

5th ADRIATIC MARITIME LAW CONFERENCE

PULA,
26-28 May 2022

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

23rd May 2022

Dear Friends and Colleagues,

We wish to welcome you to the 5th Adriatic Maritime Conference in Pula! It is with great pleasure that, after a forced postponement because of the pandemic, our three Associations may now resume the tradition started in May 2016 in Portorož.

This is the second time we are gathering in Croatia, since we met in Opatija for AMLC II in May 2017. After the AMLC III organized in Grado in 2018, we returned to Portorož for the IV Conference in May 2019, when it was agreed to hold the Conferences every two years instead of every year as it took place with the first Conferences. The AMLC V could have been organized in a virtual format in May 2021; however, it was decided to wait the possibility to meet in person. We all appreciate the fact that an important component of our Adriatic Conferences is the pleasure of meeting and of reinforcing personal friendship. The AMLC Organizing Committee has received registrations of more than sixty participants from Italy, Malta, Montenegro, Slovenia and Croatia at the Conference.

As you may see from this Conference brochure, which contains all details of our program, in addition to the introductory session dedicated to the 100th anniversary of the birth of Francesco Berlingieri, the AMLC V will include six sessions with twenty presentations on the following topics: consequences of the COVID-19 pandemic and financial support to the transport sector designed and implemented within the EU and Member States; repercussions of Brexit in relation to EU maritime and transport law; new digital technologies in maritime transport and related legal aspects; passengers' rights in maritime and transport law; sustainable development and Green Deal in the shipping industry - protection of the marine environment in the Adriatic region; and impact of the EU on the further developments of maritime and transport law. The Conference Program reflects our decision to preserve the good experiences of the previous editions combined with the desire to enhance our event with a more dynamic format by reducing the number of presentations and introducing additional time for audience participation and discussion.

We are pleased that the Croatian Academy of Sciences and Arts, through the Adriatic Institute, is participating as a co-organizer of the Conference. It is expected that the papers from the AMLC V will be published in the journal Comparative Maritime Law.

Welcome to Pula, we wish you enjoyable and interesting time and look forward to meeting you!

Yours faithfully,

President of AIDM	President of DPPS	President of HDPP
Avv. Giorgio Berlingieri	*Dr. Boris Jerman*	*Dr. Gordan Stanković*

5th ADRIATIC MARITIME LAW CONFERENCE

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PROGRAM

Thursday, 26 May 2022 – Hotel Park Plaza Histria

13:00 – 14:00 **Registration and Welcome Reception**

14:00 – 14:30 **Opening Ceremony**

Represesentative of the Croatian Ministry of Sea, Transport and Infrastructure

Ann Fenech (CMI): Welcome Speech (video message)

14:30 – 16:00 **"Francesco Berlingieri - Centenary" – Keynote Speeches Session** *(chair: Gordan Stanković)*

Giorgio Berlingieri: Francesco Berlingieri and Three of his Most Favourite Subjects: Maritime Liens, Salvage and Arrest of Ships

Boris Jerman: EU and Recent Developments of Port Law

Petar Kragić: Draft Instrument on Judicial Sale of Ships – Beyond the Text

Discussion

16:00 – 16:30 ***Coffee break***

16:30 – 18:00 **COVID-19 Pandemic and the Financial Aid to the Transportation Section Devised and Implemented by EU and National States** *(chair: Daniele Casciano)*

Massimiliano Grimaldi: Coronavirus Pandemic – the EU Temporary Framework for State Aid to Support the Maritime Sector and the Italian Measures for Ports and Shipping Companies

Lana Krznarič: Mitigating the Consequences of the COVID-19 Pandemic for Seafarers

Božena Bulum – Marija Pijaca – Nikola Mandić: Consequences of COVID-19 Pandemic to Maritime Transport in Croatia: State Aid to Seaports and Shipping Industry

Discussion

18:00 – 18:15 ***Short coffee break***

18:15 – 19:45 **The Repercussions of Brexit on EU Maritime and Transport Law** *(chair: Mišo Mudrić)*

Mario Riccomagno: The Repercussions of Brexit on EU Maritime Law

Zoran Tasić – Iva Savić: Brexit and its Repercussions on EU Maritime and Air Law

Margita Selan Voglar: The Repercussions of Brexit on Transport and Marine Insurance

Discussion

20:00 ***Dinner at Hotel Park Plaza Histria***

Friday, 27 May 2022 – Hotel Park Plaza Histria

09:00 – 10:30 **The Impact of the EU on Further Developments of Maritime and Transport Law** *(chair: Mitja Grbec)*

Iva Tuhtan Grgić – Adriana Vincenca Padovan: The Global Impact of EU Law on the Liability of Carriers of Passengers by Sea

Giovanni Marchiafava: EU Digital Strategy and Transportation Law

Jelena Nikčević – Maja Radunović: Transposition of EU Maritime Environment Acquis into the Montenegrin Law

Discussion

10:30 – 11:00 ***Coffee break***

11:00 – 13:00 **Passenger Rights in Maritime and Transport Law** *(chair: Patrick Vlačič)*

Norman Martinez: Maritime Transport of Passengers – Liability Regime

Lorenzo Fabro – Filippo Cassola: Passengers' Rights in Maritime Accidents: Key Issues and Future Perspectives

Ranka Petrinović – Petra Amižić Jelovčić – Paula Vidović: Passengers' Rights in the New Croatian Act on Public Maritime Transport in Coastal Liner Shipping

Marko Pavliha: New IMLI Study: Transport Law on Passenger Rights

Discussion

13:00 – 14:00 ***Lunch at Hotel Park Plaza Histria***

14:00 – 15:00 **National Maritime Law Associations Meeting** (*Delegates only*)

15:00 – 16:30 **New Digital Technologies in Maritime Transport – Legal Aspects** *(chair: Francesco Siccardi)*

Massimiliano Musi: Entering the MASS Era: Is it Time to Rethink the Current Maritime Liability Regime?

Maja Markovčić Kostelac: Digitalization in the Service of Maritime Safety, Marine Environment and Climate Action Agenda

Patrick Vlačič: Developments Concerning Electronic Bill of Lading Providers

Discussion

16:30 – 17:00 ***Coffee break***

17:00 – 19:00 **Sustainable Development and Green Deal in Shipping Industry – Protection of the Marine Environment in the Adriatic Region** *(chair: Dorotea Ćorić)*

Anna Carnielli: Putting the Blue into the Green — How Sustainability and Climate-neutral Projects Can Become Drivers of Change

Axel Luttenberger – Biserka Rukavina – Igor Vio: Protection of the Marine Environment – Croatian Legal Framework

Mitja Grbec: Legal basis for Establishment and Further Development of MPAs in the Adriatic and its Impact on Shipping

Suzana Martinović – Jelena Pavićević: Anchorages in Montenegro – Legal Problems and Challenges for the Marine Environment

Discussion and concluding remarks

19:00 – 19:15 **Closing Ceremony: NMLAs Presidents**

20:00 ***Dinner at Lungomare Restaurant (Grand Hotel Brioni – Verudela)***

Saturday, 28 May 2022

10:30 – 14:30 ***Sightseeing tour of Pula (lunch at "Alighieri" Bistro in the town centre)***

ABSTRACTS AND BIOGRAPHICAL NOTES

AMLC V - SPEAKERS AND CHAIRPERSONS

BIOGRAPHICAL NOTES AND ABSTRACTS

FRANCESCO BERLINGIERI CENTENARY - INTRODUCTORY SESSION
(Chairperson: Prof. Gordan Stanković)

Avv. Giorgio Berlingieri
Berlingieri – Maresca Law Firm
Genoa, Italy

Giorgio Berlingieri is Senior Partner at Studio Legale Berlingieri - Maresca, Advocate to the Italian Supreme Court of Cassation, President of the Italian Maritime Law Association, Titulary Member of Comité Maritime International, Member of its Executive Council from 2009 to 2011 and First Vice President from 2012 to 2018, Vice President for Italy of Instituto Iberoamericano de Derecho Maritimo, Honorary Member of the Croatian Maritime Law Association, Editor in Chief of "Il Diritto Marittimo", Member of the Contributory Board of "Droit Maritime Français" and of the Scientific Board of "Rivista del Diritto della Navigazione". After graduating at the University of Genoa - Faculty of Law with a thesis *"Safe ports and safe berths in time charters and voyage charters"*, he continued maritime law studies at the London University College, New York University, Tulane University, Berkeley University and UCLA. He completed his training with leading law firms in London, New York, New Orleans, Los Angeles and San Francisco. Giorgio Berlingieri started practicing law with Studio Legale Berlingieri in Genoa, where he became a senior partner, covering a variety of maritime law fields such as: casualty related work including collision, salvage, wreck removal, limitation of liability, pollution and other environmental and admiralty related issues, charter party and bill of lading disputes and all types of marine litigation and commercial disputes, arrest of ships, foreclosure, enforced sale of ships and ship's registration.

FRANCESCO BERLINGIERI AND THREE OF HIS MOST FAVORITE SUBJECTS: MARITIME LIENS, SALVAGE AND ARREST OF SHIPS

The opening Session is dedicated to Francesco Berlingieri in the occasion of the centenary of his birth, which took place in Genoa the 20 February 1922. He had so a profound knowledge of all areas of maritime law, from carriage of passengers and goods by sea to limitation of liability, from collision of ships to loss or damage caused by pollution of the sea by oil. However, he conceived a passion for maritime liens, salvage and arrest of ships. An outline is made of his contribution to the studies of these three classic subjects of maritime law, reviewing a few provisions in the relating International Conventions, such as the secret nature of maritime liens, their number, ranking and extinction, the subject matter of the salvage services and the persons liable for the payment of the reward, the arrest of ships not owned by the person liable and the right of re-arrest.

