

# **INTERNATIONAL MARITIME AND TRANSPORT LAW COURSE**

**MARITIME LAW COLLOQUIUM “PROFESSOR HRVOJE KAČIĆ”**

**TRANSPORT LAW DE LEGE FERENDA 2023**



**INTER-UNIVERSITY CENTRE, DUBROVNIK, CROATIA**

**11 – 15 September 2023**





**HRVATSKO DRUŠTVO ZA POMORSKO PRAVO**

**CROATIAN MARITIME LAW ASSOCIATION**

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## **INTERNATIONAL MARITIME AND TRANSPORT LAW COURSE**

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### ***PARTICIPATING ACADEMIC INSTITUTIONS:***

*Alma Mater Studiorum - University of Bologna, Italy*

*City University - London, the United Kingdom*

*Croatian Academy of Sciences and Arts, Croatia*

*College of Charleston, United States*

*International Maritime Law Institute, Malta*

*Jaume I-University, Castellon, Spain*

*Jimei University, Xiamen, China*

*Kyushu University, Fukuoka, Japan*

*Nicolaus Copernicus University, Toruń, Poland*

*University of Ljubljana, Slovenia*

*University of Oslo, Norway*

*University of Vigo, Spain*

*University of Dubrovnik, Croatia*

*University of Rijeka, Croatia*

*University of Split, Croatia*

*University of Zadar, Croatia*

*University of Zagreb, Croatia*

*World Maritime University, Malmö, Sweden*

# INTERNATIONAL MARITIME AND TRANSPORT LAW COURSE

DUBROVNIK, 11 - 15 September 2023

11 September 2023

Dear colleagues and friends,

Welcome to the 2023 edition of the International Maritime and Transport Law Course at IUC!

The program in the week before us is packed with modern and intriguing lectures and presentations, suited for attendees of various academic backgrounds and various levels of professional experience. The impressive lists of participating institutions and presenters guarantee superb professional and social experience.

This year's Maritime Law Colloquium is proudly dedicated to the memory of the late Prof. Hrvoje Kačić, one of Croatia's most prominent maritime lawyers and our great teacher. Born in Dubrovnik, Prof. Kačić excelled in sports, law, and diplomacy, which made him one of the most prominent figures this old city has had in its long history.

We are glad to be able to contribute continuously to the global activities of the IUC with our International Maritime and Transport Law Course, which attracts more and more interest every year. The 4<sup>th</sup> IMTLC retains the dynamic "three-in-one" concept, which abounds with variety of challenging and interesting topics.

I am sure that this gathering will once again provide an excellent networking opportunity as well as a chance to meet some old friends and to forge new friendships.

As usual, our special thanks go to all the staff members at the IUC Secretariat for their kind assistance, to the organizing task force, and to all the lecturers and presenters.

We wish you an enjoyable week in Dubrovnik!

President of Croatian MLA

Gordan Stanković



Secretary General

Igor Vio



**INTERNATIONAL MARITIME AND TRANSPORT LAW COURSE**  
**Inter-University Centre – Dubrovnik, Croatia (11 – 15 September 2023)**

***WORK SCHEDULE***

**Monday, 11 September 2023**

***Opening Ceremony: Welcome Addresses (09:00 – 09:15)***

Gordan Stanković (Croatian Maritime Law Association)

Nada Bruer (Inter-University Centre)

Igor Vio (University of Rijeka)

**MARITIME LAW COLLOQUIUM “IN MEMORIAM PROF. HRVOJE KAČIĆ”**

Petar Kragić: Remembering Professor Hrvoje Kačić

**COLLISIONS OF SHIPS AND RELATED MATTERS (09:30 – 13:00)**

Aref Fakhry: Collision Convention 1910 – Some Historical Perspectives

Petar Kragić – Petra Amižić Jelovčić: Revision of the Collision Convention 1910 – Challenges and Dilemmas

Igor Vio – Zuzanna Peplowska-Dąbrowska: Applicability of the 1910 Convention to MASS

***COFFEE BREAK (11:00 – 11:30)***

Časlav Pejović: Maritime Collision – Comparative Law in the Context

Mihael Mišo Mudrić: COLREGs, Crewmen Skill and Knowledge, and the Responsibility of Masters in the Age of Unmanned Autonomous Vessels

Gordan Stanković – Iva Tuhtan Grgić: Default Interests and Procedural Costs in Limitation of Liability Proceedings

***WELCOME RECEPTION: Inter-University Centre Courtyard (13:00 – 14:00)***

***NEW LEGAL FRAMEWORK FOR SHIP COLLISION – ROUND TABLE (14:00 – 15:30)***

*Ships’ collision in international conventions and in Norwegian, Polish, British, Montenegrin, Japanese, South African, Chinese, Lebanese, Turkish, Slovenian and Croatian Maritime Law*

***Discussion and Closing of the Colloquium (15:30 – 16:00)***

***Sightseeing – Guided Walking Tour of the Old Town (16:30 – 18:30)***

**Tuesday, 12 September 2023**

***I. DIGITALIZATION OF MARITIME AND TRANSPORT LAW***

*E-DOCUMENTS – DIGITAL TRANSFORMATION OF TRANSPORT*

*MASTERCLASS (09:00 – 11:15)*

Časlav Pejović: Electronic Trade Documents Act, 2023: Towards Legal Recognition of Electronic Transport Documents

Patrick Vlačič: UNCITRAL Model Law on Electronic Transferable Records: Misunderstanding or Mistrust or Something Completely Different

*Discussion*

*COFFEE BREAK (11:15 – 11:45)*

***II. MARINE ENVIRONMENTAL LAW***

*MASTERCLASS AND LECTURES (11:45 - 14:15)*

Erik Røsæg: The Greening of Shipping – Legal Aspects

Pia Rebelo: Regulatory Developments for the Decarbonisation of Shipping

Laura Carballo Pineiro: Towards a Private Enforcement of the Ship-Recycling Legal Framework

*Discussion*

*LUNCH (14:15 – 15:15)*

***ROUND TABLE “MARITIME LAW - PRACTITIONERS PERSPECTIVE” (15:15 – 16:15)***

*Moderator: Mihael Mišo Mudrić*

*Speakers: Gordan Stanković, Petar Kragić and Zoran Tasić*

***Free afternoon and evening – individual sightseeing***

**Wednesday, 13 September 2023**

***III. MARINE AND TRANSPORT INSURANCE***

*MASTERCLASS AND LECTURE (09:00 - 10:45)*

Adriana Vincenca Padovan: Inchmaree Clause and the Like - Specificity of Marine Hull Insurance

Shengnan Jia: Sanction Clauses in Marine Insurance Contract

*Discussion*

*COFFEE BREAK (10:45 – 11:15)*

***IV. CONTEMPORARY LEGAL ISSUES IN SHIPPING INDUSTRY***

*MASTERCLASS AND LECTURES (11:15 – 14:00)*

Aref Fakhry: Recent Developments in Maritime Casualty Law

Zoran Tasić: Consequences of Non-Payment of Charter Hire

Marija Pijaca: Content of the Bareboat Charter in National and Autonomous Legal Sources

Miho Baće: Special Features of Vessel Leasing Contracts in Legal Transactions in the Republic of Croatia

*Discussion*

*LUNCH (14:00 – 15:00)*

***V. PRIVATE INTERNATIONAL LAW IN MARITIME RELATIONS***

*MASTERCLASS (15:00 – 16:45)*

Ivana Kunda – Danijela Vrbljanac: Private International Law in Maritime Relations

*Discussion*

***Cable-car trip to Srd (17:30 – 19:30)***

**Thursday, 14 September 2023**

***VI. LIMITATION OF SHIPOWNER'S LIABILITY FOR MARITIME CLAIMS***

*MASTERCLASS (09:00 - 11:45)*

Norman Martinez: Limitation of Liability for Maritime Claims – International Legal Framework

Zuzanna Peplowska-Dąbrowska: Oil Pollution from Ships – Limitation of Liability in International Conventions and under the US National Law

Iva Tuhtan Grgić: Passenger Claims – How Limited is the Carrier's Liability?

*Discussion*

*COFFEE BREAK (11:45 – 12:15)*

***VII. MARITIME LABOUR LAW***

*LECTURES (12:15 - 14:00)*

Lijun Zhao: The Maritime Labour Convention and Welfare of Seafarers: Law and Practice

Khanssa Lagdami: New Challenges in Maritime Industry and the Future of the MLC 2006

*Discussion*

*LUNCH (14:00 – 15:00)*

***VIII. CURRENT CHALLENGES IN MARITIME AND TRANSPORT LAW***

*MASTERCLASS AND LECTURES (15:00 – 18:30)*

Mihael Mišo Mudrić: The Shift of Responsibility for Automated Vehicles in the Age of AI: General Regulatory Trends and Their Impact on the Shipping

Richard L. Kilpatrick: Maritime Sanctions - Price Cap Compliance

*COFFEE BREAK (16:30 – 17:00)*

Achim Puetz: Defects of Aircraft – Liability Issues

Axel Luttenberger: Coastal Area Governance

*Discussion*

***Free afternoon and evening – individual sightseeing***

## **Friday, 15 September 2023**

### ***IX. LEGAL ASPECTS OF SEAPORTS***

*MASTERCLASS AND LECTURES (09:00 - 11:15)*

Božena Bulum: Regulation of the Provision of Port Services in the Republic of Croatia – the Business Practice of the Croatian Ports and Competition Law

Elena Orrù: Smart ports – Current Challenges and Perspectives

Mihael Mišo Mudrić – Ivana Keser: Port Area Video Surveillance in the Context of Port Resilience

*Discussion*

*COFFEE BREAK (11:15 – 11:45)*

### **TRANSPORT LAW DE LEGE FERENDA 2023**

#### ***I. RECENT DEVELOPMENTS OF INTERNATIONAL MARITIME LAW (11:45 – 14:00)***

*Chair: Achim Puetz*

Alperen Furkan Tas: Recent Legal Reactions at Domestic Level to Digitalisation in Maritime Trade Documentation

Haiyang Yu: Contracts in Salvage Law and Practice: Who Moved My Cheese?

