



# 6<sup>th</sup> Adriatic Maritime Law Conference

**TRIESTE**  
20-22 JUNE 2024



# 6<sup>th</sup> Adriatic Maritime Law Conference

TRIESTE 20-22 JUNE 2024



GORDAN STANKOVIĆ



ČASLAV PEJOVIĆ



BORIS JERMAN



GIORGIO BERLINGIERI

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

20<sup>th</sup> June 2024

*Dear Friends,*

*Welcome to the VI Adriatic Maritime Law Conference.*

*A particular welcome to the Members of the Montenegrin Maritime Law Association: we are delighted that the Adriatic Maritime Law Conferences are now organized by our four Associations. Back to Italy after AMLC 2018 Grado, this time the AMLC is hosted in the beautiful city of Trieste. The venue is the prestigious Sala Maggiore of the Chamber of Commerce, conveniently located very close to the magnificent Piazza Unità d'Italia, the largest seafront square in Europe, surrounded by palaces of stunning architecture.*

*The format of the Conference continues to reflect that of the previous editions, which has always raised so much interest. The Sessions of the VI AMLC therefore combine current topics of relevant impact in the shipping sector and regional issues, which attract considerable attention.*

*It is a great pleasure to meet again, this year being also the 125° anniversary of the foundation of the Italian Maritime Law Association, which took place the 1 July 1899.*

*We wish an enjoyable time to all participants.*

*Cordially*

PRESIDENT OF HDPP  
GORDAN STANKOVIĆ

PRESIDENT OF MMLA  
ČASLAV PEJOVIĆ

PRESIDENT OF DPPS  
BORIS JERMAN

PRESIDENT OF AIDIM  
GIORGIO BERLINGIERI

- 13:00 – 14:00** **Registration and Welcome Reception** (The Chamber of Commerce)
- 14:00 – 14:15** **Opening Ceremony**
- 14:15 – 16:00** **Keynote Speeches Session** (CHAIR: **ALFREDO ANTONINI**)
- GIORGIO BERLINGIERI:** The Italian MLA – 125 Years Devoted to the Development and Unification of Maritime Law
- BORIS JERMAN – MARKO PAVLIHA:** First Centenary of the Good Old Hague Rules and their (In) capable Descendants
- ČASLAV PEJOVIĆ:** Beijing Convention on the Judicial Sale of Ships: An Important Step Towards Ensuring Legal Certainty
- GORDAN STANKOVIĆ:** Croatian Maritime Domain and Seaports Act – Certain Legislative Issues
- Discussion*
- 16:00 – 16:20** **Coffee break**
- 16:20 – 17:40** **Revision of the 1910 Collision Convention** (CHAIR: **ZORAN TASIĆ**)
- NORMAN A. MARTINEZ – ELDA BELJA:** Revision of the 1910 Collision Convention – Shipowner's Liability Issues
- LAURA TROVÒ:** The Works of the CMI on the Revision of the 1910 Collision Convention: Current Status
- PETAR KRAGIĆ – DIANA JEROLIMOV:** Revision of Collision Convention 1910 – Should We Stay or Should We Go (for Change)?
- Discussion*
- 17:40 – 19:00** **The Recent Developments of Maritime Law** (CHAIR: **PATRICK VLAČIĆ**)
- MITJA GRBEC:** Maritime Safety (and Security) in a Semi-Enclosed Adriatic in the Era of Digitalisation and Regional Conflicts
- ALBERTO BATINI:** An Update on the Works of the CMI Working Group on Cyber Security in Shipping
- BOŽENA BULUM – KSENIJA OSTOJIĆ – MARIJA PIJACA:** Current EU Taxation Incentives and Challenges for Shipping Industry
- Discussion*
- 20:30** **Dinner at the Lega Navale**

- 09:00 – 10:40** **Adriatic Seaports and Marinas - Yachts Chartering and Sanctions Affecting the Russian Pleasure Vessels** (CHAIR: **JELENA NIKČEVIĆ**)
- FLAVIA MELILLO:** International Sanctions: Enforcement, Asset Freezing Measures and Maintenance Obligations
- MAJA RADUNOVIĆ – PETAR ĐUROVIĆ:** Some Legal Effects and Consequences of International Sanctions against Russian Owned Yachts - Montenegrin Perspective
- IVA TUHTAN-GRGIĆ – AGATA DAJČIĆ:** Extending the Duration of Concessions on Maritime Domain under the New Maritime Domain and Seaports Act of 2023
- BORIS JERMAN:** Legal Aspects of Digitalization in Slovenian Ports
- Discussion*
- 10:40 – 11:00** **Coffee break**
- 11:00 – 12:40** **Maritime Security, Safety of Navigation and Protection of Marine Environment in the Adriatic** (CHAIR: **MITJA GRBEC**)
- PETRA AMIŽIĆ JELOVČIĆ – RANKA PETRINOVIĆ – NIKOLA MANDIĆ:** Harmonization of Maritime Law Courses for Future Seafarers through the MareLaw Project
- ELENA ORRÙ:** Recent Developments and Current Challenges in Port State Control
- ELSON THANA, BUEN HOTI:** Transposition of the EU Acquis on Maritime Safety, Security and Protection of the Marine Environment in the Republic of Albania
- AXEL LUTTENBERGER – MERICA SLIŠKOVIĆ – LIDIJA RUNKO LUTTENBERGER**
- Legal Framework Concerning Invasive Alien Species Introduction through Shipping
- Discussion*
- 12:45 – 14:00** **Lunch**
- 14:00 – 15:00** **National Maritime Law Associations Meeting** (*Delegates only*)

Friday, **21 June 2024**

**15:00 – 16:40 Digital Technologies in Maritime Transport – Legal Aspects**

(CHAIR: **MASSIMILIANO MUSI**)

**ČASLAV PEJOVIĆ**: Legal Recognition of Electronic Trade Documents: Control or Possession?

**PATRICK VLAČIĆ**: Electronic B/L: Recent Developments

**LUCREZIA PARI**: The Role of Blockchain and Smart Contracts in Modern Maritime Law

**IGOR VIO – ZUZANNA PEŁOWSKA-DĄBROWSKA**: Emerging Legal Framework for Autonomous Ships

*Discussion*

**16:40 – 17:00 Coffee break**

**17:00 – 18:40 Green Deal - Energy Transition and Decarbonization in Shipping Industry** (CHAIR: **DOROTEA ĆORIĆ**)

**MAJA MARKOVIĆ KOSTELAC**: Green Shipping Transition – the Role of EMSA

**DAVIDE CANEPA**: Green Fuels, ETS and Contractual Issues: A Long Road Ahead

**JELENA NIKČEVIĆ – NEMANJA PUDAR – TATIJANA DLABAČ**: Reduction of Greenhouse Gas Emissions from Maritime Transport: Legal Challenges and Opportunities for Sustainable Bay of Kotor

**MARGITA SELAN VOGLAR**: Poseidon Principles and the Green Deal

*Discussion*

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

**20:30 Dinner at the Lega Navale**

Saturday, **22 June 2024**

**10:30 – 14:30 Sightseeing visit to the Revoltella and Sartorio Museums**

ABSTRACTS AND BIOGRAPHICAL NOTES



## Keynote Speeches Session

### CHAIR

#### Alfredo Antonini

Full Professor of Transport Law, School of Law, University of Udine.

Private Practice Lawyer, with rights of audience before the Supreme Italian Court and before the other highest Courts.

Owner of “Studio Legale Antonini” (Antonini Law Firm), established in Trieste in 1938.

Arbitrator and Facilitator.

Chairman of AIDINAT – Italian Association of Navigation and Transportation Law (the national association of Italian professors of navigation and transportation law).

Member of the Board of Directors of AIDIM – Italian Maritime Law Association and chairman of the Trieste Committee of the same.

Co-Director of the Journal “Diritto dei Trasporti”.

Member of the Scientific Committees of the Journals “Rivista del Diritto della Navigazione”, “Il Diritto Marittimo” and “Rivista Italiana di Diritto del Turismo”.

Member of the Editorial Board of the Journal “Comparative Maritime Law” edited by Croatian Academy of Sciences and Arts”.

Founder and Editor of the Scientific Series “L'Osservatorio di Diritto dei Trasporti”.

Organiser or Speaker in more than 230 national and international conferences and symposiums on Aviation Law, Maritime and Admiralty Law, Transport Law, Bankruptcy Law.

Author of more than 160 essays on Navigation, Transport, Admiralty, Aviation, Maritime, Insurance and Company Law, including one textbook of Transport Law; Editor of one Treatise on Maritime Law.

#### Giorgio Berlingieri

President of the Italian Maritime Law Association, Vice President Honoris Causa of the Comité Maritime International and President of its Nominating Committee. A Vice President for Italy of Instituto Iberoamericano de Derecho Marítimo, Honorary Member of the Croatian Maritime Law Association and Member of the Arbitration Board of CONFITARMA, the Italian Shipowners Confederation. Editor in Chief of the Quarterly *Il Diritto Marittimo*<sup>®</sup> a Member of the Contributory Board of *Le Droit Maritime Français*, of *Rivista del Diritto della Navigazione*, and of the Editorial Board of *European Transport Law*. An Advocate to the Italian Supreme Court of Cassation, with practice either in wet and dry shipping.

### The Italian MLA – 125 Years Devoted to the Development and Unification of Maritime Law

The Italian Maritime Law Association was established in Naples the 1 July 1899 and is one of the oldest National Associations members of the CMI. Its seat is in Genoa.

The attendance of the Italian MLA at the CMI Conferences has always been constant and so is for the participation to the works for the unification of maritime law.

The object of the Italian MLA, described in art. 1 of the Statute, is identical to that of the CMI, namely “*to pursue within the national territory the mission (unification of maritime and commercial law and of maritime usages and practices) of the CMI, of which it constitutes the Italian branch, participating to the works relating to the unification of maritime law and to the studies and researches on maritime issues undertaken by the CMI*”.

The members presently amount to 270, including many of 40 years or younger. Individual members consist of shipping and transport lawyers, university professors, surveyors, average adjusters, marine engineers, whilst the corporate members and institutions include the National Association of Insurance Companies, the Italian Ship's Register, the Italian Shipowners Association, Chambers of Commerce, Shipowners, Ship Brokers, Forwarding Agents, Port Agents, P&I Agents, Insurance Brokers, the Italian Maritime Cluster. There are currently 14 Officers in its Steering Committee, including the president, two vice presidents, a secretary general and a treasurer. All Officers are elected for a term of three years and are eligible for re-election without limitation upon the number of terms.

In the occasion of the VI AMLC, which coincides with the 125° anniversary of the Italian MLA, an overview is made of its history and activities, including a recollection of many of its eminent members.

