

INTERNATIONAL MARITIME AND TRANSPORT LAW COURSE

MARITIME AND TRANSPORT LAW COLLOQUIUM

TRANSPORT LAW DE LEGE FERENDA 2022



INTER-UNIVERSITY CENTRE

DUBROVNIK, CROATIA

5 - 10 September 2022.





HRVATSKO DRUŠTVO ZA POMORSKO PRAVO
CROATIAN MARITIME LAW ASSOCIATION

Member of Comité Maritime International

University of Rijeka – Faculty of Maritime Studies

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An independent, international centre for advanced studies
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PARTICIPATING ACADEMIC INSTITUTIONS:

Alma Mater Studiorum - University of Bologna, Italy

Ankara Yildirim Beyazit University, Turkey

City University - London, the United Kingdom

Croatian Academy of Sciences and Arts, Croatia

International Maritime Law Institute, Malta

Jaume I-University, Castellon, Spain

Kyushu University, Fukuoka, Japan

Nicolaus Copernicus University, Toruń, Poland

University Carlos III – Madrid, Spain

University of Elbasan, Albania

University of Ljubljana, Slovenia

University of Rijeka, Croatia

University of Split, Croatia

University of Vigo, Spain

University of Zadar, Croatia

University of Zagreb, Croatia

World Maritime University, Malmö, Sweden

INTERNATIONAL MARITIME AND TRANSPORT LAW COURSE

DUBROVNIK, 5 - 10 September 2022

5 September 2022

Dear colleagues and friends,

Welcome to the 2022 maritime law fair in Dubrovnik!

This year marks the 750th anniversary of the Statute of Dubrovnik (*Liber statutorum civitatis Ragusii*), passed in 1272. The Statute was amongst the earliest medieval codifications at the Mediterranean and made the legislative cornerstone of the vibrant and successful city-state of Dubrovnik (*Ragusa*), regulating various aspects of private and political life, administration, and business. Of particular interest to maritime lawyers is the Seventh Book (*Liber Septimus*) of the Statute, dedicated to shipping, and containing rules that deal with an array of maritime law topics, ranging from safety of ships and navigation, through administrative and labour law matters, to shipping finance. The Statute has been translated into English. It makes a very interesting reading and I cordially recommend obtaining a copy and having a glance.

It is exciting that the old Ragusa, once a centre of excellence in maritime law and commerce, is now reloading its potential, at least for a couple of days each September. There is another important anniversary celebrated this year and a special Conference will take place from 29 September to 1 October 2022 to mark the fifty years since the Inter-University Centre was founded in 1972. We are glad to be able to contribute to the global activities of the IUC with our Maritime and Transport Law Course, which attracts more and more interest every year. This year's list of participating institutions is impressive indeed, and so is the programme, not to mention the list of distinguished lecturers, presenters and moderators.

This year's Course retains the dynamic "three-in-one" concept, and abounds with modern and intriguing topics, suited for attendees with various academic backgrounds and various levels of professional experience. We are particularly happy that we have received applications by many online participants from around the world but we also hope to get more on-site attendees in the years to come.

I am sure that this gathering will provide an excellent networking opportunity as well as a chance to meet some old friends.

As usual, our special thanks go to all the staff members at the IUC Secretariat for their kind assistance, to the organizing task force, and to all the lecturers and presenters. We also want to congratulate the 50th anniversary to our host - the IUC Dubrovnik, with best wishes for the future achievements!

We wish you an enjoyable week in Ragusa!

President of Croatian MLA

Gordan Stanković



Secretary General

Igor Vio



INTERNATIONAL MARITIME AND TRANSPORT LAW COURSE

Inter-University Centre – Dubrovnik, Croatia (5 – 10 September 2022)

WORK SCHEDULE

Monday, 5 September 2022

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

Nada Bruer (Inter-University Centre)

Gordan Stanković (Croatian Maritime Law Association)

Igor Vio (University of Rijeka)

I. UNIFICATION OF MARITIME AND TRANSPORT LAW

LIMITATION OF LIABILITY FOR MARITIME CLAIMS – MASTERCLASS (09:15 - 13:00)

Norman Martinez: International Conventions on Limitation of Liability for Maritime Claims

Iva Tuhtan Grgić: Limitation of Liability for Maritime Claims – Solutions in PAL 2002

COFFEE BREAK (11:00 – 11:30)

Zuzanna Peplowska-Dąbrowska: Limitation of Liability – CLC 1992 and the US Approach

Norman Martinez: Limitation of Liability for Maritime Claims – Recent Development and Lessons Learnt

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

MARITIME LIENS AND MORTGAGES – LECTURE (14:00 – 15:00)

Juan Pablo Rodriguez Delgado: Maritime Liens and Mortgages – Unification Instruments

COFFEE BREAK (15:00 – 15:30)

UNCITRAL AND UNIFICATION OF MARITIME LAW – LECTURE (15:30 – 17:00)

Petar Kragić: Creation of New Unification Instruments in UNCITRAL – Comparative Case Study of Rotterdam Rules and Convention on the International Effects of Judicial Sales of Ships

Free evening – individual sightseeing

Tuesday, 6 September 2022

II. MARINE ENVIRONMENTAL LAW

MARINE ENVIRONMENTAL LAW – MASTERCLASS (09:00 - 11:00)

CIVIL LIABILITY FOR SHIP SOURCE MARINE POLLUTION

Dorothea Ćorić: International Legal Framework for Oil Pollution Liability – CLC & Fund

Iva Tuhtan Grgić: Legal Regime of the HNS & Bunker Convention

COFFEE BREAK (11:00 – 11:30)

MARINE ENVIRONMENTAL LAW – LECTURES (11:30 – 13:30):

Pia Rebelo: Achieving Decarbonisation in Shipping through Climate Clauses in Maritime Contracts

Mitja Grbec: UNCLOS 1982 – Forty Years of Global Framework for Marine Environmental Law

LUNCH (13:30 - 14:30)

MARINE ENVIRONMENTAL LAW – SEMINAR (14:30 - 16:15)

Dorothea Ćorić: European Case Law Related to the Oil Pollution from Ships

Iva Tuhtan Grgić: The Bow Jubail – A Case Study

Pia Rebelo: The UK and South African Case Law Related to the Oil Pollution from Ships' Bunker and Hazardous and Noxious Substances Carried as Cargo

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

Wednesday, 7 September 2022

III. DIGITALIZATION OF MARITIME AND TRANSPORT LAW

E-DOCUMENTS – DIGITAL TRANSFORMATION OF TRANSPORT

MASTERCLASS (09:00 – 11:00)