Irena Nišević: Fragmentation of International Law in Regard to the Protection of the Marine Environment

Merve Tas: Overlapping Issues of Maritime Law and International Environmental Law

*Discussion*

*LUNCH (14:00 – 15:00)*

#### ***II. LEGAL FRAMEWORK FOR CONTEMPORARY SHIPPING (15:00 – 18:00)***

*Chair: Mišo Mudrić*

Vivian van der Kuil: Maritime Safety 2023 and Beyond: Moving Ahead or Trawling Behind? An Assessment of New Proposals for the Regulatory Framework by the European Commission

Mustafa Yilmaz: Civil Liability Issues Arising from Implementing AI in Shipping

Maja Radunović: Berth agreement – Need for Legal Regulation in Montenegro

*COFFEE BREAK (16:30 – 16:45)*

Albano Gilabert Gascón: The Relationship between Contractual Liability and Marine Insurance in Contracts for the Use of the Vessel

Ilaria Malaguti: Investments in Seaport Infrastructures and State Aid Law – The Most Recent Perspectives on Maritime Silk Road in Europe

*Discussion*

*Closing Ceremony (18:00 – 18:15)*

*DINNER AT ORHAN RESTAURANT (20:00)*

## **Saturday, 16 September 2023**

*SIGHTSEEING TOUR - The Island of Lokrum (10:00 – 15:00)*



# **Professor Hrvoje Kačić**

**(1932 – 2023)**

Professor Hrvoje Kačić was a distinguished Croatian maritime lawyer with an astonishing professional, political and sporting biography. He was born in Dubrovnik in 1932, he graduated from the University of Zagreb, Faculty of Law in 1956, and after completing the traineeship period at the Municipal Court in Dubrovnik and at the High Commercial Court of Justice in Zagreb and having passed the bar exam, he joined Atlantska plovidba shipping company of Dubrovnik in 1961, while he established his law office in Zagreb in 1989.

Besides having been a member of the Croatian Maritime Law Association and a member of its Executive Board, he was also a CMI Titulary Member and was participating in the CMI work in various committees and attended the Conferences in Athens, New York, Tokyo, Hamburg, Rio de Janeiro, Montreal, Lisbon, Paris, Vancouver and Dubrovnik. As a member of the national delegation, he attended a number of meetings of UNCTAD and other diplomatic conferences related to issues of marine insurance and carriage of goods by sea. From 1981 to 1985, he was a member of the Executive Committee of the International Association of Average Adjusters in Antwerp, while from 1980 to 1994 he was director of the UK P&I Club and a member of Executive Committee of International Association of Insurance Supervisors (IAIS).

As a university professor, Professor Kačić was head of the Maritime Department at the University of Dubrovnik and a lecturer at the University of Split, Faculty of Law and at the International Inter-University Centre in Dubrovnik. He was invited to give lectures at numerous universities in Italy, Great Britain, Belgium, Netherlands, Norway, Spain, USA, China, Nigeria, Austria, Germany, Russia, Japan, Singapore and New Zealand. He published four legal textbooks and many articles covering all aspects of maritime law.

He was politically engaged in the fight for Croatian independence and international recognition. He was elected to the Croatian Parliament in the country's first democratic elections in 1990 as an independent candidate and was the chairman of the Parliamentary Committee for Foreign Affairs. From 1994 to 2001 he was president of the Croatian State Commission for Borders and he wrote a book depicting that period titled "Serving my Country".

As a world-famous water polo player, he was a member of the national water-polo team from 1950 until 1961 and played at the European Championship in Vienna, 1950 (bronze medal), the Olympic Games in Melbourne, 1956 (silver medal), the European Championship in Budapest, 1958 (silver medal), the Mediterranean Games in Beirut, 1959 (gold medal) and the Olympic games in Rome, 1960 (fourth place). He was selected in the best water polo team in the world three times (in years 1956, 1957 and 1960).

He was always in the front lines for solving emerging problems and issues of shipping by giving his views and proposing solutions in various international bodies, and at the same time offering his analysis to the wider audience through academic papers. His friends and colleagues will keep in their memories a picture of a kind, opened and generous man, who lived by his principles of freedom, open-mindedness and hard work in an effort to make the world a better place.

# **COURSE LECTURERS COLLOQUIUM AND TRANSLAWFER SPEAKERS**

## **BIOGRAPHICAL NOTES**

**Petra Amižić Jelovčić, PhD**  
**University of Split - Faculty of Law**  
**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 Jelovčić 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.

**Miho Baće, PhD**  
**University of Dubrovnik – Maritime Department**  
**Dubrovnik, Croatia**

Miho Baće was born in Dubrovnik, where he completed his elementary and secondary education. He graduated from the Faculty of Law of the University of Zagreb. He obtained a master's degree in maritime law and the law of the sea from the University of Split, Faculty of Law, and a PhD degree from the Faculty of Law of the University of Mostar. He worked at the Adriatic Croatia International Club d.d. from 2005 to 2013 at the headquarters of the company in Opatija as a director of legal, human and general affairs, and during that period he was the president of the Board of Directors of the Yacht Club Croatia, a member of the Association of Marinas at the Croatian Chamber of Commerce, and president of its Legal Commission. Afterwards he was active as a member of the Governing Board of the Polytechnic in Dubrovnik, the president of the Governing Board of the Dubrovnik County Port Authority and a member of the school board of the Nautical School of Dubrovnik from 2009 to 2011. After his career in ACI, Dr Baće returned to Dubrovnik, where was the head of the Administrative Department for Communal Affairs, Transport and Communications of the Dubrovnik-Neretva County from 2018 to 2020. From 2020 to 2022, he continued working for the Dubrovnik-Neretva County as the head of the Administrative Department for Environmental Protection, Communal and Legal Affairs. Currently Dr Miho Baće is the head of Legal Affairs at company TUP d.d. in Dubrovnik, and he is also a maritime law lecturer at the University of Dubrovnik Maritime Department.

**Božena Bulum, PhD**  
**Adriatic Institute - 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. Between June 2001 and January 2004, she worked at the Commercial Court in Split. 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. In January 2005, Dr. Bulum started working at the Ministry of Justice of the Republic of Croatia in Zagreb. There she stayed until February 2006, when she started working as assistant professor at the Adriatic Institute of the Croatian Academy of Sciences and Arts. Today, she holds the position of scientific advisor at the Institute. Her current research interests include, in particular port law and European Union competition law. As an expert in these fields, Dr. Bulum works as ad hoc legal adviser to the business sector. She was a member of the Expert Committees for the drafting of the Croatian Maritime Code amendments, Maritime Domain and Seaports Act, and the Act on Transport in Liner Shipping and Occasional Coastal Maritime Transport. She is a regular speaker at international and domestic conferences related to maritime law and took part in the organisation of several academic seminars and conferences. Dr Bulum 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 supervisory 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 over 50 academic and professional papers.

**Laura Carballo Piñeiro, PhD**  
**University of Vigo - Faculty of International Relations**  
**Vigo, Spain**

Professor Carballo joined the University of Vigo in December 2021 where she is currently Dean of the Faculty of International Relations. Prior to joining the University of Vigo, she worked at the World Maritime University, where she was the holder of the Nippon Foundation Chair of Maritime Labour Law and Policy, and at the University of Santiago de Compostela in Spain. She is admitted to practice as a lawyer and has worked as a deputy judge in Spain. Her areas of expertise include private international law, international litigation, international insolvency and maritime law. As a Fellow of the Alexander von Humboldt Foundation, she has specialized in international maritime labour law being her research published in 2015 by Springer at the Hamburg Studies on Maritime Affairs Collection edited by the International Max Planck Research School for Maritime Affairs at the Hamburg University. She regularly cooperates with different UN agencies including the International Labour Organization (ILO), the International Maritime Organization (IMO), the United Nations Commission on International Trade Law (UNCITRAL) and the Food and Agriculture Organisation (FAO). Professor Carballo has published in a number of international journals in English, German, Italian and Spanish. She has been visiting fellow at the Max Planck Institute for Comparative and Private International Law, Columbia Law School, the Institute of European and Comparative Law at Oxford University and UNCITRAL, and she has been visiting professor in a number of institutions in Europe and Latin America such as the Hague Academy of International Law, the Central European University, the Universities of Antioquia and Medellín in Colombia and the Central University of Venezuela.

**Aref Fakhry, PhD**  
**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.

**Albano Gilabert Gascón, PhD**  
**Institute for Transport Law**  
**Jaume I - University**  
**Castellón, Spain**

Albano Gilabert Gascón got his PhD in Law from the Universitat Jaume I of Castellón and from the Alma Mater Studiorum - Università di Bologna, with the qualification of outstanding cum laude. Albano Gilabert graduated in Law from the Universitat Jaume I of Castellón, in 2017, obtaining the outstanding career award. In 2019, he completed his post-graduate studies in Legal Practice and passed the State Examination for Access to the Legal Profession in 2019. Currently, he is a postdoctoral researcher at the Universitat Jaume I in Castellón. He is also a member of the Institute for Transport Law and the Transport Law research group, as a research scholar. He has also presented several papers related to his field of research and he has written different articles in scientific journals and book chapters on marine insurance law.

**Shengnan Jia, PhD**  
**Navigation School**  
**Jimei University**  
**Xiamen, China**

Dr Shengnan Jia LLB (law, China), LLM (civil and commercial law, China; maritime law, Sweden) and PhD (commercial and maritime law, UK). Shengnan is a lecturer at Navigation College, Jimei University, Xiamen; an Adjunct Lecturer at the School of Juris Master, China University of Political Science and Law; an Adjunct Lecturer at Ankara University National Centre for the Sea and Maritime Law, Turkey and an Expert of Advisory Panel for China Council for Promotion of International Trade as UNCITRAL Observer on Negotiable Multimodal Transport Documents. She

is the author of *Comparative Analysis of Interim Measures: Interim Remedies v Preservation Measures* (publisher: Routledge), an editor of *Maritime and Commercial Law in China and Europe* (publisher: Routledge) and has contributed chapters to many legal profession books and journals. She is the Chair of Board, Stichting China-Europe Commercial Collaboration Association (CECCA) (Netherlands) and a Co-Founding Director of CECCA (London). She founded *Journal of Transnational and Chinese Maritime Law* (ISSN 2634-4777) and *Journal of Transnational and Chinese Commercial Law* (ISSN 2634-8209). She is also a practicing lawyer & partner, Tahota Law Firm, China and an arbitrator, Hainan International Association Court, Zhuhai Court of International Arbitration and Xi'an Arbitration Commission, China; LMAA, UK; Caspian Arbitration Society, Geneva and Energy Disputes Arbitration Centre, Ankara.

**Ivana Keser, PhD**  
**Institute for Development and International Relations**  
**Department for Resource Economics**  
**Zagreb, Croatia**

Ivana Keser works as a researcher at the Department for Resource Economics, Environmental Protection and Regional Development, Institute for Development and International Relations (IRMO), Zagreb. She graduated from the Faculty of Political Science, University of Zagreb, holds an LL.M. from European Legal Studies, Europa-Kolleg, Institute for European Integration, University of Hamburg, graduated from Centre for Peace Studies Zagreb, one-year interdisciplinary peace education program and holds a Ph.D. from the International joint degree doctoral programme in the Sociology of regional and local development organized and implemented by the University of Zadar and the University of Teramo (Italy). Her work takes place at the intersection of urban policy research and practices of sustainable local and regional development and integrated governance. Mrs. Keser has been engaged as a lecturer at the Faculty of Law, University of Zagreb, and postgraduate interdisciplinary University of Zagreb course "Preparation and implementation of EU projects." She is a junior expert in many projects related to sustainable development, local and regional development, and strategic planning and management.

