

INTERNATIONAL MARITIME AND TRANSPORT LAW COURSE

MARITIME LAW COLLOQUIUM
“IN SEARCH FOR REGULATORY APPROACH
TO AUTONOMOUS VESSELS”

TRANSPORT LAW DE LEGE FERENDA 2024



INTER-UNIVERSITY CENTRE

DUBROVNIK, CROATIA

16 – 21 September 2024







HRVATSKO DRUŠTVO ZA POMORSKO PRAVO

CROATIAN MARITIME LAW ASSOCIATION

Member of Comité Maritime International

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PARTICIPATING ACADEMIC INSTITUTIONS:

*Åbo Akademi University, Turku, Finland
City University London, the United Kingdom
Croatian Academy of Sciences and Arts, Croatia
Erasmus University, Rotterdam, Netherlands
International Maritime Law Institute, Malta
Kyushu University, Fukuoka, Japan
Nicolaus Copernicus University, Toruń, Poland
Swansea University, Wales, the United Kingdom
University Carlos III, Madrid, Spain
University College London, the United Kingdom
University of Ljubljana, Slovenia
University of Oslo, Norway
University of Pescara, Italy
University of Rijeka, Croatia
University of Zadar, Croatia
University of Zagreb, Croatia
World Maritime University, Malmö, Sweden*

INTERNATIONAL MARITIME AND TRANSPORT LAW COURSE

DUBROVNIK, 16 - 21 September 2024

16 September 2024

Dear colleagues and friends, dear maritime law enthusiasts,

Welcome to Dubrovnik, a city of beauty, culture, rich history and – above all – liberty (as stated at its historic flag)!

The programme of the 2024 edition of the International Maritime and Transport Law Course at IUC is rich and diverse, which does not depart from our practice in the past. All the presentations deal with the newest legal challenges to the maritime industry, providing a valuable source of up-to-date information. This, together with the chance to mingle amongst the peers and meet our distinguished lecturers in person, enables the participants to really feel the beating pulse of modern international maritime law.

The 5th IMTLC retains the dynamic three-fold concept, comprising the Colloquium, the Course with masterclasses and lectures, and TransLawFer as the forum where young maritime law scholars may present results of their research. We are pleased that our event is attracting more interest every year and providing an excellent networking opportunity as well as a chance to meet some old friends and to make new friendships.

This year's Maritime Law Colloquium is dedicated to the emerging regulatory framework for maritime autonomous surface ships, which has been captivating attention of maritime lawyers around the world for the last decade. We are pleased to have eminent speakers from international organizations and academic institutions who will cover various legal aspects related to the use of autonomous vessels and will also contribute with their chapters to the collective book of proceedings that will be published next year by Informa Law from Routledge. We want to express our gratitude to the two main institutions organizing the Colloquium: Nicolaus Copernicus University - Faculty of Law and Administration in Toruń and University of Rijeka - Faculty of Law.

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

Keep your minds open to knowledge and your hearts to the beauty that surrounds you. Enjoy your time in Dubrovnik!

President of Croatian MLA

Gordan Stanković



Secretary General

Igor Vio



INTERNATIONAL MARITIME AND TRANSPORT LAW COURSE

Inter-University Centre – Dubrovnik, Croatia (16 – 21 September 2024)

MARITIME LAW COLLOQUIUM “IN SEARCH FOR REGULATORY APPROACH TO AUTONOMOUS VESSELS”

Monday, 16 September 2024

Opening Ceremony: Welcome Addresses (09:00 – 09:30)

Maciej Serowaniec - Dean of the Law and Administration Faculty - Nicolaus Copernicus University

Dario Đerđa - Dean of the University of Rijeka - Faculty of Law

Gordan Stanković - President of the Croatian Maritime Law Association

Nada Bruer - Executive Secretary of the Inter-University Centre

AUTONOMOUS VESSELS – ACTIVITIES OF INTERNATIONAL ORGANIZATIONS

Chair: Zuzanna Pełowska-Dąbrowska (09:30 – 11:00)

Maria Pia Benosa: Laying the Groundwork for MASS Regulation at the IMO

Melis Özdel: The Work of the CMI on MASS

Nicolas Charalambous: Enhancing MASS Design: A Risk-Based Assessment Tool (RBAT) for Early Stage Evaluations

Discussion

COFFEE BREAK (11:00 – 11:30)

PUBLIC LAW REGIME FOR MARITIME AUTONOMOUS VESSELS

Chair: Rhidian Thomas (11:30 – 13:45)

Keynote Speech - Henrik Ringbom: Regulatory Challenges Linked to MASS

Murat Sümer: MASS Remote Control Centers – Compliance with UNCLOS and SOLAS

Marija Pijaca – Božena Bulum: MASS and STCW – Emerging Problems with Reference to Seafarers

Aref Fakhry: MASS and Maritime Security Law: Focus on Piracy

Discussion

WELCOME RECEPTION: Inter-University Centre Courtyard (14:00 – 15:30)

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

Free evening

Tuesday, 17 September 2024

LIABILITY REGIMES FOR MARITIME AUTONOMOUS VESSELS

Chair: Henrik Ringbom (09:00 – 11:15)

Keynote Speech - Erik Røsæg: MASS – a Challenge for the Existing Liability Systems

Dorothea Ćorić – Iva Tuhtan Grgić: Liable Person for Collisions Involving MASS

Michael Mišo Mudrić: MASS and Product Liability Issues

Igor Vio – Zuzanna Pełowska-Dąbrowska: Solutions to Problems Arising from the IMO's Regulatory Scoping Exercise

Discussion

COFFEE BREAK (11:15 – 11:45)

MASS – REGULATORY FRAMEWORK FOR EMERGING CHALLENGES

Chair: Erik Røsæg (11:45 – 14:00)

Keynote Speech - Rhidian Thomas: MASS and Marine Insurance Aspects

Frank Stevens: Autonomous Ships – Do We Need a MASS Master?

Filippo Lorenzon: MASS and International Trade: Plug and Play?

Barbara Stępień: Autonomous Vessels and the Blue Economy: Striking a Balance between Technological Advancement and Marine Preservation

Discussion

LUNCH (14:00 – 15:00)

MASS AND ARTIFICIAL INTELLIGENCE – DILEMMAS AND SOLUTIONS

Chair: Frank Stevens (15:00 – 16:50)

Ivana Kunda – Danijela Vrbljanac: AI Rocking the Boat – Conflict of Laws for MASS

Khanssa Lagdami: AI, Big Data and their Implications in the Maritime Sector

Juan Pablo Delgado: EU Legislation on AI and its Applicability to Autonomous Ships

Unho Lee: Creating a Regulatory Framework for Integration of AI in the Operation of Autonomous Ships - Recent Developments in Japan and Korea

Discussion

Concluding Remarks and Closing of the Colloquium (16:50 – 17:00)

Free afternoon – individual sightseeing

Dinner for the Colloquium Speakers (20:00 – 22:00)

Wednesday, 18 September 2024

SESSIONS OF THE MARITIME AND TRANSPORT LAW COURSE

I. ELECTRONIC DOCUMENTS – DIGITAL TRANSFORMATION OF TRANSPORT

MASTERCLASS AND LECTURES (09:00 – 11:15)

Časlav Pejović: Legal Regulation of Electronic Replacement of Indorsement: Differences and Potential for Convergence between Control and Possession

Juan Pablo Rodriguez Delgado: UNCITRAL's Work on the New Instrument on Negotiable Cargo Documents (and e-NCD)

Patrick Vlačić: Legal Aspects of Determining the Reliability of Platforms for Electronic Transferable Records

Discussion

COFFEE BREAK (11:15 – 11:45)

II. MARINE ENVIRONMENTAL LAW – GREEN SHIPPING

LECTURES (11:45 - 14:00)

Erik Røsæg: Risk Distribution in Charterparties in Respect of GHG Measures

Henrik Ringbom: GHG as Opposed to Traditional Marine Pollution - Regulatory Perspectives

Pia Rebelo: Pluralistic Governance for Green Shipping: Private Actors and the Decarbonisation Mandate

Discussion

LUNCH (14:00 – 15:00)

III. CONTEMPORARY DEVELOPMENTS IN MARITIME AND TRANSPORT LAW

LECTURES (15:00 – 17:15)

Filippo Lorenzon: Efficient Seaports and Sustainable Shipping: Strategies for the 21st Century

Božena Bulum – Ksenija Ostojić: Croatian Tonnage Tax Regime - Tax Challenges Arising from the Decarbonisation and Digitalisation of the Economy

Murat Sümer: Maritime Security Challenges in the Red Sea: Analysis of the Navigational Rights under the Law of the Sea Regime

Discussion

Cable-car trip to Srđ (17:30 – 19:30)

Thursday, 19 September 2024

IV. MARINE AND TRANSPORT INSURANCE

MASTERCLASS AND LECTURES (09:00 - 12:30)

Rhidian Thomas: Marine Insurance – An Overview

Frank Stevens: Ever Given: Potential Liabilities and Insurance Cover

COFFEE BREAK (11:00 – 11:30)

Vesna Polić Foglar: Seaworthy Packaging Does Not Necessarily Mean Corrosion-Free Arrival – Judgment of the Swiss Federal Supreme Court of 2 November 2015

Marija Pijaca: Standard Forms of Bareboat Charter Contracts and Insurance of Risks

Discussion

V. PRIVATE INTERNATIONAL LAW IN MARITIME RELATIONS

LECTURES (12:45 – 14:10)

Ivana Kunda – Daniela Vrbljanac: Multilevel Governance for Maritime Disputes: International Jurisdiction and Coordination of Proceedings

Unho Lee: Private International Law Aspects of Electronic (Blockchain) Bills of Lading

Discussion

LUNCH (14:10 – 15:10)

VI. CURRENT LEGAL ISSUES IN GLOBAL SHIPPING INDUSTRY (15:10 – 16:45)

Aref Fakhry: Recent Developments in Maritime Casualty Law

Zoran Tasić: How is Brexit affecting the Maritime Industry?

Khanssa Lagdami: The Maritime Labour Convention and its Latest Amendments

Discussion

COFFEE BREAK (16:45 – 17:00)

VII. RECENT CHALLENGES IN MARITIME AND TRANSPORT LAW (17:00 – 18:45)

Melis Özdel: A Reassessment of the Hague-Visby Rules

Axel Luttenberger: Challenges in Regulating Invasive Species in Semi-Enclosed Seas

Mitja Grbec: Recent Developments in the Field of Maritime Safety and Environmental Protection in the Adriatic as an Enclosed Sea

Discussion

Free evening – individual sightseeing

Friday, 20 September 2024

VIII. LIMITATION OF SHIPOWNER'S LIABILITY FOR MARITIME CLAIMS

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

Norman Martinez Gutiérrez: Limitation of Liability for Maritime Claims – 100 Years On

Iva Tuhtan Grgić: Limitation of Liability within Particular Liability Regimes

Zuzanna Peplowska-Dąbrowska: Civil Liability for Marine Pollution from Offshore Rigs

Discussion

COFFEE BREAK (11:15 – 11:45)

TRANSPORT LAW DE LEGE FERENDA 2024

I. DEVELOPMENTS OF MARITIME LAW AND LAW OF THE SEA (11:45 – 14:00)

Chair: Marija Pijaca

Ante Vojković: Claiming Pollution Damage under the 1992 CLC Protocol and the 2001 Bunker Convention

Haiyang Yu – Livia Solaro: The Under-protection of Underwater Cultural Heritage: Some Considerations in Light of *Getty v. Italy*

Buen Hoti: The Ionian Sea Delimitation Dispute between Albania and Greece

Sara Cabañas: Navigating Autonomy: Liability Issues in Maritime Law with the advent of MASS

Discussion

LUNCH (14:00 – 15:00)

II. CHALLENGES IN CONTEMPORARY MARITIME INDUSTRY (15:00 – 17:15)

Chair: Iva Tuhtan Grgić

Agata Dajčić: Ports of Special Purpose and the Challenges they Are Facing within the Context of European Regulations on Sustainable Business

Huyen Doan: Investments in Seaport Infrastructure in Vietnam and Policies Concerning National Security

Ksenija Ostojić: Sanctions Clauses in Charterparties: A Must-Have for Compliance and Protection

Maša Stampić: Maritime Labour Convention, 2006 – Challenges during the first Decade of its Application

Discussion

Closing Ceremony (17:15 – 17:30)

DINNER AT ORHAN RESTAURANT (20:00)

Saturday, 21 September 2024

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

KEYNOTE SPEAKERS AND MASTERCLASS LECTURERS

BIOGRAPHICAL NOTES

Norman Martínez Gutiérrez, PhD
IMO International Maritime Law Institute
Msida, Malta

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.