Časlav Pejović: Blockchain Bills of Lading – New Generation of Electronic Bills of Lading

Patrick Vlačić: Legal Aspects of Interoperability of eBL Platforms

COFFEE BREAK (11:00 – 11:30)

LEGAL ASPECTS OF DIGITALIZATION IN TRANSPORT

LECTURES (11:30 – 13:00)

Massimiliano Musi: Maritime Autonomous Surface Ships and the Limitation of the Liability of the Shipowner

Igor Vio: International Maritime Organization – Regulatory Approach to MASS

LUNCH (13:00 – 14:00)

DIGITALIZATION OF MARITIME AND TRANSPORT LAW – SEMINAR (14:00 - 17:15)

Aref Fakhry: The IMO MASS Seminar - Summary Report (14:00 - 15:00)

NATIONAL LEGISLATION ON AUTONOMOUS VESSELS – ROUND TABLE (15:00 – 16:00)

Speakers: Zuzanna Pełowska-Dąbrowska, Massimiliano Musi, Juan Pablo Rodriguez Delgado, Časlav Pejović, Pia Rebelo, Aref Fakhry, Raphael Esu, Ceren Cerit Dindar, Patrick Vlačić and Igor Vio

Autonomous Ships in Polish, Italian, Spanish, British, Montenegrin, Japanese, South African, Lebanese, Turkish, Slovenian and Croatian Maritime Law

Discussion

COFFEE BREAK (16:00 – 16:30)

WORKSHOP ON BLOCKCHAIN BILLS OF LADING (16:30 – 17:15)

Časlav Pejović – Patrick Vlačić: Blockchain B/L Technology – Practical Aspects

Cable-car trip to Srđ (17:30 – 19:30)

Thursday, 8 September 2022

IV. MARITIME LABOUR LAW

LECTURES (09:00 - 11:00)

Laura Carballo Piñeiro: Maritime Labour Convention – Ten Years since Entry into Force

Marija Pijaca: Maritime Labour Law in Croatia – International and National Legal Regulations

COFFEE BREAK (11:00 – 11:30)

MARITIME AND TRANSPORT LAW COLLOQUIUM 2022

Session I: CONTEMPORARY LEGAL ISSUES IN SHIPPING INDUSTRY (11:30 – 13:30)

Chair: Marija Pijaca

Zuzanna Pełowska-Dąbrowska: Law Applicable to Liability for Damages Due to Accidents Involving Autonomous Vessels - Private International Law Issues

Aref Fakhry: A Law of the Poor and Disenfranchised in Maritime Law – Is There One?

Zoran Tasić: Transfer of Title to a Ship under Various Types of Contracts

Discussion

LUNCH (13:30 - 14:30)

Session II: CURRENT CHALLENGES IN MARITIME AND TRANSPORT LAW (14:30 – 16:15)

Chair: Zuzanna Pełowska-Dąbrowska

Achim Puetz: Jurisdiction and Competition in the Air Transport Sector – Extraterritoriality after Airfreight

Ceren Cerit Dindar: Analysis of Sanction Regimes – Charterparty Aspect

Elena Orrù: Sustainability in Transports and Logistics – Legal Issues and Challenges

Discussion

COFFEE BREAK (16:15 – 16:45)

Session III: SUSTAINABILITY AND ENVIRONMENTAL PROTECTION (16:45 – 18:30)

Chair: Iva Tuhtan Grgić

Pia Rebelo: Realising Green Contractual Norms in Charterparties

Mitja Grbec: Sustainable Development and Protection of the Marine Environment in the Adriatic-Ionian Region – International Agreements and Proposals for Potential Upgrades

Axel Luttenberger: Environmental Impact Assessment – Challenges in Coastal Area

Discussion

Friday, 9 September 2022

V. MARINE AND TRANSPORT INSURANCE

LECTURES (09:00 - 11:15)

Adriana Vincenca Padovan: Seaworthiness in the Context of Marine Insurance Contract

Achim Puetz: Ship Management Agreements – Liability Risks and Insurance

Shengnan Jia: Legal Analysis of Warranty in Marine Insurance Contract – English Law and Chinese Law Perspectives

COFFEE BREAK (11:15 – 11:45)

TRANSPORT LAW DE LEGE FERENDA 2022

RECENT DEVELOPMENTS OF TRANSPORT LAW (11:45 – 13:15)

Chair: Achim Puetz

Arber Gjeta: Transport Legislation in Albania through the Process of EU Integration – An Overview

Ciara Vicente Mampel: The Role of Rail Transport in the EU Mobility Strategy – Pros and Cons

Lucrezia Pari: The Digital Transformation of the Freight Forwarding Industry – Towards an Innovative Approach to the Digital Platform Ecosystem

LUNCH (13:15 – 14:15)

NEW TRENDS IN MARITIME LAW (14:15 – 16:45)

Chair: Petra Amižić Jelovčić

Massimiliano Musi: The Assessment of the Status of Seaman in the US - Putting the Human Being Back at the Center: A Renaissance Exercise that Does Not Fully Convince

Maja Radunović: Practical Challenges of Determining the Debtor in the Arrest Proceedings – Montenegrin Law Perspective

Albano Gilabert Gascón: The Judgment of the ECJ in the Prestige Case – The End of 'Pay to Be Paid' Clauses in the European Union?

Aleksandra Koska: The Role of Standards for the Safety of Liquefied Gas Transport

Haiyang Yu: Paradigm Shift for “Environmental Salvage”?

Discussion and Final Remarks

Closing Ceremony (17:00 – 17:15)

DINNER AT ORHAN RESTAURANT (20:00)

Saturday, 10 September 2022

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

COURSE DIRECTORS AND ORGANIZERS

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 to 2009 when she became an assistant professor. From 2012 to 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.

Massimiliano Musi, PhD
Alma Mater Studiorum University of Bologna
Department of Sociology and Business Law
Bologna, Italy

Massimiliano is Senior Assistant Professor with tenure in Navigation Law at the Department of Sociology and Business Law at the *Alma Mater Studiorum* University of Bologna. From August 2019 to August 2021 he covered the same role at the Faculty of Law of the University of Teramo. In 2020 he obtained the National Scientific Qualification (*Abilitazione Scientifica Nazionale*) to serve as Full Professor of Navigation Law in Italian Universities. In the academic years 2016/2017 and 2017/2018 he was Adjunct Professor in Air Law at the School of Engineering and Architecture, University of Bologna, Campus of Forlì. He was awarded four Research Fellowships at the *Alma Mater Studiorum* University of Bologna from 2015 to 2018. 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, 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 *Standing Committee* of the YCMI and of the *Committee for the Ship Nomenclature*, inside the *Comité Maritime International (CMI)*, which studies the definition of "ship" in international Conventions in the maritime sector and in the domestic legislation of each Country, in order to find a solution aimed at achieving a greater uniformity at the international level. Since 2014 he is General Secretary and member of the Editorial Board 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*". Since 2010 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 80 articles and case comments and edited eight collective volumes, related to the matter of Maritime and Transport Law.