**L. Kilpatrick, Jr., JD**  
**College of Charleston**  
**Charleston, South Carolina, USA**

Richard L. Kilpatrick, Jr. is an Associate Professor of Business Law at the College of Charleston, School of Business, in Charleston, South Carolina, USA. He teaches courses in commercial law, international business law, and maritime law. Richard has published academic journal articles and book chapters covering a range of maritime and international commercial law issues. His work has appeared in journals such as *Lloyd's Maritime Commercial Law Quarterly*, the *Journal of Business Law*, the *Journal of Maritime Law and Commerce*, and the *Tulane Maritime Law Journal*. Richard has also presented his work at conferences and invited lectures around the world, and he has served in visiting positions at the National University of Singapore, Centre for Maritime Law. 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.

**Petar Kragić, PhD**  
**Croatian Maritime Law Association**  
**Zadar, Croatia**

Petar Kragić was born in the city of Zadar, where he completed his elementary and secondary education. He studied law at the Law Faculty of the University of Split, where he obtained his LLB degree as well as his LLM and PhD in maritime law. Dr Kragić spent his professional career as in house lawyer for the Croatian largest ship owning company and had opportunity of getting experience in all aspects of shipping law. He was the president of the Croatian Maritime Law Association from 2000-2018 and chairman of the legal committee of Croatian Chamber of Shipping, and also Director in a leading international insurance company UK P&I Club 1994 – 2009, in SiGCo (international provider of guarantees for oil pollution liability), and in an international investment fund. Dr Kragić participated in the CMI Drafting Committee for the Rotterdam Rules and was a member of the Croatian delegation to the UNCITRAL (including working groups for the Rotterdam Rules and for Judicial Sale of Ships) and to the ILO. He is the titular member and a member of the Executive Council of the CMI. For a number years he has been a member of the drafting committee for the Croatian maritime law. He is the author of a legal textbook *Tanker Charterparties*, a monograph *A Modern Lex Mercatoria for Carriage of Goods by Sea*, number of articles on maritime law topics and is involved in writing commentary to the Croatian Maritime Code. He is a regular speaker at maritime law conferences.

**Ivana Kunda, PhD**  
**University of Rijeka, Faculty of Law**  
**Rijeka, Croatia**

Ivana Kunda 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](http://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 and centre for Private international Law at the Aberdeen University. 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 and 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.

**Khanssa Lagdami, PhD**  
**ITF Seafarers Trust Chair**  
**World Maritime University**  
**Malmö, Sweden**

Dr Khanssa Lagdami joined the World Maritime University (WMU) in 2015 and is currently the ITF Seafarers Trust Assistant Professor in Maritime Labour Law and Policy at the WMU. Dr Lagdami is also 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 seafarers' welfare, bringing together world-leading experts on seafarers' rights, maritime regulations, and welfare issues (<https://www.wmu.se/programmes/maritime-welfare-mari-wel>). Dr Lagdami is also a lead member of the future of work program at WMU (<https://www.wmu.se/research/future-of-work>). Dr Lagdami strengths lie in maritime labour law, human rights at sea, maritime security, and the future of work in the maritime sector. Her research and academic interests involve project creation, project management as well as capacity building, and training (especially for developing countries). Dr Khanssa Lagdami had the opportunity to teach international public law, the law of the sea, and maritime law at the Faculty of Law of the University of Nantes in France. She earned her doctorate in maritime law from the University of Nantes in France. Her multidisciplinary profile includes a M.Sc. in Maritime Affairs Management and an LL.M in International Comparative Law from the University of Perpignan in France.

**Axel Luttenberger, PhD**  
**University of Rijeka**  
**Faculty of Maritime Studies**  
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Axel Luttenberger is a Full Professor with permanent tenure at the Faculty of Maritime Studies of the University of Rijeka. He got his Bachelor's Law degree at Faculty of Law of the University of Rijeka, and became Master of Law and Doctor of Law at the Faculty of Law of the University of Split. He passed the Bar examination and has long lasting practice in marine insurance business as legal attorney and legal advisor. He has experience in local government and government public service having been the City Mayor of Opatija and Member of Parliament and its Committee on the Constitution, Standing Orders and Political System and Legislation Committee. His main activities are teaching maritime, commercial and environmental law at various university and vocational programmes. He is involved in projects for maritime industry, government entities and non-governmental environmental associations.

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Ilaria Malaguti graduated in Law magna cum laude in 2016 from the Faculty of Law of the University of Bologna and Paris West University, earning a French law degree (Licence en droit) and a French-Italian law Master, with a thesis in European Law. Since 2018 she has been appointed named expert in Maritime and Transportation Law and in Tourism Legislation at the Department of Legal Studies of the Alma Mater Studiorum - University of Bologna. In March 2023 she obtained her Ph.D. (Law) from the University of Bologna, discussing a thesis on the topic of investments in seaports and airports and state aid law. As a Member of the Bologna Bar Association since 2017, she is currently working as lawyer of a well-known Italian Law Firm operating in the field of shipping, providing legal advice and assistance with reference to civil, commercial, administrative, corporate, maritime and transportation law and litigation. Ilaria is author of articles concerning the Maritime and Transport Law and is a member of AIDIM- Italian Maritime Law Association, Regional Committee of Genoa, and member of the Editorial Boards of “Il Diritto Marittimo”.

**Norman Martinez, PhD**  
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Professor Norman Martínez is the Director of the IMO International Maritime Law Institute (IMLI). He read law at the National Autonomous University of Honduras (UNAH) and has been lecturing in international law and maritime law more than 25 years. He holds a Master of Laws (LLM) Degree and a Doctor of Philosophy (PhD) Degree from IMLI. He has been a member of the IMLI Faculty since 1999 and, in 2019, he was conferred the Title of Full Professor of International Maritime Law. Norman has acted as an international maritime law consultant since the year 2000 and has drafted legislation for governments in several areas of maritime law. He joined the IMO’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 FAO Roster of Experts 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. He is the author of the book *Limitation of Liability in International Maritime Conventions: The Relationship between Global Limitation Conventions and Particular Liability Regimes*, Routledge, London / New York, 2011, has co-authored/edited several books in the field of international maritime law, and has published numerous articles in different languages in prestigious law journals around the world. 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.



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Irena Nišević graduated at the Faculty of Law in Zagreb and currently is a PhD Student at the same faculty, on the course of Public International Law and Private International Law. She works as Assistant at the Adriatic Institute of Croatian Academy of Sciences and Arts in Zagreb. She continuously improves her knowledge in International Law by actively participating at the international conferences, lectures and courses, such as the summer course on Public International Law of the Hague Academy of International Law. She contributes to the journal Comparative Maritime Law of the Adriatic Institute by submitting her papers for publication in the journal as well as by peer-reviewing academic articles. Her research interest is focused on the Law of the Sea, Environmental Law and the Law of Armed Conflict.

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Časlav Pejović is the Professor Emeritus at the Faculty of Law, Kyushu University. He graduated in law at the University of Montenegro (B.A.), has LL.M. degrees from the University of Belgrade and Kyoto University, and a Ph.D. from Zagreb University. His teaching and research interests include maritime law, comparative law, transnational commercial law, international business law, foreign investment law, and corporate governance. He is a member of several international academic and professional associations, such as the International Academy of Comparative Law (IACL), the International Academy of Commercial and Consumers Law (IACCL), and the Japanese Association

of Maritime Law. He also serves as the Honorary President of the Montenegrin Association of Maritime Law. He is co-editor (with Gerald McAlinn) of *Law and Development in Asia* (Routledge, 2012) and author of several books, including *Transport Documents: International Law and Practice* (Informa Law, 2020). His papers are published in world-leading journals, and some are translated into other languages. He was nominated as arbitrator in the Thai Arbitration Institute (TAI), and the Tokyo Maritime Arbitration Commission (TOMAC), and also served as arbitrator of the International Chamber of Commerce (ICC) Arbitration.

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Zuzanna Pełowska-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. Between 2015 and 2019 she was a member of the Polish Codification Commission for Maritime Law. 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. 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 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 Fulbright grantee).

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Marija Pijaca is an Assistant Professor at the Maritime Department of the University of Zadar, Croatia, where she held lectures in several courses in the domain of maritime law. She also held lectures in course of commercial law at the Management Department of the University of Zadar and in courses of labour law, health and social legislation in the Department of Health Studies at the University of Zadar. She graduated from the Faculty of Law of the University of Zagreb and after graduation enrolled in the Postgraduate Scientific Study of "Maritime Law and the Law of the Sea" at the Faculty of Law of the University in Split. During the Postgraduate Studies she showed interest in the majority of courses, especially in the matter of maritime property law. The postgraduate master's degree studies at the Faculty of Law of the University of Split she completed with the thesis "Contracts on Towing Operation at Sea". She also obtained PhD degree at Faculty of Law of the University of Rijeka with the thesis "Bareboat Charter". She lived and worked in London for the British-Croatian Chamber of Commerce. She is author and co-author of few scientific and professional papers. Also, she is the author of a scientific monograph titled "Bareboat Charter".

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Achim Puetz obtained his PhD (Law) from Jaume I-University, Castellon (2008), for which he received the outstanding doctorate award. Since September 2018 he is an associate professor of commercial law at Jaume I-University. He has also lectured in degree, Masters and Ph.D. studies in Spain (Complutense University, Madrid; Universidad Carlos III de Madrid; University of the Balearic Islands; University of Jaen) and abroad (Université Catholique de Lille; Università degli Studi di Cagliari; Universidad de San Carlos de Guatemala; Alma Mater Studiorum – Università di Bologna; Universidad Tecnológica de Honduras). He is the author of the monograph “Derecho de vagones. Régimen jurídico-privado de la utilización de vagones de mercancías en tráfico ferroviario” (Madrid, 2012) and has co-authored the volume on Spain of the International Encyclopædia of Laws – Transport Law (The Netherlands, 2018). He has also published numerous research articles and contributions to collective works, both in transport matters and in other areas of commercial law (company law and corporate governance, antitrust and unfair competition law, insurance and factoring contract, insolvency law). He is currently the director of the Jaume I-University’s Institute for Transport Law (IDT).

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Maja Radunović currently works as an attorney at law in Montenegro advising clients in all aspects of maritime law. Before that she worked as a judicial advisor in the Commercial Court of Montenegro and as an external advisor to the Ministry of Traffic and Maritime Affairs - Directorate for Maritime Commerce. She obtained her Bachelor and Specialist degree at University of Montenegro – Faculty of Law Podgorica. She undertook LL.M studies in International Maritime Law studies at the IMO-IMLI in Malta where she was awarded with the CMI Prize for Best Overall Student. Since then, she has been actively involved in maritime law, both from academic and practical perspective. So far, she has undergone numerous trainings, participated in conferences and seminars in the country and abroad, including the IFLOS Summer Academy organized at the International Tribunal for the Law of the Sea in Hamburg and the 2019 CMI Conference in Mexico City. Maja is a president and one of the founders of recently established Montenegrin Maritime Law Association. Also, Maja is a NIPPON Foundation Fellow, member of IMLI and IFLOS Alumni groups, member of the Association of Jurists of Montenegro and of the Committee of Young Jurists of Montenegro, where she performs the function of Vice President for Development Policy.