Časlav Pejović, PhD
Kyushu University – Faculty of Law
Fukuoka, Japan

Časlav Pejović is the Professor Emeritus at the Faculty of Law, Kyushu University. He graduated in law at the University of Montenegro (B.A.), has LL.M. degrees from the University of Belgrade and Kyoto University, and a Ph.D. from Zagreb University. His teaching and research interests include maritime law, comparative law, transnational commercial law, international business law, foreign investment law, and corporate governance. He is a member of several international academic and professional associations, such as the International Academy of Comparative Law (IACL), the International Academy of Commercial and Consumers Law (IACCL), and the Japanese Association of Maritime Law. He also serves as the Honorary President of the Montenegrin Maritime Law Association and is an honorary member of the Croatian Maritime Law Association. He is co-editor (with Gerald McAlinn) of *Law and Development in Asia* (Routledge, 2012) and author of several books, including *Transport Documents: International Law and Practice* (Informa Law, 2020). His papers are published in world-leading journals, and some are translated into other languages. He was nominated as arbitrator in the Thai Arbitration Institute (TAI), and the Tokyo Maritime Arbitration Commission (TOMAC), and also served as arbitrator of the International Chamber of Commerce (ICC) Arbitration.

Henrik Ringbom, PhD**Åbo Akademi University, Department of Law, Turku, Finland**

Henrik Ringbom is Professor of the Law of the Sea and Maritime Law at the Department of Law, Åbo Akademi University, Finland, and part-time Professor at the Scandinavian Institute of Maritime Law at the University of Oslo, Norway. His previous work experience includes being Head of Unit for Marine Environment, Training and Statistics at EMSA (2007-2012) and Administrator at the Maritime Safety Unit of the European Commission (1997-2003). He has published widely in the field of European and international shipping and environmental law, and is co-editor of the first book on autonomous ships and the law, published in 2021. He is a member of the EMSA Administrative Board and the past President of the Finnish Maritime Law Association.

Erik Røsæg, PhD**University of Oslo, Department of Private Law, Norway**

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

Rhidian Thomas, PhD**Institute of International Shipping and Trade Law
Swansea University, Wales, the United Kingdom**

Rhidian Thomas is the Professor Emeritus of Maritime Law and Founder Director of the Institute of International Shipping and Trade Law at Swansea University, Wales, UK. He previously held academic positions at universities in the UK, and visiting positions at universities in Europe, Scandinavia, Far East and North America. He held the Francqui Chair at the University of Leuven in 2010/2011 and is the recipient of an Honorary Doctorate of Law from the University of Gothenburg. He is Editor-in-Chief of the Journal of International Maritime Law, and a member of the editorial boards of Shipping & Trade Law and International Comparative Maritime Law. He is also a member of the Comité Maritime International and its International Standing Committee on Marine Insurance Law, the British Maritime Law Association, Chartered Institute of Arbitrators, and Honorary Member of the Croatian Maritime Law Association. His principal teaching and research interests are in the fields of maritime and shipping law, marine insurance law, international trade law and commercial dispute resolution. He has written, edited and contributed to many books and published widely in academic and professional journals. He is a frequent speaker at conferences and seminars, and also acts as an expert witness and consultant.

COURSE LECTURERS COLLOQUIUM AND TRANSLAWFER SPEAKERS

BIOGRAPHICAL NOTES

Maria Pia Benosa, LL.M
International Maritime Organization
Legal Affairs and External Relations Division
London, the United Kingdom

Maria Pia Benosa is a Depositary and Legal Officer within the Legal Affairs and External Relations Division of the International Maritime Organization (IMO), the specialized agency of the United Nations for the safety, security and environmental performance of international shipping. Previously, Ms. Benosa was part of the Ocean Law and Policy research team at the Centre for International Law of the National University of Singapore, and a Legal Officer for the Institute for Maritime Affairs and Law of the Sea of the University of the Philippines. Ms. Benosa obtained her LL.M. in National Security Law from Georgetown University.

Božena Bulum, PhD
Adriatic Institute - Croatian Academy of Sciences and Arts
Zagreb, Croatia

Božena Bulum is a Scientific Advisor with Tenure 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.

Nicolas Charalambous, M.Sc.
European Maritime Safety Agency
Lisbon, Portugal

Nicolas holds a Diploma and Master's degree in Mechanical Engineering, Gas Turbine Propulsion, and Shipping Management from Aristotle University of Thessaloniki, Cranfield University in the UK, and the Cyprus International Institute of Management (CIIM). Currently, he is pursuing a PhD at UCL in London, focusing on computational methods in multiphase flows. Nicolas's career began in the private sector, specializing in Computational Fluid Dynamics and engineering system simulations, focusing on air emission reduction technologies like soot filters and NOx reduction for Diesel Engines. In 2004, he joined the public sector as a Marine Surveyor for the Deputy Ministry of Shipping in Cyprus. From 2012 to 2017, he represented Cyprus as the Alternate Permanent Representative to the International Maritime Organization (IMO). Since July 2017, Nicolas has been with the EMSA as a Project Officer, managing projects related to Port State Control training, Rule Check development, underwater noise, antifouling systems, and ship recycling. In December 2022, he joined EMSA's Safety and Security Unit, focusing on projects related to Maritime Autonomous Surface Ships (MASS) and fire safety. He is currently supporting the development of a risk assessment tool for MASS and actively participates in the Working Group and Correspondence Group for the development of the MASS Code.

Dorotea Ćorić, PhD
University of Rijeka, Faculty of Law
Rijeka, Croatia

Prof. Dorotea Ćorić is a full professor with tenure of maritime and transport law and head of Department for Maritime and Transport Law, University of Rijeka, Faculty of Law. She holds lectures on Maritime and Transport Law, Marine Environment Protection Law, Maritime Administrative Law and Maritime Insurance Law at both graduated and post-graduated level. 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 Ship's – 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 a Titulary Member of the CMI.

Aref Fakhry, PhD
World Maritime University
Malmö, Sweden

Aref Fakhry is an Associate Professor at the World Maritime University, a centre of excellence in education and research in maritime affairs established by the International Maritime Organization in Malmö, Sweden. After receiving his legal education in Canada, where he practised shipping and insurance in a leading law firm, Dr. Fakhry initiated an international career that took him to the European Commission, the United Nations Conference on Trade and Development in Geneva, as

well as the IMO International Maritime Law Institute in Malta. Dr. Fakhry pursued his doctoral studies at the University of Southampton, specialising in the doctrine of frustration in relation to the capture of vessels by pirates at the high tide of ransom attacks off the coast of Somalia. He has a special interest in enhancing maritime affairs in the Middle East and North Africa. Dr. Fakhry has served as a consultant to EU, UN and World Bank agencies. He is affiliated with the Holy Spirit University of Kaslik in Lebanon. His strengths lie in the legal areas of commercial shipping, maritime security and marine environmental protection. Dr. Fakhry is currently involved in cross-industry campaigns aimed at tackling corruption in the maritime industry.

Mitja Grbec, PhD
Law Office Grbec
Mare Nostrvm, LLC
Koper, Slovenia

Mitja Grbec is the Secretary General of the Maritime Law Association of Slovenia and visiting lecturer at the IMO International Maritime Law Institute in Malta. He graduated law at the University of Ljubljana Faculty of Law and completed his LLM and PhD studies in international maritime law at the IMO International Maritime Law Institute (IMO IMLI) in Malta. Dr. Grbec has held several positions both in the academia and corporate sector, including that of a permanent lecturer at the IMO International Maritime Law Institute (IMO IMLI) in Malta, Senior Lecturer at the Faculty of Maritime Studies and Transportation (University of Ljubljana, Slovenia) member of the Supervisory Board of the company Slovenian Railways d.o.o. and President and Vice-President of the Maritime Law Association of Slovenia. Among other he is the author of the book *'Extension of Coastal State Jurisdiction in Enclosed or Semi-enclosed seas: A Mediterranean and Adriatic Perspective'*, published by Routledge (London, New York) in 2014 and reprinted in paperback version in 2015. He is currently an attorney-at-law in the port city of Koper (Law Office Grbec), Slovenia, and a consultant in the field of international maritime law (Mare Nostrvm d.o.o.).

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

Ivana Kunda is a Full Professor and the Head of the International and European Private Law Department at the Faculty of Law of the University of Rijeka, Croatia and a Vice-Dean for Research. She was awarded the University of Rijeka Foundation Award for the Year 2008 and the Faculty of Law in Rijeka Award for Research Excellence for 2019. She received grants including the Fulbright Research Fellow scholarship in 2010 for research at Columbia University, the GRUR scholarship in 2007, 2008 and 2014 for research at the MPI for Innovation and Competition and the IRZ scholarship in 2002 for research at the MPI for Comparative and International Private Law and the University of Hamburg. Ivana Kunda authored papers and book chapters published in Croatia and abroad and a monograph on overriding mandatory provisions. Ivana was or currently is involved in research under a dozen EU, international and national projects, in particular on the European private international law including three EU-funded projects on family and succession matters and five EU-funded projects on cross-border civil procedure. She is a co-editor of the *Balkan Yearbook of European and International Law* (BYEIL, Springer), member of the Editorial Board of the *Santander Art and Culture Law Review* (SACLR) and an editor of the global blog

www.conflictoflaws.net. Ivana Kunda is also a member of the international team at the UNESCO Chair on Cultural Property Law of the University of Opole in Poland. She was a Visiting Professor at the University of Navarra, the IULM, the University Antwerp, the University of Ljubljana, University of Udine, WIPO Summer School and the MSU Croatia Summer Institute. Ivana is regularly called upon by domestic and foreign institutions (ERA, EJTN) to provide training to judges and legal professionals in the area of EU private international law. She has been involved in the drafting of the Croatian Private International Law Act as a member of the government-appointed working group. Among her professional memberships are International Law Association, ATRIP and Croatian Maritime Law Association, while she also acts as deputy-president of the Croatian Comparative Law Association. She is listed as an arbitrator at the Permanent Arbitral Court of the Croatian Chamber of Economy and as a mediator at the She passed the Croatian Bar Exam in 2004 and acts as a sworn court interpreter for English since 2001.

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

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

Peter Unho Lee, PhD
Kyushu University – Faculty of Law
Fukuoka, Japan

Peter Unho Lee is a lecturer of international business law at the faculty of law in Kyushu University, Japan. Peter received his LL.M. and LL.D. from Kyushu University in 2013 and 2017, respectively, under the MEXT (Japanese Government) scholarship. He also completed a research course on maritime commercial law at Korea University, South Korea, in 2021. He currently teaches at both the undergraduate school (e.g. International Transaction Law) and the graduate level (LL.M.) (e.g. HCCH Conventions). Recently, he has also begun teaching International Maritime Law, succeeding

Emeritus Professor Caslav Pejović in the same university. His primary research interests lie in the legal developments for electronic bills of lading, carriage of goods by sea, and international jurisdiction. His recent publications include: *Assessment of Legal Instruments for the Use of Electronic Bills of Lading* (2020); *Recognition and Enforcement of Foreign Judgments in South Korea* (2019); *Blockchain Bills of Lading: A New Generation of Electronic Transport Documents* (2022); and *Direction and Analysis of Electronic Bill of Lading Legislation of Major Countries, Focusing on the UK and Japan* (2023, in Korean). He is a member of Maritime Law Associations in Japan and Korea. He has also been actively engaged in the work of international legal education, managing the Global Vantage Program in university.

Filippo Lorenzon, PhD
University Gabriele D'Annunzio
Pescara, Italy

Filippo Lorenzon is Professor of Transport Law at Università G. D'Annunzio (Italy), former Chair of Maritime and Commercial Law at Dalian Maritime University (PRC) and a former Director of the Institute of Maritime Law of the University of Southampton. Filippo has considerable experience in shipping practice with leading maritime and commercial law firms in Genoa and Venice and is now a Consultant with Campbell Johnston Clark in London. He has published numerous books and articles on carriage of goods by sea and international trade. In 2020 he published the sixth edition of *C.I.F. and F.O.B. Contracts* in the prestigious British Shipping Laws Series (Sweet & Maxwell) and has since worked and researched on the impacts of the Covid-19 Pandemic as well as the legal link of robotics and A.I. on commodity trading.