Boris Jerman, PhD
Port of Koper
Koper, Slovenia

Dr. Boris Jerman is the President of the Maritime Law Association of Slovenia, and until 2014 was Assistant Professor at the University of Ljubljana, Faculty of Maritime Studies and Transportation. He studied law at the University of Ljubljana, where he earned both his MA and PhD degrees in Transportation Law. He has been the head of the Legal Department of the Port of Koper (Luka Koper d.d.) and chief compliance officer. He is actively involved in the academic sector and he has published extensively in the field of transport, logistic, maritime and commercial law.

EU AND RECENT DEVELOPMENTS OF PORT LAW

Various activities that go beyond economic framework are taking place intensively in ports, which is one of the reasons why legislation is being adopted also at the EU level to regulate it. The characteristics of the mentioned legislation is that only a part of it was adopted with the direct purpose of regulating relations in ports (EU Regulation 2017/352), the while other legislation regulates the relationship that goes beyond the ports themselves, but is nevertheless important for the ports. Some of the important legislation that is essential for the operation of ports was adopted in the area of concessions and public procurement law, competition law, labour law, environmental law and cybersecurity law. In the absence of legislation governing ports directly, examples of case law and decisions of the European Commission directly related to ports, as well as the practice in port itself, where relations are regulated based on this legislation, are very important.

Petar Kragić, PhD
Croatian Maritime Law Association
Zadar, Croatia

Petar Kragić obtained LLB, LLM and PhD in maritime law from the Law Faculty of Split University, Croatia, and has spent his 40 years professional career as in house lawyer for the Croatian largest ship owning company and had opportunity of getting experience in all aspects of shipping law. He was the President of the Croatian Maritime Law Association from 2000 to 2018 and chairman of the Legal Committee of Croatian Chamber of Shipping, as well as Director in a leading international insurance company UK P&I Club 1994 – 2009, in SiGCo (international provider of guarantees for oil pollution liability), and in an international investment fund. Dr. Kragić participated in the CMI Drafting Committee for the Rotterdam Rules and was a member of the Croatian delegation to the UNCITRAL (including Working Group for the Rotterdam Rules and for Working Group VI for Judicial Sale of Ships) and ILO. He is the Titulary Member and a member of the Executive Council of the CMI. He is active as a member of the CMI International Working Group on Judicial Sale of Ships. He has been a member of the drafting committee for the Croatian Maritime Code. He is the author of a legal textbook '*Tanker Charterparties'*, number of articles on maritime law topics and is involved in writing commentary to the Croatian Maritime Code. He is a regular speaker at maritime law conferences.

DRAFT INSTRUMENT ON JUDICIAL SALE OF SHIPS – BEYOND THE TEXT

Work on the Draft Convention on Judicial Sale of Ships, initiated by the CMI back in 2007, is coming to its close. The purpose of the Convention is to "give effect" to a certificate issued by the State of judicial sale confirming that the ship has been sold in accordance with the requirements, both, of its law and of the Convention, which conferred clean title to the ship. There is a hope that the Convention would avoid a repeat of *The Bright Star* case, where the ship was sold by a judicial sale in Jamaica and arrested in Malta for a claim secured by Maltese mortgage, which should have been extinguished by the judicial sale in Jamaica. The presentation goes beyond the text of the current draft and deals with the issues raised and options proposed in the working groups of CMI and UNCITRAL.

The presentation discusses matters like:

a) Are the Convention's rules on jurisdiction under purview of the EU?
b) How the sanctions for breaching the Convention's rules and conditions are left to the courts of the State of judicial sale and also to the State where the certificate of sale is challenged?
c) Could the availability of the Internet notification have been better used?
d) Which court should decide on avoidance and suspension of a judicial sale, and which court should decide on the consequences of avoidance or suspension?
e) How private creditors should have been protected against the public claims?
f) At the end the final question: in the circumstances of *The Bright Star* case, would the Convention have produced a different outcome?

During the drafting process the drafters have been struggling to strike a proper balance through a compromise between, on the one hand, making the Convention practical and functional in order to give the purchaser certainty that it will get undisturbed ownership over the ship against the price it paid, and, on the other hand, the need to protect interest of the creditors by making sure that the basic principles of law would be applied in the process of sale. The query is, to which extent the Draft Convention has managed to achieve this goal.

Chairperson of the Introductory Session:

Gordan Stanković, PhD
Vukić & Partners
Rijeka, Croatia

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

COVID-19 PANDEMIC AND THE FINANCIAL AID TO THE TRANSPORTATION SECTION DEVISED AND IMPLEMENTED BY EU AND NATIONAL STATES
(Chairperson: Prof. Daniele Casciano)

Daniele Casciano, PhD, LLM
University of Udine, Italy
LawFed - Studio Legale Antonini, Trieste, Italy

Daniele Casciano is Associate Professor of "Transport Law" and "Logistics, Transport and International Trade Law" at the University of Udine. He is also a lawyer and partner of LawFed – Studio Legale Antonini, in Trieste. Daniele graduated at the University of Bologna cum laude, subsequently obtaining an LL.M. (Maritime Law) from the University of Southampton and a Ph.D. in Law and Economics of the Production Systems, Transport and Logistics from the University of Udine. Before becoming a tenured professor, he was lecturing extensively on Transport Law and Insurance Law at the University of Udine since 2016, both in undergraduate as well as in Ph.D. courses, being named expert of Navigation Law, Transport Law and Commercial Law at the University of Udine and of Navigation Law at the University of Trieste. He is in the editorial board of the review "Diritto dei Trasporti" and of the Croatian "Comparative Maritime Law", as well as in the scientific committee of the "Rivista italiana di diritto del turismo". He is member of the Associazione Italiana di Diritto Marittimo (AIDIM,) of the Istituto per lo Studio del Diritto dei Trasporti (ISDIT), and of the Associazione Italiana di Diritto della Navigazione e dei Trasporti (AIDINAT). Author of a monograph on P&I insurance and of several articles and case notes on maritime law, road haulage and international trade.

Avv. Massimiliano Grimaldi
Law Firm Grimaldi
Genoa, Italy

Avv. Massimiliano Grimaldi is Founding Partner of the Law Firm Grimaldi Studio Legale in Genoa (www.grimaldistudiolegale.com), he is a member of the Genoa Bar Association and he operates at a national and international level in Maritime Law and Inland Waterways Transport Law. His core fields concern, in particular, the following: Commercial Port Law, Logistics and Multimodal Transport Law, ship sales, purchase & finance, navigation safety, cruises and the tourism industry, Yachting Law (Yachts & Superyachts), marinas, beach concessions, oil & gas operations. Massimiliano Grimaldi was named winner of the "Professional of the Year Award - Transport Category" at the Top Legal Industry Awards 2020 and in 2018 he was recognised as a "Legal Expert with a high level of specialisation in the Transport Sector" by the Italian Transport Regulation Authority. In 2017 he was awarded the title of "Lawyer of the year (Boutique of excellence) in Transport Law" at Le Fonti Awards 2017, organised with the high patronage of the European Commission. Massimiliano has been an Adjunct Professor of Yachting Law at the University of Genoa, Department of Economics, for more than ten years, and he is often called upon by other Italian Universities to do specific lessons in Maritime Law and Inland Waterways Transport Law. He is also called to participate as an independent expert in the sessions of the Inland Transport Committee at the United Nations Economic Commission for Europe (UNECE). In 2007 he was named "Cultore di Diritto della navigazione IUS-06" (Scholar of Navigation Law) by the University of Genoa. Massimiliano is a member of the Italian Association of Maritime Law (AIDIM), a member of the Editorial Board of Journals "Il Diritto marittimo" and "Lex trasporti", a member of the Legal Committee of the International Association of the Rhine Ships Register (IVR), as well as being the President of the Italian Association of inland navigation law (AIDNI). Massimiliano is also the author of books and several articles in the afore-mentioned fields.

CORONAVIRUS PANDEMIC – THE EU TEMPORARY FRAMEWORK FOR STATE AID TO SUPPORT THE MARITIME SECTOR AND THE ITALIAN MEASURES FOR PORTS AND SHIPPING COMPANIES

The COVID-19 outbreak have had a major impact on European transport and mobility. It has caused massive negative demand shocks due to the necessary containment measures along with the voluntary efforts to practice social distancing, minimize commuting and avoid travel. These have led to supply chain disruptions, steep decrease in foreign and domestic tourism, and overall reduced mobility. Consequently, on 19 March 2020, the European Commission adopted a "Temporary Framework for State aid measures to support the economy in the current Covid-19 outbreak" [the "Temporary Framework"- C (2020) 1863 final], which has been regularly updated (lastly on 18 November 2021) to reflect the evolution of the pandemic and the EU economy. It sets out the possibilities that Member States have under the rules of the EU to support undertakings, including those in the transport sector, in order to allow them to recover from the situation of severe economic crisis. In particular, the "Temporary Framework" sets out the compatibility conditions the Commission has applied for the assessment of measures under Article 107(3) (b) TFEU that allows for State aid to remedy a "serious disturbance" in the economy of a Member State. Moreover, EU State aid control through the afore-mentioned "Temporary Framework" ensures that the EU Internal Market is not fragmented and that the level playing field stays intact. In his speech, Massimiliano Grimaldi focuses on the salient points of the EU "Temporary Framework" and analyses the Measures that Italy has adopted under Article 107(3) (b) TFEU for ports and shipping companies.