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Pia Rebelo is an admitted attorney from South Africa and a lecturer in private law. She obtained her LLB and LL.M at the University of Cape Town and completed her PhD at the City Law School. She has a strong interest in environmental issues within the maritime sector and the private law aspects of the climate change and sustainable development agendas. Her research interests are focused on

the contractual mechanisms employed to facilitate and incentivise a green shipping transition. She has published work on green finance frameworks, green supply chain finance, and private actor initiatives for addressing climate change. She has recently been appointed as an Academic Research Fellow of the Middle Temple whilst carrying out her research and teaching commercial law subjects at the City Law School, City University of London.

**Erik Røsæg, PhD**  
**University of Oslo, Department of Private Law**  
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Professor Erik Røsæg teaching includes maritime law and law of the sea, but the recent focus has been on third party relations in private law (liens, mortgages, bankruptcy, and property conflicts). He was born in 1958, and he has mainly been employed by the University of Oslo since 1982. He got his Master of Laws degree in 1986 and his Doctor of Laws degree in 1992; both degrees from the University of Oslo. Most of his career he has been at the Scandinavian Institute of Maritime Law, but now works at the Department of Private Law, University of Oslo. Other workplaces include the Norwegian Ministry of Justice and PluriCourts - Centre for the Study of the Legitimate Roles of the Judiciary in the Global Order. He has published in maritime law, law of the sea, contract law and third party relations in private law. Recent publications in Maritime Law focus on the greening of shipping, migrant problems and autonomous shipping. Prof. Røsæg has chaired the Norwegian Maritime Law Commission and negotiated legal instruments in the IMO and the EU. He is an honorary member of the Croatian Maritime Law Association.

**Gordan Stanković, PhD**  
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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 PhD degree from the Law Faculty of Split. He was a Fulbright visiting scholar at the Tulane Law School in New Orleans, Louisiana, USA. Dr Stanković 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) he acted as legal consultant to the Government of Croatia on restructuring of the Croatian shipbuilding industry. Gordan Stanković is an Associate Professor and 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. He is the author of a series of monographs and papers on various shipping law topics, including the chapter on Croatia in Kluwer's International Encyclopaedia of Laws – Transport Law. He has given presentations at numerous international and domestic maritime law conferences. Dr Stanković has been involved in the drafting of the Croatian Maritime Code as a member of the working group on registration of ships, liens and mortgages, as well as the working group on judicial sales of ships and ship arrest. He 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.

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Alperen Furkan Tas is a PhD Candidate at Northumbria University and a scholarship holder of the Turkish Ministry of Education for his postgraduate studies in the field of International Maritime Law. He holds an LLM degree from Swansea University Institute of Shipping and Trade Law and an LLB degree from Ataturk University Faculty of Law. Mr Tas completed his legal internship at the Ankara Bar Association and became a qualified lawyer there. He has practical experience in the area of Commercial Law, as a matter of fact, he is still a member of the Union of Turkish Bar Associations. He is currently working on the legal status of electronic bills of lading, considering emerging technologies (including blockchain), but his research interests extend broadly throughout Maritime Law, Contract Law and Law of the Sea. Related to his research interests, he has presented a number of papers at academic conferences and written several articles in international journals

**Merve Tas, LLM**  
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Merve Tas obtained her LLB and LLM degrees from Marmara University in Istanbul, Turkey, graduating in 2018 and 2022, respectively. She became a qualified lawyer at Istanbul Bar Association in 2020 after completing her legal internship there. She then worked as a full-time Research Assistant in International Law department at Istanbul Aydin University for two years. She assisted a number of law courses for undergraduate and postgraduate law students. She participated in several academic and administrative roles and tutored a number of students. She completed research on “The Jurisdiction of Coastal State on the Underwater Cultural Heritage in International Law” for her first master’s thesis at Marmara University. After this period in legal education and practice, she began studying for an LLM at the University of Nottingham. She selected various courses such as International Environmental Law; Introduction to Energy Law; Law of the Sea during the term. Her general research interests are in Law of the Sea. She has a particular interest in marine environmental law and underwater cultural heritage. She is currently studying “Environmental Protection and Marine Surveying in Waters within 200 nautical miles of a Coastal State” for her second master’s dissertation.

**Zoran Tasić, LLB**  
**Dedicato Consulting**  
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Zoran Tasić is Director of Dedicato Consulting, Zagreb. After graduating at the Law Faculty in Split Zoran's career has started at the same shipyard where he was involved in export shipbuilding contracts and shipbuilding finance for 8 years. In late 1980s, Zoran has joined Shipping Department of Stephenson Harwood, a City of London firm of solicitors where he worked on shipping finance and shipbuilding disputes for 15 years. In 2002, Zoran joined Ince & Co, another City of London

firm of solicitors where he worked on shipping related matters for 2 years. While in London, Zoran was attending courses in Legal Aspects of International Financing, Law of International Trade and Conflict of Laws at Queen Mary University. Upon return to Croatia, he joined Raiffeisenbank Austria d.d. in Zagreb as a Deputy Head of Legal. In 2006, Zoran has formed Banking & Finance team at Zagreb branch of Anglo-Austrian law firm CMS Reich-Rohrwig Hainz, where he spent 10 years being involved in many projects in Croatia financed by international banks. Since 2014 to 2021, Zoran was acting as a Consultant to the Management Board of Shipbuilding Industry Split, Croatia. Zoran is a listed Arbitrator in domestic and international disputes held at the Croatian Chamber of Commerce. He has spoken at many conferences and written articles on the international finance, shipping and shipbuilding matters.

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After spending 12 years with the Royal Dutch Navy as a bridge officer, Vivian turned to the law and has been working as a maritime lawyer since 2009 currently as a partner with Ten Holter Noordam Advocaten in Rotterdam. 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 ship building (disputes). She has i.a. acted for Owners/P&I in the EVERGIVEN and BALTIC ACE matter. She is working on a PhD on classification societies at the Erasmus University Rotterdam. She also works as a deputy Court of Appeal judge and she teaches the law of civil procedure with the vocational training for lawyers in the Netherlands.

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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 LLB degree at the University of Rijeka, Faculty of Law, an LLM in Ocean and Coastal Law at the University of Miami, School of Law, an LLM in the Maritime Law and Law of the Sea and a PhD 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.

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Patrick Vlačič was born in 1970 in Slovenj Gradec in Slovenia. He finished the Faculty of Law of University of Ljubljana, masters, at Faculty of Law of University of Split (Croatia) and PhD again at Faculty of Law in Ljubljana in 2005. He worked at the Supreme Court as a judicial trainee and passed bar exam in 1998. From then to present is a professor at the Faculty for Maritime Studies and Transport of University of Ljubljana. He was also director of small international airport, Aerodrom Portorož d.o.o. and the Minister of Transport in 9th Government of Republic of Slovenia between 2008 and 2012. At the moment he is an Associate Professor, and he lectures maritime law, commercial law, civil law, transport law and insurance law. He is also practising law, especially in area of transport and insurance. He is author or co-author of seven books and many articles. He is also a musician and plays bass guitar in bands since year 14. He speaks Slovenian, English, Italian, Croatian and Serbian.



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Danijela Vrbljanac 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.

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Mustafa has been working in maritime law for over four years. He is an admitted lawyer from the Ankara Bar Association. He worked as a full-time research assistant at several universities in Turkey for about three years. He holds an LLM in Maritime Law and an LLM in Private Law degrees from Ankara University and the Social Sciences University of Ankara respectively. He obtained an LLB from Ankara University and a Bachelor's Degree in International Relations from Anadolu University. He has several journal articles and international conference proceedings, particularly on emerging technologies in shipping, such as autonomous ships and smart containers. He is the author of the book "Legal Aspects of Autonomous Ships" (Original Title in Turkish: Otonom Gemilerin Hukuki Boyutu), the first-ever monograph devoted to the legal implications of autonomous shipping. He currently pursues his PhD in Maritime Law at the City Law School, University of London, United Kingdom

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Haiyang Yu is a PhD candidate at Maastricht University Faculty of Law in the Netherlands. He co-organizes the PhD training programme for Ius Commune Research School, which is a collaboration among the law schools of Maastricht, KU Leuven, Utrecht and Amsterdam. His educational background includes an LLM degree in Maritime & Transport Law from Erasmus University Rotterdam and an LLB degree from East China University of Political Science and Law in Shanghai. Haiyang holds the National Legal Profession Qualification of China and he is a member of both the China Maritime Law Association and Dutch Transport law Association (NVV). In 2022, he

conducted a research internship at the International Maritime Organization in London. He is a founding board member of Stichting China-Europe Commercial Collaboration Association (CECCA Foundation, NL). He is the Executive Editor of the Journal of Transnational and Chinese Maritime Law (ISSN 2634-4777). He has been invited to present his research at various conferences, such as the International Law Workshop in Honour of Professor Catherine Redgwell (Oxford, 2023), the International Scientific Conference on Maritime Law (Split, 2023), German Law & Economics Association Annual Conference 2022 (Nancy) and the Transport Law De Lege Ferenda 2022 (Dubrovnik).

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Dr Lijun (Liz) Zhao is Director of the Academic Visitor Programme, at City, University of London. Liz has undertaken extensive research and teaching in the areas of trade and commercial law, especially new technologies such as AI and digital assets. Before embarking on a career in academia, she was admitted by the Chinese Bar Council. Currently, she works as tenured Senior Lecturer (Associate Professor) in Corporate and Commercial Law and PhD Supervisor at City. Over the past decades, she has collaborated with and contributed to the work of several international organizations and bodies, including the World Trade Organization (WTO) and its academic forums, the UN International Maritime Organization (IMO), and the Comité Maritime International (CMI), the London Maritime Arbitrators Association (LMAA), the Chartered Institute of Arbitrators (CIArb), etc.