### **Boris Jerman**

Boris Jerman is the President of the Maritime Law Association of Slovenia, and till 2014 was Assistant Professor at the University of Ljubljana, Faculty of Maritime Studies and Transportation. He studied law at the University of Ljubljana, where he earned both his MA and Ph.D. degrees in transportation law. He is employed by the port operator Luka Koper, d.d., where he holds the position of head of the legal department and is the deputy president of the supervisory board at the University of Primorska (situated in Koper). He is actively involved in the academic sector and he has published extensively in the field of transport, logistic, maritime and commercial law.

### **Marko Pavliha**

Professor Marko Pavliha studied law in Ljubljana, Split and Montreal (McGill) where he obtained his doctorate under supervision of Professor William Tetley. He has practiced law at one of the Montreal law firms, in shipping and travel industry, at the High Court of Ljubljana, and in reinsurance. He has been Full Professor of Commercial, Transport and Insurance Law at the Faculty of Maritime Studies and Transportation of the University of Ljubljana for decades and also taught law in Belgium, Luxemburg and Australia. Prof. Pavliha has been a Visiting Fellow at the IMO IMLI (Malta) for 25 years where he is also a governor, an external examiner, and a member of Academic Committee. In 2003 he was elected Secretary General of the CMI, until he was invited to the Slovenian Government as Minister of Transport (2004) and was later elected as Deputy Speaker of the Parliament (2004-2007). He has been chosen many times as one of the Ten Most Influential Slovenian Lawyers, he won the 2001 Lawyer of the Year Prize and has received several other prestigious awards, including the Golden Plaque of the University of Ljubljana and the honorary doctorate from IMLI. Pavliha is a past member of the Judicial Council, one of the founders and past President of the Maritime Law Association of Slovenia, member of many national and international professional organizations, and author and co-author of 46 books and hundreds of articles, essays and scientific papers.

## **First Centenary of the Good Old Hague Rules and Their (In)capable Descendants**

### **First part**

In ancient Rome, the strict liability of the shipowner was formed, which lasted until the end of the 19th century and still exists in other types of transport today. This type of liability was introduced by the praetorian edict for shipowners, innkeepers and stable-keepers in respect of the goods and property of their clients received. The regulations regarding the shipowner's liability in the Middle Ages, did not depart from strict liability. The turning point is the end of the 18th century and the 19th century, when shipowners avoided their strict liability by placing clauses on the exclusion of liability. This ceased with the »Harter Act«, which introduced the institute of "Seaworthiness".

### **Second part**

This contribution is dedicated his to a Professor William Tetley (1927-2014), a superb Canadian lawyer, a legendary teacher at McGill Law Faculty, the leading authority on the law of carriage of goods by sea, mentor, and dear friend. The author honours the 100<sup>th</sup> anniversary of the Hague Rules by remembering their essence, as well as further development of international law regarding the maritime transportation of goods. After introducing Tetley's impressive achievements and his typical marine cargo claim(s), the Hague Rules (1924), the Hague-Visby Rules (1968), the SDR Protocol (1979), the Hamburg Rules (1978), and the Rotterdam Rules (2008) are discussed briefly through a critical prism. In conclusion, four possible and relatively reasonable options for the future are suggested.

### **Časlav Pejović**

Caslav Pejovic 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 research interests include maritime law, comparative law, transnational commercial law, foreign investment law, and law and society. 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 President of the Montenegrin Association of Maritime Law. He was 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, Routledge, 2020). Currently, he is working on the new book *International Maritime Law: Comparative Law in the Context* (forthcoming in 2024, Informa Law, Routledge). His papers are published in world-leading journals, and some are translated into other languages. He is the arbitrator of the Tokyo Maritime Arbitration Commission (TOMAC) and the Thai Arbitration Institute (TAI). He also served as an arbitrator at the International Chamber of Commerce (ICC) Arbitration.

## **Beijing Convention on the Judicial Sale of Ships: An Important Step Towards Ensuring Legal Certainty**

The courts in most jurisdictions have the authority to order the sale of a ship to satisfy a maritime claim usually following the ship's arrest. The judicial sale frees the ship of all liens, mortgages, and other encumbrances, and the purchaser obtains a good title *erga omnes*. Any claim or charge on the ship before the sale transfers to the sale proceeds and the ship is released to the new owner free of any prior charges and claims. When a vessel is sold in a judicial sale free

and unencumbered that effect must be recognized worldwide because the ships move through different jurisdictions by the nature of their role in shipping. However, there might be a risk that a claimant who failed to satisfy his claim may decide to chase the vessel in other jurisdictions. The problem arises if the jurisdiction where the ship was arrested does not recognize the legal effect of the judicial sale carried out in a particular jurisdiction. At the moment there is no worldwide mechanism for the recognition of foreign judicial sales of ships, which leads to legal uncertainty. The lack of international uniformity was recognized as a problem by the CMI which created an international working group that prepared the Beijing draft convention on the international recognition of judicial sale. This draft served as a basis for the Convention on the International Effects of Judicial Sales of Ships adopted by the UNCITRAL on 7 December 2022 (known as the “Beijing Convention”). The Beijing Convention is an important step towards greater legal certainty, under condition that it is adopted worldwide. This presentation will focus on the main features of the Beijing Convention: its scope, notice of judicial sale, certificate, repository, and the international effects of judicial sale of ships.

---

#### **Gordan Stanković**

Gordan Stanković studied law at the University of Rijeka, Faculty of Law. He obtained LL.M. degrees from the Law Faculties of Split, Croatia and Southampton, UK, and a Ph.D. degree from the Law Faculty of Split. He was a Fulbright visiting scholar at the Tulane Law School in New Orleans, Louisiana, USA. Dr. Stanković is a partner and head of the Shipping and Admiralty Department at Vukić & Partners, one of the leading commercial and shipping law firms in Croatia. 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. As an Associate Professor, he has taught Maritime Law at the Maritime Faculty of Rijeka, the Law of Shipping Finance at the Rijeka Faculty of Law, and the Maritime Procedural Law at the Split Faculty of Law. Dr. Stanković 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 on a large number of international and domestic maritime law conferences. He has been involved in the drafting of the Croatian Maritime Code as a member of the working group on registration of ships, liens and mortgages, as well as the working group on judicial sales of ships and ship arrest. Dr. Stanković is the President of the Croatian Maritime Law Association and is listed as arbitrator at the Permanent Arbitral Court of the Croatian Chamber of Commerce.

#### **New Croatian Maritime Demesne And Seaports Act – Certain Legislative Issues**

The Maritime Code (the “MC”) and the Maritime Demesne and Seaports Act (the “MDSPA”) are two pillars of Croatian maritime legislation. Although sharing a common origin (the Maritime Code of 1994), they have taken different development paths. In the year 2003, the MDSPA (the “MDSPA 2003”) was passed as a separate piece of legislation, independent from the Maritime Code of 1994. In the year 2004, the new MC (the “MC 2004”) was passed, retiring the Maritime Code of 1994. Since then, both the MC 2004 and the MDSPA 2003 have been amended on several occasions. In July 2023, a brand new MDSPA (the “MDSPA 2023”) was passed, retiring the MDSPA of 2003. Expected with high hopes (including “righting the wrongs” identified in the two decades of application of the MDSPA 2003, solving the aching issues related to the privatization in the 1990-ies, and much more), the MDSPA 2023 has not turned out to be a very good piece of legislation, although the Drafting Committee included leading experts in the field. On the other hand, the MC 2004 (with all its amendments) is largely accepted as a good piece of legislation (although not error free). This presentation will focus on the drafting procedures of both the MC 2004 and the MDSPA 2023 and try to establish whether and to what extent the different approaches to the drafting procedure have contributed to the diverging quality levels of these two acts.

---

## Revision of the 1910 Collision Convention

### CHAIR

#### Zoran Tasić

After graduating at the Law Faculty in Split, Zoran's career has started at Shipbuilding Industry Split 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 become a director of Dedicato Consulting in Zagreb, a company that has consulted the Banking and Finance team of Zagreb branch of Anglo-Austrian law firm CMS Reich Rohrwig Heinz GmbH, where he spent 11 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. 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.

#### Norman Martínez Gutiérrez

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. Professor Martínez 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 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. He is a Titulary Member of the Comité Maritime International and an honorary member of the Croatian Maritime Law Association

#### Elda Kazara-Belja

Elda Kazara-Belja, is currently a Senior Lecturer at the IMO International Maritime Law Institute. She joined the Institute in 2008 and has been a permanent member of the faculty ever since. She has lectured in many areas of international maritime law, including private shipping contracts, law of maritime safety, and law of the sea. She has participated in international conferences and workshops where she has delivered presentations on issues of the law of the sea, shipping law, marine environmental law, and migration at sea. Ms Kazara-Belja joined the IMO's Roster of Experts in 2012 and the FAO's Roster of Experts in 2018. She is a contributor and co-editor of the Second Volume of The IMLI Manual in International Maritime Law and author of chapters in books and articles. Prior to joining the Institute, she worked as Senior Legal Officer at the Maritime Department under the Ministry of Transport and Infrastructure of Albania. In addition to her extensive academic duties, Ms. Kazara-Belja is currently the Head of Administration of the Institute.

## Revision of the 1910 Collision Convention – Shipowner's Liability Issues

The 1910 Brussels Convention establishes in articles 2, 3 and 4 the fault-based principles of liability for collisions between vessels flying the flag of Contracting States. In accordance with Article 3, liability in damages in case of a collision within the meaning of the Convention is only attributable upon a party who has caused the collision and is at fault for such collision. If no party is at fault or the collision arose out of a *force majeure* event (including an inevitable incident or necessity), there is no room for liability of either party and the damages are to be borne by those who have suffered them (article 2). The same applies in case of doubt; if fault cannot be established beyond doubt, no liability will attach. In accordance with English law, the aggrieved party will have to prove that either the shipowner or any other person for whom is vicariously liable, are to be blamed [are negligent] for the collision. The fault-based liability regime is of course a principle found in many other international instruments, including the 1974 Athens Convention. However, modern international instruments have moved away from the fault-based liability regime and have introduced the strict liability regime of the shipowner and persons who will carry out operational activities (failure of which may lead to collisions) during the course of their employment save for exculpatory instances the occurrence of which has to be proved by the shipowner. The strict liability regime has its benefits as it relieves the aggrieved party from having to prove negligence and is often associated with compulsory insurance and direct action against the insurer (areas which are also being considered). In addition, with the introduction of strict liability, the owner's right to limit liability (preserved under the 1910 Brussels Convention) is virtually unbreakable. The presentation will discuss in brief the regime of 1910 Brussels Convention and how it is applied in national law given that it is for the contracting parties to the Convention to determine by means of national law or otherwise the standard of fault and attachment/attribution and whether introducing the strict liability regime in collision cases may be desirable and above all beneficial.