Lana Krznarič, LLB
Lanibra Company
Koper, Slovenia

Lana Krznarič graduated at the European Faculty of Law, Slovenia. After graduation, she started working in the company LANIBRA d.o.o., where she still works as Director of Legal and General Affairs. The company is specialised in Labour Law, Social Security Law and Maritime Law and provides consultancy services and assistance regarding labour issues in the maritime industry to clients from all over the world. Within the company, she is responsible for organisation, execution and coordination of activities in the field of legal and general affairs, implementation and supervision of legal procedures on behalf of the company, preparation of contracts, agreements and other legal acts and for providing legal advice. Furthermore, she also represents the company and assists in the formulation and execution of its strategic goals and business plans. She is the author of a few professional articles in the field of Maritime Law. Since 2021 she has been on the executive board of the Maritime Law Association of Slovenia.

MITIGATING THE CONSEQUENCES OF THE COVID-19 PANDEMIC FOR SEAFARERS

The purpose of this presentation is to address the challenging situation faced by seafarers as a result of measures related to the COVID-19 containment that were implemented during the pandemic, in particular in relation to border closures and travel restrictions, focusing on the loss of income of seafarers due to this situation. This matter was also addressed to the Government of the Republic of Slovenia with some proposals for future actions in terms of state aid and other measures to mitigate the consequences of the epidemic also for seafarers, one of which was related to taxation of seafarers. The presentation focuses on the question of taxation, namely on the conditions set out in the second paragraph of Article 42 of the Personal Income Tax Act (ZDoh-2), on the basis of which the tax base on income of a seafarer as a taxable person may include fifty (50) percent of income, if an employment contract stipulates a seafarer is on board a ship for at least six months or is absent from Slovenia for at least six months in a tax year due to such employment. Attention is also drawn to the otherwise necessary amendments to the Slovenian tax legislation for seafarers, considering all the specifics of their position, also providing a comparable insight into regulation of taxation of seafarers in Croatian legislation, which is presented as exemplary in this regard, in the light of mitigating the consequences of the COVID-19 pandemic for Croatian seafarers.

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

Božena Bulum is Scientific Advisor at the Adriatic Institute of the Croatian Academy of Sciences and Arts. In 2003, she passed the Bar Exam. She gained her LL.M. in 2005 (thesis: "Time charter in modern maritime practice") and Ph.D. in 2008 (thesis: "Regulation of maritime transport services and access to port services market in the competition law of the European Union") from the Faculty of Law in Split. Her current research interests include, in particular EU transport law and maritime transport law. As an expert in these fields, she was a member of the Expert Committees for drafting of the new Maritime Domain and Seaports Act, the Croatian Maritime Code amendments (2011, 2013, 2015 and 2019) and the Act on Transport in Liner Shipping and Occasional Costal Maritime Transport (2021). She speaks at international and Croatian conferences on Maritime and Transport Law. Božena has participated as a member of the research teams on scientific projects financed by the Ministry of Science and Croatian Science Foundation. She is a board member of the Croatian Maritime Law Association and a founding member of the Croatian Competition Law and Policy Association. She has published one academic monograph, several book chapters and number of academic and professional papers.

Marija Pijaca, PhD
University of Zadar
Maritime Department
Zadar, Croatia

Marija Pijaca is assistant professor at the Maritime Department of the University in Zadar, Croatia, where she held lectures in several courses in the domain of maritime law. 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 author and co-author of few scientific and professional papers. In addition, she is the author of a scientific monograph titled "Bareboat Charter".

Nikola Mandić, PhD
University of Split
Faculty of Maritime Studies
Split, Croatia

Nikola Mandić is associate professor at the Faculty of Maritime Studies, University of Split, where he is teaching courses in Maritime Public Law, Maritime Property Law, Maritime Agency and Freight Forwarding, Contracting in Maritime Affairs and Transport Law. He graduated from the Faculty of Maritime Studies, University of Split, in 2007 at undergraduate studies in Maritime Management and got the degree of a maritime transport engineer. He completed a post-graduate course in the Maritime Law and Law of the Sea at the Faculty of Law, University of Split, in 2010 and received a Master's degree. He completed post-graduate doctorate studies in the field of Legal Sciences at the Faculty of Law, University of Mostar, in 2015 and acquired the doctoral

degree. Since 2009, he has been cooperating with University Department of Marine Studies, University of Split, in the courses: Maritime and Fishing Public Law and Law on Marine Environmental and Fishing Protection. He has been a mentor for over fifty undergraduate and graduate theses. He participated in twenty scientific conferences and has also published around forty scientific papers on maritime law and maritime traffic (legal aspects of navigational safety, maritime contracts, averages, environmental protection law, public transport in coastal liner shipping etc.). He has cooperated in scientific and professional projects in the field of maritime law, maritime transport, maritime management etc. He is a member of Croatian Maritime Law Association (Rijeka), Economy Jurist Association (Split) and Croatian Association for Insurance Law (Zagreb).

CONSEQUENCES OF COVID-19 PANDEMIC TO MARITIME TRANSPORT IN CROATIA: STATE AID TO SEAPORTS AND SHIPPING INDUSTRY

The transport sector is one of the sectors most affected by the coronavirus pandemic. Lockdowns, travel restrictions, and other containment measures reduced the movement of persons and goods. Maritime transport was affected by the COVID-19 including all segments of the shipping industry as well. Shipowners had problems with crew changes due to extreme COVID-19 travel restrictions. This caused deviation of the vessels and increase of expenses and decrease of potential earnings. EU Law authorizes the Member States to support undertakings hit by the consequences of the exceptional occurrences such as pandemics. However, Member States are obligated to ensure that State aid awarded complies with the Treaty on the Functioning of the European Union and EU secondary legislation, as interpreted by the Court of Justice of the EU. By adopting a Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak (Temporary Framework) the Commission has permitted the Member States to grant high levels of State aid, provided for in that Framework to support undertakings in all sectors. Additionally, European Commission departments issued specific guidelines on the application of the EU State aid rules to the maritime sector during the COVID-19 pandemic that have been analysed in this presentation. Special attention is devoted to the State aid Scheme to support the maritime, transport, transport infrastructure, and related sectors impacted by the COVID-19 outbreak that Republic of Croatia applied to the European Commission under the Temporary Framework.

THE REPERCUSSIONS OF BREXIT ON EU MARITIME AND TRANSPORT LAW
(Chairperson: Prof. Mišo Mudrić)

Mišo Mudrić, PhD
University of Zagreb Faculty of Law
Zagreb, Croatia

Mišo Mudrić is associate professor at the Department for Maritime and Transport Law. He serves as an arbitrator at the Permanent Arbitration Court at the Croatian Chamber of Commerce, in domestic and foreign arbitration. He has obtained a 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. He serves as the Secretary General of the Croatian Association of Insurance Law, being a founder of the Association. He serves as the Vice President of Croatian Maritime Law Association. He is the executive editor of the international scientific and expert journal "The International Transport Law Review", Faculty of Law, University of Zagreb. He acts as a member of the CMI Working group on the "Reformulation of the Lex Maritima" and Working group on the "Maritime Law for Unmanned Ships", Comité Maritime International; Working group on the "Systems for Security Practitioners", European Commission, Migration and Home Affairs Directorate General, Innovation and Industry for Security, nominated expert, Republic of Croatia; and, Executive Committee and Associate, MARSAFENET project, Cost action IS1105. He has organized and co-organized around 10 international scientific and expert conferences, published over 60 publications (including two author monographies, and two monographies as a chapter author), held lectures at over 40 domestic and international scientific and expert conferences, prepared peer-reviews for a number of domestic and foreign publishers (monographies and journals), acted as a guest editor for domestic publications, and held a number of expert workshops.

Avv. Mario Riccomagno
MR International Lawyers
Genoa, Italy

Avvocato Mario Riccomagno is co-founder and senior partner of MR International Lawyers, a firm based in Genoa. He specialises in international commercial law, law of transports, international litigation and arbitration. He graduated at the Catholic University of Milan in 1972, and subsequently attended the State University of Milan, Department of Private International Law (where he was Post-Graduate Research Fellow) and took degrees at the City of London Polytechnic and the Parker School, Columbia University, New York. Mario has occasionally taught at the Faculty of Law of the University of Genoa in an ordinary course on contracts of navigation; also lectured on issues of shipping law, multimodal transport and terminal contracts by invitation at the masters' programmes of the Universities of Milan and Genoa and training courses for legal practitioners organized by The European Court of Arbitration, The Genoa Bar and The Academy of Law, Mediation and Arbitration. He has co-authored a Code of International Conventions and books on Lawyers' Liability Insurance; Multimodal Transport, Shipbuilding, Civil and Commercial Mediation, and Arbitration and Enterprises. He has also written almost fifty articles on issues concerning maritime law, transport law, international trade, arbitration and ADR. He is a Member of the Directive Staff of Il Diritto Marittimo and Member of the Editorial Staff of European Transport Law and Il Foro Padano. He is former Member of the Council of the Section on Business Law of the International Bar Association and presently covers the offices of Council Member of the Italian Maritime Law Association (Genoa). He is Co-President of the Focus Group on Maritime Arbitration of the Italian Arbitration Association (Rome) and Council Member of the European Maritime Law Organization (London). He is Member of the Standing Committee "Carriage of the Goods by Sea (including the Rotterdam Rules)" of the Comité Maritime International. He is also Panel Arbitrator with China Maritime Arbitration Commission (Beijing), of Centro de Conciliación y Arbitraje Maritimo de Panamá and Supporting Member of the London Maritime Arbitration Association. Mario acts as arbitrator appointed directly by the parties or by national and foreign courts of arbitration in maritime and commercial disputes.