Zuzanna Peplowska-Dąbrowska, PhD
Nicolaus Copernicus University in Toruń
Law and Administration Faculty
Toruń, Poland

Zuzanna Peplowska-Dąbrowska, PhD, is an assistant professor at the Commercial and Maritime Law Department of the Law and Administration Faculty at the Nicolaus Copernicus University in Toruń. Between 2015 and 2019 she was a member of the Polish Codification Commission for Maritime Law. She is a vice president of the Polish Maritime Law Association, a member of the Maritime Law Commission's board of the Polish Academy of Sciences and an arbitrator in maritime disputes. In 2017 she has been awarded a scientific grant by the Polish National Science Center for the research dedicated to the problems of contemporary maritime codes. She is an author of many publications in the field of maritime law in Polish and English, including *Codification of Maritime Law* (Informa Law from Routledge 2020) and *Maritime Safety - A Comparative Approach* (Informa Law from Routledge 2021) (both as a co-editor and contributor). She has conducted her research in multiple maritime law centers, including Swansea, Southampton, Oslo, Cadiz, Castellon de la Plana and New Orleans (the latter one as Fulbright grantee).

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 also participated in the preparation of the CMI Draft Convention on the International Effects of Judicial Sales of Ships. He is the president of the Croatian Maritime Law Association.

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

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. Between 2008 and 2012 he was a Minister of Transport in 9th Government of Republic of Slovenia. At the moment he is 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.

Igor Vio, PhD
University of Rijeka
Faculty of Maritime Studies
Rijeka, Croatia

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 LL.B. degree at the University of Rijeka Faculty of Law, LL.M. in Ocean and Coastal Law at the University of Miami School of Law, LL.M. in the Maritime Law and Law of the Sea and Ph.D. 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 CMI.

COURSE LECTURERS AND TRANSLAWFER SPEAKERS

BIOGRAPHICAL NOTES

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

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

Ceren Cerit Dindar, PhD
Ankara Yıldırım Beyazıt University
Faculty of Law

Dr Ceren Cerit Dindar graduated with LLB from Ankara University in 2009. Following her graduation and legal internship period, she was called to Ankara Bar in 2010. She obtained her LLM degree in International Commercial and Maritime Law at Swansea University in 2013. She was awarded the degree of PhD in Charterparties Law by Swansea University remarkably with no corrections following her viva examination in June 2019. Full scholarship is provided by Turkish Ministry of Education for her LLM and PhD studies. She held the position of research assistant at the Institute of International Shipping and Trade Law (IISTL), Swansea University during her PhD period and played an active role in coordination and organization of colloquiums which is annually held by IISTL in the fields of Maritime Law. Dr. Dindar is currently working as an assistant professor at Ankara Yıldırım Beyazıt University (AYBU), Law Faculty, Maritime Law Department. She teaches maritime law and transportation law modules at undergraduate level. She is a coordinator of LLM programme in Maritime Law which has been offered at AYBU, Law Faculty since September 2021. She is also the coordinator of the project titled “Legal Problems Relating to the Autonomous Vessels in Turkey and Potential Solutions” funded by The Scientific and Technological Research Council of Turkey under the “1001-Supporting Scientific and Technological Research Projects Program”. As a keen public speaker, Dr Dindar has presented papers at various conferences and has published several articles in the field of Maritime law in academic journals.

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

Prof. Dorotea Ćorić is a full professor with tenure of maritime and transport law and head of Department for Maritime and Transport Law, University of Rijeka, Faculty of Law. She holds lectures on Maritime and Transport Law, Marine Environment Protection Law, Maritime Administrative Law and Maritime Insurance Law at both graduated and post-graduated level. Professor Ćorić has published many scientific articles and professional papers in the domain of maritime and transport law and is the author of the books “*International Regime On Liability And Compensation For Oil Pollution Damage*”, published by the Croatian Academy of Sciences and Arts and “*Marine Pollution from Ship’s – International and National Law Rules*”, published by Faculty of Law Rijeka. Prof. Ćorić was member of the Expert Working group for drafting 1994 Croatian Maritime Code and 2004 Maritime Code and its amendments. She is a Titulary Member of the CMI.

Aref Fakhry, PhD
World Maritime University
Malmö, Sweden

Aref Fakhry is Associate Professor at the World Maritime University in Malmö. He is an experienced educator, adviser and advocate in maritime law and policy. His strengths lie in the areas of shipping, maritime security and marine environmental law. He is currently involved in cross-industry campaigns aimed at tackling corruption in the maritime industry. He is also leading projects in digital maritime applications. Prof. Fakhry is engaged in enhancing maritime interests across the Middle East and North Africa.

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

Albano Gilabert graduated in Law from the Jaume I-University, Castellon, in 2017, obtaining the Award for Outstanding Academic Achievement. In 2019, he completed his graduate studies in Legal Practice and passed the Spanish National Examination for Access to the Legal Profession. He is currently a PhD student at both the Jaume I University, Castellon, and Alma Mater Studiorum – Bologna University, under the supervision of Prof. Achim Puetz and Prof. Anna Masutti, and he is preparing his thesis on insurance clauses in shipping contracts. He has joined both the Institute for Transport Law and the Transport Law research group at the Jaume I-University, Castellon, as a research collaborator. He has also presented several papers related to his field of research and has written a number of articles published in academic journals as well as book chapters on marine insurance law.