### Laura Trovò

Laura Trovò is Assistant Professor of Navigation Law at the University of Sassari, where she teaches the course “*Legal Models for sustainable tourism and mobility lab*”, and Adjunct Professor at the University of Udine.

In 2011 she was awarded a PhD in “*Law and Economics of Production Systems, Transport and Logistics*” from the University of Udine.

She was awarded a Research Fellowship at the University of Udine from 2010 to 2011 on the topic: “*The process of integration of European airspaces and the fading of the importance of national borders. From the reorganisation of airspace into functional blocks, towards the globalisation of ATM*”. She has also participated in research projects at the University of Udine and the University of Sassari.

She has been named expert in Navigation Law, Transport Law and Aviation Law at the University of Udine since 2008.

She has also held lessons for the University of Udine's PhD programme and carried out several lectures on maritime law and transport law at the University of Udine. She has participated as a speaker, chairman and discussant at many national conferences, seminars and study meetings and has been a member of the organising committee of several conferences.

Since 2011 she has been a member of the Udine Bar Association.

Since 2018 she had been a member of the Italian Association of Maritime Law (AIDIM) and since 2023 she has been a member of the AIDIM working group on Collision Convention. Since 2022 she has been a member of the Italian Association of Navigation and Transport Law (AIDINAT).

Since 2022 she has been a member of the editorial board of the Journal *Diritto dei Trasporti* and of Italian Journal of Tourism Law.

She is the author of some twenty articles and case commentaries related to the matter of Maritime and Transport law.

### The Works of the CMI on the Revision of the 1910 Collision Convention: Current Status

All Conventions in force before year 2000 (except on civil jurisdiction and penal jurisdiction) have been amended or replaced.

Amid all the Conventions promulgated in the XX century the only Convention not to be modified, integrated or substituted by new regulatory instruments is the Collision Convention, stipulated in Brussels 23 September 1910.

Over time, several modification proposals have been discussed by the CMI. Currently the CMI IWG on the Collision Convention is examining several aspects thought deserving of further in-depth analysis and is evaluating which international law instruments could be adopted in alternative to a new Convention (such as a modification protocol or a model law).

The next CMI colloquium will be held in Gothenburg in May 2024, with a closed meeting of the

IWG to discuss the four most debated points (Channelling of Liability; Liability to Third Parties; Mandatory Insurance; Direct Action) and to map the way ahead regarding the other less controversial points.

Currently the positions of Maritime Law Associations on various aspects are very different and net opposition from the IUMI, from the International Group of P&I Clubs and from the ICS to the introduction of mandatory insurance and direct action has been found.

### Petar Kragić

Petar Kragić 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 40 years of 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 to 2018 and Chairman of the Legal Committee of Croatian Chamber of Shipping. He was also a Director in a leading international insurance company UK P&I Club from 1994 to 2009, and in SiGCo (international provider of guarantees for oil pollution liability). Dr. Kragić participated in the CMI Sub-Committee for Mortgages and Maritime Liens and in the Sub-Committee for the Rotterdam Rules. He was a member of the Croatian delegation to the UNCITRAL (including working groups for the Rotterdam Rules and for the Convention on Judicial Sale of Ships) and to the International Labour Organization. He is a Titulary Member of the CMI and a member of its Executive Council. For many years he was a member of the drafting committee for the Croatian Maritime Code. He is the author of a legal textbook “*Tanker Charterparties*” and a co-author of the publication “*A Modern Lex Mercatoria for Carriage of Goods by Sea*”, a monograph dealing with international regime for carriage of goods by sea. He has published numerous papers covering various maritime law topics and has been involved in writing commentary to the Croatian Maritime Code. He is a regular speaker at maritime law conferences.

### Diana Jerolimov

Diana Jerolimov graduated from the Law Faculty of University of Zagreb. She joined the Croatian largest ship owning company where she was working as in house lawyer and Head of the Legal and Insurance Department, specialising in various aspects of shipping law. Mrs. Jerolimov was President of the Legal Committee of Croatian Chamber of Shipping and a member of working group for drafting Croatian Maritime Code. She is a member of the Croatian Maritime Law Association. Mrs. Jerolimov has been involved in writing commentary to the Croatian Maritime Code. She was in the CMI Sub-Committee for the Rotterdam Rules and a member of the Croatian delegation to UNCITRAL and Croatian ship-owners' delegation to the International Labour Organization. She is a regular speaker at maritime law conferences. She is a co-author of the monograph “*A Modern Lex Mercatoria for Carriage of Goods by Sea*” and an author of a number of articles on maritime law topics.

## Revision of Collision Convention 1910 – Should We Stay or Should We Go (for Change)?

The Convention entered into force in 1913 and – ratified or acceded by 88 countries – has been serving international shipping well for over a century. Eventually the question arose: Could the Convention be of greater assistance if amended? The answer is twofold – first what to change and second, would those changes be considered useful by the industry and/or legislators. If we are not faced with a great disaster that causes an enormous loss/suffering and injustice there is no urge to change a system that works and which a majority of stakeholders consider functional and satisfactory. Undesired results in relatively small number of cases could be tolerated because at the end the victim will usually be compensated by its own insurer. The fact that such insurer would not – in the given circumstances – be in position to recover from the wrongdoer or wrongdoer's insurer is not such a disturbing outcome because insurance business is all about undertaking risks and paying claims. Therefore, if one insurer does not recover the claim from another insurer it is not a big deal. All those losses fall at the end on the insurance industry. We might preserve the century old status quo in the short run, but in the long run all those cases governed by national laws that allow direct action against liability insurers and introduction of mandatory insurance at national or regional level will call for international unification, either through an overall international convention or through specialised international instruments such as the Collision Convention. Has the time come to break stereotypes, follow the emerging trends and look into the future or should we stay with what we have right now?

---

## The Recent Developments of Maritime Law

### CHAIR

#### Patrick Vlačič

Patrick Vlačič is a distinguished Slovenian academic and former politician, born in 1970 in Slovenj Gradec, Slovenia. He completed his undergraduate studies at the Faculty of Law at the University of Ljubljana and pursued his master's degree at the Faculty of Law of the University of Split, Croatia. He earned his PhD from the University of Ljubljana in 2005. Vlačič began his career in the legal field as a judicial trainee at the Supreme Court of Slovenia and passed his bar exam in 1998. Since then, he has been a faculty member at the Faculty for Maritime Studies and Transport at the University of Ljubljana, where he currently holds the position of associate professor. His academic focus includes maritime law, air law, civil law, transport law, and insurance law. Vlačič is also active in legal practice, specializing in transport and insurance law. In addition to his academic and legal career, Vlačič served as the Minister of Transport in the 9th Government of the Republic of Slovenia from 2008 to 2012. He was also the director of Aerodrom Portorož d.o.o., a small international airport.

#### Mitja Grbec

Dr. Mitja Grbec is an attorney-at-law in the port town of Koper/Capodistria, the Secretary-General of the Maritime Law Association of Slovenia, an Associate Professor at the Faculty of Management of the University of Primorska and a visiting lecturer at the IMO International Maritime Law Institute in Malta. He graduated from law at the University of Ljubljana Faculty of Law and completed his LLM and Ph.D. studies in international maritime law at the IMO International Maritime Law Institute (IMO IMLI) in Malta. He has held several positions both in the academia and corporate sector, including that of a permanent lecturer at the IMO International Maritime Law Institute (IMO IMLI) in Malta, Senior Lecturer at the Faculty of Maritime Studies and Transportation (University of Ljubljana, Slovenia) member of the Supervisory Board of the company Slovenian Railways d.o.o. and President and Vice-President of the Maritime Law Association of Slovenia. Among others, he is the author of the book *'Extension of Coastal State Jurisdiction in Enclosed or Semi-enclosed seas: A Mediterranean and Adriatic Perspective'* and co-editor of the book *Legal Aspects of Marine Protected Areas in the Mediterranean; An Adriatic and Ionian Perspective*, published by Routledge/Taylor Francis (London, New York) in 2014 and 2023. He is currently an attorney-at-law in the port city of Koper (LAW OFFICE GRBEC), Slovenia, and a consultant in the field of international maritime law (Mare Nostrvm d.o.o.). He has been recently appointed as a Titulary Member of the Comité Maritime International (CMI)

## Maritime Safety (and Security) in a Semi-Enclosed Adriatic in the Era of Digitalisation and Regional Conflicts

Most international agreements from the field of safety of navigation within the Adriatic and Ionian seas were prepared and signed during the launch of the Adriatic and Ionian Initiative (All) in Ancona on 19 May 2000. These agreements are typically bilateral or trilateral (Italy, Croatia, and Slovenia concerning the North Adriatic) and apply either to the Adriatic (i.e., Northern Adriatic) or the Ionian Sea. The approach adopted in 2000 aimed to improve the safety of navigation through a coordinated network of bilateral and trilateral agreements, rather than a single multilateral convention involving all Adriatic and Ionian States. Noteworthy is the Adriatic States' two-tier approach in developing a comprehensive 'Adriatic system' for ship reporting and routing measures: first through bilateral and trilateral agreements, and then by submitting a joint proposal to the IMO. This contribution proposes ways to upgrade the existing international agreements among the States bordering the Adriatic and Ionian seas concerning the safety of navigation, security, and marine environmental protection, by considering the recent digitalization processes and lessons learned from current regional conflicts and their impact on navigation.

### Alberto Batini

Alberto is an Italian qualified lawyer specialised in maritime law.

He joined the London Law Firm Sinclair Roche & Temperley, London (now Stephenson Harwood) in 1991 and, later, he moved as a claim's handler at Standard Steamship Owners P&I Club, Charles Taylor & Co., London in 1993.

In February 2000 Alberto successfully completed a 3 years part-time Post graduate Doctorate in Transportation Law – University of Trieste (Italy), (Monography assigned: "The law of Tug and Tow – Public and Private Law Profiles").

Alberto is a founding Member of the Italian law firm BTG LEGAL (Batini Traverso Grasso & Associati). The firm is specialized in Transport and Marine Insurance Law, International Law, Liability Insurance, Professional Liability, with offices in Milan, Genoa, Livorno, Rome, Ravenna and a London office strategically located in the heart of the City.

In May 2023, Alberto was appointed active member of the International Working Group of CMI (Comite' Maritime International) for Cyber Security in Shipping at the Montreal Colloquium.

Alberto was awarded Master of Laws with Distinction in International Shipping Law at Queen Mary's University in London.