THE REPERCUSSIONS OF BREXIT ON EU MARITIME LAW

On 1st February 2020 the UK has withdrawn from the EU and, after a transition period which ended on 31st December 2020, it has become a "third country" at any effect. Therefore, since 1st January 2021 EU law on maritime transport no longer applies to the UK. The areas of EU Maritime Law considered as affected by the Brexit (and shortly commented in the slides presentation) are the following: fishing rights, maritime safety, seafarer qualifications, environment/ CO_2 emissions, ship recycling, cabotage. The listing of the subject matters is not exhaustive as there are other areas of interest to the shipping industry and trade such as, *inter alia*, competition, sanctions, ports and terminals, customs and security implications.

Zoran Tasić, LLB
Dedicato Consulting
Zagreb, Croatia

Zoran Tasić is the Director of Dedicato Consulting. After graduating at the Law Faculty in Split Zoran's career has started at the same shipyard where he was involved in export shipbuilding contracts and shipbuilding finance for 8 years. In late 1980s, Zoran has joined Shipping Department of Stephenson Harwood, a City of London firm of solicitors where he worked on shipping finance and shipbuilding disputes for 15 years. In 2002, Zoran joined Ince & Co, another City of London firm of solicitors where he worked on shipping related matters for 2 years. Upon return to Croatia, he joined Raiffeisenbank Austria d.d. in Zagreb as a Deputy Head of Legal. In 2006, Zoran has formed Banking & Finance team at Zagreb branch of Anglo-Austrian law firm CMS Reich-Rohrwig Hainz, where he spent 10 years being involved in many projects in Croatia financed by international banks. Since 2014 until recently, Zoran was acting as a Consultant to the Management Board of Shipbuilding Industry Split, Croatia. Zoran is a listed Arbitrator in domestic and international disputes held at the Croatian Chamber of Commerce. He has spoken at many conferences and written articles on the international finance and shipbuilding matters.

Iva Savić, PhD
University of Zagreb Faculty of Law
Zagreb, Croatia

Iva Savić is Associate Professor at he Faculty of Law, University of Zagreb (Department for Maritime and Transport Law). She obtained her diploma in 2006, and her Ph.D. degree in 2014 from the Faculty of Law in Zagreb, with a thesis "Influence of Air Transport Agreements Between European Union and Third Countries on the Development of International Air Law". Prof. Savić teaches Maritime and Transport Law, European Transport Law, International Air Law and Transport Insurance Law at her University to undergraduate and Erasmus students. She has special interest in international air law and EU aviation law, in which areas she has published a book (Spreading the Wings of the EU Aviation Acquis, 2019), numerous journal papers and contributed as a co-author in a monography on European transport law. Prof. Savić is a Vice-president of the Croatian Transport Law Association (CTLA), a member of the Croatian Academy of Sciences and Arts (Scientific Council for State Administration, Justice and the Rule of Law), as well as a member of European Air Law Association (EALA). She has been a visiting scholar at International Aviation Law Institute, DePaul University (Chicago, USA) for several times and taken part in numerous transport related conferences and seminars.

BREXIT AND ITS REPERCUSSIONS ON EU MARITIME AND AIR LAW

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. As 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, including marine insurance industry, more than any other sector. The major repercussion of Brexit on EU maritime industry is that the Brussels Convention and Brussels Recast, as well as Lugano Convention, both dealing with jurisdiction and the recognition and enforcement of judgments 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 in the 2005 Hague Convention on Choice of Law Agreements, it is not relevant for the EU maritime industry as it does not apply to disputes dealing with carriage of passengers and goods by sea or to maritime claims. For us here, at this Conference, the question is whether the EU shipping companies shall continue to choose English law and English jurisdiction clauses for their 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 EU maritime industry. One thing is certain: Brexit does not affect status and the enforcement of arbitration awards under the 1958 New York Convention.

After the UK exited the EU a lot has changed in the relationship between those two, especially in regard to the issue of the applicability of the EU law in the UK. Application of broad and extensive aviation acquis has been regulated separately as a subject inside the Trade and Cooperation Agreement that the EU and UK agreed on, on 24 December 2020. The TCA sets out the basis for the future EU and UK relationship in relation to trade, transport, and a number of other areas. Some 25 pages of the TCA cover the topic of aviation ('Heading Two: Aviation'), and address all relevant topics in civil aviation between the UK and the EU – traffic rights and operation, commercial operations including ground-handling and leasing, code-sharing agreements, licensing and operating authorizations, safety and security, environmental issues etc. This presentation will address the most important of those topics and value the impact that the TCA has on aviation and is likely to in the future between the UK and the EU.

Margita Selan Voglar, LLB
Triglav Insurance Company
Ljubljana, Slovenia

Margita Selan Voglar is the Vice-President of the Maritime Law Association of Slovenia. She is President of Transport and Credit insurance Committee at Slovenian Insurance Association and she represents Slovenian Insurance Association at IUMI as Council Member. She graduated at the Faculty of Law in Ljubljana. After graduation she joined Triglav insurance Company, Ljubljana and still working there as Director of transport insurances. Main domain of her activities is Road carriers Liability and Cargo insurances and she is co-author of publication CMR convention with commentary (2005). She regularly participates as lecturer in different seminars/conferences related to carriers liability and transport insurances in Slovenia and Croatia.

THE REPERCUSSIONS OF BREXIT ON TRANSPORT AND MARINE INSURANCE

The United Kingdom and the London's City have been known for decades as one of world's leading financial centres for banking and insurance. Lloyds and IUA – International Underwriting Association are international insurance and reinsurance markets dealing with risks all over the world. As a result of Brexit, insurers and reinsurers established and regulated in UK have lost passporting rights which allowed them to conduct (re)insurance businesses in EEA member states on FOS or establishment basis and similarly insurers and reinsurers established and regulated in EEA State can no longer passport into UK. Freedom of service is past but is it possible to cover risks in EEA for English insurer and vice versa? Short presentation of distinctions between freedom of service (re)insurance operation and non-admitted (re)insurance operation. What are actual options for UK (re)insurance companies who want to continue to provide (re)insurance cover in respect of EEA risks. Are there any different rules and principles for marine insurances?

THE IMPACT OF THE EU ON FURTHER DEVELOPMENTS OF MARITIME AND TRANSPORT LAW (Chairperson: Dr. Mitja Grbec)

Iva Tuhtan Grgić, PhD
University of Rijeka Faculty of Law
Rijeka, Croatia

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

Adriana Vincenca Padovan, PhD
Adriatic Institute of the Croatian Academy of Sciences and Arts
Zagreb, Croatia

Associate Professor Adriana Vincenca Padovan graduated in 2002 from the Faculty of Law, University of Zagreb, where she also obtained her PhD in 2011. She obtained her LLM degree in 2003 at the IMO International Maritime Law Institute (Malta). She is a senior research associate at the Adriatic Institute of the Croatian Academy of Sciences and Arts. From 2003 until 2010 she worked in the Marine Department of Croatia Insurance Co. In 2007/2008 she was assistant lecturer at the IMO/IMLI. She is a visiting lecturer at the Maritime and Transport Law Departments of the Zagreb Law Faculty and of the Rijeka Law Faculty. She holds the academic title of Associate Professor at the Zagreb Law Faculty. Dr Padovan passed the Croatian bar exam in 2006. She has held a number of training seminars in marine and transport insurance and is a mediator at the Centre for Mediation of the Croatian Insurance Bureau. Dr Padovan takes part in the professional committees of the Croatian Ministry of the Sea, Transport and Infrastructure for the drafting of the maritime legislation. She led a national research project entitled *"Developing a Modern Legal and Insurance Regime for Croatian Marinas - Enhancing Competitiveness, Safety, Security and Marine Environmental Standards (DELICROMAR)"* financed by the Croatian Science Foundation from 2017 to 2019. She has published over 40 professional and academic papers and book chapters, and a monograph titled *The Role of Marine Insurance in the Protection of Marine Environment from Ship-source Pollution*.

THE GLOBAL IMPACT OF EU LAW ON THE LIABILITY OF CARRIERS OF PASSENGERS BY SEA

The authors analyse various aspects of the global impact of EU law in the example of the Regulation (EC) 392/2009 on the Liability of Carriers of Passengers by Sea in the Event of Accidents. The Regulation is directly applicable in all EU Member States as of 31 December 2012. It incorporates the 2002 Athens Convention relating to the Carriage of Passengers and their Luggage by Sea in the legal order of the EU. The EU acceded to the 2002 Athens Convention in 2011 subject to a reservation made in accordance with the 2006 IMO Reservation and Guidelines for Implementation of the Athens Convention. Thus, when the Convention entered into force on

the international level on 23 April 2014 it became an integral part of the EU law. The authors focus on the relationship and interferences between the two overlapping legal regimes, on their implementation within the EU and the effects of such implementation at the international level. The focus is on the critical points where the EU legislation departs from the international regime, especially the geographical scope of application, the global limitation of shipowner's liability, matters of jurisdiction, recognition and enforcement of judgements and additional passenger rights provided by the EU legislation. Furthermore, the authors deal with the global impact of the concept of compulsory carrier liability insurance and its implementation by the EU Member States.