Axel Luttenberger, PhD
University of Rijeka
Faculty of Maritime Studies
Rijeka, Croatia

Axel Luttenberger is a full professor with permanent tenure at the Faculty of Maritime Studies of the University of Rijeka. He got his Bachelor's 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, including Croatian Maritime Law Association. He is involved in numerous projects for maritime industry, government entities and non-governmental environmental associations.

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Mihael Mišo Mudrić is an Associate Professor at the Department for Maritime and Transport Law, Faculty of Law, University of Zagreb. He is an arbitrator (domestic and foreign arbitration) at the Permanent Arbitration Court at the Croatian Chamber of Commerce. He has obtained a PhD degree at the Faculty of Law, University of Hamburg, being a Scholar of the Max Planck Institute for Comparative and International Private Law in Hamburg (Germany). Professor Mudrić is the Vice President of Croatian Maritime Law Association. He is a member of the Comité Maritime International (CMI) International Working Groups on the “Reformulation of the Lex Maritima” and “Maritime Law for Unmanned Ships“, and the Standing Committee “CMI’s Standing Committee for Young Lawyers (Young CMI)“. Professor Mudrić is the Head of Project “Legal Framework for Autonomous Vehicles“, financed by the University of Zagreb. He has organized and co-organized over 15 international scientific and expert conferences, published over 90 publications, held lectures at over 80 international and domestic scientific and expert conferences, prepared peer-reviews for a number of domestic and foreign publishers, and held a number of expert workshops in the transport, insurance and energy fields.

Melis Özdel, PhD
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Melis Özdel is the specialism convenor for maritime law studies at UCL, and she publishes widely in the areas of international trade law, carriage of goods by sea, international commercial arbitration and conflict of laws and jurisdiction. She is the editor and co-author of “Commercial Maritime Law” (2020, Hart Publishing), author of “Bills of Lading Incorporating Charterparties” (2015, Hart Publishing) and co-author of “EU Transport Law” (2016, Hart-Nomos-Beck), “Contents of Commercial Contracts” (2020, Hart Publishing) and “Damages Recoveries and Remedies in Shipping Law (2023, Informa). Melis is founder of the UCL Autonomous Shipping Project, which was launched in a bid to start an open and diverse debate on the future of autonomous shipping from a legal perspective. She is currently researching and publishing on the legal implications of autonomous shipping. She is a member of the Chartered Institute of Arbitrators and a supporting member of the LMAA (London Maritime Arbitrators’ Association). Melis is also a member of the CMI’s (Comite Maritime International) International Working Group on Unmanned Vessels.

Zuzanna Pełowska-Dąbrowska, PhD
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Zuzanna Pełowska-Dąbrowska is an Assistant Professor at the Commercial and Maritime Law Department of the Law and Administration Faculty at the Nicolaus Copernicus University in Toruń. Between 2015 and 2019 she was a member of the Polish Codification Commission for Maritime Law. She is a vice president of the Polish Maritime Law Association, a member of the Maritime

Law Commission's board of the Polish Academy of Sciences and an arbitrator in maritime disputes. She is an author of many publications in the field of maritime law in Polish and English, including *Codification of Maritime Law* (Informa Law from Routledge 2020) and *Maritime Safety - A Comparative Approach* (Informa Law from Routledge 2021) (both as a co-editor and contributor). She has conducted her research in multiple maritime law centers, including Swansea, Southampton, Oslo, Cadiz, Castellon de la Plana and New Orleans (the latter one as Fulbright grantee).

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

Vesna Polić Foglar, PhD
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Vesna Polić Foglar read law and completed her post-graduate studies (in public and private international law and international relations) at the Faculty of Law, University of Zagreb, where she also obtained her PhD degree. At the beginning of her career, she was senior research associate at the Institute of Maritime Law in Zagreb. She has more than 20 years of experience as legal adviser in the field of transport insurance and in dealing with transport claims in some major insurance companies in Switzerland. Her specialty was dealing with major claims in the field of the liability of transport providers. She also provided legal support to the Underwriting and the Claims departments. She has significant experience in developing new insurance products as well as drafting the general conditions for insuring carrier's liability. She was also involved in drafting general terms and conditions for road carriers. She has particular experience in relation to the liability of carriers (sea, inland waterways, and road) and freight forwarders in the international carriage of goods. Now she is of-counsel at gbf Attorneys-at-law in Zurich, Switzerland. She has delivered numerous papers and seminar lectures around the world. She has written several articles, a book on the liability for damage caused by delay in the carriage of goods, in German language, and the book *The Carriage of Goods in Swiss Law*, in English. She is member of various transport law and maritime law associations in Switzerland, Germany, and Croatia.

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Pia Rebelo is an admitted attorney from South Africa and a lecturer in private law. She obtained her LLB and LLM at the University of Cape Town and completed her PhD at the City Law School. She has a strong interest in environmental issues within the maritime sector and the private law aspects of the climate change and sustainable development agendas. Her research interests are focused on the contractual mechanisms employed to facilitate and incentivise a green shipping transition. She has published work on green finance frameworks, green supply chain finance, and private actor initiatives for addressing climate change. She has recently been appointed as an Academic Research Fellow of the Middle Temple whilst carrying out her research and teaching commercial law subjects at the City Law School, City - University of London.

Juan Pablo Rodriguez Delgado, PhD
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Juan Pablo Rodriguez Delgado is a Senior Lecturer of Commercial Law at the Carlos III University in Madrid (Spain). He got the PhD degree from the Carlos III University in 2015, for thesis “Period of Responsibility of the Sea Carrier. He has been a coordinator of several master's courses at the Universidad Carlos III and ISDE, an also of the moot court competition Moot Madrid and the Law Summer School in Madrid (organized by Seattle University and Carlos III). Juan Pablo was the coach of the university team at the International Maritime Law Arbitration Moot organized by Murdoch University (Australia). He has carried out several research stays at international institutions of significant prestige, among others, at Tulane University (2010), University of Southampton (2011, 2016), Fordham University (2012), UNIDROIT (2013, 2019) and University of Bologna (2020) and his research has benefited from different grants, among other from the Ministry of Economy, Industry and Competitiveness and from private institutions. His publications include the book “The Period of Responsibility of the Carrier in the Maritime Transport of Goods” (Marcial Pons, 2016) and numerous articles and books chapters, primarily in two areas: maritime law and law of international contracts. Since 2020 he has been at the maritime law firm Albors Galiano and Portales, as counsel specialized in maritime and insurance law. Juan Pablo Rodríguez has been delegate of Spain at the UNCITRAL during the elaboration of the Convention on Judicial Sale of Ships (Beijing Convention) and the Negotiable Cargo Documents.

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Barbara Stępień is an Assistant Professor at the Faculty of Law and Administration at the Jagiellonian University in Cracow, Poland. She holds a PhD in law and has extensive international experience, including roles as a Visiting Researcher at the Max Planck Institute in Germany, a BlueBook Trainee at the European Commission, and a Postdoctoral Researcher at the National

Autonomous University of Mexico (UNAM). Barbara has also served as an academic at the Universidad Iberoamericana and the Inter-American Academy of Human Rights in Mexico. Moreover, she has been an invited professor at several international congresses and lectures in Brazil, Mexico, Colombia, Pakistan, and Poland. Her research specializes in international law, particularly the law of the sea and maritime law. She is also a Professional Yacht Captain with over 30,000 nautical miles of experience, including transatlantic crossings. Barbara is currently leading a European Union-funded (Horizon 2020) research project on autonomous vessels and their impact on international maritime law.

Frank Stevens, PhD
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Frank Stevens is an Associate Professor at the Erasmus School of Law in Rotterdam. He obtained his Law Degree from the University of Leuven (Belgium) in 1991. He also holds an LL.M. in Admiralty from Tulane University (1992) and a Doctorate in Law from the University of Ghent (2017). Dr. Stevens joined the Antwerp Bar in 1993, and has been practising transport and maritime law since then. Since 2016, he is an Associate Professor at the Erasmus School of Law in Rotterdam. Dr. Stevens is the author of textbooks on Carriage of Goods by Sea and on Limitation of Liability, and regularly publishes and speaks on issues of transport and maritime law. He is the Editor-in-Chief of the Journal for International Trade and Transport Law (*Tijdschrift voor Internationale Handel en Transport*) and is on the Board of Editors of two other legal journals. He is a member of the Belgian and Dutch Maritime Law Associations, and has served as the Belgian MLA's President from 2015 till 2019. He is also a Titulary Member of the CMI and currently serving as the CMI's Treasurer.

Murat Sümer, PhD
IMO International Maritime Law Institute (IMLI)
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Murat Sümer is the Nippon Foundation Lecturer in International Maritime Law at IMO International Maritime Law Institute (IMLI). He read law at the Ankara University. He holds two Master's Degrees: one from Ankara and the second from IMLI. He holds a PhD Degree from the Maastricht University Faculty of Law - Institute for Transnational Legal Research. He has been a member of the IMLI Faculty since 2019. Before joining IMLI, Dr. Sümer served as a Career Diplomat at the Turkish Ministry of Foreign Affairs between 2008 and 2019. During his diplomatic service, among others, he held the positions of Head of the Maritime Section and Alternate Permanent Representative of Turkey to IMO. He has been a member of the UN Division for Ocean Affairs and the Law of the Sea (DOALOS) Pool of Experts; IMO Roster of Experts; Maritime Law Association (Türkiye) and Turkish Bar Association. He has co-authored several books in the field of international maritime law and has published numerous articles on the public aspects of international maritime law in peer-reviewed journals. Dr. Sümer is also a member of the Editorial Board of the Peace & Security - Paix et Sécurité Internationales (EuroMediterranean Journal of International Law and International Relations).

Zoran Tasić, LLB
Global Offshore Engineering - Legal Department
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After graduating at the Law Faculty in Split, Zoran's career has started at the Shipyard Brodosplit 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 firm of solicitors where he worked on shipping related matters for 2 years. Upon return to Croatia, he joined Raiffeisenbank Austria d.d. in Zagreb as deputy Head of Legal. In 2006, Zoran has formed Banking and Finance team at Zagreb branch of Anglo-Austrian law firm CMS Reich-Rohrwig Hainz where he spent 10 years being involved in many projects financed by international banks. Since 2014, for 7 years Zoran was acting as Consultant to the management Board of Shipbuilding Industry Split, Croatia. Zoran is a listed Arbitrator in domestic and international disputes held at the Croatian Chamber of Commerce. He has spoken at many conference and written articles on the international finance and shipbuilding matters.

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

Igor Vio, PhD
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Igor Vio is an Associate Professor at the University of Rijeka, Faculty of Maritime Studies, where he is the head of the Department of Social Sciences. He teaches courses in Maritime Law, Law of the Sea, Maritime Labour Law, Environmental Law and Transport Insurance. As a visiting lecturer, he has delivered courses at the IMO International Maritime Law Institute in Malta, IMO International Maritime Academy in Trieste, and International Ocean Institute at Dalhousie University in Halifax, Canada. His legal education includes an LLB degree at the University of Rijeka, Faculty of Law, an LLM in Ocean and Coastal Law at the University of Miami, School of Law, an LLM in the Maritime Law and Law of the Sea and a PhD degree in Maritime Law from the University of Split, Faculty of Law. As a UN fellow, he spent one year in the United States and worked at the United Nations Office of Legal Affairs in New York City. Igor Vio has published papers covering various fields of the international law of the sea and maritime law. He was the editor of the volume "Maritime Code of the Republic of Croatia and Recent Developments in the Area of Maritime and Transportation Law" and a member of the working group for drafting amendments of the Maritime Code. As an invited speaker, he participated with presentations at various national and international conferences. He is the Secretary General of the Croatian Maritime Law Association and a Titular Member of the CMI.

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

Danijela Vrbljanac, PhD
Faculty of Law, University of Rijeka
Rijeka, Croatia

Danijela Vrbljanac is an Assistant Professor at the Chair of International and European Private Law, University of Rijeka, Faculty of Law. She was granted scholarships for research stays at the Max Planck Institute for Comparative and International Private Law in Hamburg, Europa Institute of the University of Saarland (Germany) and the University of Milan – Bicocca (Italy). She conducted research on other renowned scientific institutions such as Trinity College Dublin (Ireland), the European University Institute in Florence (Italy) and the University of Aberdeen (Scotland). Danijela has participated or is currently participating in several domestic scientific projects and EU-funded projects, such as the ongoing EU Justice project “DIGI-GUARD: Digital communication and safeguarding the parties’ rights: challenges for European civil procedure”. She teaches courses in Private International Law and European Private International Law at the Faculty of Law in Rijeka. Danijela is the author of multiple articles in the area of European private international law, data protection and European consumer law. She is a member of the Croatian Comparative Law Association and Croatian Maritime Law Association.