Alberto has assisted major Italian contractors in important Energy and Off Shore Projects abroad, including the Kashagan Project, the Darwin (Australia) Gas Pipeline Extension and the Third Set of Locks Expansion Project in Panama, travelling and living abroad in different jurisdictions for long periods of time, achieving a good understanding of international dispute resolution process in the off shore and oil & gas industry.

Alberto is a regular Lecturer and Panellist at major international Insurance Law Seminars in China, Canada and United States.

He cooperates with major national insurance associations such as IUMI, IUA, the Italian ANIA, the Chinese Non-Life Insurance Association, the General insurance Association of Japan, the National Association of Insurance and Reinsurance Companies from Romania, the MIBU Marine Insurance Bureau of Ukraine and others.

## An Update on the Works of the CMI Working Group on Cyber Security in Shipping

Maritime cyber risk refers to a measure of the extent to which a technology asset could be threatened by a potential circumstance or event, which may result in shipping-related operational, safety or security failures as a consequence of information or systems being corrupted, lost or compromised. The Maritime Safety Committee, at its 98th session in June 2017, also adopted Resolution MSC.428(98) - Maritime Cyber Risk Management in Safety Management Systems. The resolution encourages administrations to ensure that cyber risks are appropriately addressed in existing safety management systems (as defined in the ISM Code) no later than the first annual verification of the company's Document of Compliance after 1 January 2021. The CMI's Cybercrime in Shipping IWG was formed after the New York Conference in 2016 during which an informative session was held on the topic. The original purpose of the Group was to monitor and research this crucial area of shipping and its effect on legalities. At the Montreal Colloquium in 2023, the IWG decided to proceed with the drafting of a questionnaire to be submitted to the national associations of maritime law. The speech will synthetically update on the progress of the work of the IWG in this respect and on the intentions to coordinate the works of the IWG on the autonomous vessels, which presents several similarities of discipline

### Božena Bulum

Božena Bulum is a Scientific Advisor at the Adriatic Institute of the Croatian Academy of Sciences and Arts. In 2000, she graduated from the Faculty of Law, University of Split, where she also obtained PhD in 2008. Between 2001 and 2006 she worked at the Commercial Court in Split and the Ministry of Justice of the Republic of Croatia. In 2003, she passed the Croatian bar exam. Dr Bulum is a visiting lecturer at the Maritime Law Department of the University of Zadar and the Public Law Department at the University of Bretagne Occidentale (France). She takes part in the expert committees of the Croatian Ministry of the Sea, Transport and Infrastructure for the drafting of maritime legislation. Božena has been invited to participate as a speaker at many international and domestic conferences related to maritime law and has been a member of the organizing committees of academic seminars and conferences. She is the principal investigator of the scientific project entitled "Market Competition in the Maritime Sector - Croatian and

*European Union Legal Framework*” supported by the Croatian Academy of Sciences and Arts Foundation. Dr Bulum has published one academic monograph, several book chapters, and over 40 academic and professional papers.

### **Ksenija Ostojić**

Ksenija Ostojić works as the Legal and Insurance Manager at Tankerska plovidba d.d., a shipping company headquartered in Zadar, Croatia. In her role, she handles various aspects of corporate law, maritime law, and marine insurance law. Additionally, she is a Member of the Management Board of Tankerska’s subsidiary, Turisthotel d.d. Born in 1993 in Split, she graduated from the University of Zagreb, Faculty of Law in 2017, and later obtained an LL.M. degree in Maritime Law from the University of Southampton in 2023. She is a member of the Croatian Maritime Law Association and, in 2023, served as a representative of the Croatian Shipowners’ Association Mare Nostrum on the Legal Advisory Committee of the European Community Shipowners’ Association.

### **Marija Pijaca**

Marija Pijaca is an Associate Professor at the Maritime Department of the University in Zadar, Croatia, where she held lectures in several courses in the domain of maritime law and in course of commercial law at the Management Department of the University in Zadar. She graduated from the Faculty of Law of the University of Zagreb and after graduation enrolled in the Postgraduate Scientific Study of “Maritime Law and the Law of the Sea” at the Faculty of Law of the University in Split. During the Postgraduate Studies, she showed interest in the majority of courses, especially in the matter of maritime property law. She finalized the postgraduate master’s degree studies with the thesis: “Contracts on Towing Operation at Sea”. Afterwards she completed her PhD studies at the Faculty of Law of the University of Rijeka with the dissertation “Bareboat Charter”. She was an associate researcher at the scientific projects of the Adriatic Institute of the Croatian Academy of Science and Arts, titled “*Developing a Modern Legal and Insurance Regime for Croatian Marinas – Enhancing Competitiveness, Safety, Security and Marine Environmental Standards – DELICROMAR*” and “*Challenges in the Legal Regulation of Seaports Considering Application of the European Union Law and National Legal Tradition*”. She is an author and co-author of numerous scientific papers. She has participated with presentations at various national and international conferences. She is also the author of a scientific monograph titled “*Bareboat Charter*”.

## **Current EU Taxation Incentives and Challenges for Shipping Industry**

The objective of this paper is to analyse the Croatian and European Union (EU) legal framework applicable to the corporate income taxation of shipping companies. Additionally, the current EU’s tax incentives aimed at decarbonizing the shipping industry will be considered. Although the Member States have retained their sovereignty in tax matters, EU rules apply in cases where

Member States grant tax exemptions or reductions to undertakings in certain sectors, as such measures are considered as State aid. An example of the State aid applicable exclusively to shipping industry is the tonnage tax payable by shipping companies in the EU and Norway, and beyond (Singapore, India, Japan, South Korea, Hong Kong, etc.). The amount of tax is not dependent on the profit realized by carrying out shipping activities, but is determined as a flat rate, linked directly to the tonnage of the ship. As a result, tonnage tax is a predictable taxation method for shipowners and the overall tax burden is considered to be lower, compared to the burden of the corporate income tax. One of the peculiarities of the tonnage taxation is that the taxpayers are obliged to pay tax even when they are operating at a loss in the certain tax period. Besides the general EU rules applicable to tonnage taxation, the authors will highlight the particularities of the Croatian tonnage tax system. The new EU tax regulations applicable to shipping sector and the positions of industry stakeholders regarding the future tax treatment of the shipping companies in the EU will also be examined.



## Adriatic Seaports and Marinas - Yachts Chartering and Sanctions Affecting the Russian Pleasure Vessels

### CHAIR

#### Jelena Nikčević

Jelena Nikčević is a Full Professor of the Maritime Law, at the Faculty of Maritime Studies Kotor, University of Montenegro. She graduated from the Faculty of Law in Podgorica in 1994. She defended her master's thesis in December 1998. In February 2004 she defended her PhD dissertation at the Faculty of Law in Belgrade.

She worked as a teaching assistant at the Faculty of Law in Podgorica from 1994 to 1997. In 1999 she started to work at the Faculty of Maritime Studies Kotor as a full-time employee. Shortly afterward, she was elected as a teaching assistant for a group of legal courses. She was elected as an assistant professor in 2005 for the aforementioned group of courses after which, in 2010, she was elected as an associate professor. In 2021 she was elected full professor which position she still holds. From 2011 until 2016, Jelena Nikčević held the position of Vice Dean for Finance at the Faculty of Maritime Studies Kotor.

She has published many scientific articles and professional papers in the domain of maritime law and is the author of the books "*Maritime Liens on the Ship*", published by Maritime Faculty Kotor, and "*Legal Aspects Safety at Sea*", published by the Institute of Comparative Law Beograd.

#### Flavia Melillo

Having graduated magna cum laude from the University of Salerno, and after completing her Ph.D. in International Law, she has been working with leading public companies and international law firms. Her long experience at the prestigious Chiomenti law firm in civil law, contracts, arbitration, and financial regulation led her to the Italian association among insurance companies (ANIA) where she is in charge of the regulatory and normative aspects of insurance products and is responsible for the maritime, transportation and aviation insurance sector. Executive Editor of the Maritime Insurance Transport Review edited by ANIA, she is a lecturer at the University of Salerno (Innovation Technology Law) and a speaker at numerous conferences

### International Sanctions: Enforcement, Asset Freezing Measures and Maintenance Obligations

As the sea is the main route of international trade, the subject of international sanctions as a leverage tool in diplomatic relations is not new in maritime law: between 1958 and 2022, as many as 1325 sanctions measures can be counted, 400 of which are still active. Most of these measures were issued by the United Nations; since 1978, the European Union has also applied economic and financial sanctions as an instrument of international policy.

The analysis focuses primarily on the measures adopted by the EU in the context of the Russian-Ukrainian conflict, some of which deviate from the sanctions systems known to date; in particular, on the targeted subjective measures (individual sanctions) that have the effect of freezing the assets of listed individuals.

Having investigated the legal nature of asset freezing measures, the examination focuses on the Italian perspective. In Italy, the implementation of freezing measures is entrusted, at the national level, to an already proven mechanism. Under Legislative Decree No. 109/2007 it is the responsibility of a body that has existed since 2001 at the Ministry of Economy: the Financial Security Committee. The 2007 decree, which in its original wording was only aimed at preventing the financing of terrorism and money laundering, had been amended in 2017 to be adapted to the provisions of the aforementioned EU Regulation 269/2014. Activities concerning the maintenance of the operation and safety on board ships and aircraft, including those related to the administrative, accounting and social security management necessary for the armament of the vessel will be the responsibility of the State Property Agency.

Finally, mention will be made of the case of the 'Sailing Yacht A' designed by Philippe Stark and built by the German shipyard Nobiskrug for the Russian oligarch Andrey Melnichenko, which, moored precisely at the Port of Trieste, has been the subject of a court dispute involving the freezing measure.

#### Petar Djurović

Petar Djurović is the founder and Managing partner of ABACO LLC, a private equity firm delivering a complete spectrum of legal and consultancy services relating to shipping industry. He has extensive experience in maritime and marine insurance law, the international sale of goods, including hull and machinery disputes, cargo claims, crew claims, MOA disputes, bunker quality disputes, unsafe port claims and general charter-party and bill of lading disputes, ships sale and purchase transactions, registration of ships, etc.

Prior to joining Abaco, Mr. Djurović spent four years in Athens based consulting company Premium Consulting working in the areas of planning and implementation of shipping investment projects, operations and strategic planning, mainly dealing with shipping sector clients. In 2016 he joined the UK based E&P company Energean Oil & Gas as Montenegro General Manager being fully responsible for the delivery of the oil & gas exploration project in offshore Montenegro.