**COURSE LECTURES SUMMARIES AND  
ABSTRACTS OF COLLOQUIUM AND  
TRANSLAWFER PRESENTATIONS**

# MARITIME LAW COLLOQUIUM

## “IN MEMORIAM PROF. HRVOJE KAČIĆ”

### COLLISIONS OF SHIPS AND RELATED MATTERS

#### Collision Convention 1910 – Some Historical Perspectives

Aref Fakhry

Amidst discussions about the updating of the Collision Convention 1910, this presentation will shed light on historical facts surrounding the adoption, entry into force and reception of the Convention. As one of the oldest instruments developed in the early years of the Comité Maritime International (CMI), the Collision Convention 1910 brought about significant changes in maritime law, including abolition of the famous divided damages rule in common law, and its replacement with proportional fault. The status of ratification of the Convention may not be settling on the success of the Convention as its rules have formed part of the national laws in a number of States that are not parties to it. This is notwithstanding the modest title of the Convention. It is interesting to refer back to the original context and design of the Convention, which evidences perhaps the very first attempt at unifying maritime law by way of international convention. In particular, the divide between common and civil law traditions arguably constituted the main reason for the adoption of the Convention. *The travaux préparatoires* of the Convention were conveniently reproduced by the CMI. They will be tapped into for the purpose of the paper at hand. Insights from national case law and legislation will also be brought to bear. The interplay with other instruments, notably the International Convention on Certain Rules concerning Civil Jurisdiction in Matters of Collision, 10 May 1952, the CMI Lisbon Rules 1987, and the CMI 1977 Rio Draft Convention, will be covered. The presentation draws on the Convention’s history in an attempt to inform the ongoing debate on its revision.

#### Revision of the Collision Convention 1910 – Challenges and Dilemmas

Petar Kragić – Petra Amižić Jelovčić

Discussions at 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 insurer brought abroad under foreign law as a matter of contractual law and uphold law and jurisdiction clauses of the insurance contracts between 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 flag of a member state or entering its ports, but stops short of allowing direct action against insurer. 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 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. Possibility of replacing “direct action” by “enforcement action” that would closely emulate current standard business practices is also explained.

## **Applicability of the 1910 Convention to MASS**

**Igor Vio – Zuzanna Peplowska-Dąbrowska**

International Convention for the Unification of Certain Rules of Law with Respect to Collision between Vessels, adopted in Brussels in 1910 is one of the oldest international maritime law instruments. Its main objective is to prescribe legal rules on civil liability for damages, which are caused by collisions between ships. In the period of its adoption steam ships were dominating the global shipping industry and nobody could have dreamed that only a century later unmanned vessels will start navigating in world's seas and oceans.

When we analyse the possible legal framework for the civil liability resulting from collisions at sea involving one of more autonomous ships, we are facing two main questions, which this presentation will be considering. The first one addresses the possible applicability of the rules of the 1910 Collision Convention to the civil liability of MASS shipowners. The second in dealing with the recent initiative of the Comité Maritime International on the possible future revision of the Collision Convention and potential development of the specific rules that would regulate liability issues related to the collisions involving autonomous ships.

*Authors declare that the presentation is based on conducted research that was funded by National Science Centre, Poland, under the contract UMO-2020/37/B/HS5/00471: “In search for regulatory approach to autonomous vessels”.*

## **Maritime Collision – Comparative Law in the Context**

**Časlav Pejović**

The law on maritime collision provides outstanding insight into how maritime law developed throughout history and the mutual influence of civil law and common law. The presentation starts with Roman law which contained the origin of the principle of contributory negligence. The Oleron Rules provided the next stepping stone in this area, developing the principle of equal division of damages and creating a model for many jurisdictions, including English law.

Further impetus came from civil law jurisdictions in the 19th century providing for comparative negligence, which became a basis for the 1910 Maritime Collision Convention. Eventually, this development led to revising the English tort law beyond maritime collision by adopting the Contributory Negligence Act, of 1945. The USA, as usual, took its own path. The presentation will conclude by providing information on new legislation developments in this area of law.

## **COLREGs, Crewmen Skill and Knowledge, and the Responsibility of Masters in the Age of Unmanned Autonomous Vessels**

**Mihael Mišo Mudrić**

Unmanned autonomous vessels have been receiving increasing attention over the past few years. The most advanced vessels are already navigating the oceans, and the question is raised to what extent they are aligned with various relevant international maritime legislation. Currently, there is a noted lack of concrete legal clarification on how to adapt the autonomous surface vessels to legal instruments such as the 1972 Convention on the International Regulations for Preventing Collisions at Sea (COLREGs). The presentation will examine to what extent a fully autonomous surface vessel can comply with a possible amended version of COLREGs.

## **Default Interests and Procedural Costs in Limitation of Liability Proceedings**

**Gordan Stanković – Iva Tuhtan Grgić**

Default interests and procedural costs are regular companions of every court case involving a monetary claim. They can come in significant amounts, especially where the principal claim is large and/or the court proceedings take a long time (a usual occurrence in Croatia). The purpose of this presentation is to analyse how these supplementary claims are treated in the context of the Croatian court proceedings relating to limitation of liability for maritime claims.

Regarding default interests, the analysis covers the role of such interests in the constitution of the limitation fund as well as their status in the distribution of the limitation fund. According to the LLMC and the Croatian Maritime Code, in the constitution of the limitation fund the default interests accruing in the period from the occurrence giving rise to the liability until the constitution of the limitation fund should be added to the prescribed limitation amounts and thus make a supplementary part of the fund. As for the status of default interests in distribution of the fund, the analysis explores whether such interests can be satisfied only from the limitation fund or possibly from other assets belonging to the person constituting the fund, and whether claimants may claim default interests even for a period after the constitution of the limitation fund.

With regard to procedural costs, the analysis covers not only the costs of the limitation proceedings as such (i.e. the proceedings for the establishment and distribution of a limitation fund), but also the costs of the litigation proceedings ancillary to the limitation proceedings. According to the Croatian Maritime Code, each party to the limitation proceedings should bear its own costs relating to those proceedings, which is unfair to the claimants and contrary to the principles of Croatian rules on non-contentious proceedings. Regarding the costs of the litigation proceedings ancillary to the limitation proceedings, the analysis explores whether those can be satisfied only from the limitation fund or possibly from other assets belonging to the person constituting the fund, and whether the fund should at the time of constitution be supplemented with the amount of foreseeable costs of such litigation proceedings.

# I. DIGITALIZATION OF MARITIME AND TRANSPORT LAW

## **Electronic Trade Documents Act, 2023: Towards Legal Recognition of Electronic Transport Documents**

**Časlav Pejović**

In recent years, several countries, including Singapore, the UK, Germany, and Japan, have advocated for legislative measures to ensure the legal validity and enforceability of electronic trade documents, such as electronic bills of lading (or B/Ls), in relationships extending beyond the contractual parties. Lawmakers paid particular attention to how possession should be applied to electronic trade documents. The intangible nature of electronic trade documents presents a fundamental challenge as they cannot be possessed and do not function in the same manner as their paper counterparts. One key terminological issue revolves around using the term “control,” which lacks a universally accepted legal definition and varies across jurisdictions. In the electronic environment, possession is substituted with the notion of “exclusive control,” as introduced by the Rotterdam Rules and incorporated by the UNCITRAL Model Law on Electronic Transferable Records (MLETR). Various jurisdictions employ distinct terminology, such as the UCC’s “control of electronic document of title”, the Singaporean SETA’s “exclusive control”, and the “expanded possession” for electronic trade documents in the UK. Given these divergent approaches, an essential aspect to address is whether there is a necessity to harmonize the concept of control/possession. The main focus of this presentation is on the UK Electronic Trade Documents Act, 2023, which deviates, at least in terminology, from its stated model, the MLETR. This legislation entered into force in July 2023 and may substantially impact the rest of the world due to the dominant position of English law in this area of law.

## **UNCITRAL Model Law on Electronic Transferable Records: Misunderstanding or Mistrust or Something Completely Different**

**Patrick Vlačič**

The MLETR (Model Law on Electronic Transferable Records) was adopted by UNCITRAL in 2017 and is a successor to its older brethren: UNCITRAL Model Law on Electronic Commerce, with Guide to Enactment, 1996: With Additional Article 5 Bis as Adopted in 1998 and UNCITRAL Model Law on Electronic Signatures of 2001. It is intended to be a revolutionary solution that aims to transform the trade finance industry by providing an open framework for the digitization of trade documents. MLETR is a proposal to legislators on how to shape the legal basis for seamless exchange of digital originals across existing media. One of the most important documents (records) in the shipping industry, which in most cases is still not electronic (1% of bills of lading in international trade in 2022 were in electronic form), will benefit greatly from the passage of the MLETR-based law. Until now, the development of the electronic bill of lading has depended on the agreed autonomy of parties agreeing on a set of rules or terms and conditions within an electronic ecosystem that created the legal basis for the issuance and transfer of the electronic bill of lading. The MLETR-based law will create a legal basis for the issuance and transfer of the bill of lading. Currently, the Electronic Trade Documents Act 2023 is being passed in the United Kingdom. We can only guess what this will mean for the future of the shipping industry and MLETR-based laws in other countries.

## **II. MARINE ENVIRONMENTAL LAW**

### **The Greening of Shipping – Legal Aspects**

**Erik Røsæg**

Greening of shipping—reducing GHG emissions from ships—is an enormous task. Technically, the challenges are greater and different from those in land-based activities. Even legally, the challenges in shipping and land-based activities differ. National reporting of emission reductions pursuant to the Paris Agreement does not apply to shipping, and the jurisdiction of several states must be utilized and coordinated to achieve the desired results.

The presentation will discuss the interaction between the EU and the IMO in this respect. What measures have they developed, and how do they coordinate them? In line with the IMO's engineering traditions, the organization has developed detailed methods for measuring the environmental performance of ships and has set increasingly ambitious targets for reducing GHG emissions from ships based on these measurements. In contrast, the EU adopts a broader, market-oriented approach that is common to both shipping and land-based activities. The idea is that the environmental cost of GHG emissions should be borne by commercial activities to the extent necessary to influence decision-making. The EU and, to some extent, the IMO even assist in developing the markets, ensuring that greener fuels become available where needed.

The legal instruments of the EU and IMO complement each other. The EU initiatives clearly expedite the decision-making process within the IMO. This is necessary because investments in shipping are, to some extent, on hold until the new legal regime is clarified.

### **Industry Responses to Regulatory Developments for the Decarbonisation of Shipping**

**Pia Rebelo**

In addition to a top-down regulatory framework for the decarbonisation of shipping, private actors are also driving the green shipping transition through CSR commitments and preferential access to capital (mobilisation of green finance). Voluntary commitments are prevalent throughout various aspects of a ship's lifespan, from financial initiatives adopted by banks, green labelling in shipyards, as well commitments to climate-related disclosure in chartering. In particular, green finance is a rapidly growing market that has recently included maritime transport in a number of green taxonomy definitions and criteria. This lecture will focus on these frameworks for financial product offerings that aim to mobilise the capital necessary to support the IMO's CII and EEXI regulations and the EU's Fit for 55 suite of measures. In addition to setting out the 'sustainable' and 'green' finance landscape for the sector, it will also cover other coalition movements amongst shipping actors, green industry standards, and climate clauses for shipping contracts. All of these initiatives are focused on overcoming the barriers to a green shipping transition which include uncertainty related to technical performance, disagreements about optimal solutions, and split incentives in relation to green investments.