Arber Gjeta, PhD
Aleksander Xhivani University
Elbasan, Albania

Since December 2012 he is a lecturer in the Department of Law, Faculty of Economics, University of Elbasan, covering the subjects of Commercial Law, International Commercial Law and Public Transport Law. From the academic year 2015-16 he serves with the position of Professor, after obtaining the title of Assoc. Prof. in April 2015. Accredited as an external researcher in the Department of Legal Sciences "A. Cicu", University of Bologna (scientific collaboration with Prof. Stefano Zunarelli). The main field of study is focused on business law, studies of EU legislation, competition and law of obligations. Graduated from the University of Bologna in 2009, with the result 110/110 magna cum laude, he defended the thesis

"Le Autorità creditizie nel sistema finanziario albanese" (Business Law). He continued his academic career with doctoral studies in European Transport Law at the University of Bologna where he defended the the thesis on "Le gestioni aeroportuali e dei servizi aeroportuali nel diritto europeo e nazionale". During this period he participated in several research projects. He also spent a 6-month research period at the Institute of Air and Space Law, Leiden University, where he conducted research on cooperation and agreements between airline and airport operators and competition issues. Good knowledge of Italian legislation. His doctoral studies were funded by the Albanian government program of Excellence Fund. He is active with publications in academic and professional journals, as well as part of research groups. Part of editorial boards, scientific committees or reviewer for several scientific journals, in Albania and abroad. Lawyer since 2013 and currently exercises professional activity as a lawyer and consultant, due to the field of expertise in Business Law, mainly deals with negotiation, sale and purchase of shares, restructuring procedures, bankruptcy proceedings, consulting, drafting contracts, statutes and litigation.

Mitja Grbec, PhD
Maritime Law Association of Slovenia
Law Office Grbec
Koper, Slovenia

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 (Law Office Grbec), Slovenia, and a consultant in the field of international maritime law (Mare Nostrvm d.o.o.).

Shengnan Jia, PhD
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Jimei University
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Dr Shengnan Jia LL.B. (law, China), LL.M (civil and commercial law, China; maritime law, Sweden) and Ph.D. (commercial and maritime law, UK). Shengnan is an Associate Professor at Navigation School, Jimei University, Xiamen; an Adjunct Lecturer at the School of Juris Master, China University of Political Science of Law; an Adjunct Lecturer at Ankara University National Centre for the Sea and Maritime Law, Turkey and an Expert of Advisory Panel for China Council for Promotion of International Trade as UNCITRAL Observer on Judicial Sale of Ships. She is the author of *Comparative Analysis of Interim Measures: Interim Remedies v Preservation Measures* (publisher: Routledge) and has contributed chapters to many legal profession books and journals. She is a Co-Founding Director, China-Europe Commercial Collaboration Association (CECCA) London, and Chair of the Board, Stichting CECCA (Netherlands), and founded *Journal of Transnational and Chinese Maritime Law* and *Journal of Transnational and Chinese Commercial Law*. She is also a practicing lawyer & partner in Tahota Law Firm, China and an arbitrator at Hainan International Association Court, Zhuhai Court of International Arbitration, China; LMAA, UK; Caspian Arbitration Society, Geneva and Energy Disputes Arbitration Centre, Ankara.

Aleksandra Koska, LLB
Asisstant
WSB University
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Aleksandra Koska is a PhD student at the Faculty of Law and Administration at the University in Gdańsk. In September 2015, she became an academic teacher and, since 2018, has been an assistant at WSB University in Gdańsk. Since 2019 she has managed publications at the first Polish Research Federation of WSB and DSW University (commercial universities). Aleksandra Koska is the author of research articles on maritime law. In 2017 carried out independent research on regulatory analysis "Floating Storage Regasification Unit in Gulf of Gdańsk" and was awarded a research grant, "Young Scientist Project" awarded by the University of Gdańsk.

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 2000-2018 and chairman of the legal committee of Croatian Chamber of Shipping, and also Director in a leading international insurance company UK P&I Club 1994 – 2009, in SiGCo (international provider of guarantees for oil pollution liability), and in an international investment fund. Dr. Kragić participated in the CMI Drafting Committee for the Rotterdam Rules and was a member of the Croatian delegation to the UNCITRAL (including working groups for the Rotterdam Rules and for Judicial Sale of Ships) and ILO. He is the titular member and a member of the Executive Council of the CMI. For a number years he has been a member of the drafting committee for the Croatian maritime law. He is the author of a legal textbook Tanker Charterparties, 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.

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

Axel Luttenberger is full professor with permanent tenure at the Faculty of Maritime Studies of the University of Rijeka. He got his Bachelor of Law degree at the University of Rijeka School of Law, and became Master of Law and Doctor of Law at the University of Split Law School. He passed Bar examination and worked in marine insurance business as legal attorney, head of the legal department and senior advisor. He has experience in local government and government public service having been the City Mayor of Opatija and Member of Croatian Parliament and its Committee on Constitution, Standing Orders and Political System, as well as the Legislation Committee. He authored four academic books: Maritime Administrative Law, Law of the Sea Textbook, Naval Warfare Law and Commercial Contracts and over a hundred scientific papers. His main activities are teaching maritime, commercial and environmental law at various university and vocational programmes.

Ciara Vicente Mampel, PhD
Institute for Transport Law
Jaume I - University
Castellón, Spain

Graduated in Law from the Jaume I University of Castellón (Spain), where she also passed the Master's degree in Law (2017), Ciara Vicente Mampel received her PhD (Law) from the same university in February 2022, for which she obtained a cum laude qualification and an international mention accredited through her research stay at the Università di Roma La Sapienza. She focuses her research on transport law, particularly on rail transport. As her field of research shows, she has participated as a speaker in conferences and seminars at national and international level, and has published different scholarly articles and contributions to collective works. Likewise, she is the author of a monograph titled "Liberalización y competencia en el sector ferroviario" (*Liberalisation and competition in the rail sector*), which has been published by the well-known Spanish legal publisher Marcial Pons. Currently, Ciara Vicente Mampel is an Assistant Professor of Commercial Law and a Member of the University Institute of Transport Law (IDT) at the Jaume I University.

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). In July 2022 he was appointed the Director of IMLI, where he has been teaching since 1999 and now holds position of a Full Professor. 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.

Elena Orrù, PhD
Alma Mater Studiorum - University of Bologna
Department of Legal Studies
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Associate Professor of Maritime and Transportation Law at the Alma Mater Studiorum – University of Bologna, Department of Legal Studies; PhD in European Transportation Law in 2007, Alma Mater Studiorum – University of Bologna. As a lawyer, Elena is a member of the Bologna Bar Association and is particularly focused on Maritime, Air and Transport Law, Competition, State Aids and Antitrust Law, international commercial contracts and arbitration. Elena lectures, both in English and in Italian, on International Sales and Shipping Contracts, Marine Insurance and Public Transport Law at the University of

Bologna and in PhD and Master Courses both in Italy and abroad. She has been member of several international and national research groups and Visiting Researcher and Professor at foreign Universities (VUB, Nordisk Institutt for Sjørett, Westminster University London, University of Rijeka, University of Elbasan). Elena is a regular speaker at international and Italian conferences and the author of several books and articles. She is also a member of the Italian Maritime Law Association, of the Association of Italian Professors of Navigation and Transportation Law, of UIA – International Association of Lawyers, of I.S.Di.T. - Istituto per lo Studio del Diritto dei Trasporti and of the International Propeller Club.