As from 2011 until 2014 Mr. Djurović has also worked for the Montenegro based shipping company Crnogorska plovidba as external consultant in the field of maritime law and marine insurance. As of 2014 and onwards Mr. Djurović acts as external consultant in the same field for the Montenegro based insurance company Lovćen osiguranje S.A.

He holds B.Sc in Shipping & Maritime Economics from the University of Piraeus and LL.M in Maritime Law and Shipping Management from the Frederick University.

### **Maja Radunović**

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 LLM 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 Secretary General and one of the founders of recently established Montenegrin Maritime Law Association.

### **Some Legal Effects and Consequences of International Sanctions Against Russian-Owned Yachts - Montenegrin Perspective**

During the Russo-Ukrainian War, numerous countries and international organizations imposed sanctions against Russia and Belarus following Russia's invasion of Ukraine in late February 2014. The sanctions targeted individuals, businesses, officials, and assets, including yachts owned or claimed to be owned by Russian nationals. As a result, the superyacht industry, where Russian-owned vessels account for 7-10% of the fleet, faces challenges due to broad asset freezing programs.

As a member of NATO and candidate for EU membership, Montenegro has aligned with all the restrictive measures imposed by the European Union against Russian Federation, immediately after they were introduced by the EU in the end of February 2022. Like other coastal states engaged in yachting, Montenegro faced certain legal and practical challenges in enforcing and interpreting these sanctions.

Understanding the legal intricacies surrounding Russian-owned yachts under international sanctions is essential for Montenegro's maritime community these days. This presentation sheds light on the Montenegrin perspective and the challenges faced in enforcing and interpreting these sanctions.

Therefore, the presentation will go through the national legal framework governing restrictive measures and their enforcement and analyze the treatment of yachts and persons onboard, together with the means of determining the connection between the yacht and a designated person. Also, the presentation will elaborate the possible legal mechanisms for yachts' prohibition to leave the Montenegrin ports and explore few practical and legal consequences of the restrictive measures against the yachts in overall context of national and international maritime law.

**Keywords:** superyacht industry, international restrictive measures, Montenegro

### **Iva Tuhtan Grgić**

Iva Tuhtan Grgić is an Associate Professor at the University of Rijeka's Faculty of Law, where she teaches Maritime and Transportation Law, Marine Environmental Protection Law, and Administrative Maritime Law. She earned her PhD in Civil Law and Civil Law Procedure from the University of Zagreb's Faculty of Law. She carried out several research stays at the Max Planck Institute for Comparative and International Law in Hamburg, Germany, at the European University Institute in Florence and at the Sapienza University of Rome. She presented her research results at various national and international conferences and round tables. Furthermore, she is the author of a number of publications in the field of civil and maritime law. She was a member of the expert committee for the drafting of the Law on the Maritime Domain and Seaports and acts as an *ad hoc* legal advisor to the business sector. As a member of research teams, she has worked on several projects dealing with legal aspects of the transformation of social property, maritime concessions and nautical tourism. She is Vice President of the Croatian Maritime Law Association and a member of the Croatian Comparative Law Association and the Croatian Transport Law Association.

### **Agata Dajčić**

Agata Dajčić is a Legal Advisor for the Tehnomont Group whose main activities are strictly connected with maritime concessions in shipyard and in nautical tourism. Currently, she is attending PhD study in Maritime Law with main research in a concession topic at the University of Rijeka, Faculty of Law, where she had already finished Postgraduate Specialist Study Programme. As her company had been a part of Croatian Employers' Association, she was a member of various expert committees for the drafting of the Maritime Domain and Seaports Act and of the Employment Act in Republic of Croatia. She has attended numerous courses in the area of public procurement, concessions, etc.

### **Extending The Duration of Concessions on Maritime Domain under the New Maritime Domain and Seaports Act of 2023**

The maritime domain in the Republic of Croatia is a common domain that is economically exploited, usually on the basis of a concession. In July 2023, a new Law on Maritime Domain and Seaports was adopted, amending and aligning the legal framework for concessions on the maritime domain with the Law on Concessions of 2017 and harmonising national legislation with Directive 2014/23/EU on the award of concession contracts. However, concession contracts on the maritime domain granted on the basis of previous legislation will remain in force until the end of the period for which they were concluded. Once the concession term has passed, the concession ceases to exist and everything the concessionaire has invested in the maritime domain remains the property of the maritime domain. Concessionaires often face major investments due to technological progress and European Union regulations that require sustainable manage-

ment. These investments could not have been foreseen when the concession was granted. In cases like these, the exception to the fundamental rule that the concession ends at the end of the granted period becomes particularly important. All legislation applicable to concessions contained a provision on the possible extension of the concession. The new law also includes such a provision, but it differs from the old law and the Concessions Act in terms of its requirements for application. The presentation offers an overview of the regulations regarding the extension of concessions granted under the new Act and aims to address the question of the applicable law for the extension of concessions granted under previously applicable laws.

---

**Boris Jerman** (see page 10)

### Legal Aspects of Digitalization in Slovenian Ports

Digitization is a process followed by all economic sectors, where ports are no exception. Digitization itself is not the final goal of ports, but only a tool of port development, moving in the direction of creating “Smart ports”. The digitization process of ports has many legal challenges, which are related to both private and public law. The field of private law is mainly related to the area of concluding contracts with technology providers, with which stakeholders in ports introduce digitization and claiming compensation in the event of failure of the introduced digitization technologies. Another is the field of public law, where the focus is on protecting ports as critical infrastructure. This has been at great risk in recent times due to the increase in cyber attacks. Digitization brings many challenges in the protection of data that represent business secrets and data that belong to the sphere of personal data. In the context of digitization, artificial intelligence presents a special challenge, which can be of great help or the main source of danger, insofar as it is used by unauthorized persons to obtain data or hack into the information system of port operators, or influence on decision making models, which represents a great danger. Because of the lack of national and EU legislation, it is not surprising that port operators issue special rules for port community users regarding the use of artificial intelligence and educate them about threats.

---

## Maritime Security, Safety of Navigation and Protection of Marine Environment in the Adriatic

**CHAIR Mitja Grbec** (see page 18)

### Petra Amižić Jelovčić

Petra Amižić Jelovčić is a Full Professor with Tenure 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.

### Nikola Mandić

Nikola Mandić was born in 1985 in Split, Croatia. He graduated from the Faculty of Maritime Studies, University of Split, in 2007 at undergraduate studies in Maritime Management and got the degree of a maritime transport engineer. He completed a post-graduate course in the Maritime Law and Law of the Sea at the Faculty of Law, University of Split, in 2010 and received a Master's degree. He completed post-graduate doctorate studies in the field of Legal Sciences at the Faculty of Law, University of Mostar, in 2015. He acquired the doctoral degree (Ph.D.). He has been employed at the Faculty of Maritime Studies, University of Split, as an assistant (from 2008), postdoctoral researcher (from 2015), assistant professor (from 2016), and associate professor (from 2022) in maritime law courses and he is Vice Dean for Student and Academic Affairs at the Faculty of Maritime Studies, University of Split (from 2021). He has been a mentor for over hundred undergraduate and graduate theses. He participated in thirty scientific conferences and published more than forty scientific papers on maritime law and maritime traffic (legal aspects of navigational safety, maritime contracts, averages, environmental protection law, public transport in coastal liner shipping etc.). He has cooperated in scientific and professional projects in the field of maritime law, maritime transport, maritime management etc. He is the head of the Erasmus+ project *Upgrading and harmonization of Maritime law STCW based curriculum for Maritime students* (MareLaw).

### Ranka Petrinović

Ranka Petrinović was born in 1960 and graduated from Faculty of Law, Split University in 1983, completed post-graduate courses in Maritime Law and Law of the Sea and received her Master's Degree in 2001. She was awarded Doctoral Degree (Ph.D.) in 2005. Her doctoral thesis has the title "*Protection of the Environment as the Element of Modern Right to Salvage*". She worked in Split Shipyard (1986-1996) in the Sales Department as a legal consultant for Shipbuilding Contracts and Newbuilding Insurance and later in the Legal Department of Shipping Company Jadroplov BE Ltd (H&M Insurance and Registry of Ships, 1996-2002). She has worked at the University of Split – Faculty of Maritime Studies as a lecturer (since 2002), assistant professor (since 2006), associate professor (since 2009), full professor (since 2013) and full professor with tenure (since 2018). Ranka Petrinović was Vice Dean for Financial Affairs (2006-2010). She attended several professional seminars in the field of maritime law and marine insurance. She is a member of Croatian Maritime Law Association.

### Harmonization of Maritime Law Courses for Future Seafarers Through The Marelaw Project

According to the STCW Convention and national regulations, all seafarers must have knowledge of Maritime Law. This means that all Maritime Higher Education Institutions should consider Maritime Law as a mandatory subject. Having that in mind, it should be emphasized that Maritime Law courses taught at Maritime Higher Education Institutions are specific and different from those taught at Faculties of Law since Maritime Law is usually the only contact maritime students have with legal matters. Therefore, Maritime Law course is more difficult to master for students of Maritime Higher Education Institutions compared to students of Law Faculties. Namely, students of Maritime Higher Education have no prior knowledge of law and they need to learn concurrently fundamental legal concepts as well as the specifics of legal regulation of maritime affairs within Maritime Law courses. Project titled "Upgrading and Harmonization of Maritime Law STCW Based Curriculum for Maritime Students" led by University of Split, Faculty of Maritime Studies strives to answer the questions: Which is the proper mode of teaching social sciences i.e. Maritime Law at Maritime Higher Education Institutions? Together with its academic partners from University of Riga, Latvia and University of Polytechnics of Catalunya – Barcelona Tech, Spain, MareLaw Project holders aim to strengthen strategic and structured cooperation between collaborating Higher Education Institutions. The final project goals are improvement of teachers' digital, pedagogical and professional competencies, acquisition of special practical knowledge and strengthening of institutional connections. This should result in the necessary harmonization at the level of partner institutions and upgrading the connection between Higher Education Institutions.

### Elena Orrù

Associate Professor of Maritime and Transportation Law at the Alma Mater Studiorum – University of Bologna, Department of Legal Studies; PhD in European Transportation Law in 2007, Alma Mater Studiorum – University of Bologna.

As a lawyer, Elena is a member of the Bologna Bar Association and is particularly focused on Maritime, Air and Transport Law, Competition, State Aids and Antitrust Law, international commercial contracts, and arbitration.

Elena lectures, both in English and in Italian, on International Sales and Shipping Contracts, Marine Insurance and Public Transport Law at the University of Bologna and in PhD and Master Courses both in Italy and abroad. She has been member of several international and national research groups and Visiting Researcher and Professor at foreign Universities (VUB, Nordisk Institutt for Sjørett, Westminster University London, University of Rijeka, University of Elbasan).