Giovanni Marchiafava, PhD
University of Genoa
Department of Economics
Genoa, Italy

Giovanni Marchiafava has been involved in research activities in Navigation and Air Law since 2000. In 2006 awarded a Ph.D. in Navigation and Air Law at "Sapienza" University of Rome, and in 2008 a LL.M. in Maritime Law at the University of Southampton (UK). In 2009-2011 awarded a Research Fellowship of Navigation and Air Law at "Sapienza" University of Rome. In 2017 obtained the Associate Professor National Scientific Qualification. In 2017-2021 lecturer of Transportation Law and academic coordinator of the Jean Monnet Module "Transportation Law and Court of Justice of the European Union" (TLCJEU) at the Department of Legal Sciences, "Sapienza" University of Rome. Currently is Fixed-term Assistant Professor of Navigation and Air Law, Department of Economics, University of Genoa. Since 2020 member of the Board of Directors of the Italian Centre of Excellence on Logistics, Transport and Infrastructures (CIELI) and member of the Sea Study Centre, University of Genoa. Since 2022 ERASMUS Exchange Responsible of the Bilateral Inter-Institutional Agreement between the University of Genoa and the University of Rijeka (Area: Economics and Business Administration). Member of National Research Programmes. Author of a monograph, several articles and case notes. In 05-07/2018 and 08-09/2019 visiting researcher at the Centre of European Law, King's College London (UK). In 01/2020 visiting researcher at the Centre de Droit Maritime et Océanique, University of Nantes (FR). Other memberships: 2000, editorial board member of the law review, "Diritto dei trasporti" (Class A); 2001 and 2003, member of the Transportation Legal Studies Institute (ISDIT) and the Italian Maritime Law Association (AIDIM), respectively; 2017, member of the International Working Group of the Comité Maritime International (CMI) on Cybercrime in Shipping; 2021 member of The International Propeller Clubs - Port of Genoa and the Italian Society of International Law (SIDI); 2004, member of the Rome Bar.

EU DIGITAL STRATEGY AND TRANSPORTATION LAW

According to the Digital Single Market Strategy for Europe, "interoperability" means guaranteeing effective communication between digital components such as networks or databases. Standardisation has a crucial role in increasing interoperability of new technologies, which are deemed to be critical to the Digital Single Market like e-transport. The EU Strategy for Data has provided the creation of nine European data spaces in strategic sectors. The aim of the European mobility data space is to make the Union leader of the development of an intelligent transport system, simplifying access, pooling and sharing of data from transport and mobility databases. The Regulation (EU) 2020/1056, on electronic freight transport information (eFTI), which will come into force in 2024, establishes a legal framework for the electronic communication of regulatory information between the economic operators and public administrations related to the transport of goods within EU based on data processed on certified eFTI platforms and by eFTI service providers. The aim of this Regulation is to promote the digitalisation of freight transport and logistics. The eFTI platforms will provide economic operators with acceptance of regulatory information that will be also made available to competent authorities with reliable and secure access. The EU Commission must adopt the implementing acts establishing specifications regarding eFTI platforms and service providers no later than 21 August 2023. The paper is devoted to dealing with legal issues related to eFTI platforms and their impact on Transportation Law.

Jelena Nikčević, PhD
University of Montenegro
Faculty of Maritime Studies
Kotor, Montenegro

Professor Jelena Nikčević was born in Nikšić, Montenegro. She graduated from the Faculty of Law in Podgorica 1994. She defended her master's thesis in December 1998. In February 2004 she defended her PhD dissertation at the Faculty of Law in Belgrade. She worked as a teaching assistant at the Faculty of Law in Podgorica from 1994 to 1997. In 1999 she started to work at the Faculty of Maritime Studies Kotor as a full-time employee. Shortly afterwards, she was elected as teaching assistant for a group of legal courses. She was elected as an assistant professor in 2005 for the aforementioned group of courses after which, in 2010, she was elected as an associate professor. In 2021 she was elected full professor which position she still holds. From 2011 until 2016, Jelena Nikcevic has held the position of Vice Dean for Finance at the Faculty of Maritime Studies Kotor. Subjects of her scientific interest are: maritime law, safety at sea, marine environmental law and business law. She is a member of numerous associations and she has recently been dedicated to establishing the Montenegrin Maritime Law Association.

Maja Radunović, LLM
Abaco Law Firm
Podgorica, Montenegro

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

IMPLEMENTATION OF THE EU MARITIME ENVIRONMENTAL ACQUIS INTO THE MONTENEGRIN LAW

Harmonization of national legislation with the EU Maritime Environmental Acquis remains one of the main challenges that Montenegro faces in the process of accession to the European Union, especially in era of emerging yachting industry in the country and the region. The proper and up to date implementation of the EU law is an obligation imposed not only to the maritime administration, but to the various maritime stakeholders and legislative and foreign policy bodies as well. This presentation gives an overview of the most important EU legislation in the field of marine environment, evaluating the progress that Montenegro made in transposition and harmonization with the national law. It defines the institutional framework involved in the implementation of the EU maritime acquis, giving the special reference to means of implementation and their efficiency. In that sense, the presentation aims to summarize the biggest challenges recognized within the implementation process and proposes solutions to bringing closer the requirements of the EU integration process and national legislative and administrative procedures.

PASSENGER RIGHTS IN MARITIME AND TRANSPORT LAW

(Chairperson: Prof. Patrick Vlačič)

Norman Martinez, PhD
IMO International Maritime Law Institute
La Valetta, Malta

Professor Norman Martínez 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 the IMO International Maritime Law Institute (IMLI). He is a Full Professor at IMLI, where he has been teaching since 1999. Norman has acted as an international maritime law consultant since the year 2000 and has drafted legislation for governments in several areas of maritime law. He joined the IMO's Roster of Experts in 2003 and in 2013 he became a member of the Panel of Arbitrators of the *Câmara Arbitral Marítima no Rio de Janeiro*, Brasil. He joined the FAO Roster of Experts in 2018 and has been engaged by the Organization in the capacity of Consultant as a Fisheries Insurance Legal Expert and International Fisheries Policy and Legal Expert since 2019. He is the author of the book *Limitation of Liability in International Maritime Conventions: The Relationship between Global Limitation Conventions and Particular Liability Regimes,* Routledge, London / New York, 2011, has co-authored/edited several books in the field of international maritime law, and has published numerous articles in different languages in prestigious law journals around the world. In 2011 the Government of Honduras presented him with a Diploma of Recognition for steadfast contributions to the international maritime community and in particular to the promotion of the good name of the Republic of Honduras.

MARITIME TRANSPORT OF PASSENGERS – LIABILITY REGIME

The presentation aims to offer an overview of the provisions of international treaties as well as European legislation aimed at protecting the interests of passengers carried by sea and safeguarding their rights including, inter alia, the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, the 2002 Protocol thereto, as well as Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents. Moreover, the presentation will analyse the interplay between the regime created by Athens Conventions and European system for protection of sea passengers' rights.

Avv. Filippo Cassola
Berlingieri Maresca Studio Legale Associato
Genoa

Filippo Cassola graduated in 2005 at Law with honours at the University of Genoa with a dissertation on Port Authority and regulations. After spending a trainee period in London at Stephenson Harwood in the shipping finance department, he joined Studio Legale Berlingieri in 2006 as a trainee being then admitted to the Bar of Genoa in 2010. He became partner of Studio Legale Berlingieri in 2016. He is founding partner of Berlingieri Maresca Studio Legale Associato; his practice includes all the areas of shipping litigation with particular focus on arrest and forced sale of vessels, ship financing and shipbuilding contract, liability arising out from shipping casualties, multimodal and land carriage, and port concessions. He is a member of the Italian Maritime Law Association (AIDIM) and contributes to the quarterly "Il Diritto Marittimo". He is attending seminars and conferences in shipping matters in Italy and abroad.

Avv. Lorenzo Fabro
Berlingieri Maresca Studio Legale Associato
Genoa

Lorenzo Fabro graduated in Law with honours at the University of Genoa In 2005 and joined Studio Legale Maresca; he is admitted to Court of Cassation. He spent a training period in a London law firm, he worked at the Consulate of Italy in Cape Town as stagiaire of the Ministry of Foreign Affairs with duties in the navigation department. He is founding partner of Berlingieri Maresca Studio Legale Associato with considerable experience in maritime law, transport law and international law and particular interest in carriage of goods by sea, shipbuilding contracts and contracts of sale and purchase of ships and yachting. His expertise includes international trade, international sanctions and cross border insolvency. He is a member of the Executive Committee of the Young Group of AIDIM. He participates to the activities of the Young Group at Confitarma (Italian Shipowners Association). He writes regularly as contributor on il Diritto Marittimo law review and on other papers specialized in shipping. He is invited as a speaker at conferences in Italy and abroad.