### **III. MARINE AND TRANSPORT INSURANCE**

#### **Inchmaree Clause and the Like - Specificity of Marine Hull Insurance**

**Adriana Vincenca Padovan**

An “Inchmaree” clause is a special contractual clause commonly incorporated in the standard hull and machinery insurance clauses of the London insurance market. By virtue of such a clause, certain risks that are not directly related to the perils of the sea are included under the insurance coverage. For example, the clause covers damages or losses occurring because of a broken shaft, bursting of boilers, latent defect in the hull or machinery, navigation error, negligence of the master, officer, crew, or pilot etc. In this lecture we shall examine the background, purpose, and development of the “Inchmaree” clauses contained in the broadly used standard marine hull insurance clauses and study their salient features. Given that the clause was originally created in the English legal framework, the study entails an analysis of the relevant English case law, statutory law, and legal doctrine. We shall also discuss the possibilities of the application of those or similar clauses in the context of marine insurance contracts that are not governed by English law. We will shortly look into the corresponding solutions found in other marine insurance markets. Finally, we will touch upon the possible further developments of this type of marine hull insurance clause, especially in the perspective of further automation of maritime transport and emergence of remotely controlled and autonomous ships.

#### **Sanction Clauses in Marine Insurance Contract**

**Shengnan Jia**

The doctrine of warranty in insurance contracts originated from marine insurance under English law. The majority countries from both common law and civil law systems have followed the UK Marine Insurance Act 1906 and adopt this doctrine. However, the interpretation of warranties under this Act and harshness of its application in insurance policies have been questioned and criticised over years. Thus, recently the Insurance Act 2015 has amended the UK law of insurance and reconsidered the nature of warranties and the legal consequence of a breach of warranties. The presentation examines the development of warranty clauses under English law and argues that the new Act would be more reasonable and should be considered in countries which followed MIA in their further codification to update this field of law. By contrast, the warranty regime in Chinese law has been explored. It is submitted that Insurance Law of the People’s Republic of China (2009) has not mentioned warranty clauses, even if the Maritime Code 1992 briefly defines the warranty without details on application. Thus, legal regimes on warranties are not functioning well in China and entails amending China’s contract, insurance and maritime laws. This presentation suggests that the warranty regime in China should be improved accompanied by the evaluation of the warranty system in the UK law completely. Meanwhile, the deficiencies of the Insurance Act 2015 should be avoided.

## **IV. CONTEMPORARY LEGAL ISSUES IN SHIPPING INDUSTRY**

### **Recent Developments in Maritime Casualty Law**

**Aref Fakhry**

This masterclass lecture will provide an overview of recent developments in both case law and practice in relation to maritime casualties, with a focus on salvaging, collisions, groundings and similar accidents. Recent headlines have teemed with news of sundry emergencies at sea, with the Ever Given's blocking of the Suez Canal causing a notable halt to world shipping and supply chains in March 2021. The incident led to multiple legal applications. A decision was handed down recently on core salvage law: *SMIT Salvage BV v Luster Maritime SA* [2023] WLR(D) 200, [2023] EWHC 697 (Admlty) (30 March 2023). In addition, a general average act was declared. Earlier this year, Maersk claimed damages from the ship's owner and manager for delays caused to its own vessels, which were caught up due to the blocking of the Canal.

In *FMG Hong Kong Shipping Ltd, the Demise Charterers of FMG Sydney v Owners of the MSC Apollo* [2023] EWHC 328 (Admlty), the High Court paved the way for 100% apportionment of collision liability in a crossing situation.

The lecture will analyse judicial and arbitral decisions, and ongoing proceedings resulting from maritime casualties. Discussions surrounding revision of the Lloyd's Open Form (LOF) contract for vessel salvage and the SCOPIC clause will be referred to. The saving of lives on unseaworthy vessels carrying migrants will also be considered. The lecture will take a comparative law approach.

### **Consequences of Non-Payment of Charter Hire**

**Zoran Tasić**

This presentation deals with the recent development of consequences of non-payment of charter hire under a BIMCO Non-Payment of Hire Clause for Time Charter Parties 2006.

In the case of *Kuwait Rocks Co. v. AMN Bulkcarriers* (2013) (the *Astra*), the judge Flaux ruled that payment of hire was a condition, and therefore non-payment of just one charter hire constitutes a breach of condition and entitles the owner to withdraw the ship from the charter, terminate the charter party and claim damages. This decision was a novelty in English law and created a lot of uncertainty in the time charter industry.

However, in the subsequent cases, in 2015 and 2019, English courts provided quite a different construction of the BIMCO non-payment of charter hire provisions. The owners have to be very careful when applying the anti-technicality provisions of the charter party and making decisions whether to withdraw their ships from charter. In certain circumstances, the obligation to pay time charter hire might constitute an innominate term and therefore a non-payment of hire does not necessarily create a breach of condition and consequently does not entitle the owner to terminate the charter and claim damages.

## **Content of the Bareboat Charter in National and Autonomous Legal Sources**

**Marija Pijaca**

A bareboat charter is a legal form of use of a vessel characterised by a complex system of contractual obligations of the parties. With this fact as a starting point, the presentation analyses primarily the rights, obligations and liability of contractual parties in this type of vessel usage. The principal rights and obligations of both parties are listed and elaborated, followed by a number of specific sub-obligations which have a direct impact on contents and the scope of the former ones. A detailed overview is given of the parties' contractual liabilities, with the interpretation of the ways in which they participate in the benefits and risks under such contracts. The presentation uses solutions for contractual provisions contained in national and autonomous legal sources. In order to provide a wider framework for the subject, not only provisions of the Croatian maritime law, but also legal origins of the Croatian civil law have been analysed. Also, the presentation uses solutions of standard BIMCO bareboat charter forms under the code name BARECON – Standard Bareboat Charter, specifically the forms of the contract from 2001 and 2017 with the code names BARACON 2001 and BARECON 2017. Finally, the presentation underlines all the important issues relevant for fulfilment of a bareboat charter and proposes several amendments of relevance in the provisions on the rights, obligations, and liabilities of the parties aiming at a higher-quality legal regulation of the bareboat charter institute.

## **Special Features of Vessel Leasing Contracts in Legal Transactions in the Republic of Croatia**

**Miho Baće**

The author will analyse the peculiarities of contracting in the business of vessel leasing in the Republic of Croatia and its relation to other movable properties. General business conditions as part of the vessel leasing contract are the focus of this research. In the paper, the author analyse different approaches of the leasing companies in relation to the specifics of the vessel, as an object of leasing, which, through the general conditions of business, determine the specific rights and obligations of the leasing provider and receiver. A critical review is given of the various solutions that are prescribed by leasing companies in the Republic of Croatia through the general terms of business. For a complete analysis of the scope of the parties in the contracting process, the legal framework of the leasing contract is analysed beforehand.

# **V. PRIVATE INTERNATIONAL LAW IN MARITIME RELATIONS**

## **Private International Law in Maritime Relations**

**Ivana Kunda – Danijela Vrbljanac**

Maritime legal relations have several distinguishing properties. One is their cross-border character, which are owed to the international, if not, global nature of the maritime industry. Another property is the high level of uniformity achieved through numerous international conventions enacted within the international maritime community, including governments, international organisations, legal scholars, and industry stakeholders. As a rule, these conventions provide for solutions at the level of substantive law. From the perspective of private international law, such special substantive rules represent a method of solving cross-border disputes by means of direct application of such substantive rules to a case at hand. These rules take precedence over provisions of private international law. This having been said, the rules of private international law still play an important role in maritime relations. Matters falling outside of the scope of the conventions and not regulated by the uniform convention rules, may be resolved only under the national law referred to by the conflict of-laws rules and before the courts of the country having competence pursuant to the rules on international jurisdiction.

By and large, the private international law related to maritime sector is subject to general provisions of private international law in European Union. In fact, EU private international law one of the most extensively regulated areas of EU law. International jurisdiction provisions are contained in the Brussels I bis Regulation, while the rules on applicable law for contractual and non-contractual matters are entailed in the Rome I Regulation and the Rome II Regulation, respectively. The aim of the lecture is to deepen the understanding of the relationship between international and EU legal sources regarding particular maritime relations, including shipping contracts, maritime torts and crew employment contracts. Cross-section issues, such as characterisation and overriding mandatory provisions, will also be discussed, with reference to the legal instruments and interpretation by the CJEU.

## **VI. LIMITATION OF SHIPOWNER'S LIABILITY FOR MARITIME CLAIMS**

### **Limitation of Liability for Maritime Claims – International Legal Framework**

**Norman Martinez**

The maritime industry is vulnerable to the risk of catastrophic losses that may put the shipowner's financial future at risk thereby jeopardizing international maritime commerce. For this reason, the international maritime community developed the concept of limitation of liability for maritime claims. Whilst the concept has recently been met with some criticism, this part of the class will delve in the many aspects that render the concept essential to the maritime industry. The class will start by explaining the concept and by providing some reasons that justify its existence. A discussion will follow providing a glimpse to the historical development of this original institution of maritime law and delving into the main contents of the different conventions on this topic, namely the LLMC 1976 as amended by the 1996 Protocol. Special attention will be given to persons entitled to limit liability, claims subject to limitation, limits of liability and tacit acceptance procedure, limitation fund, and possible reservations and options that States may implement when becoming Parties to the Convention. An overview will also be provided in relation of the latest developments on the conduct barring limitation. In particular, mention will be made of the recent resolutions adopted by IMO for a unified interpretation of the articles relating to the conduct barring limitation as included in IMO conventions. This part of the class will conclude with a discussion on whether the concept of limitation of liability has a place in today's shipping world.

### **Oil Pollution from Ships – Limitation of Liability in International Conventions and under the US National Law**

**Zuzanna Pełowska-Dąbrowska**

This lecture will discuss limitation of liability for oil pollution damage and will be divided into two parts. The first part intends to present limitation of liability under the international framework for compensation for oil pollution damage. It will underline the crucial role that limitation of liability plays in the operation of the international legal regime for compensation for such damage. This will be preceded by a short introduction to the international conventions creating the international compensatory framework: CLC 92, FUND 92, and the London Protocol of 2003. The second part will be dedicated to national solutions under U.S. law on liability for oil pollution damage. It will provide an insight into the Oil Pollution Act of 1990 and, specifically, its norms on limitation of liability. We will compare and contrast the concept of limitation of liability for oil pollution under the international conventions and OPA 90.

## **Passenger Claims – How Limited is the Carrier's Liability?**

**Iva Tuhtan Grgić**

Contracts for the carriage of passengers by sea are entered into and carried out for a variety of reasons - to transport residents and tourists along the coast and to and from the islands, as well as for cruises and excursions. Accidents involving these ships (and boats) can raise the issue of the carrier's liability for, among other things, the death or injury of passengers.