Elena is a regular speaker at international and Italian conferences and the author of several books and articles.

She is also a member of the Italian Maritime Law Association, of the Association of Italian Professors of Navigation and Transportation Law, of UIA – International Association of Lawyers, of I.S.Di.T. - Istituto per lo Studio del Diritto dei Trasporti and of the International Propeller Club.

### Recent Developments and Current Challenges in Port State Control

Port State Control (PSC) is one of the two pillars for ensuring maritime safety and environmental protection (the other one being the Flag State's powers and responsibilities). Following the 1982 Paris Memorandum of Understanding, the EU Commission adopted the Directive on PSC (PSCD), whose latest version consists in Directive 2009/16/EC, as amended, which entered into force in January 2011.

PSC's regime is undergoing important revisions both at the international and at the EU level for adapting it to the pivotal rules that are being increasingly adopted in order to achieve the 2030 Sustainable Development Goals and taking advantage of Industry 5.0 technologies.

On first June 2023, the EU presented a proposal for the revision of the PSCD, for updating it to the requirements set by the IMO and the regional organization for PSC according to the Paris MoU, and addressing some of the major issues, including the extension of its scope to the new International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention) and the International Convention on the Removal of Wrecks, and to fishing vessels, in particular those of more than 24 metres in length.

Furthermore, some recent decisions interpreted the scope of PSC and the extent of the Port State's authority and responsibility in performing the duties entrusted to it by the relevant international and EU provisions.

The speech will therefore focus on the major developments and challenges PSC is currently facing.



### **Elson Thana**

After having completed his studies for the Bachelor's and Master's degrees in law at the University of Tirana Faculty of Law in 2006, Elson Thana obtained an LLM in Maritime Law from the World Maritime University and Lund University in Sweden in 2010, with the master's thesis on the Rotterdam Rules focusing on shippers' obligations and liabilities. From 2010 until October 2022, he served as an expert for maritime transport policies and strategies at the Ministry of Infrastructure and Energy in Albania. During this period, Elson played a pivotal role in drafting policies, implementing strategies, monitoring activities in the maritime transport sector ratification of maritime conventions, transposition of EU Acquis, and alongside representing Albania in international institutions. He pursued several postgraduate studies and professional training to ensure compliance with international IMO conventions and EU legislation. Elson Thana earned another master's degree in Maritime Cyber Security from the Albanian Armed Forces Academy in 2022. Since November 2022, he has been serving as the Desk Officer for Waterborne Transport at the Transport Community Permanent Secretariat providing guidance and support to the Western Balkan, Ukraine, Republic of Moldova, and Georgia on harmonising the EU Acquis and monitoring TEN-T Network projects related to waterborne transport.

### **Buen Hoti**

Buen Hoti completed his legal studies at the University of Tirana Faculty of Law, obtaining a Bachelor of Science in Law degree in 2019 and subsequently focused on acquiring a solid foundation in civil law and criminology. Thus, he continued to pursue postgraduate studies and acquired a Master of Science in Civil Law degree, as well as a Master's degree in Criminology, expanding his understanding of legal systems and their intersections with societal issues. His commitment to advancing his legal expertise led him to obtain a BAR license, enabling him to actively engage in legal practice. Since February 2020, Buen Hoti has been working as a lawyer in the main tugboat company "Anijet e Sherbimit Detar" in Albania. Currently, he is continuing his education by pursuing a Master of Laws (LLM) program in International Maritime Law at the IMO International Maritime Law Institute (IMLI) in Malta. The topic of his master's dissertation that he will defend at the end of the academic year is "The Ionian Sea delimitation dispute between Albania and Greece: Legal considerations for Albania for the forthcoming ICJ ruling". This academic pursuit aligns continuously, with his career trajectory and reflects his dedication to becoming a competent legal practitioner, particularly in the maritime domain.

### **Transposition of the EU Acquis on Maritime Safety, Security and Protection of the Marine Environment in the Republic of Albania**

Transposing the EU legal system in the national legislation is one of the main challenges of the countries willing to become full members of the European Union. The Annex I.4 of the Treaty establishing the Transport Community, which was signed between the EU Member States and

six Western Balkan Parties, determined the parts of the EU Acquis in the maritime sector that these candidate countries were encouraged to transpose and implement into their own legislation. Albania, as a state party to this Treaty, has been deeply devoted to this process since its beginning and the progress in transposition of the EU legislation continues to move forward. By 2022, Albania had already transposed 23% of the EU Acquis related to maritime transport. This primarily included legislation concerning flag and port state control, ISM Code implementation, reporting procedures for ships entering or leaving Albanian ports, port reception facilities for ship waste disposal, enhancing ship and port security, and establishing minimum seafarers' training standards. Albania made notable strides in 2023 by completing the transposition of four additional parts of the EU Acquis mainly focused on the safety of ro-ro passenger ships and investigation of marine casualties and incidents, bringing the country in an overall transposition rate to 31%. This presentation will explore the Albania's status in transposing EU Acquis into its national legislation, focusing specifically on maritime safety and security standards, environmental protection, regulatory compliance, and the current strategies for fully compliance with the requirements and the commitment to meeting EU requirements and fostering a modern and efficient maritime sector.

### **Axel Luttenberger**

Axel Luttenberger is a Full Professor with Tenure at the University of Rijeka, Faculty of Maritime Studies. He got his Bachelor's Law degree at the University of Rijeka, Faculty of Law, and became Master of Law and Doctor of Law in Maritime Law at the University of Split, Faculty of Law. After internship at the County Court in Rijeka and passing bar examination at the Ministry of Justice and Administration, he worked in marine insurance business dealing with Hull and Machinery and Protecting and Indemnity Club's coverage as claims adjuster, legal attorney, head of the legal department and legal advisor. He has experience in local government and government public service having been the City Mayor of Opatija and Member of Croatian Parliament and its Committee on the Constitution, Standing Orders and Political System and its Legislation Committee. He has published four books and over hundred and twenty academic papers. His main activities are teaching maritime, commercial and ecology law at various university and vocational programmes. He is a member of a number of organisations and associations, including Croatian Maritime Law Association. He is involved in numerous projects for maritime industry, government entities and non-governmental environmental associations.

### **Merica Slišković**

Merica Slišković is a Full Professor at the University of Split, Faculty of Maritime Studies. She has knowledge in teaching processes and scientific activities in the area of marine ecology, environmental protection, and interdisciplinary research areas. Her main scientific interest is interdisciplinary research in marine environmental protection in the context of sustainable development and

maritime transport. She teaches at undergraduate, graduate and postgraduate level at the Faculty of Maritime Studies, Naval Academy and University Department of Marine Studies. She attended several courses in area of marine environmental protection (Certificate in maritime environment management, Lloyds Maritime Academy, London, United Kingdom, 2019; Environmental Marine Pollution Prevention and Management Course, Lloyds Maritime Academy, London, United Kingdom, 2016). She has successfully participated in several projects as leader and coordinator. She has profound knowledge in leading projects for the development of curricula, occupational standards and qualification standards. In addition, she was involved as an expert in the restructuring of maritime studies at the University of Montenegro and participated in the development of the new study program of naval studies. She has published a number of articles in scientific journals and at scientific conferences as author or co-author.

### **Lidija Runko Luttenberger**

Lidija Runko Luttenberger is a Full Professor in Environmental Engineering at the School of Polytechnics of the University of Rijeka. She worked in shipbuilding industry as design engineer, sales manager and management board member, in municipal utilities company as department manager, and also as the undersecretary of state in the Ministry of Environment and Nature Protection, heading the Directorate of environmental impact assessment and waste management. She was also the head of the administrative board of Environmental Agency of the Republic of Croatia. She teaches courses on coastal area management, ecology, sustainable development, and chemical technology. She authored the book *Water and Waste Management*, co-edited the book *Aural Experience and Soundscape Management*, and wrote several book chapters and more than 100 scientific and professional papers in the field of environmental protection. She actively participates in scientific conferences, evaluates international scientific projects, and promotes environmental sciences in the media. She holds lectures on the topics of water management, waste management, sustainable shipping, energy, and other environmental protection issues. She participates in projects related to STEM education and sustainable fisheries. She is the member of the Offshore Technology Section within Scientific Council for Maritime Affairs of the Croatian Academy of Sciences and Arts.

### **Legal Framework Concerning Invasive Alien Species Introduction Through Shipping**

Invasive alien species (IAS) are a subset of established non-indigenous species (NIS) that have the potential to spread and have adverse effect on biodiversity, ecosystem functioning, socio-economic values and human health. A positive response to invasion rates is induced by global warming, land reclamation, coastal construction activities, sediment extraction, natural resource harvesting, habitat modification, overgrazing and eutrophication. Harbours are more appropriate habitat for introduced species than for native ones. The introduction of invasive species is an increasing pollution problem that needs to be addressed on a broad scale, from

individual responsibility to scientific excellence and global regulatory measures, in which the precautionary and preventive principle must play a key role, as the establishment of invasive species is irreversible. One of the main pathways of introduction is commercial shipping, more specifically ships and floating structures, with vectors being the transportation of ballast water, sediments, fouling of ship hulls and all parts that are exposed to the surrounding seas (anchors, sea chests, etc.). Other pathways/vectors are corridors, aquaculture, recreational boats, aquariums, floating objects, marine litter, rafting on microalgae, research and biological control. Small boats contribute particularly strongly to the secondary spread of IAS, as the long dwell time of boats in their harbour or berth increases the fouling of hulls. International legal and institutional frameworks such as United Nations Conference on the Law of the Sea, regional marine conventions, the Convention on Biological Diversity, the IMO Convention on Ballast Water, the EU IAS Regulation and the EU Marine Strategy Framework Directive are analysed. It is important to consider the synergistic effects of human activities, pollution and environmental factors, as the invasion of IAS takes place in a multifunctional context.

---

## Digital Technologies in Maritime Transport – Legal Aspects

### CHAIR

#### Massimiliano Musi

Massimiliano is Full Professor of Navigation and Transport Law at the *Alma Mater Studiorum* University of Bologna, after having completed all the previous stages of the academic career, having covered the position of Associate Professor and before that of Senior Assistant Professor in the same University, as well as that of Senior Assistant Professor, from August 2019 to August 2021, at the University of Teramo.

In the academic years 2016/2017 and 2017/2018 he was Adjunct Professor in Air Law at the School of Engineering and Architecture, University of Bologna, Campus of Forlì.