TRANSLAWFER SPEAKERS

BIOGRAPHICAL NOTES

Sara Cabañas Area, LLM
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Sara Cabañas Area is a PhD Candidate in Private International Law at Camilo José Cela University. Holds a Law degree from the Complutense University of Madrid and a Master's degree in International Relations from San Pablo CEU University. Completed a course in Private International Law at The Hague Academy of International Law and holds a Master's degree in International Contracting from the Catholic University of Cuyo. Currently conducting research at the IMO International Maritime Law Institute in Malta. She serves as the Coordinator for the Law Degree and as a Professor in Private International Law at Camilo José Cela University. Recipient of the 2024 Legal Innovation Award (Maritime and Transport Section) from the Madrid Bar Association (ICAM). A registered member of the Madrid Bar Association (ICAM), she began her professional career at various law firms in Madrid before transitioning to academia and research at Camilo José Cela University. She has also lectured as a guest professor at Delft University of Technology in The Hague (Netherlands) and the International University of the Americas (UIA) in Costa Rica. Furthermore, she has participated in international conferences such as the International Conference on Environment, Business, and Sustainability: The Emerging Paradigms (ICEBS-2023), organized by Bennett University (India).

Agata Dajčić, LLB
Legal advisor at Tehnomont Group
Pula, Croatia

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 Faculty of Law, University of Rijeka 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 Law on the Maritime Domain and Seaports and for drafting of the Law for posting workers in Republic of Croatia. She attends numerous courses in the area of public procurement, concessions, etc.

Huyen Doan, LLM
University of Bonn
Bonn, Germany

Huyen (Amelie) Doan is a former senior legal official of the International Law Department, the Ministry of Justice of Vietnam, and also a former senior lecturer at Hanoi Law University in Vietnam. She holds an LLB from Hanoi Law University (Vietnam), an LLM from Kyushu University (Japan) and, since December 2022, she has been doing her doctoral research at the University of Bonn. Her teaching and research areas include government guarantees, public-private partnerships, foreign direct investment, investment treaties, investment arbitration, and international trade.

Buen Hoti, LLM
“Anijet e Shërbimit Detar”
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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 Shërbimit Detar” in Albania. Buen Hoti obtained an LLM in International Maritime Law at the IMO International Maritime Law Institute (IMLI) in Malta in June 2024, with the master’s thesis on the Ionian Sea delimitation dispute between Albania and Greece. This academic pursuit aligns continuously, with his career trajectory and reflects his dedication to becoming a competent legal practitioner, particularly in the maritime domain.

Ksenija Ostojić, LLM
Tankerska Shipping Company
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Ksenija Ostojić is the Legal and Insurance Manager at Tankerska plovidba d.d., a shipping company headquartered in Zadar, Croatia. She handles various aspects of corporate law, maritime law, and marine insurance law, ensuring regulatory compliance and addressing legal matters related to shipping and insurance. Additionally, Ksenija serves as a member of the Management Board for Tankerska's subsidiary, Turisthotel d.o.o. Born in 1993 in Split, Ksenija graduated from the University of Zagreb, Faculty of Law, in 2017. After several years of working within the shipping industry, she completed an LL.M. in Maritime Law at the University of Southampton in 2023 to further enhance her practical knowledge. She is a member of the Legal Committee of the Croatian Shipowners' Association Mare Nostrum and represents the association on the Legal Advisory Committee of the European Community Shipowners' Association. She is also a member of the Croatian Maritime Law Association.

Livia Solaro, LLM
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Livia Solaro is a PhD candidate at Maastricht University (Netherlands), where she is involved in the teaching of comparative property law, private international law and art law. She holds an LL.M in Law from Trento University (Italy). Her research focuses on the transnational litigation in US *fora* for the restitution of Nazi-looted art. In 2022 she published a book on this topic in Italian: “Il saccheggio nazista dell’arte europea: Uno Sguardo Comparatistico sul Contenzioso Transnazionale nei Restitution Cases” (Franco Angeli Edizioni, 2022), available in open access at <https://library.oapen.org/handle/20.500.12657/54283>.

Maša Štampić, LLM
Melita Marine Group
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Maša Štampić was born in Belgrade in 1981. She lived and worked in Montenegro and Italy, and in the meantime has moved to Malta. She graduated in Maritime Management at the Maritime Faculty in Kotor, after which she obtained her master's degree at the IMO IMLI Faculty in Malta "International Maritime Law - Humanities", as a dedicated researcher on seafarers' working and living conditions. She gained experience in maritime affairs, first through the private sector, then by working for the Ministry of Maritime Affairs and Transport, and the Ministry of Capital Investments as the First Senior Advisor in the port authorities in Montenegro. She worked in the Maltese maritime logistics and law company MConsult & Associates and has established cooperation with the Maltese shipyard for super yachts "Melita Marine Group" as the company's Ambassador for the yachting industry. She is a member of the Montenegrin Maritime Law Association. Having also an Academic Course in fashion design from the Milan Academy "Accademia del Lusso" in recent years she has also been maintaining cooperation with the school for Italian language and art from Florence "Centro Firenze Italiano" and English language school "In Lingua" in Malta. She speaks and writes English and Italian.

Ante Vojković, LLM
Stanić and Partners Law Firm
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Ante Vojković is a private Attorney at Law from the Law Firm Stanić and Partners LLC in Rijeka. He graduated Law in 2019 at the Faculty of Law in Rijeka. Throughout his studies, he was a Student assistant at the Chair of the History of Law and State for 4 academic years and he won three Dean's Awards for academic excellence. In 2021 Ante Vojković passed the bar exam with special praise (*cum laude*). In 2024 Ante Vojković graduated with distinction from the specialized post-graduate programme at the International Maritime Law Institute (IMLI) in Malta which led him to the Degree of Master of Laws (LL.M.) in International Maritime Law. At IMLI, Ante Vojković won the Government of Malta Prize for the Best Maritime Legislation Drafting Project with the topic „A Law to Incorporate the 1996 Protocol to the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter into the Laws of Croatia and to Provide for the Effective Implementation Thereof“. He also won the CMI Prize for Best Overall Performance (Best Student of Generation Award). Besides being a private practitioner, Ante Vojković appears as the guest lecturer at the Chair of Maritime and Transportation Law at the Faculty of Law in Rijeka.

Haiyang Yu, PhD
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Haiyang Yu is a researcher at the Faculty of Law of Maastricht University, the Netherlands. In 2023, He earned his PhD in law from Maastricht University, with his dissertation titled ‘Rethinking environmental salvage and salvage law: Towards an efficient mechanism for environmental emergency response in maritime accidents?’ He graduated from Erasmus University Rotterdam with an LL.M. in Maritime & Transport Law and previous to that, he obtained an LL.B. in Jurisprudence from East China University of Political Science and Law in Shanghai. He is a member of the Ius Commune Research School, which is a cooperation among the law schools of Maastricht, University, KU Leuven, Utrecht University and University of Amsterdam. Haiyang is a board member/founder of the Stichting China-Europe Commercial Collaboration Association (CECCA Foundation, NL) and he leads the maritime law team of CECCA London. CECCA is a non-profit organization founded by maritime lawyers and scholars that promotes collaboration in the communities of China and Europe through knowledge sharing. He is the Executive Editor of the Journal of Transnational and Chinese Maritime Law (ISSN 2634-4777) and he organizes conferences and seminars for CECCA. He is specialized in maritime law and law & economics.



COURSE LECTURES SUMMARIES

**ABSTRACTS OF COLLOQUIUM AND
TRANSLAWFER PRESENTATIONS**

MARITIME LAW COLLOQUIUM “IN SEARCH FOR REGULATORY APPROACH TO AUTONOMOUS VESSELS”

AUTONOMOUS VESSELS – ACTIVITIES OF INTERNATIONAL ORGANIZATIONS

Laying the Groundwork for MASS Regulation at the International Maritime Organization

Maria Pia Benosa

Emergent autonomous or remotely operated platforms in commercial shipping and naval technology give rise to questions on the enduring applicability of legal concepts and standards under the existing legal framework. At the International Maritime Organization (IMO), work has been underway since 2015 on reviewing the potential implications of maritime autonomous surface ships (MASS) on the different maritime safety, facilitation, and liability and compensation conventions, and in shaping understanding on how autonomous vessels can be accommodated within the current international legal framework for flag State responsibility. As a competent international organization under the UN Convention for the Law of the Sea, IMO is the forum through which generally accepted international rules and standards on shipping and navigation are developed. Since the initial conduct of regulatory scoping exercises by its Maritime Safety Committee (MSC), Facilitation Committee (FAL) and Legal Committee (LEG), IMO is currently at work on a goal-based non-mandatory MASS Code, setting the framework and high-level standards for the safe operation of MASS. Member States leading the development of autonomous shipping technology also regularly report on findings and observations from early-stage domestic trials and preparatory legislation for the mainstreaming of MASS. This article will look at the early history of IMO’s work on MASS vis-à-vis its rule-making process, and provide a cursory overview of the key issues that have been considered and/or flagged for resolution in the lead-up to the adoption of a legal framework for MASS.

The Work of the CMI on MASS

Melis Özdel

In 2015, the CMI set up an International Working Group to carry out detailed and careful legal analysis of the issues concerning the commercial operation of MASS. For this purpose, the Working Group has taken over various tasks, and it continues to play a key role in laying the groundwork for a legal framework governing MASS and their operation. This chapter will discuss the CMI’s role and the difficulties in regulating an area where the legislative framework is required to stipulate not just what the law currently is but also what it should be.

Nicolas Charalambous:

**Enhancing MASS Design: A Risk-Based Assessment Tool (RBAT)
for Early Stage Evaluations**

The presentation outlines the development and objectives of the pilot Risk-Based Assessment Tool for Maritime Autonomous Surface Ships (MASS), known as RBAT. The RBAT addresses the challenges posed by integrating new technologies in the maritime sector, where traditional risk assessment methodologies fall short due to a lack of statistical data, experience, and the novelty of the technologies involved. This pilot tool aims to develop a tailored risk assessment methodology for MASS, drawing inspiration from industries such as nuclear, aviation, and defence. RBAT is designed to assess the automation of various functions, including object detection, classification, behaviour monitoring, and avoidance manoeuvring. It incorporates a multi-level function map. The tool also addresses the concept of Operational Modes, Human Involvement, and Automation Modes, considering the roles of Supervising Agents and ship type. The RBAT methodology consists of five parts: 1. Defining the use of automation and remote control, 2. Failure analysis, 3. Recovery analysis, 4. Consequence analysis, and 5. Risk control. The presentation provides an example of the RBAT methodology detailing the roles of Performing and Supervising Agents. Implementing the RBAT methodology involves using the RBAT pilot software tool, which is designed to facilitate a standardised risk assessment approach for MASS. The pilot tool aims to reduce risk during the early stages of MASS design, harmonise the approval process for new designs, and allow stakeholders to monitor risk assessment approvals.

PUBLIC LAW REGIME FOR MARITIME AUTONOMOUS VESSELS

Regulatory Challenges linked to MASS

Henrik Ringbom

The development towards MASS affects almost any type of maritime and shipping law. This article provides a brief overview of the main regulatory challenges linked to MASS at international level. This covers three different regulatory challenges in three different legal contexts. First, there are issues with respect to how MASS fit in the jurisdictional setting of the law of the sea. Important legal issues linked to passage rights of MASS and the flag state's role and responsibilities with respect to remotely operated ships are raised by the new technological developments. Second, the technical aspects of MASS regulation are currently beginning to take shape in the form of the first drafts of the (voluntary) MASS Code. This field, too, raises new issues from a technical and treaty law point of view, while other IMO matters, such as the links to COLREGs or watchkeeping requirements, are still open. Finally, autonomous ships differ from traditionally operated ships in terms of the relationship between humans and machines, which has important implications for the civil liability regime that should apply for damage caused by MASS. Various options and challenges are briefly addressed.