The rules governing liability for these damages exist at different levels - international (Athens Conventions of 1974 and 2002), European (Regulation 392/2009 on the liability of carriers of passengers by sea in the event of accidents) and numerous national. This presentation will focus on the issue of limitation of liability of carriers in case of personal injury or death of a passenger. Legal sources regulating the liability of carriers contain specific rules on limitation of liability and, additionally, allow for the application of related rules on global limitation of liability for maritime claims (albeit in a different manner). Furthermore, the IMO Legal Committee has adopted the text of a Reservation and Guidelines for the implementation of the 2002 Athens Convention (which is integrated in the Regulation) to allow for an additional limitation of liability in respect of claims for personal injury or death of a passenger relating to war or terrorism. The possible interplay between these limitation regimes makes the answer to the question posed in the title rather unpredictable, as it may lead to significantly different amounts of compensation depending on the applicable law.

## **VII. MARITIME LABOUR LAW**

### **The Maritime Labour Convention and Welfare of Seafarers: Law and Practice**

**Lijun Zhao**

Shipping is the ‘invisible’ backbone that keeps the global economy moving, even during the COVID-19 crisis. This lecture will examine the extent to which seafarers have access to satisfactory shore-based welfare services/facilities (SBWS) that meet global regulatory standards under the Maritime Labour Convention (MLC). In particular, this lecture will provide an empirical analysis of the implementation of relevant laws and MLC in European countries and China. While China has become a dominant player in world trade in recent years, the existing literature (especially in English) pays little attention to China’s implementation of MLC provisions, including SBWS provisions. To bridge this research gap, this lecture will critically evaluate SBWS in practice in China and some European countries, using manually collected data, and compares China’s arrangements with those of European countries. After exploring the different models adopted by Western countries and China, this article evaluates key SBWS providers in China through various lenses – past, present, and future initiatives.

### **New Challenges in Maritime Industry and the Future of the MLC 2006**

**Khanssa Lagdami**

The maritime industry is experiencing a revolution with the rapid advancement of technology through automation and digitalization, leading to increased efficiency and safety. Maritime professionals must continually upskill and adapt to keep up with the evolving technology.

To ensure fair and decent working conditions for seafarers worldwide, it is crucial that the Maritime Labour Convention 2006, be implemented and enforced worldwide. All stakeholders, including shipowners, flag states, and port states, must work together to ensure compliance with the convention's provisions. This involves addressing important issues such as seafarers' welfare, fair employment practices, and safety, which are critical to the convention's success.

This session will focus on the latest technological developments in the maritime sector and their impact on seafarers. It will also explore how MLC 2006 can adapt to emerging challenges and prioritize the well-being of seafarers.

## **VIII. CURRENT CHALLENGES IN MARITIME AND TRANSPORT LAW**

### **The Shift of Responsibility for Automated Vehicles in the Age of AI: General Regulatory Trends and Their Impact on the Shipping**

**Mihael Mišo Mudrić**

The masterclass will tackle the issues concerning the general regulation of artificial intelligence and the possible implementation of various legal solutions to the maritime sector. After a brief induction to the basics of the upcoming general artificial intelligence regulation, the lecture will shift to the work of the International Maritime Organization and its latest considerations concerning the potential maritime autonomous surface ships (MASS) regulation. The lecture will take a critical stance towards certain conclusions reached by the IMO MSC-LEG-FAL Joint Working Group on MASS, particularly having in mind the new entrants to the shipping arena, changes in the product liability regulation, and the developing liability regulation in the road traffic.

### **Maritime Sanctions - Price Cap Compliance**

**Richard L. Kilpatrick**

In response to the war in Ukraine, a broad coalition of nations imposed comprehensive sanctions targeting various sectors of the Russian economy. Among them are maritime-focused measures, including a novel tactic in which EU/G7 nations cap the price of Russian petroleum products at 60USD per barrel. The rationale behind the price cap is to pressure the Russian economy in a strategic commodity sector while also remaining conscious of the impact on global energy supply.

Executing these sanctions depends substantially on industry self-policing, which requires meticulous compliance and risk mitigation efforts by a range of shipping industry participants, including shipowners, charterers, insurers, and others with an interest in the underlying trades. To foster a workable contractual framework for generating price cap compliance, a new generation of contractual arrangements has recently circulated in efforts to proactively allocate risk and responsibilities related to price cap compliance. For instance, the International Group of P&I Clubs has issued guidance encouraging the use of contractual attestations committing counterparties not to exceed the price cap.

The Baltic and International Maritime Council (BIMCO) has also published a Russian Oil Price Cap Scheme Clause articulating the obligations of the shipowner and charterer with the aim of promoting transparency and compliance in the charterparty context. This paper examines these sanctions compliance measures—with a particular focus on the EU/G7 Price Cap—and discusses the ways in which commercial actors continue responding to contemporary risks through innovative contractual tools.



## **Defects of Aircraft – Liability Issues**

**Achim Puetz**

The technical complexity of modern aircraft involves that even small design or construction defects, or lack of adequate information, can have catastrophic consequences, and there is no shortage of examples in recent times. More often than not, however, defects are corrected in time or, at most, are a source of “inconvenience” to passengers, e.g. because a flight is cancelled, or delayed in departure or on arrival at the final destination. The presentation explores the various types of claims available to the passenger from different perspectives, i.e. the Montreal Convention rules on the liability of the airline, passenger rights, and product liability.

## **Coastal Area Governance**

**Axel Luttenberger**

Coastal area is the part of the land affected by its proximity to the sea and that part of the ocean affected by its proximity to the land. It is a vulnerable area due to extremely complex interdependence between the environment and economy and of conflicting interests on a global and local scale combined with insufficient material and specified human resource capacity of state administration bodies and local government units. Of utmost importance are the methods used by the public sector to influence the future distribution of activities in space. Marine spatial planning is seen as a multidisciplinary instrument for easier enforcement of ecosystem approaches in order to obtain rational use of marine resources, streamlining current activities, minimizing the overall impact on the marine environment, and ensuring the resilience of coastal and marine areas to climate change. The analysis is made of governance capacity to establishment of policies, and continuous monitoring of their proper implementation, by the members of the governing body of an organization. Environmental governance can be defined as formal and informal arrangements, institutions and other stakeholders which determine how resources, or an environment are utilized how problems and opportunities are evaluated and analysed, what behaviour is deemed acceptable or forbidden and what rules and sanctions are applied for the purpose of attaining environmentally-sustainable development. This presentation encourages good governance implementation of marine spatial planning as a multidisciplinary instrument for easier enforcement of ecosystem approaches in order to ensure participation, rule of law, transparency, responsiveness, consensus orientation, equity, effectiveness and efficiency, accountability, and strategic vision.

## **IX. LEGAL ASPECTS OF SEAPORTS**

### **Regulation of the Provision of Port Services in the Republic of Croatia – the Business Practice of the Croatian Ports and Competition Law**

**Božena Bulum**

The first part of the presentation gives an overview of the legal rules regulating seaports and the provision of port services in Croatia with a special emphasis on the recently adopted Maritime Domain and Seaports Act (MDSA). Subsequently, the applicable rules of the first European Union secondary law act on market access to port services, Regulation 2017/352 establishing a framework for the provision of port services, and common rules on the financial transparency of ports are analysed.

The second part of the presentation analyses the disputes that have occurred in recent years in connection with the provision of port services in Croatian seaports. First, the dispute regarding the competitive positions of marinas and public ports on the market of nautical tourism services in Croatia. Secondly, a dispute between the shipowners and port authorities that have started to provide mooring services to vessels carrying maritime coastal line traffic in Croatia. This was met with resistance from the shipowners who had handled those services themselves for decades.

In recent years, the role of the port authorities in Croatian seaports has changed because these entities are no longer only “the landlords” but they have also become port service providers, in certain cases, that are in competition with other port service providers and self-handlers, both in Croatia and in the other EU Member States.

In addition to that, Croatian port authorities commercially exploit the maritime domain and make a profit. Therefore, the recent decisions of the EU institutions on the corporate taxation of ports, according to which ports’ managing bodies are regarded as undertakings subject to EU competition law and rules on State aid are applicable to Croatian port authorities. The paper points out the large investments planned in Croatian seaports. Finally, an assessment is made as to whether the new regulations are adequate for the major changes taking place in the Croatian port sector.

### **Smart ports – Current Challenges and Perspectives**

**Elena Orrù**

Digitalization, automation and sustainability of most aspects of business and human life are at the core of the strategies of several international organizations, the EU and many domestic policies, among others. These goals go hand in hand, being the former also relevant instruments for achieving the latter. This is particularly true for international commerce, transports and logistics. Among the several examples of implementation of the above-mentioned strategies, are smart ports, which are crucial as gateways for autonomous vessels, can boost port competitiveness, facilitate trade and enhance safety and security. From technological and business perspectives, there is neither a uniform model of smart port nor a unique definition, instead different actual applications of this concept.

From a legal point of view, smart ports entail issues pertaining to both Public and Private Law. On the one hand, it is necessary to ascertain the powers and roles of Port Authorities and of the different subjects providing port services or operating port terminals, but also of the relevant public bodies. Given the variety of port regimes worldwide, the answers to this question are inevitably not uniform. On the other, it is required to correctly ascribe its own specific range of responsibility to each of the above-mentioned subjects and to reconsider the traditional legal categories and liability regimes.

The lecture is meant to outline the notion of a smart port and the related current challenges, investigating some of the main legal issues with a specific focus also on the Italian seaport regime.

## **Port Area Video Surveillance in the Context of Port Resilience**

**Mihael Mišo Mudrić – Ivana Keser**

Modern ports bear the burden and responsibility of operationalizing the concepts of sustainable development and resilience. The resilience of ports largely depends on their ability to reduce risk, remain operational, and absorb disruptions from multiple sources (e.g., pandemics, natural disasters, and cyber or terrorist attacks). Multistakeholder and multidisciplinary cooperation is the most appropriate way to identify threats in the shortest possible time and preserve the sustainability of port operations. The goal of this presentation is to present the concept of resilience from the perspective of port area video surveillance and indicate how it can apply to increase the resilience of ports.

