the availability of a highly qualified workforce. In this context skill standards for seafarers need to be reviewed in the legal framework for seafarers' education and training. This brings some dilemmas regarding the applicability of training legislation in the global industry, curriculum development and employability of seafarers, although the parallel process of the global crew shortage is taking place. The aim of this paper is to discuss aforementioned issues.