MASS Remote Control Centers – Compliance with UNCLOS and SOLAS

Murat Sumer

Jurisdiction, which is attributed to the sovereignty of States, is the foundational pillar of international maritime law. Indeed, States are not only conferred rights but also tasked to fulfil various jurisdictional roles such as flag/port/coastal States. UNCLOS give precedence to flag State jurisdiction over ships while it also recognizes the increasing role of port States. As an umbrella treaty, the Convention lays the legal basis of the aforementioned State jurisdiction in the maritime domain. Nevertheless, as the competent organization for international shipping under the UNCLOS framework, IMO develops comprehensive shipping regulations specifying technical rules and standards. The interoperability of the UNCLOS regime and IMO ensures the adaptation of the regulatory framework addressing the technological advancement. In this context, this paper will address the nexus between IMO's regulatory mandate and UNCLOS in the context of flag State jurisdiction. In this context, this Chapter will investigate the potential evolution of flag State jurisdiction for the integration of remotely controlled ships (RCSs) to global shipping, and their implications for flag States. In this vein, the issue of remote operation centres (ROCs) will also be analysed. Whilst doing this, the recent IMO deliberations in the Legal Committee, Maritime Safety Committee and MASS Joint Working Group will also be investigated to shed light on the legal position of IMO Member States. Upon discussing the legal basis of the flag State jurisdiction and important elements of the autonomy level of Maritime Autonomous Surface Ships (MASS) interacting differently with the regulatory framework, this chapter will explore the exercise of effective flag State jurisdiction as regards ROCs in two different scenarios. First, the ROCs which are located in the flag States and second the ROCs which are situated abroad.

MASS and STCW – Emerging Problems with Reference to Seafarers

Marija Pijaca – Božena Bulum

ABSTRACT: In the context of use of maritime autonomous surface ships (MASS), a significant challenge is the application of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention) adopted by the International Maritime Organization (IMO). STCW Convention sets out the minimum requirements for education, training and certification that must be met by the signatory states. Among other things, the STCW Convention contains provisions on professional competences in shipping, so every institution that organizes formal education must include the minimum standards set by the Convention in its study programs. In addition to formal education, the STCW Convention contains provisions on training programs that fall under non-formal education and are related to the achievement of professional competencies. Therefore, in terms of education, formal or non-formal, and certification of seafarers, the need to develop new competences of seafarers or upgrade existing ones in terms of trained seafarers for use of MASS is emphasized. The biggest changes associated with the MASS will be to educate seafarers how to navigate, control engine and work with cargo. In addition, the fundamental question will be to regulate the operations of coastal control centers, as well as to define the status of human resources and to answer the question of whether they could also be considered as crewmembers of the ship. Therefore, the aim of this work is to identify the essential competences needed to upgrade the provisions of the STCW Convention in accordance with the development of MASS. The purpose of the work is, therefore, to highlight new problems in relation to seafarers when it comes to MASS and the STCW Convention.

MASS and Maritime Security Law: Focus on Piracy

Aref Fakhry

In line with the vision of the International Maritime Organization (IMO), Maritime Autonomous Surface Ships (MASS) enter a regulatory field defined by notions of ships with an assumed existence of crews on board. Maritime security is perhaps a relatively new term of art, but the existence of the perils of the sea, including piracy and armed robbery, goes back to the very early times of maritime and admiralty law. The perils of the sea have been deemed to relate to forces and hazards that could overpower or at least subdue man's attempts to navigate safely across water. Some presence of humans on board is, nevertheless, deemed necessary. The same could be said of IMO's International Ship and Port Facility Security Code (ISPS Code), which was adopted with the idea that some humans would take minimum safeguards on board. This paper considers the track record of lightly manned vessels and attempts to project lessons learnt in relation to future unmanned variations. The risk from pirates and armed robbers will have to be reckoned with when no one is onboard. The law would have to follow somehow. The germane but distinct issue of terrorism at sea would need to be demarcated and grasped in this context. Whereas the general approach to MASS in their four categories advocates a reduction of the size of crews onboard ships up to the point of even eliminating the remote control person, the trend just before the Covid crisis was to add security teams to crews when transiting critical and risky areas such as international straits, e.g. Bab-el-Mandeb and the Indonesian straits, or near the shores of unstable countries, e.g. West Africa and Somalia. It may thus appear that MASS would be more adapted to oceans with high density of traffic on fixed routes far from bottlenecks, such as the North Atlantic and Pacific Oceans. An analysis is undertaken of the different viewpoints articulated in the debates held under the auspices of IMO on the above questions. It is hoped that the paper could be of assistance in the forthcoming elaboration of an 'IMO MASS Code'.

LIABILITY REGIMES FOR MARITIME AUTONOMOUS VESSELS

MASS – A Challenge for the Existing Liability Systems

Erik Røsæg

Maritime liability is generally based on negligence. However, autonomous navigation systems are not capable of being negligent. Programmers have this capability, but their liability will be time barred soon after the vessel is built, and they will not have the benefit of global limitation of liability. In some cases, strict liability has been introduced even in maritime law. However, the Collision Convention, 1910, disallows this, and it would perhaps not be appropriate that an autonomous vessel should incur liability even when navigating exactly as a conventional vessel would have navigated. The EU AI liability regime and product liability rules do not resolve these problems. The paper proposes a way forward. However, autonomous ships should not sail without liability for the damage they cause and as well as liability insurance.

Liabe Person for Collisions Involving MASS

Dorotea Ćorić – Iva Tuhtan Grgić

Authors of this paper look into possible claims' scenarios arising from a collision involving MASS. The Collision Convention 1910 does not point to any particular liable person, leaving the determination of who bears liability for a ship's fault to the applicable national law. The Author explores who could be a possible target of victims' claims, considering all relevant factors, like basis and limitation of liability, available insurance and practical factors related to the burden of proof and costs of court proceedings.

MASS and Product Liability Issues

Michael Mišo Mudrić

The European Union is in the process of establishing a regulatory framework for the use of artificial intelligence systems. The normative work includes the Proposal for a Regulation laying down harmonised rules on artificial intelligence (Artificial Intelligence Act), Proposal for a Directive on liability for defective products, and the Proposal for a Directive on adapting non contractual civil liability rules to artificial intelligence. The paper will analyse the direct and indirect impact of the set legislation on the global efforts to regulate the advanced systems for aiding the navigation and autonomous navigation systems. The special focus will be placed on the role of the so-called backend operators and their role in the responsibility chain.

Solutions to Problems Arising from the IMO's Regulatory Scoping Exercise

Igor Vio – Zuzanna Peplowska-Dąbrowska

Three Committees of the International Maritime Organization conducted analysis, so-called Regulatory Scoping Exercises (RSEs) of the existing IMO's conventions adequacy to MASS shipping. They highlighted areas in which amendments to the existing instruments under the purview of the IMO Committees were needed. As, at its 111th session in April 2024, the Legal Committee decided to limit its discussion solely to the conventions under its purview. This chapter will suggest the way forward with some issues identified as problematic by the Legal Committee's RSEs.

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MASS – REGULATORY FRAMEWORK FOR EMERGING CHALLENGES

MASS and Marine Insurance Aspects

Rhidian Thomas

It would appear inevitable that the development of autonomous ships will grow in the years to come but in what form and how quickly are currently unknowns. There will be associated insurance obligations and requirements which the insurance markets will be expected to respond to. In this chapter the broad and particular issues touching on the insurance issues are identified and analysed. There is currently significant uncertainty about the precise form autonomous shipping will assume and its relationship to existing national and international systems of ship regulation. The more the degree of incorporation into existing regulatory regimes the more favourable the outlook for insurance. At a more particular level the question arises whether the insurance of autonomous ships can be brought within current market standard covers, with logical amendments, or is it necessary to develop new standard covers. In addressing these themes there will be particular emphasis on H & M insurance and third party liability cover provided by the International Group of P & I Clubs. The significance of the development of autonomous ships, whatever the dimension adopted, is the emergence of cyber risks, not a natural marine risk, as a distinctive characteristic of the cover. The constituent risks are many and various, and certainly not inconsequential. Where cover is provided assureds can expect underwriters to insist on conditions/warranties demanding sound, protective and secure management of information and operational technology.

Autonomous Ships – Do We Need a MASS Master?

Frank Stevens

In the shipping world, the Master has traditionally occupied a central role, whose authority on board was only second to that of God (hence the expression 'Master under God'). In recent times, technological developments, and particularly the development of communication technology, have already resulted in a reduction of the Master's authority and a corresponding increase of the role of the ship owner. The advent of remotely operated and certainly fully autonomous ships puts even further pressure on the position of the Master. It will, of course, always be possible to appoint a person as 'the Master' of a MASS, but what is this supposed to achieve? There are, of course, legal issues regarding MASS, but is appointing someone Master of a MASS necessary or the best possible solution to these issues? Ultimately, the question must be asked whether we really need a MASS Master or whether there are other (better) solutions.

MASS and International Trade: Plug and Play?

Filippo Lorenzon

The paper looks forward into a near future in which fully autonomous vessels are in common use. The only *raison d'être* of commercial ships is to serve international trade and allow commodities and manufactured goods to move freely across continents through the oceans. The legal framework against which the possible success of MASS should be measured is that of international trade and trade finance. The question this paper is aimed at answering is the following: can MASS be used for shipping goods under a current day sale contract and under a contemporary letter of credit? Would MASS satisfy the definition for 'ship' contained in commonly used standard term sale contracts? Would it satisfy the requirements of a standard CIF or FOB Incoterm? Would the contracts for the use of MASS be considered charter parties and bills of lading for the purposes of documentary tender and payment under the UCP 600? Should the answer to the above questions be in the negative, how much adaptation would the international trade community need to undertake to make MASS a viable alternative to traditional ships?

Autonomous Vessels and the Blue Economy: Striking a Balance between Technological Advancement and Marine Preservation

Barbara Stępień

A dynamic technological development, the advancement of works on artificial intelligence, and the growing demand for "green technologies" have been the main reasons for the intensification of engineers' work on autonomous and unmanned maritime vessels (AUMV) in recent years. Even though AUMV already exists thanks to various ongoing research projects, their unclear legal situation constitutes one of the main obstacles to their global operation. This paper focuses on determining the legal barriers preventing the worldwide operation of AUMV, especially considering their environmental impact. The research contributes to developing a knowledge-based economy and society in Europe by determining the regulatory barriers and proposing regulatory changes. The Chapter analyses the regulatory *status quo* of autonomous vessels considering the Blue Economy and the European Green Deal. The research focuses on the legal aspects of investments in environmentally friendly technologies, supporting industry to innovate, rolling out cleaner, cheaper, and healthier forms of private and public transport, and also targets the UN Sustainable Development Goals 8, 9, 13, 14. The paper concludes that an adjustment of the international and national regulations to facilitate the worldwide operation of AUMV is necessary to make the shipping industry less dependent on the human factor, thus increasing the safety and security of the global and European economy. Finally, the accommodation of the AUMV into the existing regulatory framework will enable an innovative adaptive solution to prevent the environmental harm posed by the shipping-related activities.

MASS AND ARTIFICIAL INTELLIGENCE

– DILEMMAS AND SOLUTIONS

AI Rocking the Boat – Conflict of Laws for MASS

Ivana Kunda – Danijela Vrbljanac

Technological innovation in the field of artificial intelligence has a huge impact on the maritime industry, including the commercial use of autonomous ships, which may be fully autonomous or controlled remotely. Recognising that this may deeply affect safety of life and property, discussion of regulatory aspects has taken its course within the context of work of various actors, including international organisations, national governments and individual experts. Since the questions of conflict of laws have not been in the focus of these debates, this paper is intended to offer a preliminary insight into the complexities owed to AI-driven ships.

The questions of international jurisdiction and applicable law are analysed primarily from the perspective of international convention and EU private international law to verify to what extent the implementation of AI systems in the autonomous ships in cross-border settings affects the legal status of the parties because they may assume new roles and responsibilities along the AI value chain. Part of the analysis will be devoted to recent preliminary developments in the EU institutions regarding the possible future Regulation concerning civil liability for AI systems. The other part will offer insight into the ability of the traditional rules in the EU private international law structure to accommodate the new technological developments and the way they reflect in the business-organisational scheme in maritime shipping.

AI, Big Data and their Implications in the Maritime Sector

Khanssa Lagdami

Artificial Intelligence (AI), big data, and algorithms are currently at the centre of discussions about social transformation. Although the future may seem distant, the potential for technological advancements is already prompting action among innovators, established professionals, customers, and users. This is influencing the dynamics of workplace transformation. Technologies with roots in research, such as machine learning and deep learning, have moved from the realm of laboratories to perform tasks that were previously beyond the capabilities of machines, such as image or voice recognition. In the maritime industry, the use of AI technology and the associated data is still in its early stages. Apprehensions persist concerning human oversight, liability, and accountability. Notably, certain aspects relating to the evolution of new technologies in the maritime domain have not undergone comprehensive scrutiny. Specifically, the ramifications of AI and big data on maritime workers and manner in which these technologies might affect the way their work is evaluated. This paper aims to delve into the methods through which governance and regulation can adapt to confront the challenges presented by emerging technologies, including AI and big data. The focus will be on evaluating the existing maritime regulation and policy while concurrently upholding maritime workers' rights at sea.