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

Adriana Vincenca Padovan graduated in 2002 from the Faculty of Law, University of Zagreb, where she also obtained her 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 Department of the Zagreb Law Faculty, where she has held the academic title of Assistant Professor since 2014 and of Associate Professor since 2020. Dr Padovan passed the Croatian bar exam in 2006, having completed an internship at the Municipal Court in Zagreb. She held a number of training seminars in transport insurance by the Croatian Insurance Bureau, where she is also listed as 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 is Vice-president of the Croatian Maritime Law Association and founding member of the Croatian Transport Law Association. From 2011 to 2013 she was a collaborator on the scientific research project of the Adriatic Institute "Croatian Maritime Legislation, International Standards and the EU Law" (Principal Researcher: Prof Vladimir Ibler, PhD) financed by the Ministry of Science. She was the principal researcher on the scientific research project "Developing a Modern Legal and Insurance Regime for Croatian Marinas - Enhancing Competitiveness, Safety, Security and Marine Environmental Standards" financed by the Croatian Science Foundation from 2016 to 2019. She was a visiting scholar at the Legal Sciences Department of the University of Udine in October 2019 and at the Maritime Law Center of Tulane Law School in January 2018. She took part in the organisation of a number of academic seminars, conferences, round tables and workshops and published over 40 academic and professional papers and book chapters. She authored a book entitled "The Role of Marine Insurance in the Protection of Marine Environment from Ship-source Pollution" published by the Croatian Academy of Sciences and Arts.

Lucrezia Pari, LLB
University of Teramo
Teramo, Italy

Lucrezia Pari is a PHD student from the University of Teramo, where she is currently following an innovative and industrial Doctoral program about distributed ledger technologies applied in the maritime and logistic sectors. Lucrezia is member of the "comitato di redazione" of the scientific journal "Il Diritto Marittimo" and author of some articles and comments. Since March 2018 she has been collaborating with the chair of maritime law at the universities of Bologna and Teramo. She is an associate lawyer of a well-known Italian Law Firm operating in the field of shipping and she is member of the Bologna Bar Association since February 2018.

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

Časlav Pejović is a Professor of Law at the Faculty of Law, Kyushu University. Prior to joining Kyushu University in 1997, he was an Associate Professor at the University of Montenegro. He graduated in law from the University of Montenegro (B.A.), has an LL.M. degree from the University of Belgrade and Kyoto University, and a Ph.D. degree from Zagreb University. His teaching and research interests include maritime law, comparative law, commercial law, international business law, foreign investment law, corporate governance, and labor law. His teaching experience includes courses at Chulalongkorn University, Tsukuba University, Tilburg University, Duke University Asia-America Institute in Transnational Law, and Shanghai University of Finance and Economics. He is a member of a number of international academic and professional associations, such as the International Academy of Comparative Law (IACL), the International Academy of Commercial and Consumers Law (IACCL), the Asian Law and Society Association (ALSA), and the Japanese Association of Maritime Law. His papers are published in world-leading journals and translated into other languages. He is the author of a chapter on carriage by sea in Goode/Kronke/McKendrick, “Transnational Commercial Law”. He also served as arbitrator of the ICC Arbitration.

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 the author of a scientific monograph titled “Bareboat Charter and many scientific and professional papers.

Achim Puetz, PhD
Jaume I - University
Castellón, Spain

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

and factoring contract, insolvency law). He is currently the vicedean of the Degree in Law at Jaume I-University and holds the position of the academic secretary of its Institute for Transport Law (IDT).

Maja Radunović, LLM
Attorney at law
Podgorica, Montenegro

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

Pia Rebelo, PhD
The City Law School, University of London
London, The United Kingdom

Pia Rebelo is an admitted attorney from South Africa and is presently working as a lecturer in private law at the City Law School in London. She obtained her LLB and LLM at the University of Cape Town and completed her PhD at City, University of London. During her LLM, she participated in an exchange programme at the University of Maryland, USA. She has practical experience in the areas of family law, commercial law, High Court and Magistrates Court litigation, and wills and estates. She has a strong interest in environmental issues within the maritime sector and the private law aspects of the climate change and sustainable development agendas. Her research interests are focused on the contractual mechanisms employed to facilitate and incentivise a green shipping transition. She has published work on green finance frameworks, green supply chain finance, and private actor initiatives for addressing climate change.

Juan Pablo Rodriguez Delgado, PhD
Carlos III University
Madrid, Spain

Juan Pablo Rodriguez Delgado is Assistant Professor of Commercial Law at the Universidad Carlos III de Madrid (Spain). He majored in Law and he got a PhD from Universidad Carlos III in 2015, for a thesis on the “Period of Responsibility of the sea carrier” (under supervision of Prof. Rafael Illescas and Prof. Manuel Alba). Juan Pablo is teaching courses at the Universidad Carlos III in several areas, both undergraduate and postgraduate, including Company Law, Commercial Contracts, Business Law for Entrepreneurs or Maritime Law. He is also the coordinator of several Master courses at the Universidad Carlos III and ISDE. Juan Pablo is currently the coordinator of the moot court competition Moot Madrid and the Law Summer School in Madrid (organized by Seattle University and Carlos III). He is also the coach of the university team at the International Maritime Law Arbitration Moot organized by Murdoch University (Australia). He has been fellow in several research stays, among others, at Tulane University (2010), University of Southampton

(2011, 2016), Fordham University (2012), UNIDROIT (2013, 2019) or University of Bologna (2020) and his research has benefited from different grants, among other from the Ministry of Economy, Industry and Competitiveness and Private Institutions. Juan Pablo has carried out several research stays, benefited from different grants, at international institutions in the field of private law, including the University of Southampton, Fordham University, UNIDROIT, Tulane University and the Università degli Studi di Bologna. His publications include the book “El periodo de responsabilidad del porteador en el contrato de transporte marítimo” (Marcial Pons, 2016) and numerous articles and books chapters, primarily in two areas: maritime law and commercial contracts. Juan Pablo Rodríguez joined is Of Counsel at the maritime law firm Albors Galiano and Portales.

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.