PASSENGERS' RIGHTS IN MARITIME ACCIDENTS: KEY ISSUES AND FUTURE PERSPECTIVES

The aim of the presentation is to provide a general overview on the regime and application of liability of carriers of passengers by sea in the event of accidents. The presentation will deal with the international agreements and other legal instruments that are currently in force with a view on future perspectives and new instruments also following the occurrence of a number of tragic shipping accidents in past decades. In particular the liability regime of the carriers in respect of deaths and injuries will be analysed with reference to the limitation regime provided by the 1974 Athens Convention/Reg. 392/2009 and with specific regard to the regime of the loss of the right to the limitation provided by art. 13 of said Convention. An analysis on the first applications and interpretation under Italian law of limitation of liability in case of wilful misconduct or gross negligence will complete the presentation with some remarks coming from the direct experience of the Courts and possible connections with EU law and interpretation.

Ranka Petrinović, PhD
University of Split - Faculty of Maritime Studies
Split, Croatia

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

Petra Amižić Jelovčić, PhD
University of Split - Faculty of Law
Split, Croatia

Petra Amižić Jelovčić is Full Professor of Maritime and Transport Law, at the Faculty of Law, University of Split. She was born in 1979. She graduated from the University of Split Faculty of Law in 2002, and then completed post-graduate course in the Maritime Law and Law of the Sea and received a Master's degree in 2005 (*Collision of Ships*). She was awarded PhD degree in 2007 and her doctoral thesis is entitled *Maritime Carriage of Nuclear Material*. Petra Amižić Jelovčić has been working at the Faculty Law in Split since 2005, first as research assistant from 2005 until 2009 when she became an assistant professor. From 2012 until 2018 she works as an associate professor and is a vice-head of Department of Maritime and Transport Law. She is an author of many scientific journal papers and of two scientific books *"Maritime Carriage of Nuclear Material with a Special Reference to Liability for Nuclear Material"* (2010) and *"Croatian Coast Guard – Legal framework"* (2017). She is a Vice-President of Croatian Maritime Law Association.

Paula Vidović, LLB
Agency for Maritime Coastal Liner Shipping
Split, Croatia

Paula Vidović is the director of the Agency for Maritime Coastal Liner Shipping. She graduated in 1999 from the University of Split Faculty of Law. She passed the bar exam in 2002. From 1999 to 2006 she worked at Plovput Ltd. Since 2006 he has been working in the Maritime Coastal Shipping Agency as Head of the Legal, Personnel, General and Concession Affairs Service, Secretary of the Management Board, member of the Expert Committee for Concessions and Public Procurement and Representative of the National Implementing Body of EU Regulation 1177/2010 on the rights of passengers when traveling by sea and inland waterways. In March 2017, she was appointed Acting Director, and in September of the same year she was elected Director. He holds a Certificate in the field of public procurement and is an active member of the Croatian Maritime Law Association.

PASSENGERS' RIGHTS IN THE NEW CROATIAN ACT ON PUBLIC MARITIME TRANSPORT IN COASTAL LINER SHIPPING

The new Act on Transport in Liner Shipping and Occasional Coastal Maritime Transport came into force on 19th February 2022. The aim of the law is to connect permanently islands with the mainland, and inhabited islands with one another, as well as to improve living conditions on islands. According to this Act, Coastal Liner Services Agency is a national enforcement body responsible for the enforcement of Regulation 1177/2010 in Croatia, which biannual reports give us an insight into its application in domestic ports and represent guidelines for the future improvement in that matter, as well. Regulation 1177/2010 establishes rules for sea and inland waterway transport which main goal is to achieve non-discrimination between passengers with regard to transport conditions offered by carriers and non-discrimination and assistance for disabled persons and persons with reduced mobility. The authority of the Agency has been expanded by the new Act and the Agency has the competence to conduct inspection activities for the purposes of implementing the Regulation. Furthermore, new Act on Transport in Liner Shipping and Occasional Coastal Maritime Transport regulates more precisely the issue of preferential and free transport of the island population, legal entities with headquarters on the island, and persons with disabilities.

Marko Pavliha, PhD
University of Ljubljana
Faculty of Maritime Studies and Transport
Portorož, Slovenia

Professor Marko Pavliha studied law in Ljubljana, Split and at McGill Faculty of Law in Montreal where he obtained doctorate under the supervision of Professor William Tetley. He passed the Slovenian Bar Exam and practiced law for over ten years at various commercial companies and a Canadian law firm. He has been Full Professor of Commercial, Transport and Insurance Law at the University of Ljubljana since 2004 and he taught law in Belgium, Luxembourg and Australia. He has been a Visiting Fellow at the IMO International Maritime Law Institute in Malta (IMLI) since 1998/99 where he is also a member of the Board of Governors and the Academic Committee. In 2003 he became Secretary General of the CMI until his election to the Slovenian Government as Minister of Transport (2004) and later as Vice-President of the Parliament of (2004-2007). Prof. Pavliha is past President of MLAS, past President of the Slovenian Association of Parliamentarians and past member of the Judiciary Council. He is the author and co-author of 44 books and hundreds of articles, essays and scientific papers.

NEW IMLI STUDY: TRANSPORT LAW ON PASSENGER RIGHTS

The presentation is focused on a new IMLI study entitled "Transport Law on Passenger Rights" (Routledge, London and New York, 2021) which by "its unique approach," to quote Professor Časlav Pejović from his book review in European Transport Law, "the book certainly breaks new ground in literature on passengers' rights and will be welcome in the field by both academics and professionals." Europe and also the rest of the world has experienced a boom in mobility over the last 30 years. In light of the protection of an increasing number of consumers – passengers – it is almost logical that during the past few decades, international and European transport law has developed to an almost revolutionary extent, especially in the field of private aviation (air) law with the introduction of unlimited liability of carriers for the death or injury of passengers and commendable sophisticated rights in case of denied boarding, cancellation of flights, and long delays. Due to these legal developments, there was an increasing need for a comprehensive publication that would cast light through a critical prism on the most important characteristics of international transport law, EU legislation, and jurisprudence regarding passenger rights during carriage by air, sea, rail, and road. One of the ideas that, however, needs further research is that the commendable legal solutions and experience of the EU can serve as an excellent framework for a new holistic international convention on passengers' rights in all transport modes.

NEW DIGITAL TECHNOLOGIES IN MARITIME TRANSPORT – LEGAL ASPECTS

(Chairperson: Avv. Francesco Siccardi)

Avv. Francesco Siccardi
Siccardi Bregante Law Firm
Genoa, Italy

Francesco Siccardi is a graduate (hons) of the University of Genoa and founder of the Law Firm presently trading as Siccardi Bregante & C. He is a Titulary Member of CMI, sr. VP of AIDIM (Italian MLA), Member of the Board of Diritto Marittimo, and a member of London Shipping Law Center. He is a university lecturer and author of the following works: General Average and the YAR 2019 (Turin, 2019), Shipbuilding Law Contract and Practice (Milan, 2021), co-author of International Cargo Insurance (London, 2013) and numerous articles in law journals.

Patrick Vlačič, PhD
University of Ljubljana
Faculty of Maritime Studies and Transport
Portorož, Slovenia

Patrick Vlačič was born in 1970 in Slovenj Gradec in Slovenia. He finished the Faculty of Law of University of Ljubljana, masters, at Faculty of Law of University of Split (Croatia) and PhD again at Faculty of Law in Ljubljana in 2005. He worked at the Supreme Court as a judicial trainee and passed bar exam in 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. During the ninth Government of Republic of Slovenia, Dr. Patrick Vlačič was a Minister of Transport in from 2008 to 2012. He is currently 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.

DEVELOPMENTS CONCERNING ELECTRONIC BILL OF LADING PROVIDERS

E-commerce has received a particularly strong boost from the Covid-19 pandemic. Never in history has the need for e- commerce seemed to increase so much. Even in areas where paperwork is maintained, major changes are shyly beginning. The challenge in dealing with electronic documents, especially transferable documents of title, is to ensure the originality and uniqueness of the document. The problem with this is ensuring cybersecurity. Public Blockchain is a good tool to solve both the above challenge and problem. Distributed Ledger Technology (DLT) via blockchain transactions and ownership validation enables a trusted, decentralized environment with a clear audit trail that enables the authenticity and traceability of every document and record. Currently, there are seven providers for the electronic creation and transmission of BL with approval from the International Group of P&I Clubs. This approval is crucial in the event of an insurance claim. Indeed, P&I would cover eventual loss only if the electronic BL service provider used by the issuer of the electronic BL has their approval. An important project currently being undertaken by some international organizations such as the Digital Container Shipping Association (DSCA) is how to resolve a situation where not everyone in the BL chain is a user of certain electronic BL provider. There is an ongoing interoperability project where some of the electronic BL providers are working together as part of the proof of concept (POC). The success of this POC and the accompanying standards setting project may convince the shipping industry to abandon the paper-based document as it was created in the 14th century. In parallel with standards, recent developments are also focusing on structured data, a standardized format for providing information about a document and classifying that content.