EU Legislation on AI and its Applicability to Autonomous Ships

Juan Pablo Rodriguez Delgado

For several years, international maritime organisations have been developing rules to address the ever-closer scenario of autonomous ships operation, based on four levels of autonomy. Although it is true that, among of these, level 4 (fully autonomous uncrewed ships) seems to be far in time, it is perhaps the one that will pose the greatest regulatory obstacles (on the basis that maritime law has been conceived from its origins on the idea that there was always someone on board controlling/managing the vessel). The development of artificial intelligence, in its different versions, should lead us to consider to what extent this fourth level of autonomy will fit in with current liability rules. In this regard, the European Union (although not leading the technology), has recently developed a set of rules on civil liability for artificial intelligence, which, while not specifically designed for maritime navigation, may have an impact on the liability on fully autonomous ships transport operators. In addition, the IMO continues to work on its efforts towards a MASS Code that seems likely to raise many of the hurdles that levels 2 and 3 would face regarding the navigation of these kind of ships.

Creating a Regulatory Framework for Integration of AI in the Operation of Autonomous Ships - Recent Developments in Japan and Korea

Unho Lee

The integration of artificial intelligence (AI) in the operation of autonomous ships presents significant legal challenges, particularly concerning liability for decisions made by these intelligent systems. This research paper delves into the recent developments in the regulatory frameworks of Japan and Korea, two leaders in East Asian maritime technology, examining how they could address the liability issues arising from the deployment of autonomous ships. As these jurisdictions advance in maritime AI, they face the imperative task of revising traditional maritime and liability laws, which have not traditionally accounted for non-human decision-makers. The study examines first existing liability regimes and their applicability to autonomous ships, and then evaluates the proposed legal provisions and/or government guidelines in Japan and Korea that might apply to liability issues in the operation of autonomous ships. This analysis highlights the complexities of attributing accountability when AI systems autonomously navigate, manage emergencies, or interact with other seafaring traffic, underlining the need to fill the gap of current legal regimes. This paper advocates for the development of coherent liability norms that can address the unique challenges posed by AI in the maritime industry, proposing recommendations for an enhanced regulatory framework with clear legal definitions and standards specific to AI operations in maritime contexts.

SESSIONS OF THE MARITIME AND TRANSPORT LAW COURSE

I. ELECTRONIC DOCUMENTS – DIGITAL TRANSFORMATION OF TRANSPORT

Legal Regulation of Electronic Replacement of Indorsement: Differences and Potential for Convergence between Control and Possession

Časlav Pejović

The presentation examines the recent legislative advances that aim to recognize electronic trade documents legally, focusing on the UK Electronic Trade Documents Act 2023 (ETDA). The main focus will be on the key provisions related to the definition and scope of electronic trade documents, the concepts of possession and exclusive control, and reliability. The central issue to be discussed relates to the rationale, how the ETDA expands the notion of possession to electronic trade documents, and the position regarding exclusive control. By clarifying the conceptual similarities and differences between the fundamental concepts of possession and exclusive control under the ETDA and MLETR, the presentation chapter addresses the question of legal interoperability in the future, emphasizing the pivotal role of legal adaptation and harmonization in facilitating the digital transformation of international trade documentation.

UNCITRAL's Work on the New Instrument on Negotiable Cargo Documents (and e-NCD)

Juan Pablo Rodriguez Delgado

UNCITRAL is currently developing a new instrument on negotiable cargo documents (NCD). Unlike maritime bills of lading, which have traditionally been used as documents of title in the maritime sector, consignment notes issued by rail, road and air carriers are non-negotiable documents. This lack of the "title" function has, at times, posed problems for shippers, who have found it difficult to market goods in transit and to obtain financing opportunities for such operations. The new instrument intends to create a new type of document of title entitled "negotiable cargo document" (and its electronic version -eNCD-), which could perform an analogous function as a bill of lading for the carriage of goods for any mode of transport in a multimodal or unimodal context. The presentation shall analyse the three chapters that currently form the draft Convention: chapter 1 - Scope of application and definitions; chapter 2 - Rules on NCD (issuance, content and deficiencies, evidentiary effect and extent and transfer of rights of the holder incorporated in the document; liability of holder and delivery of the goods); and chapter 3 - Rules on electronic NCD (legal recognition, conditions for use, requirements for use and reliability, endorsement, transfer of rights incorporated therein and replacement documents).

Legal Aspects of Determining the Reliability of Platforms for Electronic Transferable Records

Patrick Vlačič

The legal assessment of the reliability of electronic transferable record (ETR) platforms is critical to ensuring the integrity, security and trustworthiness of digital transactions. ETRs, which include digital versions of documents such as bills of lading, promissory note, bills of exchange or warehouse receipts, must meet legal standards to be considered valid and enforceable. Among the most important legal aspects is the ability of the platform to ensure the authenticity, integrity and non-repudiation of electronic records. This requires ensuring that the platform complies with recognized international standards, such as the United Nations Commission on International Trade Law (UNCITRAL) Model Law on Electronic Transferable Records or better still, local laws adopted on basis of the MLETR. The platform must also provide a reliable method of identifying and verifying the parties involved in the transactions and ensure the integrity of the records throughout their lifecycle. In order to be legally recognized in various jurisdictions, a platform may need to meet certain criteria, such as compliance with data protection laws, cybersecurity measures and the ability to audit and trace records. Ensuring these legal aspects are met is essential for the widespread adoption and trust in ETRs.

II. MARINE ENVIRONMENTAL LAW – GREEN SHIPPING

Risk Distribution in Charterparties in Respect of GHG Measures

Erik Røsæg

GHG measures in the carriage of goods, such as fuel requirements, can be costly. It is not necessarily true that these costs will ultimately be borne by the consumer of the goods carried. The initial allocation of responsibility for these measures does not determine the final distribution of the cost, and legislators should not design measures based on the risk distribution they envisage or desire.

The charterparty can, however, influence the risk distribution of the cost of GHG measures between the parties. Therefore, it is important to consider this when drafting charterparties. Specifically, the choice of measure (if any) and any profits generated by it should be in the hands of the same contracting party. If the shipowner decides to slow down the ship to save energy and reduce expenses, the freight for the charterer ought to be reduced accordingly. Even if the shipowner and the charterer agree on a risk distribution, the contract clauses may be counterproductive from an environmental point of view. For instance, demurrage clauses may discourage slow steaming and act as a disincentive to such sound environmental practices. For the common good, the law of charterparties should address such situations. A similar scenario may arise if mandatory environmental measures are introduced after the conclusion of the charterparty, or if circumstances change, necessitating new measures for the common good. Could the law of charterparties be amended to address such situations as well?

GHG as Opposed to Traditional Marine Pollution - Regulatory Perspectives

Henrik Ringbom

The lecture discusses the regulation of greenhouse gases from ships, internationally and by the EU, and compares the challenges with those of traditional forms of vessel-source pollution. This includes several types of legal issues. For example, relating to the law of the sea, how should the release of GHGs should be understood in an UNCLOS context (e.g. the applicability of the jurisdictional rules for marine pollution to GHG emissions), is the IMO the only competent organization in this field and what is the scope for states/regions to adopt their own emission requirements exceeding the IMO requirements? Another feature is the mainly operational focus of GHG requirements, including purely economic requirements, which not only complicates the regulation, but also brings it closely to issues of private maritime law. Solutions are required to resolve matters like the responsible party to pay the costs and perform other duties, the position of charterers, the contractual solutions etc. A future challenge of regulation in this field, which is also without precedent in maritime regulation, is ensuring the safe and smooth transition to new types of green fuels.

Pluralistic Governance for Green Shipping: Private Actors and the Decarbonisation Mandate

Pia Rebelo

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

III. CONTEMPORARY DEVELOPMENTS OF MARITIME AND TRANSPORT LAW

Efficient Seaports and Sustainable Shipping: Strategies for the 21st Century

Filippo Lorenzon

Efficiency is ever more important for seaports worldwide. Nationalistic visions of international logistics are no longer realistic in a world, which is starting to rely heavily in robotics, automation and A.I. for the delivery and distribution of manufactured goods. Eurocentric visions probably belong to the past, too. Seaports and multimodal hubs compete now on a global scale and the competition is open to attract geo-political interests as well as global investments. What once was a 'safe place' where to load and discharge goods has now become a very busy hub where the main business of moving cargo is aided by an ever increasing swarm of busy professionals feeding and being fed by the evolution of international trade. While the only way to survive is evolving, the most likely way to thrive is to embrace change and develop strategies aimed at hyper efficient port dynamics and environmental sustainability.

Croatian Tonnage Tax Regime - Tax Challenges Arising from the Decarbonisation and Digitalisation of the Economy

Božena Bulum – Ksenija Ostojić

The European Union (EU) adopted the tonnage tax in the Community guidelines on State aid to maritime transport (Maritime Guidelines, 2004) as a form of State aid for the shipping companies of Member States in order to be able to compete on the international market with shipping companies operating under similar tax relief schemes. The particularities of the Croatian tonnage tax regime, in the current form applicable from 2014 and extended in 2020, have been presented. The authors highlight the requirements for vessels, maritime transport and auxiliary activities, and beneficiaries that may qualify for State aid in the form of tonnage tax. The decisional practice of the European Commission which in the process of approving individual State aid programs has extended the application of the 2004 Maritime Guidelines to other types of vessels and auxiliary activities, that contribute to achieving the objectives of the Maritime Guidelines and are exposed to international market competition is analysed. The presentation provides also a critical analysis of rules adopted on the level of the Organisation for Economic Cooperation and Development and the European Union addressing tax issues arising from the necessity for the decarbonisation of shipping and digitalisation of the economy.

**Maritime Security Challenges in the Red Sea:
Analysis of the Navigational Rights under the Law of the Sea Regime
Murat Sümer**

UNCLOS regime is a composite of various rules and principles, specifically tailored to regulate activities on or in respect of the oceans. It governs all public law matters regarding ocean affairs. Notably, it regulates navigational rights on oceans. The freedom of navigation indeed holds significant importance in international relations due to its broad implications. Given the fact that the maritime transport handles around 80 per cent of international trade, a figure that rises even higher for many developing States, navigational rights of paramount importance for all States. Indeed, the freedom of navigation has always been a fundamental prerequisite for global commerce. The Red Sea and Bab al-Mandeb Strait are among the world's busiest and most strategic sea lanes, with nearly eight million barrels of crude oil and fuel shipments transit through the strait daily. This accounts for 12 percent of globally traded seaborne oil, 8 percent of LNG, and 40 percent of all Asia-Europe trade. Escalating maritime threats and ongoing attacks by Houthi rebels in the Red Sea region, since the end of 2023, pose a direct threat to international shipping and maritime security. The situation has escalated to the point where several major shipping companies had to avoid the Suez Canal and Red Sea route for the foreseeable future, which adds around ten days of additional voyage time as they reroute around the Cape of Good Hope. Against this backdrop, this paper will analyse the legal aspects of the Houthi attacks on merchant shipping and it will attempt to classify and characterize these incidents, exploring whether they constitute acts of piracy, armed robbery at sea, maritime terrorism, or illegal warfare.

IV. MARINE AND TRANSPORT INSURANCE

**Marine Insurance – An Overview
Rhidian Thomas**

This lecture will examine the various branches of marine insurance in practice and the nature of the underlying marine insurance contract as a contract of utmost good faith and of indemnity. The legal position of parties placing insurance and the factors that determine the precise cover obtained is analysed, as also is the position of insureds as claimants under the insurance. The insurance of third party liabilities is highlighted and the part played by the International Group of P & I Clubs analysed. In this regard the position of third parties as claimants under insurance contracts is examined and the role played by compulsory liability insurance. In this context particular attention is directed at international maritime liability conventions and third party rights embodied in them. Throughout the lecture reference will be made to contemporary issues and events, and to developing case-law. The prominent direction of travel will be English law and English language standard form documents.

Ever Given: Potential Liabilities and Insurance Cover

Frank Stevens

On 23 March 2021, the Ever Given ran aground in the Suez Canal, completely stopping all traffic for six days. First priority, of course, was to refloat the vessel. Negotiations between the owners of the Ever Given (and their insurers, no doubt) and the salvors ensued, but were apparently inconclusive enough to give rise to legal proceedings as to whether a binding agreement had been concluded between them or whether the salvors were free to pursue a salvage claim. The physical damage to the Ever Given itself was apparently limited, but could still raise insurance issues. Furthermore, the owners of the Ever Given declared general average, a maritime law technique to recover part of the losses from cargo interests. For the latter, the question then becomes whether they can turn to their insurers or whether they have to bear this (unexpected) liability themselves. Finally, even if many cargoes in the end did not suffer damage or loss, they were in any case substantially delayed. Is there liability for delay in ocean carriage, and is there insurance cover for delay?