Haiyang Yu, LL.M
Maastricht University - Faculty of Law
Maastricht, The Netherlands

Haiyang Yu is a Ph.D. candidate at the Faculty of Law of Maastricht University, the Netherlands. He graduated from Erasmus University Rotterdam with an LL.M. in Maritime & Transport Law and previous to that, he obtained an LL.B. in Civil & Commercial Law from East China University of Political Science and Law in Shanghai. He is a Ph.D. fellow of the Maastricht Institute for Transnational Legal Research and a member of the Ius Commune Research School, which is a cooperation among the law schools of Maastricht University, KU Leuven, Utrecht University and University of Amsterdam. Haiyang is involved in organizing the Ius Commune PhD training courses in Maastricht. He is a board member of the Stichting China-Europe Commercial Collaboration Association (CECCA Foundation, NL) and the head of the maritime law team of CECCA London. He is the Executive Editor of the *Journal of Transnational and Chinese Maritime Law*. He organizes conferences and seminars for CECCA. Haiyang has been accepted by the IMO Internship Programme to carry out research at IMO in 2022. He has been accepted by the City University of London as a visiting scholar. He is specialized in maritime law and law & economics.

COURSE LECTURES SUMMARIES AND ABSTRACTS OF PRESENTATIONS

I. UNIFICATION OF MARITIME AND TRANSPORT LAW

LIMITATION OF LIABILITY FOR MARITIME CLAIMS – MASTERCLASS

Norman Martinez – Zuzanna Peplowska-Dąbrowska – Iva Tuhtan Grgić

The class is dedicated to the international framework on the limitation of liability for maritime claims. It will start with reasons and justification for the limitation of liability. The lecturers will provide a brief glimpse at the historical development of this original institution of maritime law will be provided. The core part will be dedicated to LLMC 1976 as amended by the 1996 Protocol. Special attention will be given to persons entitled to limit liability, claims subject to limitation, limits of liability and tacit acceptance procedure, limitation fund, and conduct barring limitation. Unique systems for limitation of liability will be discussed (including but not limited to: the 2002 Athens Convention and the CLC 1992). Finally, we will look into the US law on the limitation of liability as an example of a different approach. The issues raised will be illustrated with case law from various jurisdictions. Throughout the class, students will be invited to solve short tasks based on the lecture's content. Proper answers will be discussed together.

MARITIME LIENS AND MORTGAGES – UNIFICATION INSTRUMENTS

Juan Pablo Rodriguez Delgado

The lecture shall be focused on the analysis of the international instruments on maritime liens and maritime mortgages/hypoteques currently in force, explaining the reasons that led the CMI and other international organizations to develop a cross-border regulation on this area of maritime law, analyzing the 1926, 1967 and 1993 Conventions respectively. In its analysis focus will be on its scope of application, the recognized (privileged) maritime liens on the ship, the ranked preference (internal and external), the so-called "national liens" and the extinction of the privilege. In addition, lecture will briefly address the judicial sale of a ship on the basis of these maritime claims and the possibility of a Protocol to the Cape Town Convention on maritime liens.

**CREATION OF NEW UNIFICATION INSTRUMENTS IN UNCITRAL –
COMPARATIVE CASE STUDY OF ROTTERDAM RULES AND CONVENTION
ON THE INTERNATIONAL EFFECTS OF JUDICIAL SALES OF SHIPS**

Petar Kragić

The lecture depicts the process of creating international conventions – from initiation, building up support, drafting, negotiating and adoption. Emphasis is on the motives, rationales, arguments, compromises, interests and economic / political context that create the framework of the process. Examples illustrating various talking points are taken from the history of creation the Rotterdam Rules and recent Convention on Judicial Sale of Ships. The presentation offers insight into new concepts that have been discussed in preparation of the said instruments, but at the same time queries whether some of them were introduced in a manner that constrains their potentials, or were rejected without convincing arguments. The priority is not to give facts as such, but rather to analyse how we think, or should think about legal matters. It is about legal mind. How we recognise that some relationships or transactions should be regulated, or if already regulated that the existing rules should be changed? What goals we want to achieve? Which interests should get priority? How the rules will be implemented and enforced? In a global world the whole planet is interconnected by a myriad of transaction, which – as Friedrich List, a 19th century German-American economist, predicted – should be legally regulated, but at the same time divided among about 200 sovereign nation states that exercise power over their respective territories. International law could not be restricted to the rules of unification instruments, but should allow the parties to international transactions to create the whole legal package that would best suit them. It implies allowing the parties choosing an appropriate applicable law and tribunal.

II. MARINE ENVIRONMENTAL LAW

CIVIL LIABILITY FOR SHIP SOURCE MARINE POLLUTION – MASTERCLASS

Dorotea Ćorić – Iva Tuhtan Grgić

The lecture examines the specific international regimes of ship source pollution liability, dealing respectively with tanker oil spills (CLC/Fund regime), spills of bunker oil (Bunker Convention) and damage caused by hazardous and noxious substances (HNS Convention). The main part of the presentation deals with the most significant provisions of the specific international regimes, emphasizing the similarities and differences between them. In addition, the presentation provides an overview of number of problems related to the application of the liability regimes. Following an analysis of the basic concepts of the specific liability regimes, the relevant case law interpreting their provisions will be analysed. Particular attention will be given to the analysis of the admissible claims for pollution damage in accordance with the CLC/Fund and Bunker liability regime. The final part of the presentation gives an insight into future of the international pollution liability regimes.

ACHIEVING DECARBONISATION IN SHIPPING THROUGH CLIMATE CLAUSES IN MARITIME CONTRACTS

Pia Rebelo

This lecture elucidates a contract governance approach to achieving the IMO's path to decarbonisation in shipping. A contract governance approach to contract theory offers reflexive governance mechanisms to collective action problems like climate change and creates ways of connecting the corporate world and state-centric world. This approach contemplates a wide range of rule and decision makers and the interchange of external and internal impacts on decision-making institutions (state or non-state) to identify where weaknesses in collaborative schemes can be improved. As a starting point, this Lecture addresses the driving factors advancing Net-Zero targets amongst private actors. These are predominantly centred on: 1) IMO ambitions and the international legislative framework (EEXI and CII); 2) CSR and voluntary commitments fuelled by consumer demand; and 3) preferential access to capital via the mobilisation of green finance. Each of these factors will be explained with a view to analysing how shipping contracts can advance the effectiveness thereof and contribute to a more pluralistic approach to climate change governance in the sector. In respect of the contractual mechanisms identified to achieve this goal, standardised shipping forms and contractual clause banks provided by major shipping associations are very useful in addressing the problem of illegality of contract when it comes to environmental compliance. Environmental compliance clauses have therefore been crucial in applying pollution standards to contractual performance - such as sulphur and nitrous oxide content in fuel, ballast water management, biofouling, and energy efficiency reporting. However, these clauses do not reflect the ambitions and normative ideals set forth for the industry as compliance is merely viewed as a commercial allocation of cost and risk. To accelerate IMO plans to phase out carbon emissions, maritime contracts need to give legal effect to a wider range of climate considerations.