He was awarded four Research Fellowships at the University of Bologna from 2015 to 2018 on the following themes: “*The shipowners’ compulsory insurance for maritime claims: problems of coordination between disciplines and possible solutions*” (2018); “*Off-shore platforms, strategic hubs for the production of fossil and renewable energy: comparative perspectives*” (2017); “*The Discipline of Logistics Services in the Transport Sector de lure Condito et de lure Condendo*” (2016); “*The Role of the Contractor and of the Policy Holder in the Cargo Insurance Contract*” (2015).

He has been named expert both in Maritime Law and in Transport Law at the University of Bologna since 2008, and in September 2012 he was awarded the Ph.D. in European Transport Law. He has also been Lecturer at many higher education courses, Masters and Ph.D. courses and he held some lessons at the European Parliament for the Directorate for Legislative Acts.

He has been invited to participate as a speaker in more than 70 national and international Conferences (*inter alia*, in Seoul, Mexico City, London, Bruxelles, Istanbul, Rotterdam, Madrid, Antwerp, Southampton, Leuven, Zagreb, Bilbao, Tirana, Torun, Split, Pula, Portoroz, Elbasan, Dubrovnik, Mali Lošinj, Opatija, Benicassim, Naples, Bologna, Ravenna, Catanzaro, Alghero, Castelsardo), over the years he has organized Summer Schools, Conferences and International Research Seminars at the University of Bologna, at Ravenna Campus and at the Port Authority of the Northern Adriatic Sea (Venice and Chioggia) and has taken part in research groups both at international and Italian level.

Since 2011 he is member of the Bologna Bar Association.

Since 2015 he is Member of the *Associazione Italiana di Diritto Marittimo (AIDIM)* and since 2019 of the *Associazione Italiana di Diritto della Navigazione e dei Trasporti (AIDINAT)*.

In November 2015 he was appointed as member of the *Standing Committee* of the YCMI and of the *Committee for the Ship Nomenclature*, inside the *Comité Maritime International (CMI)*, which studies the definition of “ship” in international Conventions in the maritime sector and in the domestic legislation of each Country, in order to find a solution aimed at achieving a greater uniformity at the international level. Since 2022 he is also Chair of the CMI Publications and Social Media Committee.

Since 2014 he is General Secretary of the “*Il Diritto Marittimo*” (“Class A” Journal according to the ANVUR classification) and since 2015 of the book series “*Il Diritto Marittimo - Quaderni*”. Since 2022 he is also member of the “*Comitato di Direzione*” of the Journal “*Il Diritto Marittimo*”. Since 2016 he is Executive Editor of the “*International Transport Law Review*” and since 2017 he is a member of the Editorial Board of the Croatian Journal “*Comparative Maritime Law*”.

Since 2010 he is Member of the International Propeller Clubs - Port of Bologna, of which he has been Secretary from 2015 to 2020.

Massimiliano is the author of four monographs, more than 80 articles and case comments and edited eight collective volumes, related to the matter of Maritime and Transport Law.

Časlav Pejović (see page 11)

### Legal Recognition of Electronic Trade Documents: Control or Possession?

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, 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. Various jurisdictions employ varied terminologies, such as “control of electronic document of title” under the Uniform Commercial Code, “exclusive control” under Singapore’s Electronic Transaction Act 2021, and the expanded “possession” under the UK Electronic Trade Documents Act 2023. Given these divergent approaches, examining them for clarification and evaluating the necessity of harmonizing the concepts of control and possession become crucial.

Patrick Vlačić (see page 19)

### Electronic B/L: Recent Developments

The 2017 Model Law on Electronic Transferable Records (MLETR), developed by UNCITRAL, highlights the reliability of systems that enable users to create, transfer, and maintain exclusive control over electronic records as a principal challenge. This issue is particularly critical for the bill of lading, as it

is a (transferable) document of title. A pressing question remains on how the reliability of solution providers managing these platforms will be ensured. The industry is keenly awaiting a prompt response to address these concerns, emphasizing the urgency and significance of ensuring robust and secure electronic record management systems for such crucial documents.

---

### Lucrezia Pari

Currently engaged in a dual role as lawyer and doctoral student, Lucrezia Pari is concluding her PHD at the University of Teramo where she carried out a research path focused on the Law of New Technologies applied to the logistic sector.

She has participated as a speaker in national and international conferences and is the author of scientific articles in subjects ranging from transport and maritime law to international trade law and technological innovation.

In the academic years 2019/2020 and 2020/2021 she was Adjunct Professor at the University of Venice, of a course entitled “Comparative Port Regulation”.

Since 2020 she is member of the Bologna Bar Association and she works as lawyer for a prestigious law firm specialized in maritime and transport law.

## The Role of Blockchain and Smart Contracts in Modern Maritime Law

The shipping industry stands at the precipice of a transformative era, propelled by the integration of blockchain technology and the innovative utilization of smart contracts.

This shift is evident in the increasing number of proposals exploring the use of smart contracts across various sectors of the shipping industry.

In maritime operations, smart contracts have been explored, *inter alia*, as instruments tailored to streamline and optimize the programming of charter party agreements.

More in detail, they have been tested to enhance the efficiency of such agreements, particularly in automating tasks like laytime calculations and demurrage payments.

However, transitioning traditional contractual terms into automated protocols raises concerns, especially regarding the mechanisms allowing data transfer from the real world to the on-chain network. This necessitates a thorough examination of the legal framework and liability issues associated with these mechanisms, which are referred to as “oracles”.

---

### Igor Vio

Igor Vio is an Associate Professor at the University of Rijeka, Faculty of Maritime Studies, where he is Head of the Department of Social Sciences. He is teaching courses in Maritime Administrative Law, Law of the Sea, Environmental Law and Transport Insurance. As a visiting lecturer, he has delivered courses at the IMO IMLI in Malta, IMO IMA in Trieste, International Ocean Institute

at Dalhousie University in Halifax and University Alma Mater Studiorum in Bologna. He is the course co-ordinator and one of the directors of the International Maritime and Transport Law Course at the Inter-University Centre in Dubrovnik. As a UN fellow, he spent one year in the USA and worked at the UN Office of Legal Affairs within the Division for Ocean Affairs and Law of the Sea. He is the Secretary General of the Croatian Maritime Law Association and a Titulary Member of the CMI. He has published papers covering various fields of the international law of the sea and maritime law. He was the editor of the volume “*Maritime Code of the Republic of Croatia and Recent Developments in the Area of Maritime and Transportation Law*” and member of the working group for drafting amendments of the Maritime Code. As an invited speaker, he participated at various national and international conferences.

### Zuzanna Pełowska-Dąbrowska

Zuzanna Pełowska-Dąbrowska is an Assistant Professor at the Commercial and Maritime Law Department at the Law and Administration Faculty of the Nicolaus Copernicus University in Toruń. She was a member of the Polish Codification Commission for Maritime Law between 2015 and 2019. She is a member of the Polish Maritime Law Association's Board and an arbitrator in maritime disputes. Dr Pełowska-Dąbrowska was awarded a scientific grant by the Polish National Science Center for the research dedicated to the problems of contemporary maritime codes in 2017, and to the autonomous ships in 2022. She is an author of many publications in the field of maritime law in Polish and English, including *Codification of Maritime Law* (Informa Law from Routledge, 2020) and *Maritime Safety - A Comparative Approach* (Informa Law from Routledge, 2021) both as a co-editor and as contributor. She has conducted her research in multiple maritime law centres, including Swansea, Southampton, Oslo, Cadiz, Castellon de la Plana and New Orleans (the latter one as a Fulbright grantee).

## Emerging Legal Framework for Autonomous Ships

The imminent commercial introduction of autonomous ships will have an impact on all aspects of the shipping industry. That is the reason why the concept of autonomous vessels has been attracting the attention of shipping companies, states and international organizations dealing with maritime safety and marine environment protection. After the adoption of the Interim Guidelines for Maritime Autonomous Surface Ships (MASS) Trials in 2019 and since the completion of the four-year regulatory scoping exercise which was launched in 2017 at the Maritime Safety Committee, the IMO has created a plan to develop a goal based MASS Code with guidelines and rules for autonomous shipping at global level by the year 2025. The following step in this IMO strategy would be adoption of a mandatory legal instrument by the end of the decade. During the second meeting of the Intersessional Working Group on MASS, held at the IMO Headquarters in London from 30 October to 3 November 2023, the Draft International Code of Safety for Maritime Autonomous Surface Ships (MASS Code) was discussed. To fulfil the commitment to



create a comprehensive regulatory scheme, the Joint Working Group was set up within the IMO, combining the efforts of the MSC with the competences and expertise of the Legal and Facilitation Committees. Their common activities have a focus on adapting the existing international conventions through assessment of their potential amendments or new interpretation as well as on conceiving new ones in order to create an adequate legal framework that will cover the technological developments already achieved in the autonomous shipping.

*Authors declare that the presentation has been 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".*

---

## Green Deal - Energy Transition and Decarbonization in Shipping Industry

### CHAIR

#### Dorotea Ćorić

Dorotea Ćorić is a Full Professor with Tenure at the University of Rijeka, Faculty of Law. She is Head of the Department for Maritime and Transport Law, and holds lectures on Maritime and Transport Law, Marine Environment Protection Law and Maritime Administrative Law. Professor Ćorić has participated in many scientific conferences both in Croatia and abroad. During her carrier, she was researcher at five national and international projects and project coordinator of one professional project. Professor Ćorić has published many scientific articles and professional papers in the domain of maritime and transport law and is the author of the books *"International Regime on Liability and Compensation for Oil Pollution Damage"*, published by the Croatian Academy of Sciences and Arts and *"Marine Pollution from Ships – International and National Law Rules"*, published by Faculty of Law Rijeka. Prof. Ćorić was member of the Expert Working group for drafting 1994 Croatian Maritime Code and 2004 Maritime Code and its amendments. She is deputy editor-in-chief of the Comparative Maritime Law journal and former Vice President of the Croatian Maritime Law Association. She is a Titulary Member of the Comité Maritime International.

#### Maja Markovčić Kostelac

Ms Maja Markovčić Kostelac took up the position of Executive Director of the European Maritime Safety Agency (EMSA) on 1 January 2019. She is responsible for the running and development of the Agency under the oversight of its Administrative Board. Starting out as a maritime lawyer, she has subsequently gained long-standing experience in the maritime field in both the public and private sector. Prior to joining EMSA, Ms Markovčić Kostelac was State Secretary for Croatia's Ministry of the Sea, Transport and Infrastructure. Her duties entailed developing strategies, policies and legislation in the area of maritime transport, maritime safety, security and environmental protection. In this role, she also led the Croatian delegation in a range of international forums at the United Nations, such as the International Maritime Organization (IMO) and the International Labour Organization (ILO). During her time at Croatia's Ministry of the Sea, Transport and Infrastructure, she held a number of positions, including Director of the Maritime Policy Directorate. She also served as Director of the Croatian Shipowners' Association (Mare Nostrum). Since joining EMSA, Ms Markovčić Kostelac has established the Agency's five-year strategy (2020-2024) and organises its implementation. She has led EMSA's work on a range of strategic and operational issues, including the maritime dimension of the European Green Deal, the development of enhanced digital solutions for national level administrations and relevant authorities, and the provision of support at international level to the European Commission and Member States at the IMO.