Seaworthy Packaging Does Not Necessarily Mean Corrosion-Free Arrival – Judgment of the Swiss Federal Supreme Court of 2 November 2015 (4A_318/2015)

Vesna Polić Foglar

The packaging company E. in Switzerland was asked to pack and ship five customised machines in seaworthy packaging for a customer in Australia. The machines arrived with significant rust damage. The wooden crates in which they were packed showed no damage. The surveyors appointed by the insurers to inspect the machines at their destination found, among other things, that the machines had not been sprayed with VCI film over the surfaces before they were wrapped in foil. The way the foil was wrapped left air gaps that allowed air or moisture to enter. The use of up to 4 foam dispensers for each main machine may not have been sufficient for the internal volume of the machine. The surveyors clearly indicated that the corrosion protection was inadequate. The manufacturer claimed damages of CHF 6.1 million from the packaging company and its insurer for property damage due to breach of contract. The defendant argued that the packaging it had provided was in accordance with the contract and that the corrosion damage to the machinery could not be attributed to it. The court concluded that under the underlying contract for work and services, the packaging company owed only seaworthy packaging, not corrosion-free arrival. It could not be held liable for third party influences. According to an expert appointed by the court, there was no evidence that the cause of the corrosion damage was due to inadequate packaging. Rather, the corrosion must have been caused by prior exposure of the packaged machines to chloride contamination. The claim was dismissed as unfounded by the Zurich Commercial Court. The Federal Supreme Court upheld the lower court's decision and dismissed the appeal.

Standard Forms of Bareboat Charter Contracts and Insurance of Risks

Marija Pijaca

The insurance interests of the contracting parties during a bareboat charter should not be left to chance. It is necessary that the bareboat charter parties know that insurance of risks should be clearly resolved in the bareboat charter contract. Starting from the fact that in modern business practice of bareboat charter, as well as in general maritime contracting practices, standard contract forms are used, the question arises in which way the issue of insurance is dealt with in the content of the standard contract forms. The content of the *Standard Bareboat Charter Party*, code name BARECON 2017, the last bareboat charter standard contract form by the international maritime association BIMCO, is an internationally accepted standard contract form that is used in the contracting of bareboat charters. BARECON 2017 contains many clauses. Clause 17 is entitled *Insurance* and consists of three subclauses: (a) *General*, (b) *Charterers to Insure* and (c) *Owners to Insure*. Subclauses 17(b) and 17(c) are alternatives and their application is agreed by the parties in the first part of the standard contract form. Following the above, the purpose of this presentation is to determine the main features of a bareboat charter contract and explain the insurance interests of the contracting parties during a bareboat charter. Afterwards, we will analyse in their entirety the insurance provision of the BARECON 2017 and establish whether they cover the interests of the bareboat charter parties to insure all insurance risks during the bareboat charter contract.

V. PRIVATE INTERNATIONAL LAW IN MARITIME RELATIONS

Multilevel Governance for Maritime Disputes: International Jurisdiction and Coordination of Proceedings

Ivana Kunda – Daniela Vrbljanac

Maritime legal relations are characterized by several distinctive features. A primary attribute is their inherently cross-border nature, reflecting the international and often global scope of the maritime industry. Another significant feature is the substantial degree of uniformity achieved through various international conventions. These conventions are developed by the global maritime community, which includes governments, international organizations, legal experts, and industry stakeholders, and sometimes encompass rules on international jurisdiction. In addition to international conventions, the European Union's Brussels I bis Regulation standardizes jurisdictional rules in civil and commercial matters at the EU level. However, national jurisdictional rules in EU Member States may still apply in cases that fall outside the Regulation's scope. This coexistence of national, regional, and international jurisdictional rules within maritime relations creates a complex system of multilevel governance. This lecture will examine the interplay and hierarchy among various legal sources pertinent to specific maritime relations, such as the carriage of goods and passengers by sea and maritime torts. The complexities inherent in cross-border maritime disputes necessitate a thorough analysis of procedural mechanisms for the coordination of proceedings. In particular, the concepts of *lis pendens* and related actions will be addressed, especially in light of the multiple potential causes of action in maritime litigation. Furthermore, special attention will be given to anti-suit injunctions, a procedural instrument frequently utilized by UK courts to uphold jurisdictional or arbitration clauses. Although these injunctions are prohibited under the Brussels regime, they have regained significance in the post-Brexit legal landscape.

Private International Law Aspects of Electronic (Blockchain) Bills of Lading

Peter Unho Lee

The age of electronic B/L has arrived. Despite partial acceptance, the recognition of electronic B/Ls both in law and practice has been increasing particularly for the last decade. A central register used to be the only way to dematerialize the B/L mechanism, but its closed system that allows only registered users to transfer rights failed to achieve widespread use. However, so-called blockchain B/Ls have enabled parties, without registration, to transfer their rights as evidenced by a unique, transferable record, with a growing number of substantive laws giving such B/Ls legal recognition. Unlike substantive law, which aims to give electronic B/Ls the same legal effect as paper B/Ls, the choice-of-law rules applicable to paper B/Ls may not be suitable for electronic B/Ls without modifications. While the law determined by the parties to a contract of carriage, as evidenced in the B/L, governs the contractual relationship between the carrier and holder, the legal relationship concerning property or negotiable B/Ls may be determined by a different choice-of-law rule, such as the law of the location of the instrument or of the goods, or the law of the destination, depending on the specific aspect of the dispute in question. A question that arises here is whether such choice-of-law rules (should) remain the same, regardless of whether the rights in question are represented on paper or in electronic form – to take it further, whether a different choice-of-law rule should be adopted depending on the technology and/or operational method.

VI. CURRENT LEGAL ISSUES IN GLOBAL SHIPPING INDUSTRY

Recent Developments in Maritime Casualty Law

Aref Fakhry

In the last year, an interesting supply of cases fed the salvage and related casualty topics in judicial annals. The UK Supreme Court ruled on the issue of sovereign immunity of salvaged cargo in circumstances which raised some doubt, reversing the Court of Appeal's judgment in the matter. The establishment of a contract of salvage and whether there had been an intention to enter into such a contract was ruled upon by the Court of Appeal for England and Wales. For its part, the Singapore High Court handed a decision on a wreck removal contract form issued by BIMCO. Other cases reviewed include collision liability fault causation and apportionment, and the proper incorporation in a Congenbill 1994 form of the latest version of the York-Antwerp Rules 2016 on general average. The presentation will also bring to bear judgments from Dutch courts which have been busy on collision cases. A French Court of Appeal decision on a collision between jet skis will be summarised. An update will be provided on the recent out-of-court settlement by Maersk of its \$44M lawsuit over the Ever Given incident in the Suez Canal. The class action filed in the US following the crashing of the cargo ship Dali into the Francis Scott Key Bridge in Baltimore will be featured in the presentation.

How is Brexit affecting the Maritime Industry?

Zoran Tasić

For centuries, English Commercial Courts were predominantly dealing with international disputes arising from carriage of goods by sea. Approximately 80% of all commercial cases were shipping or marine insurance disputes. Since shipping is predominantly international business, over 70% of cases in the English Commercial Courts involve a foreign party. Therefore, it seems that Brexit has affected the EU maritime industry more than any other sector. The major effect of Brexit on the EU maritime industry is that the 1968 Brussels Convention and Brussels Recast, as well as the Lugano Convention, both dealing with jurisdiction and the recognition and enforcement judgements in civil and commercial matters, ceased to apply to the UK after Brexit. As Lord Wolfson remarked: "not joining the Lugano Convention will not be a disaster but it will complicate cross-border disputes and recovery, with the result that lower-value claims will become uneconomic to pursue". Although the UK is still a party to the 2005 Hague Convention on Choice of Law Agreements, and has this year ratified the 2019 Hague Judgments Convention, that is not relevant for the maritime industry as it does not apply to carriage of passengers and goods by sea or to limitation of liability for maritime claims or to marine pollution or to general average. For the EU maritime industry, the question is whether it will continue to choose English law and English jurisdiction clauses in their maritime agreements. I believe that "Legal London" remains and will continue to be a forum of choice for maritime dispute resolutions. English law has a dominant position in international and the EU maritime industry. One thing is certain: Brexit does not affect status and the enforcement of arbitration awards under the 1958 New York Convention.

The Maritime Labour Convention and its Latest Amendments

Khanssa Lagdami

The Maritime Labour Convention (MLC) was established in 2006 by the International Labour Organization (ILO) to ensure adequate working and living conditions for seafarers. This convention consolidates and updates various pre-existing labour standards pertaining to maritime work, thus guaranteeing equitable treatment and suitable working conditions for seafarers. Since its inception in 2006, the MLC has undergone several amendments. The latest amendments, which were adopted in 2022, include provisions for crew accommodation and recreational facilities; strengthened regulations related to health protection, medical care, and occupational safety of seafarers; improved rules for the protection of seafarers during crises, such as pandemics or conflicts, ensuring they have access to repatriation and employment rights; and the introduction of a digital seafarer ID to improve identification and facilitate better management of seafarers' rights and documentation. The Maritime Labour Convention (MLC) and its amendments illustrate the increasing recognition of the significance of seafarers as essential workers for global trade. They also stand as a symbol of hope for seafarers' well-being and mental health. All maritime stakeholders need to understand and comply with the MLC and its amendments as it establishes a framework for the fair treatment and protection of the human rights of seafarers at sea. This lecture will provide an overview of the MLC, 2006 provisions and its evolution since its adoption, including an in-depth discussion of its latest amendments in 2022, which will come into effect on December 23, 2024.

VII. RECENT CHALLENGES IN MARITIME AND TRANSPORT LAW

A Reassessment of the Hague-Visby Rules

Melis Ozdel

The Hague and Hague-Visby Rules continue to dominate international carriage of goods by sea. In practice, most bills of lading are still governed by the Hague or the Hague-Visby Rules. Over the years, the rules have attracted criticism, mainly from some cargo-owning countries, where the rules are perceived as being weighted unfairly in favour of the carriers. Recently, the advancements in maritime technology have also prompted even more dissatisfaction with the rules. So far, there have been two attempts made to replace them, both of which have failed. This lecture will discuss the areas where the rules can still provide some workable solutions to the changes that we face.

Challenges in Regulating Invasive Species in Semi-Enclosed Seas

Axel Luttenberger

Invasive alien species (IAS) are animals and plants that are introduced accidentally or deliberately into a natural environment where they are not normally found, with serious negative consequences for their new environment. They present one of the major causes of biodiversity loss in semi-enclosed seas. Human-mediated vectors and routes are commercial shipping, fishing gear, drifting marine debris, corridors, aquaculture activities, aquarium and live feed trade, artificial structures and recreational activities. The introduction of IAS needs to be addressed on a broad scale, from individual responsibility to regulatory measures, in which the precautionary and preventive principle must play a key role, as the establishment of invasive species is irreversible. International legal and institutional frameworks are analysed, particularly Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species, Guidance for minimizing the transfer of invasive aquatic species as biofouling for recreational craft – for craft lesser than 24 m in length, the European Union IAS Regulation and the European Union Marine Strategy Framework Directive. Effective protection of marine ecosystems from the risks posed by invasive alien species depends not only on preventing their further introductions, but also on the measures of effective action to combat climate change. The only effective strategy for reducing future impacts is a consequent prevention of introduction of any non-native species (NIS) by intercepting or removal of pathways with strict entry regulations.

Recent Developments in the Field of Maritime Safety and Environmental Protection in the Adriatic as an Enclosed Sea

Mitja Grbec

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 (AII) in Ancona on 19 May 2000. 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 (and recent efforts by States !!) 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.