The uptake of green clauses and the elevation of net-zero norms are necessary to ensure the effectiveness of CSR mandates and ESG investing *in addition* to regulatory compliance. Cooperative norms play a key role in guiding private actor performance in times of risk and transactional uncertainty. This lecture will explore some pioneering contractual solutions for achieving decarbonisation in shipping. A major focus will be on Climate Clauses and how these should be used in ship finance and chartering to achieve carbon neutral ambitions that may even exceed IMO targets.

UNCLOS 1982 – FORTY YEARS OF GLOBAL FRAMEWORK FOR MARINE ENVIRONMENTAL LAW

Mitja Grbec

The UNCLOS Convention has played, particularly through its Part XII., an utmost important role in the codification and further development of marine environmental law. Noteworthy is the fact that UNCLOS creates a general duty to regulate all sources of pollution of the marine environment (not just ship source pollution) and that furthermore provides a duty of cooperation among States in that regard. However, based on the provisions of Article 235 of UNCLOS, States are not only responsible for the fulfilment of their international obligations concerning the protection and preservation of the marine environment, but they shall also ensure that recourse is available in accordance with their legal systems for prompt and adequate compensation or other relief in respect of damage caused by pollution of the marine environment by natural or juridical persons under their jurisdiction. Of paramount importance is the relation between Part XII. Of UNCLOS and obligations under other conventions on the protection and preservation of the marine environment which is generally regulated by Article 237 of UNCLOS. Of particular importance is in that regard the relation between UNCLOS and the various conventions (i.e. CLC, FUND, Bunkers, HNS) forming nowadays part of what is sometimes referred to as the »International Compensation System for Oil Pollution Damage«. Noteworthy is the fact that the CLC and FUND Conventions preceded the adoption of UNCLOS and had significantly influenced its provisions related to liability and compensation for (oil) pollution damage.

MARINE ENVIRONMENTAL LAW – SEMINAR

Dorotea Ćorić – Iva Tuhtan Grgić – Pia Rebelo

The seminar provides an analysis of the Dutch court ruling in the Bow Jubail incident (Port of Rotterdam, 2018) regarding the question whether the ship from which the polluting bunker oil has escaped is a ship within the meaning of the CLC Convention. Also, particular attention will be paid on the French court holdings in a number of proceedings following the Erika incident (France, 1999), as well as the survey of the UK and South African case law related to the oil pollution from ships' bunker and hazardous and noxious substances carried as cargo.

III. DIGITALIZATION OF MARITIME AND TRANSPORT LAW

BLOCKCHAIN BILLS OF LADING – NEW GENERATION OF ELECTRONIC BL

Časlav Pejović

Recently, blockchain technology has been paid great attention to as creating new opportunities in international trade. Parties involved in international trade can now enter into transactions more securely thanks to immutable, distributed ledgers without necessarily relying on a third-party system provider while taking benefit of the improved speed and cost of transactions. Blockchain technology has a decisive impact on the development of electronic transport documents. Pre-existing electronic bills of lading have relied on a system provider of ‘registry’ whose nature has restricted them from being widely used in practice. Blockchain bills of lading are expected to address shortcomings of their preceding generation by allowing anyone to use them and achieving the mechanism of transferring their control in a similar way as transferring the possession of paper bills of lading. At the same time, however, there are a number of practical and legal issues that might slow down the full application of blockchain bills of lading. To examine potential issues in the use of blockchain bills of lading, this paper aims first to introduce blockchain bills of lading and how they carry out the functions of traditional bills of lading; secondly, to identify what challenges and how they may impede the use of blockchain bills of lading; and lastly, investigate whether the proposed legal instruments could provide legal recognition for the use of blockchain bills of lading. Two questions will determine the prospect of blockchain B/L: would they be able to eventually render paper bills of lading a relic or remain just another type of electronic bill of lading that has to coexist with paper bills of lading?

LEGAL ASPECTS OF INTEROPERABILITY OF eBL PLATFORMS

Patrick Vlačić

Digitalization is not just a buzzword, it is a must. It is one of the most important agenda of the European Union. The EU's digital strategy aims to transform activities for people and businesses and, in the meantime, also achieve the goal of a climate-neutral Europe by 2050. The European Commission is committed to making Europe digital and also provides substantial financial support for digitalization. As some use cases show, the European Union is not the only entity that has recognised the need for digitalization. In recent years, much has been written about e-commerce in the shipping industry, particularly about electronic bill of lading. Only about 1% of bills of lading issued in 2021 were electronic. Typically, shipping companies use dedicated electronic bill of lading providers to create and transmit electronic bills of lading. One of the most important standards for electronic bill of lading is the approval of the International Group of P&I. There are currently eight providers worldwide that have this badge. What is self-evident with e-mail is a major challenge with electronic bill of lading providers. After all, if you want to send your e-mail from a mailing address provided to you, such as gmail, to the recipient's mailing address that they have e.g. on yahoo, of course, this is possible at a level that we do not even think about. On the other hand, sending electronic bill of lading from one service provider to another involves many legal and technical issues. In our estimation, interoperability is currently the most important challenge that needs to be solved for the widespread use of the electronic BL.

MASS AND THE LIMITATION OF THE LIABILITY OF THE SHIPOWNER

Massimiliano Musi

In the current maritime transport market, in which new technologies are taking on a leading role, especially with the introduction of autonomous navigation systems, it is essential to deepen how Maritime Law can keep up with the times and maintain its prodigious and far-sighted regulatory effectiveness. In this perspective, the lecture focuses on one of the most iconic institutes of Maritime Law, that of the limitation of shipowner's liability – provided for at uniform international level by the Convention on Limitation of Liability for Maritime Claims – which ultimately ends up playing a decisive role in making the choice, on a regulatory context, of the subject on which to channel liability in case of accident involving MASS. To fully understand the relevance that the benefit of the limitation assumes in this context, it is necessary to check which are the categories of subjects who can make use of it and, in particular, if these also include software and hardware designers and producers, in the awareness that the subjects who are not able to make use of the limitation regime would experience a paramount difficulty also in acquiring an insurance policy.