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Massimiliano Musi is Senior Research Fellow with tenure in Navigation Law at the Department of Sociology and Business Law at the *Alma Mater Studiorum* University of Bologna. From August 2019 to August 2021, he covered the same role at the Faculty of Law of the University of Teramo. He obtained the National Scientific Qualification (*Abilitazione Scientifica Nazionale*) in 2020 to serve as Full Professor of Navigation Law in Italian Universities. In the academic years 2016/2017 and 2017/2018 he was Adjunct Professor in Air Law at the School of Engineering and Architecture, University of Bologna, Campus of Forlì. He was awarded four Research Fellowships at the *Alma Mater Studiorum* University of Bologna from 2015 to 2018. He has been named expert both in Maritime Law and in Transport Law at the University of Bologna since 2008, and in September 2012 he was awarded the Ph.D. in European Transport Law. He has also been Lecturer at many higher education courses, Masters and Ph.D. courses and he held some lessons at the European Parliament for the Directorate for Legislative Acts. He has been invited to participate as a speaker in more than 60 national and international Conferences, over the years he has organized Summer Schools, Conferences and International Research Seminars at the University of Bologna, at Ravenna Campus and at the Port Authority of the Northern Adriatic Sea (Venice and Chioggia) and has taken part in research groups both at international and Italian level. Since 2015 he is Member of the *Associazione Italiana di Diritto Marittimo* (AIDIM) and since 2019 of the *Associazione Italiana di Diritto della Navigazione e dei Trasporti (AIDINAT)*. In November 2015 he was appointed as member of the S*tanding Committee* of the *Y*CMI and of the *Committee for the Ship Nomenclature*, inside the *Comité Maritime International* (CMI), Since 2014 he is General Secretary of the Editorial Committee of the Review "*Il Diritto Marittimo*" ("Class A" Journal according to the ANVUR classification) and since 2016 of the book series "*Il Diritto Marittimo - Quaderni*". Since 2016 he is Executive Editor of the "International Transport Law Review" and since 2017 he is a member of the Editorial Board of the Croatian Journal "*Comparative Maritime Law*". He is Member of the International Propeller Clubs - Port of Bologna, of which he has been Secretary from 2015 to 2020. Massimiliano wrote four monographs, more than 60 articles and case comments and edited seven collective volumes, related to the matter of Maritime and Transport Law.

ENTERING THE MASS ERA: IS IT TIME TO RETHINK THE CURRENT MARITIME LIABILITY REGIME?

The maritime transport sector has been facing a season of strong changes for some years now, dictated by a variety of factors, among which new technologies undoubtedly take on a leading role. The introduction of autonomous navigation systems, in particular, is helping to shift the focus from humans to machines for the first time, although it is a process that is not immediate, but which requires medium to long-term timing. In this sort of slow, but inexorable, Copernican revolution, the limits of the current regulatory framework are already beginning to be seen, not only at the national level, but also at the uniform international level, especially under the profiles of liability allocation models, which appear less capable of responding fully, or at least satisfactorily, to the requests for protection of the various stakeholders. Therefore, the need for a careful rethinking of the liability regime applicable in the event of accidents involving the so-called «Maritime Autonomous Surface Ships» is increasingly urgent. Such a reshaping should not have as its purpose, at least in this phase, the complete supplanting of the liability system currently in force, but rather its updating, which on the one hand takes into account the delicate and peculiar balances that characterize the maritime transport market in all its aspects, and on the other hand is suitable for fully regulating the rights and liabilities of the various players involved. In this perspective, the speech offers some critical hints for reflection concerning the emerging weaknesses of the typically maritime liability regime, based on fault, and suggests some possible solutions, using the systems of strict liability and of liability for defective product.

Maja Markovčić Kostelac, LLM
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Maja Markovčić Kostelac holds a Master of Legal Science degree in Maritime Law. She has over twenty years of experience in the maritime field in both public and private sector. Prior to assuming the position of Executive Director of EMSA on 1 January 2019, she served at various positions in the Croatian Ministry of the Sea, Transport and Infrastructure as an advisor, head of the Department of International and Legal Affairs, Head of the Department of Navigation Safety, Acting Director of the Maritime Administration and Head of the Sector for Maritime Navigation, International and Legal Affairs, and finally as the State Secretary in the Ministry. She has participated as a member or head of the Croatian national delegations in numerous diplomatic conferences, meetings of the International Maritime Organization and the International Labour Organization, co-chaired the Conference of the Parties to the UNCLOS Convention, participated in the preparation and negotiation of bilateral international agreements in the field of maritime affairs, as well as in the negotiations for the accession of the Republic of Croatia to the European Union in the field of maritime affairs (Chapter 14 and Chapter 21). She was involved in the preparation of Croatian maritime legislation (especially in drafting the Maritime Code, the Maritime Domain and Seaports Act, the Ships and Ports Security Act and a number of bylaws) as well as the legislative acts on ratification of international conventions in the field of maritime affairs. She is a member of the Croatian Maritime Law Association and the Maritime Scientific Council of the Croatian Academy of Sciences and Arts. She has lectured at the University of Zadar - Department of Maritime Studies, at the University of Zagreb - Faculty of Law and at the University of Rijeka - Faculty of Maritime Studies. She was also a visiting lecturer at the International Maritime Academy in Genoa and WMU in Malmö and has been a speaker at many professional and scientific conferences. She has published several professional and scientific papers in the field of international maritime law, safety of navigation and protection of the marine environment.

DIGITALIZATION IN THE SERVICE OF MARITIME SAFETY, MARINE ENVIRONMENT AND CLIMATE ACTION AGENDA

Shipping is at the crossroads with climate action agenda, development of fully or partly autonomous ships as well as the introduction of paperless digital environment for transport and trade. Digital technologies have potential to facilitate solutions that can mitigate some of the safety and security concerns and at the same time offer tools needed for the reduction of environmental footprint of maritime industries and increase its efficiency. Some of the regulatory challenges such as acquisition and analyses of large volumes of ship and voyage related data could be overcome by the use of big data and artificial intelligence technologies. EMSA continuously improves Integrated Maritime Services and Automated Behaviour Monitoring algorithms that detect deviations from regular behaviour of vessels. These algorithms are being used by EU maritime administrations to effectively detect and assess maritime safety, security and environmental risks. While automation in shipping leads to more efficient trade and transport solutions it also presents a regulatory challenge. To bridge the lack of regulatory framework EMSA is supporting EU member states at IMO. EU Guidelines on sea trials (VTMIS) of maritime autonomous surface ships have been developed in cooperation with industry, EU/EEA Member States and European Commission to cater for safe and secure testing environments. EMSA is developing the Risk Based Assessment Tool (RBAT) to support the risk assessment on whether using automation is as safe as conventional shipping or even safer. Advancements in maritime regulatory standards are raising concerns of stakeholders about the possible implications on administrative burden. EMSA developed and hosts SafeSeaNet, which is today positioned in the centre of Europe's vessel traffic monitoring and information exchange, and in the future it will be in the core of European Maritime Single Window environment. EMSA designed and operates THETIS database supporting port state control and EU ship inspection regimes. Both solutions are designed to reduce administrative burden and facilitate seamless implementation of regulations. THETIS is leading the way in development of solutions for collection and distribution of ships' e-Certificates

that already has significant impact to reduction of port turnaround times. Reduction of CO2 emissions an upcoming establishment of maritime EU Emissions Trading System as well as FuelEU policy are being supporte by the THETIS MRV system developed and hosted by EMSA. Environmental sustainability initiatives woul not be possible to be implemented without digital collection, processing and exchange of data. Digital technolog is creating new opportunities for regulatory proceedings by provisioning optimized implementation c sustainability legislation. Rapid uptake of digital technologies increases efficiency and reliability of enforcemer of standards for the protection of lives at sea, security and the environment, but it also entails new threat emerging in the domain of maritime security. EMSA is investing into development of robust IT solutions resistar to known cyber security threats.

SUSTAINABLE DEVELOPMENT AND GREEN DEAL IN SHIPPING INDUSTRY - PROTECTION OF THE MARINE ENVIRONMENT IN THE ADRIATIC REGION
(Chairperson: Prof. Dorotea Ćorić)

Dorotea Ćorić, PhD
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Dorotea Ćorić is full professor with permanent tenure and head of Department for Maritime and Transport Law, at the University of Rijeka - Faculty of Law. She holds lectures on Maritime and Transport Law, Marine Environment Protection Law and Maritime Administrative Law. Professor Ćorić was member of the expert group for drafting both 1994 and 2004 Croatian Maritime Code and their amendments. 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 Croatian Academy of Sciences and Arts and "*Marine Pollution from Ship's – International and National Law Rules"*, published by Faculty of Law Rijeka. She is assistant editor of the Comparative Maritime Law, the former Vice-President of the Croatian Maritime Law Association and a Titulary Member of the CMI.

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

LEGAL BASIS FOR ESTABLISHMENT AND FURTHER DEVELOPMENT OF MPAS IN THE ADRIATIC AND ITS IMPACT ON SHIPPING

The key European Union commitments in the field of nature protection provided by the 2030 Biodiversity Strategy may be summarized as follows: (1) Legally protect a minimum of 30% of the European Union's land and 30% of the European Union's sea area and integrate ecological corridors, as part of the true trans-European nature network; (2) Strictly protect at least a third of the European Union's protected areas; (3) Effectively manage all protected areas, defining clear conservation objectives and measures, and monitoring them appropriately. Based on the provisions of the 2030 Biodiversity Strategy, European Union Member States will be responsible for designating the additional protected and strictly protected (marine) areas, either by expanding or completing the NATURA 2000 Network or under national protection schemes (marine protected areas), including eventual (transboundary) marine protected areas established in accordance with the provisions of regional seas conventions (i.e., the Barcelona Convention). The aim of this contribution is to provide some proposals how the mentioned EU goals could be achieved in the Adriatic Sea by fully taking into account the interest of shipping and existing patterns of navigation.