## Green Shipping Transition – The Role of Emsa

Shipping is on the verge of a “green” transition. The introduction of new measures under the EU Green Deal and the Fit-for-55 package, the adoption of the revised IMO GHG Strategy at international level, contribute to defining the transition paths. As one of the EU decentralised agencies, EMSA has an important role to play in the implementation of this regulatory landscape in support of the European Commission and the Member States. For instance, the Agency works on providing the necessary tools for the industry to report their GHG emissions as an essential component of the extension of the Emission Trading Scheme to maritime transport and in support of the implementation of the FuelEU Maritime Regulation. The ambitious targets set for GHG reductions by 2030 at both EU and global level will require substantial shifts, bearing in mind that a basket of measures will need to accompany the process and that no “one-size-fit-all” solution will shape the maritime sector. Understanding these challenges as well as developing mitigation measures is important for the industry and EMSA contributes with studies to address them. Yet the “green” transition is not only about GHG reductions but also in other fronts such as air pollution, oil pollution and water discharges, marine litter or underwater noise. EMSA also works in these areas thus supporting the EU policies on marine and coastal environment and health protection, including regional cooperation, the circular economy in the maritime domain, the UN’s sustainable development goals for climate change 2030 and the perspective of Europe as a climate-neutral continent.

### Davide Canepa

Davide’s practice covers all aspects of shipping, logistics and commercial advisory, embracing the broadest spectrum of shipping, maritime, shipbuilding, insurance, international trade and jurisdictional disputes.

He has gained an in-depth experience on contentious and non-contentious matters relating to claims relating to both wet and dry shipping, as well as insurance claims and insurance recourse actions. He is regularly involved in cases arising out of carriage by road (CMR and non-CMR), rail (COTIF/CIM) and multi-modal transport.

Davide is also experienced in advising on aviation regulatory.

He has handled litigation and arbitration relating to complex disputes arising from the loss of goods, EPC contracts, logistics contracts, international sales contracts and the seizure and attachment of ships.

Davide advises and assists in non-contentious matters relating to freight forwarders’ rights towards their principal and cargo interests, review of contracts wording (insurance, transport, C/P), demurrage/detention of containers and cargo lien.

## Green Fuels, ETS and Contractual Issues: A Long Road Ahead

Sustainable fuels are coming – the IMO’s MEPC 80 regulations set the timeline for the shipping industry to reach a whole decarbonization of the sector, and there is a clear imperative to start as soon as possible complying with them. Operators can achieve some quick achievements by implementing energy efficiency policies, R&D and building new engines/ships suitable for the use of new fuels, but likely these will not be enough to meet the sector’s long-term targets.

Furthermore, the cost of deployment and operation, and the success of shipping at scaling infrastructure and utilization of the new fuels will be determined by the actions taken at first by shipping stakeholders today.

ETS regulation and stricter access policies to EU harbour may be a solution, but at what cost and with what benefit for the industry? What are the contractual mitigants that the industry set and will them be enough to protect both the needs of the industry and the environment protection?

---

### Jelena Nikčević (see page 24)

### Nemanja Pudar

Nemanja Pudar received his BSc and MSc degrees from the Faculty of Maritime Studies Kotor of the University of Montenegro in 2021 and 2023, respectively. In November 2021, he received the award for the best graduate student in the Maritime Electrical Engineering program from the Faculty of Maritime Studies Kotor. He was a scholarship recipient from the Municipality of Herceg Novi for three consecutive years.

During the first year of his master’s studies, he worked as a teaching assistant at the Faculty of Maritime Studies Kotor. From January to October 2023, he completed an internship at the same faculty. In July 2023, he represented the Faculty of Maritime Studies Kotor at the Student Forum 2023 in London, United Kingdom, organized by the International Association of Maritime Universities (IAMU). Currently, he is a research associate at the Faculty of Maritime Studies Kotor within the national scientific research project “Decarbonization of the Maritime Sector - Green Boka Bay”. He is a member of the Montenegrin Maritime Law Association.

He is the author of several scientific papers published at international and domestic conferences.

### Tatijana Dlabač

Tatijana Dlabač received her BSc, MSc, and PhD degrees from the Faculty of Electrical Engineering of the University of Montenegro in 1992, 1996, and 2013, respectively. Since 1993, she has been an employee of the University of Montenegro. She started her career as a Teaching Assistant at the Faculty of Electrical Engineering, and since 1996 she has been working at the Faculty of Maritime Studies Kotor. Currently, she holds the title of Associate Professor in Marine Electrical Engineering and Electronics.

Over the years, she has occupied several management positions at the Faculty, such as Head

of the Study Program, Vice Dean for Education, and Vice Dean for Development and Innovation. Since September 27, 2023, she has been the Dean of the Faculty of Maritime Studies Kotor. She published over 60 scientific papers and participated in a series of international and national projects. Currently, she is a project coordinator within the national scientific research project “Decarbonization of the Maritime Sector - Green Boka Bay”. She is also a member of the Montenegrin Maritime Law Association.

### Reduction of Greenhouse Gas Emissions from Maritime Transport: Legal Challenges and Opportunities for Sustainable Bay of Kotor

Maritime transport is at the forefront of current global challenges such as climate change and the reduction of Greenhouse Gas (GHG) emissions that cause global warming. The ecological and social consequences of these global challenges necessitate the adoption of regulations at the international, regional, and national levels. Although the IMO has included the adoption of regulatory measures aimed at preventing air pollution and reducing GHG emissions from ships in its activities, the engagement of each country is crucial. This paper examines Montenegro’s stance/state regarding these issues, particularly in the context of the implementation and application of international, regional, and European regulations on reducing GHG emissions. The problem of missing national regulations in this segment is identified. Special attention is given to national or local policies regarding the sustainable/unsustainable development of the Bay of Kotor, with clear guidelines defined and recommendations provided for improving solutions related to reducing GHG emissions through enhanced monitoring and control, comparative analyses, detailed research, and studies, all aimed at preventing the adverse effects of maritime traffic on the environment. Additionally, it is necessary to emphasize the fact that the Bay of Kotor is a highly sensitive area ecologically, an area with rich cultural heritage and rare natural beauty under UNESCO protection, which requires special treatment and consideration both in the local and national context.

**Keywords:** greenhouse gas, emissions, regulations, reductions, maritime, Bay of Kotor.

#### Margita Selan Voglar

Margita Selan Voglar is the Vice president of the Maritime Law Association of Slovenia since 2020. Before she was President of MLAS. She is active member of Executive committee for years, joining her professional knowledge and experience as marine and aviation underwriter. She is President of Transport insurance Committee at Slovenian Insurance Association, and she represents Slovenian Insurance Association at IUMI as Council Member for several years (since 2009).

She graduated at the Faculty of Law in Ljubljana. After graduation she joined Zavarovalnica Triglav, d.d., Ljubljana and still working there as Director of transport insurances. Main domain of her activities is Road carriers Liability, Cargo insurances and recently Hull and Machinery in

supporting MGAs from EEA region.

She is co-author of publication CMR convention with commentary (2005).

She regularly participates as lecturer in different seminars/conferences related to carriers’ liability and transport insurances in Slovenia and Croatia:

- Yearly seminars organised by Slovenian Insurance Association since 2002,
- In 2013 and 2015 in seminar organised by Croatian Insurance association,
- INTRANSLAW conferences in Zagreb 2015 and 2017,
- Adriatic Maritime Law conferences 2016, 2017, 2018, 2019, 2022
- Each year-round table organised by MLAS dealing with actual topics of marine insurances.

### Poseidon Principles and the Green Deal

Ambitious plan introduced by IMO in 2008 to reduce carbo footprint in shipping industry for 40% by 2030 and for 70% by 2025 and to reduce GHG up to 50% by the year 2050 requires implementation of decisive measures. Finance industry with support of professionals dealing in maritime industry developed Poseidon principles which were first adopted by banks and followed by chartering and later by insurance industry. What are Poseidon principles about and how they operate in practice to support implementation of IMO decarbonization and GHG agenda in shipping industry? On what developments, research and investments in maritime industry full and overall implementation of Poseidon rules in industry depends on? What are challenges for all participants in maritime industry in achieving IMO goals? Answers or more directions on those questions are part of presentation.

## VI AMLC Organizing Committees

### ITALIAN MARITIME LAW ASSOCIATION

CHAIR **GIORGIO BERLINGIERI**

MEMBERS **ALFREDO ANTONINI**

**VINCENZO ANTONINI**

**ALBERTO PASINO**

**CARLO PILLININI**

### SLOVENIAN MARITIME LAW ASSOCIATION

CO-CHAIRS **MITJA GRBEC & BORIS JERMAN**

MEMBERS **MARCO PAVLIHA**

**PATRICK VLAČIČ**

**MARGITA SELAN VOGLAR**

### CROATIAN MARITIME LAW ASSOCIATION

CHAIR **IGOR VIO**

MEMBERS **PETRA AMIŽIĆ JELOVČIĆ**

**IVA TUHTAN GRGIĆ**

### MONTENEGRIN MARITIME LAW ASSOCIATION

CHAIR **ČASLAV PEJOVIĆ**

MEMBERS **JELENA NIKČEVIĆ**

**MAJA RADUNOVIĆ**



**ASSOCIAZIONE ITALIANA DI  
DIRITTO MARITTIMO**

Via Roma 10 - 16121 Genova - ITALY  
e-mail: presidenza@aidim.org  
www.aidim.org



**DRUŠTVO ZA POMORSKO  
PRAVO SLOVENIJE**

Pot pomorščakov 4 - 6320 Portorož - SLOVENIA  
e-mail: dpps.mlas@gmail.com  
www.dpps-mlas.si



**HRVATSKO DRUŠTVO ZA  
POMORSKO PRAVO**

Studentska ulica 2, 5-1000 Rijeka, CROATIA  
e-mail: hdpp@pfri.hr  
www.hdpp.hr



**CRNOGORSKO UDRUŽENJE ZA  
POMORSKO PRAVO**

Put I Bokeljske brigade 44, Dobrota -  
85330 Kotor - MONTENEGRO  
e-mail: president.cuzp@mmla.me  
www.mmla.me