VIII. LIMITATION OF SHIPOWNER'S LIABILITY FOR MARITIME CLAIMS

Limitation of Liability for Maritime Claims – 100 Years On

Norman Martinez Gutiérrez

The maritime industry is vulnerable to the risk of catastrophic losses that may put the shipowner's financial future at risk thereby jeopardizing international maritime commerce. For this reason, the international maritime community developed the concept of limitation of liability for maritime claims. This concept, which is essential to the maritime industry, was first regulated by an international convention in 1924. 100 years on, international regulation has developed in light of industry advances and recent cases. The class will start by explaining the concept and providing a glimpse to the historical development of this original institution of maritime law and delving into the main contents of the different conventions on this topic, namely the LLMC 1976 as amended by the 1996 Protocol. Special attention will be given to persons entitled to limit liability, claims subject to limitation, limits of liability and tacit acceptance procedure, limitation fund, and possible reservations and options that States may implement when becoming Parties to the Convention. An overview will also be provided in relation of the latest developments on the conduct barring limitation. In particular, mention will be made of the recent resolutions adopted by IMO for a unified interpretation of the articles relating to the conduct barring limitation as included in IMO conventions. This part of the class will conclude with a discussion on recent cases and on whether the concept of limitation of liability has a place in today's shipping world.

Limitation of Liability within Particular Liability Regimes

Iva Tuhtan Grgić

The limitation of liability as set forth in the conventions on global limitation of liability is independent of the applicable substantive liability rules. Over time, specialised liability regimes have developed, coupled with tailored rules on the limitation of liability for specific damage. In consideration of the potential severity of the potential damage and the types of damage that may be sustained, the regulations governing specific rules on limitations of liability have established different criteria for calculating such limitations. It should be noted, however, that with regard to certain maritime claims falling within the scope of the specific liability (and limitation of liability) regimes, there is a possibility of invoking global limitation of liability. In certain instances, this may result in a substantial weakening of the limitation system established under the particular liability regime. Particular liability regimes coupled with provisions for the limitation of liability are set forth in conventions addressing pollution damage from tankers carrying oil as cargo, damage to passengers and their luggage, and damage caused to goods carried by sea. Moreover, specific limitations of liability are set forth in several conventions that have not yet entered into force. For example, the Convention on the Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea and the Vienna Convention on Civil Liability for Nuclear Damage address this issue.

Civil Liability for Marine Pollution from Offshore Rigs

Zuzanna Pełowska-Dąbrowska

Despite accidents leading to oil pollution arising from offshore exploration, like the Deepwater Horizon incident from 2010 or the Montara (West Atlas) incident from 2009, no IMO international convention is tailored to cover liability caused by such activity. This lecture will provide insight into former attempts to regulate this area internationally. It will analyse the applicability of the CLC/FUND 1992 Conventions to such spills. Moreover, this presentation will examine examples of existing regional or industry solutions to this problem (including the American Oil Pollution Act of 1990). Finally, the students will be asked to give ideas concerning ideal liability regulation for oil pollution from offshore activities.

TRANSPORT LAW DE LEGE FERENDA 2024

Session I. DEVELOPMENTS OF MARITIME LAW AND LAW OF THE SEA

Claiming Pollution Damage under the 1992 CLC Protocol and the 2001 Bunker Convention

Ante Vojković

The presentation will analyse the international legal framework regarding oil pollution damage as defined in the 1992 CLC and bunker oil pollution damage as defined in the Bunker Convention. The analysis will be founded on 'similarities and differences' between the regimes, with a special focus on the corresponding limitation of liability schemes, where a clear division will be made between oil pollution damages' independent and bunker oil pollution damages' general limitation of liability system. The Republic of Croatia is a State Party to all the relevant international instruments in this regard, but still, the presentation will provide peculiarities that must be acknowledged and respected if one is to claim specifically in Croatia. Above all, the presentation will be furnished with insight into the 'real world', since one part will be dedicated exclusively to the case analysis.

The Under-protection of Underwater Cultural Heritage: Some Considerations in Light of *Getty v. Italy*

Haiyang Yu – Livia Solaro

This paper addresses the under-protection of underwater cultural heritage (UCH) by analysing the case of *Getty v Italy*, recently adjudicated by the European Court of Human Rights (ECtHR). The case involves *Victorious Youth*, a classical Greek bronze statue discovered by Italian fishermen in the 1960s in the waters off the Marche region of Italy, and later acquired by the Getty Museum of Los Angeles. Despite Italy's persistent claims for its return, the statue remains in the United States, highlighting the inadequacies and contradictions of the current legal framework for UCH protection. The research aims at identifying such pitfalls and proposing potential solutions that might ensure UCH protection through the implementation of alternative legal instruments and strategies. The paper is structured into two main parts: the first one will analyse the system currently in place, as articulated at the national and international level, in order to identify its limits. The second part proposes normative solutions, advocating for new legal frameworks and the integration of private law to address the identified issues. Through a critical analysis of maritime conventions, cultural heritage law conventions, and case law, the paper demonstrates how the categorization and legal treatment of UCH differ significantly from traditional cultural heritage (TCH). The Getty case serves as a pivotal example of these discrepancies, emphasizing the need for a cohesive approach to protect cultural artefacts discovered in underwater environments. By leveraging private law and proposing targeted legal reforms, the paper seeks to enhance the protection and restitution processes for UCH, aligning them more closely with those established for TCH.

The Ionian Sea Delimitation Dispute between Albania and Greece

Buen Hoti

The law of the sea guarantees the sovereignty of states and preserves the territorial integrity of sovereign states under international law. Disputes under the law of the sea often arise in the international arena, typically involving issues such as maritime boundaries, access to marine resources, and the navigation rights of states. One notable example of such a dispute is the Ionian Sea delimitation dispute between Albania and Greece, which represents a complex issue deeply rooted in historical, geopolitical, and legal contexts. The dispute centers around the 2009 Agreement on the delimitation of maritime zones, which was later annulled by the Albanian Constitutional Court due to procedural and substantive violations. The Court found the agreement inconsistent with the principles of equity and proportionality, as stipulated by the United Nations Convention on the Law of the Sea. The legal framework governing maritime boundary delimitation, including key articles of the United Nations Convention on the Law of the Sea and relevant international jurisprudence, is analysed to understand the basis of the dispute. The presentation draws on precedents set by the ICJ in similar cases, such as the North Sea Continental Shelf Cases and the Maritime Delimitation in the Black Sea, to propose a methodical approach to resolve the dispute. By submitting the case to the ICJ, Albania and Greece show their commitment to peaceful resolution and adherence to international norms, paving the way for a stable regional relationship.

Navigating Autonomy: Liability Issues in Maritime Law with the advent of MASS

Sara Cabañas

This research delves into the complex and evolving landscape of liability in maritime law, particularly in the context of autonomous vessels. With the advent of autonomous ships, the study focuses on the intricate responsibilities of the Remote Master, the Receiver of Cargo (ROC), the shipowner, and the carrier. It examines how traditional concepts of liability are being redefined in light of technological advancements and the potential shift in accountability. The research further explores the implications of the new European Directive on liability for defective products, assessing the potential legal obligations of shipyards and software developers. These entities, now integral to the operation of autonomous vessels, may face heightened scrutiny regarding the safety and functionality of their products. Additionally, the study investigates the implications for maritime salvage operations, where traditional protocols may no longer suffice, necessitating a re-evaluation of legal responsibilities in rescue and recovery efforts. By critically analysing these emerging issues, the research aims to provide a comprehensive understanding of the legal challenges and potential solutions within the evolving framework of maritime law in the age of autonomous shipping.

Session II. CHALLENGES IN CONTEMPORARY MARITIME INDUSTRY

Sanctions Clauses in Charterparties: A Must-Have for Compliance and Protection

Ksenija Ostojić

Sanctions, as a foreign policy tool, significantly impact the shipping industry. The global nature of shipping and trade often brings together different parties subject to various legal regimes within a single transaction, necessitating robust compliance procedures for all parties involved. This includes shipowners, charterers, shippers, cargo receivers, insurers and banks, all of whom must adhere to different sanctions regimes. The multiplicity of legal frameworks creates a complex and uncertain environment for the stakeholders. Recognizing these challenges, the shipping industry introduced sanctions clauses in charterparties long ago. In recent years, however, these clauses have evolved from mere formalities to some of the most essential provisions in charterparties. The frequent introduction of new sanctions regimes due to the changing geopolitical circumstances has created challenges for both charterers and shipowners, making these clauses vital for ensuring compliance and operational continuity. Recent years have seen numerous cases before English courts concerning the effects of sanctions on trade and shipping, driven by the unstable global political environment. Although many cases are still pending, existing and emerging case law provides valuable guidance. This analysis will also include the interpretation of force majeure clauses in the context of sanctions, as well as issues related to sanctions in ship financing contracts, marine insurance contracts, and collision jurisdiction agreements. Understanding the complexity of sanctions and how to protect the interests of the parties involved has become essential for all participants within the industry.

Maritime Labour Convention, 2006 – Challenges during the first Decade of its Application

Maša Stampić

The MLC, 2006, known as the seafarers' "Bill of Rights," adopted by government, employer and worker representatives, has been created not only to establish seafarers' rights but also as a set of guidelines when applying the Convention and ensure that human rights are respected at the highest level. Shipowners are to implement and apply all the MLC, 2006 regulations on board, and seafarers are to respect the established rights and procedures and report any non-compliance. This paper provides an insight into the seafarers' experiences to present the application of the Convention in practice through the facts given by Montenegrin seafarers compared with the global study on the same subject, offering a deeper understanding of their working and living conditions in comparison to the regulatory regime established by the Convention. There are many challenges that the Convention faced during the first decade showing the weaknesses that should be resolved, especially those applied during the Covid-19 pandemic. This paper shows that the crucial issue affecting the seafarer's welfare is crew reduction and the impossibility of following the technology development resulting in fatigue and stress for seafarers, reducing their rest and relaxing time. Both shipowners and seafarers have incentives for seafarers to work beyond safe human endurance limits. It is obvious that in the last decade, maritime transport has risen to a higher level, which includes significant advances in technology and ports' infrastructure and superstructure, which certainly speeds up the work process, reduces detention in ports, while on ships as well as in the port, there are still human beings who cannot follow the rapid development of electronics.

Ports of Special Purpose and the Challenges they Are Facing within the Context of European Regulations on Sustainable Business

Agata Dajčić

In the Republic of Croatia, special-purpose ports are usually granted to the concessionaire, who is then responsible for their economic exploitation in accordance with the terms of the concession. On the one hand, the purpose of concession contracts is to provide the concessionaire the opportunity to recoup the investment planned to perform the concession, as well as to obtain a return on the invested capital. On the other hand, once the concession term has passed, everything the concessionaire has invested in the maritime domain remains the property of the maritime domain. The legislation on the award of concession contracts, including the rights and obligations of concessionaires, in Republic of Croatia is set out in the Maritime Domain and Sea Port Act 2023 and the Concession Act 2017 who fully implemented Directive 2014/23/EU on the award of concession contracts. During the concession period, concessionaires are often confronted with new regulations or amendments to existing regulations that were not known to them at the time of contract conclusion. These can have a significant impact on the concessionaire's business costs, the way it will do its business and raise questions about the fulfilment of the concession contract. The last example of this type of regulation is the EU Corporate Sustainability Due Diligence Directive (CSDDD), which came into force on 26 July 2024. Companies are obliged directly implement CSDDD in their operations, to carry out due diligence. In terms of due diligence, this includes examining business partners in value chains with regard to human rights and the environment. It also involves integrating sustainability into corporate management systems. Failure to exercise due diligence across the entire value chain may lead to financial penalties, potential bans on further business activities or the concession could be lost. The presentation offers an overview of the crucial need for transformation of business development in the ports of special purpose. It raises the key question how to align with market requirements and meet new regulatory obligations for sustainable business practices, as outlined in the CSDDD, while also recouping investment and returning capital in line with Directive 2014/23/EU on the award of concession contracts.

Investments in Seaport Infrastructure in Vietnam and Policies Concerning National Security

Huyen Doan

Seaports are vital for the trade activities of nations with coastlines. As highlighted by Tony Padilla from the U.S. State Department, the absence of seaports would significantly disrupt the American economy. Similarly, Vietnam, which is located in Southeast Asia and has an extensive coastline along the South China Sea, is also emphasizing maritime development as a key focus in the modern era. The sea's strategic value was acknowledged by Vietnam in 1993, a recognition that has been solidified over time. Vietnam's ambition is to become a maritime powerhouse, a vision underscored in its Maritime Strategy of 2007 and the Blue Economy Strategy updated in 2018. Developing seaports is essential to achieving this vision, and thus, Vietnam's laws offer incentives for investments in this area. Nonetheless, Vietnam, like other coastal nations, encounters numerous maritime security issues, leading to stringent regulations on investments in seaport infrastructure. The presentation will cover Vietnam's recent advancements in seaport development, its strategic vision up to 2050, its international obligations concerning market access for foreign investors in seaport infrastructure as per its free trade agreements, and the specific legal conditions for seaport infrastructure projects in Vietnam.







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