Avv. Anna Carnielli
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Prof. avv. Anna Carnielli is Founding Partner at Studio Legale B&C Barcati-Carnielli and Partners with offices in Treviso, Venice and Padua. She is President of the Propeller Club Port of Venice, Professor at the Master of Second Level LOGIMASTER of University of Verona, Lecturer at the Science Park Area of Trieste in matters relating to transport and trade law, Arbitrator at the Chamber of Commerce of Treviso-Belluno, Superintendent of CREDIMPEX Italia for the Provinces of Venice, Treviso and Belluno, association with registered office in Milan at ABI (Italian Banking Association) which deals with Incoterms, letters of credit and international payment instruments issues as well as the analysis of banking and commercial practices. After graduating at the University of Trieste - Faculty of Law with a thesis *"The bill of lading in the multimodal transport"* she practiced law in a maritime law firm in Trieste and then she worked for seven years in a multinational well known maritime company based in Trieste as Deputy Head of Legal Department, with specific functions of coordinating new and second hand vessels' registration operations, financing closing on container vessels with frequent missions abroad especially in Japan and Taiwan, charter parties, bareboat charter and terminal contracts drafting and revision, coordination of the participated companies abroad, Representative of the company in CONFITARMA (National Shipowners' Association in Rome) in Legal and Financial Commission's meetings. She obtained the certification as Shipping Agent by taking a specific exam and she trained for two years as Notary Public before her experience in the multinational shipping company. She attended a Master in Business Administration studies in Milan. In 2006 she moved to Treviso joining a Law Firm with 50 years' old tradition, contributing to the activity with her experience in maritime and transport matters, with specific reference to charter party and bill of lading negotiation and revision, terminal contracts drafting and negotiation, special international operations on terminal container cranes, customs matters with particular reference to the seizure of goods, marine litigation, commercial and company's disputes, enforced sale of ships and ship's registration. Shw is seaker at conferences on maritime law topics and editor of articles in specialized journals.

PUTTING THE BLUE INTO THE GREEN – HOW SUSTAINABILITY AND CLIMATE-NEUTRAL PROJECTS CAN BECOME DRIVERS OF CHANGE

For the maritime sector, the Blue Economy regulations have often been seen as restrictions, sources of higher costs and in any case limiting, like zero carbon goal policy. However, it is not always like this and much has been changing and developing in this regard. The current approach to issues is transforming Blue Economy value chains from linear business models toward circular, with less consumption of resources and waste but with greater intensity models approach. In terms of strategy, ports are considered gateways and hubs for the Blue Economy and for this objective economic support and funding are provided to favour this epochal change. A comprehensive analysis on the relevant and the real economic fallout produced in the economies of the European Countries and the seas basins by the Blue Economy regulations will be conducted also taking into account the deadlines that the European Community has set itself to achieve the objectives in line with a "greener way" of understanding work and exploit the planet's resources. Key topics will include sources of marine renewable energy (i.e. floating offshore facilities using winds or photovoltaic energy, wave and tidal energy, solar energy and offshore hydrogen) as well as blue bio economy, marine minerals, desalination, marine defence, security and surveillance. Also submarine cables sectors and robotics sectors, blue bio-economy (the most notable subsectors are the algae sector and the offshore aquaculture) and biotechnology represent new business opportunities for enterprising companies and jobs careers for young people who will specialize in issues that until now were not of significant interest to national economies. Several projects are being studied to be realized in the next few years, such hydrogen generation offshore plants that is one of the big challenges to try to cover in a short period of time the need to diversify the sources of energy supply following also the recent war in progress at the borders of Europe. There are various emerging and innovative sectors in the so-called Blue Economy that have yet to be developed but which will represent new frontiers of knowledge also for the lawyers who will interpret this change.

Suzana Martinović, M.Sc.
Maritime Domain Public Enterprise
Budva, Montenegro

Suzana Martinović was born in 1971 and graduated at the Maritime Faculty Kotor in 1993. She received the degree of Maritime Engineer from the Department of maritime transport. She had worked at Harbour Master's Office in Bar from 1994 to 2002, when she started working at MC Marina Budva as executive manager until 2006. From 2007 to 2013 she assumed the position of the quality management representative for implementation of the requirements Standard ISO 9001, 9000:2000 Lloyd's Register of Shipping at the Harbour Master's Office in Bar. Afterwards she joined the Public enterprise for coastal zone management of Montenegro – Morsko dobro, situated in Budva, where she is still working. She attended and participated in organizing numerous round table meetings regarding the maritime domain and marine environment. The scope of her Department are nautical ports, marinas, moorings/berths (nautical and local boats berths), docks, anchorages, traditional small infrastructure in the Bay of Kotor (like "ponte" or "mandraći"), implementation of the Laws, By-laws and Regulations, and especially the Spatial Plan for the area of special purpose – public maritime domain.

ANCHORAGES IN MONTENEGRO – LEGAL PROBLEMS AND CHALLENGES FOR THE MARINE ENVIRONMENT

The most important questions that are related to anchorages in Montenegro are in the focus of this presentation, which covers the legal regime in a direct or indirect relation with anchoring, pointing out on the lack of regulations in that section and specially indicating to insufficiently defined status of anchorages in legal acts. The Public enterprise for coastal zone management of Montenegro - Morsko dobro is presented as an authority whose jurisdiction is defining, managing and allowing the usage by third party of the locations determined for anchoring. Main part of work is related to introducing recognized areas for anchorage in Montenegro, in the context of proper anchoring, all directed towards the aim of preventing pollution of the sea and protection of the marine environment, which is especially important if we have in mind that some anchorages are situated in the parts of the Bay of Kotor, which are under UNESCO's protection and where even the slightest anchoring disregard could have fatal consequences for this area leading to loss of UNESCO's protection status. Furthermore, the authors are giving guidelines and suggesting solutions, which need to be taken into account with regards to anchoring in the Montenegrin internal waters.

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Axel Luttenberger is a full professor with permanent tenure at the Faculty of Maritime Studies of the University of Rijeka. He got his Bachelor's Law degree at the University of Rijeka, Faculty of Law, and became Master of Law and Doctor of Law at the University of Split, Faculty of Law. After passing bar examination he had long lasting practice in marine insurance business as legal attorney and legal advisor. He had experience in local government and government public service having been the City Mayor of Opatija and Member of Croatian Parliament. He has published four books and over ninety 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 projects for maritime industry, government entities and non-governmental environmental associations.

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Biserka Rukavina is associate professor of Maritime Law and the head of Social Sciences Department at the Faculty of Maritime Studies of the University of Rijeka. She completed the postgraduate master's degree studies at the Faculty of Law of the University of Rijeka in 2005. She obtained her PhD degree at the Faculty of Law of the University of Split in 2010. Biserka Rukavina has been working at the Faculty of Maritime Studies in Rijeka since 2001, first as research assistant form 2001 until 2010 when she became an assistant professor. From 2015, she works as an associate professor. Her field of scientific interest covers maritime law and environmental law. She has published twenty scientific papers and is involved in several projects for maritime industry. She is a member of the Croatian Maritime Law Association and the Association for Promotion and Development of Maritime Industries.

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Igor Vio is teaching courses in Maritime Law, Law of the Sea, and Transport Insurance at the University of Rijeka - Faculty of Maritime Studies. As a visiting lecturer, he has delivered courses at the IMO IMLI in Malta, IMO IMA in Trieste, and International Ocean Institute at Dalhousie University in Halifax, Canada. His legal education includes LLB degree at the University of Rijeka Faculty of Law, LLM in Ocean and Coastal Law at the University of Miami School of Law, LLM in the Maritime Law and Law of the Sea and PhD degree in Maritime Law from the University of Split Law Faculty. As a UN fellow, he spent one year in the United States and worked at the United Nations Office of Legal Affairs in New York City. 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 member of the working group for drafting amendments of the Maritime Code. As an invited speaker he participated with presentations at various national and international conferences. He is the Secretary General of the Croatian Maritime Law Association and a Titulary Member of the Comité Maritime International.

PROTECTION OF THE MARINE ENVIRONMENT – CROATIAN LEGAL FRAMEWORK

Taking into account the different sources of pollution of the Adriatic Sea, the authors provide an overview of the basic legal principles of protection of the marine environment, as well as examples of recent national legislation aimed at its preservation. By adoption of appropriate international and regional standards with the scope to prevent or reduce pollution of the Adriatic Sea, Croatia managed to raise the levels of safety of navigation and environmental protection in its ports and other marine areas. The paper consists of three thematic units. The first is aimed at analysing the legal principles of cooperation, *neminem laedere*, precaution, environmental impact assessment, freedom of marine research, transparency and participation, economic uses of the sea and common heritage of mankind, which are included in the provisions of the UN Convention on the Law of the Sea. The stricter the content of a principle is, the more difficult it becomes to acknowledge it as binding, and, vice versa, the less binding the principle is, the stricter its content can become. The second part provides an overview of the provisions of the Maritime Code and two related by-laws that are regulating the protection the marine environment from ship source pollution. In particular, the paper's focus is at the achievements in the legal

regulation of ship waste reception in accordance with the new Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port facilities for the reception of ship waste, amending Directive 2010/65 / EU and repealing Directive 2000/59 /EC. By the decision of the Croatian Parliament of 5 February 2021, the Republic of Croatia declared its exclusive economic zone, thus acquiring additional rights and jurisdiction, but also certain obligations in accordance with the provisions of the UN Convention on the Law of the Sea. The ecological aspects of declaration of the exclusive economic zone based on the provisions of the Maritime Code are discussed in the third part of this paper.

NOTES

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