# **TRANSPORT LAW DE LEGE FERENDA 2023**

## **Session I. RECENT DEVELOPMENTS OF INTERNATIONAL MARITIME LAW**

### **Recent Legal Reactions at Domestic Level to Digitalisation in Maritime Trade Documentation**

**Alperen Furkan Tas**

After the failure of electronic bill of lading attempts, maritime community tries to find a “gateway” for digitalisation of maritime trade documents and especially of the bill of lading as the most popular maritime trade document, with the blockchain technology now. Blockchain technology, as looking like a suitable tool to digitalise the bill of lading, has just appeared as a hope for paperless trade, and thus, the concept “blockchain bill of lading” come to the fore. Thanks to this technology, it can be genuinely said that there is a powerful possibility to solve technical issues of digitalisation in maritime trade documentation. However, from the legal perspective, there is still a lack of legal infrastructure for that. The thrust of this presentation, therefore, to examine the recent domestic legal initiatives dealing with these legal shortcomings. The main focus will be given to the bill of lading whereas any other maritime trade documents will also be taken into account. Countries such as Singapore, which has adopted Model Law on Electronic Transferable Records (MLETR) that contains provisions about the electronic trade documents, and the United Kingdom as one of the leading maritime states will be considered in this context. Moreover, “Electronic Trade Documents Bill” which has recently become an “Act” under English Law and made an indelible impression, will be at the forefront of the points to be addressed. Last but not least, in parallel with these developments, the commitments of the G7 countries towards the transition to paperless trade will also be analysed in this presentation.

### **Contracts in Salvage Law and Practice: Who Moved My Cheese?**

**Haiyang Yu**

Salvage is a service that confers a benefit by saving or helping to save a recognized subject and it grants a reward to a successful salvor under common law. The reward is paid proportionally by the salvaged interests, limited to the salvaged value. The age-old ‘No Cure-No Pay’ principle from the Admiralty courts dictates that if there is no salvaged value, no reward is due to the salvor regardless of their efforts and skill. The Salvage Convention 1989 encompasses these principles. In modern times, the use of standard forms and other contracts have become rather regular; but the rights of the salvor under common law salvage are essentially independent of a contract (see Denning L.J in the *Troilus* [1951] 1 Lloyd’s Rep. 467). Since parties have the freedom of contract under both the common law and the Salvage Convention 1989, whether an agreement has been reached could have significant impact on the salvage reward. (See recent cases such the *Ever Given* [2023] EWHC 697 (Admlty) and the *MV Archangelos Gabriel* [2017]7CMCLR1). Furthermore, the use of different contracts has important influence on marine insurers’ financial exposure in cases of environmental salvage. Therefore, the property insurers and P&I Clubs would give conflicting advice to the shipowner. This paper examines current ‘law in books’ and ‘law in action’ regarding the legal and financial implications of the use of contracts in salvage; it provides an exposé on some rationales of the legal issues in the use of contracts that have been contended in courts.

## **Fragmentation of International Law in Regard to the Protection of the Marine Environment**

**Irena Nišević**

Determining the appropriate approach to the protection of the marine environment has been in focus of international law since the 1970s. International environmental law as a specialized field of international law has contributed to the protection of the marine environment with its conventional and customary law rules, as well as with the so-called soft law rules. At the same time, the law of armed conflict, as a distinct field of international law, which already existed at the time, started to include the protection of the environment in its scope. Negative impacts of human activities in peace and war, such as consequences of the Exxon Valdez oil spill in 1989 or of the oil spill into the Persian Gulf in the Gulf War in 1991, have prompted the development of legal rules aimed at the environmental protection. However, this development resulted in the fragmentation of international law in regard to the protection of the marine environment considering that legal regulation of the subject matter involves two different fields of international law. This presentation will offer an analysis of the main principles of both of these fields of international law in order to determine how they relate to each other. On the basis of this analysis, the presentation will offer answers on the question of the possibility of continued application of international environmental law during armed conflict.

## **Overlapping Issues of Maritime Law and International Environmental Law**

**Merve Tas**

Throughout history, the ocean has provided several benefits to humanity. Living resources like fish and marine genetic resources, as well as non-living resources like mines and minerals, are crucial for human existence. Along with them, it facilitates trade and communication across continents. It is clear that the ocean plays an important role in ensuring the sustainability of the life cycle, as it covers two-thirds of the planet. Despite this, a variety of factors such as oil spills, sewage, eutrophication, acidification, hazardous compounds, heavy metals cause to marine pollution, endangering the human health and marine life. Taking into account all of these, the requirement of protecting the ocean from all threats has been the focus of legislative rules in a number of legal fields.

Although maritime law and international environmental law are considered separate areas of law, they could intersect in protecting marine environment and ensuring sustainability. Shipping activities, collisions and offshore oil production have the potential of polluting the marine environment with oil spills. Furthermore, given the existing international environmental law conventions and conferences of the parties that have agreed on the net zero target, carbon emissions in the maritime sector should be considered in the context of the intersection of maritime law and international environmental law. In this presentation, after summarizing the reasons that necessitate the protection of the marine environment, maritime law and international environmental law regulations that could eliminate the consequences of these reasons will be compared and analysed.

## **Session II. LEGAL FRAMEWORK FOR CONTEMPORARY SHIPPING**

### **Maritime Safety 2023 and Beyond: Moving Ahead or Trawling Behind? An Assessment of New Proposals for the Regulatory Framework by the European Commission**

**Vivian van der Kuil**

On 1 June 2023 the European Commission published five legislative proposals with the aim to modernise the EU rules on maritime safety. The current rules were introduced following various incidents with vessels such as the AEGEAN SEA, BRAER, PRESTIGE and ERIKA (also known as the ERIKA I, II and III package). At that time stricter rules were introduced at IMO and EU level for classification societies acting on behalf of flag states, the so-called recognised organisations. Another important step was the establishment of the European Maritime Safety Agency (EMSA) by Regulation (EC) No 1406/2002.

Whereas the emphasis previous was on the functioning and the position of classification societies, the new proposals only deal with the role of flag states, Port State Control and Maritime Accident investigations and classification societies are not mentioned at all. It appears that the European Commission aims to re-enforce the position of the flag states through information sharing, more effective inspections and possibilities to detect irregularities and with more support from EMSA.

This study aims to analyse the new proposals against the background of the current regulatory framework for flag states and classification societies and will address the question whether the new proposals will indeed be beneficial for the objective to increase maritime safety and what other steps may need to be considered.

This paper is part of a PhD research project about classification societies and balancing public and private interests. <https://www.eur.nl/en/esl/research/our-research/rebalancing-public-private-interests>.

### **Berth agreement – Need for Legal Regulation in Montenegro**

**Maja Radunović**

Berth agreement is an unnamed contract of Montenegrin law, meaning that it is not particularly regulated by positive national regulations. In practice, it means that berth agreements concluded between owners of the vessels and ports and marinas in Montenegro are subject to general rules of Montenegrin Law on Obligations and general terms and conditions of commercial entities as berth services providers. As a consequence, there are no uniform rules nor even terminology established for this type of agreements and they vary depending on marina where the vessel is located.

The aim of this research is to explore typical berth agreements as can be found in Montenegrin practice, analyse their legal nature and implications in practice and provide arguments justifying the compelling need of legal regulation of berth agreements at the national level.

## **Civil Liability Issues Arising from Implementing AI in Shipping**

**Mustafa Yilmaz**

Artificial Intelligence (AI) is to transform the shipping industry with the emergence of Maritime Autonomous Surface Ships (MASS), smart containers, smart ports, and blockchain-based bills of lading, among others. MASS, in particular, has gained immense popularity, with several instances of ships utilising AI technologies for autonomous navigation support, voyage optimisation, maintenance, and monitoring. That said, the integration of AI in maritime operations introduces a plethora of civil liability concerns that warrant meticulous consideration. A significant issue is the difficulty in determining liability in the event of accidents involving AI-driven ships. The conventional frameworks seem inadequate to pinpoint blame, thereby resulting in increased liability that could be attributed to new entrants, such as the shipbuilder, the manufacturers or installers of the ship's systems and devices, the ship programmer, or the owner or operator of the control centre. This is further compounded by the unpredictable nature of machine learning models, making it arduous to assign fault accurately. Product liability could also come into play if an AI system malfunctions and causes damage, thus blurring the lines between traditional maritime liabilities and those arising from faulty tech products. The issues pertaining to data breaches or environmental incidents caused by AI add yet another layer of liability, which poses a similar challenge in determining who is accountable. Ultimately, this amalgamation of AI and maritime operations has opened a Pandora's Box of civil liability issues that require evolved legal perspectives to address this brave new world of shipping. In light of the included, but not limited to those highlights, this paper discusses the reconceptualization of the principle of the channelling of liability as a system/mechanism wherein only one person is held accountable for specific claims while the others are exempt from liability.

## **Investments in Seaport Infrastructures and State Aid Law – The Most Recent Perspectives on Maritime Silk Road in Europe**

**Ilaria Malaguti**

Investments in Seaport Infrastructures and State Aid Law – The Most Recent Perspectives on Maritime Silk Road in Europe The paper will focus on the evolution of the EU policy in the investment on transport infrastructures field, with particular attention to the provisions concerning public investments and the State aid legal regime. The sector at stake has always been characterised by a dialectical contrast between enthusiastic national leaps towards progress and the general traditional ban, deriving from EU laws, of the unfair state aids potentially able to distort competition.

New Maritime Silk Road, an unprecedented Chinese campaign to finance transportation infrastructures, has been insofar depicted as an ambitious challenge to improve connectivity of South-East Asia, Oceania, North Africa up to Europe in order to create new opportunities for the markets involved and to enhance international maritime trade traffics through the Mediterranean Sea and main European ports. During most recent years pros and cons of this Chinese initiative have unavoidably emerged, with a clearer physiognomy. In this study, maritime infrastructures

characteristics will be investigated, focusing on some of the principal EU jurisprudential decisions and cases registered in Europe, which led EU institutions to the current orientation.

The analysis of the EU perspective shall be deemed together with the study of the current legal EU member States framework and the declination chosen by each State of the models of governance and organization. In this strategic drawing Italy should have been playing undoubtedly a key role, witnessed by the signature, in 2019, of a Memorandum of understanding with China, in order to start this important collaboration.

Nonetheless, after Covid-19 crisis and the recent adoption of Regulation (EU) 2022/2560 of the European Parliament and of the Council of 14 December 2022 on Foreign Subsidies distorting the Internal Market, the paper will deal with the expected future impact of the project, providing that the EU State aid legislation imposes to consider some important legal issues deriving from this foreign investment plan.

## **The Relationship between Contractual Liability and Marine Insurance in Contracts for the Use of the Vessel**

**Albano Gilabert Gascón**

In contracts for the use of the vessel, it is common to find an “insurance” clause, which usually provides for the contracting of two insurance policies: hull and machinery insurance and protection and indemnity insurance. This clause also regulates other issues, such as the party obliged to take out and maintain these insurances and the interests insured in each of these policies.

This clause generates some problems when, as is common practice, the parties to the underlying contract choose to insure the charterer’s liability to the shipowner for damage to the vessel together with the shipowner’s interest in the same hull insurance. In particular, one of the most controversial issues in practice has been the effect of the coinsurance clause on the recognition of the charterer's contractual liability for damage caused to the vessel. Therefore, the aim of this paper is to analyse the consequences that the inclusion of co-insurance clauses in contracts for the use of the vessel is bound to have on the contractual liability of the parties, as well as on the rights of the insurer to claim against the co-insured who caused the loss.



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