IMO – REGULATORY APPROACH TO MASS

Igor Vio

Significant developments of technology in the field of autonomous navigation are results of numerous research projects in various parts of the world that are engaging substantial scientific, financial and workforce resources. The imminent commercial introduction of autonomous ships will have an impact on all aspects of the shipping industry. That is the reason why the concept of autonomous vessels has been attracting the attention of shipping companies, states and international organizations dealing with maritime safety and marine environment protection. It also implies the necessity for creating an international regulatory framework that will cover a wide spectrum of safety, security, liability and insurance issues. Since the IMO has completed the regulatory scoping exercise concerning maritime autonomous surface ships (MASS), it is time to start the next phase and revise and improve the legal framework created for conventional manned ships as to enable the future global safe, secure and environmentally sound operation of autonomous vessels.

DIGITALIZATION OF MARITIME AND TRANSPORT LAW – SEMINAR

Aref Fakhry: The IMO MASS Seminar - Summary Report

NATIONAL LEGISLATION ON AUTONOMOUS VESSELS – ROUND TABLE

Speakers: Zuzanna Pełowska-Dąbrowska, Massimiliano Musi, Juan Pablo Rodriguez Delgado, Časlav Pejović, Pia Rebelo, Aref Fakhry, Raphael Esu, Ceren Dindar, Patrick Vlačić, Igor Vio
Autonomous Ships in Polish, Italian, Spanish, British, Montenegrin, Japanese, South African, Lebanese, Turkish, Slovenian and Croatian Maritime Law

WORKSHOP ON BLOCKCHAIN BILLS OF LADING

Časlav Pejović – Patrick Vlačić: Blockchain B/L Technology – Practical Aspects

IV. MARITIME LABOUR LAW

MARITIME LABOUR CONVENTION – TEN YEARS SINCE ENTRY INTO FORCE

Laura Carballo Piñeiro

The Maritime Labour Convention, 2006, will be soon celebrating ten years since its entry into force having gathered 101 ratifications. Although the convention has a reputation for having significantly enhanced seafarers' working and living conditions on board ships, it is time to examine whether this is really the case in the light of the International Labour Organization's Decent Work Agenda. More specifically, this presentation will be structured around the four pillars of this agenda in addition to examining the impact of the convention in addressing gender equality and non-discrimination at work at sea as both matters are transversal in accordance with the ILO: 1. Employment: short-term employment has become the pattern in shipping leading to job insecurity. 2. Social protection: MLC, 2006 has been successful in implementing private insurance paid by the shipowner, but less so in securing seafarers access to a national social security scheme. 3. Social dialogue: national implementation of the Convention is made dependent on social dialogue, however the Convention itself has two major issues that so far social dialogue seems unable to tackle: hours of work and wages. 4. Rights at work: the COVID-19 pandemic has revealed a systemic failure of the MLC, 2006 when flag States, port States and labour-supplying countries have refused compliance with the rights therein laid down.

MARITIME LABOUR LAW IN CROATIA – INTERNATIONAL AND NATIONAL LEGAL REGULATIONS

Marija Pijaca

Seafaring enjoys numerous peculiarities, and one of these peculiarities is manifested in the regulation of seafarers' labor relations. The seafarers' employment relationships are characterized by dynamism and specificity and cannot be classified in the legal framework of the so-called classic employment relationship that employees who work, for example, on land have. Precisely because of its specificities, there is a need to present legal sources, international and national, that regulate the labor relations of seafarers. Therefore, in this presentation, the attention is focused on legal sources that regulate seafarers' labor relations, namely international and national legal sources. Among the international legal sources, the emphasis is on the presentation of provisions of the Maritime Labor Convention (MLC) from 2006, adopted within the work framework of the International Labor Organization (ILO). The mentioned convention is called the "fourth pillar" of quality shipping along with several universal instruments of the International Maritime Organization (IMO) such as SOLAS, MARPOL and STCW conventions. From the national legal sources, the emphasis is on the provisions of Chapter VIII. of the Croatian Maritime Code, which refers to seafarers and to several by-laws that also refer to the regulation of their status. A particularly important legal source are also Collective agreements, so it (we) should point out the National Collective Agreement for Croatian Seafarers on Ships in International Navigation (2021-2022) and the National Collective Agreement for Croatian Seafarers on Passenger Ships and Ferries.

V. MARINE AND TRANSPORT INSURANCE

SEAWORTHINESS IN THE CONTEXT OF MARINE INSURANCE CONTRACT

Adriana Vincenca Padovan

The seaworthiness is generally extremely important for any hull and machinery insurance contract, but also for a shipowner's liability insurance (P&I) contract. Insurance of the ship's hull and machinery, as well as of the shipowner's liability, is generally provided on the assumption that the ship is seaworthy, unless the insurer knowingly and voluntarily accepts to insure under special conditions a ship that does not meet all seaworthiness requirements. This basic principle is present in various forms in national laws that regulate marine insurance contracts. Therefore, the lack of seaworthiness in various national legal systems leads to certain legal consequences. In general, it could be said that in most legal systems it is common that the lack of seaworthiness, in one way or another, usually leads to the loss of insurance coverage. From the insurer's standpoint, the aim of the legal concept of seaworthiness is to control the quality of the insured risk and eliminate substandard ships from the insurance portfolio and from the shipping trade in general. In this lecture, we shall first clarify the meaning of the legal concept of seaworthiness in general terms and particularly in the context of marine insurance. Thereafter, we shall discuss the different legal solutions and effects related to the ship's unseaworthiness in the context of the marine insurance contract, comparing the solutions found in the Anglo-Saxon and continental legal systems. In the final part of the lecture, we shall shortly look into the future of this legal concept in view of the technological developments and automation in shipping transport.

LEGAL ANALYSIS OF WARRANTY IN MARINE INSURANCE CONTRACT – ENGLISH LAW AND CHINESE LAW PERSPECTIVES

Shengnan Jia

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

SHIP MANAGEMENT AGREEMENTS – LIABILITY RISKS AND INSURANCE

Achim Puetz

Under a ship management agreement, the ship manager faces numerous liability risks, both in contract and in tort. In the contractual sphere, to the extent to which the manager acts in the name of the owner, he should be regarded a mere agent of the latter, so that he should not be held liable for any breach by the principal of the agreements concluded with third parties. For its part, the solution as regards liability in tort depends on the applicable legal framework: while the owner and the manager are on occasions considered to be jointly and severally liable for the damage caused (e.g. under the 2001 BUNKER Convention), in other cases all liability is *ex lege* channelled to the owner (e.g. under the CLC Convention). In view of the multiple liability risks faced by the ship manager, both against the owner and against third parties, special attention should be paid to insurance matters.

MARITIME AND TRANSPORT LAW COLLOQUIUM

Session I: CONTEMPORARY LEGAL ISSUES IN SHIPPING INDUSTRY

LAW APPLICABLE TO LIABILITY FOR DAMAGES DUE TO ACCIDENTS INVOLVING AUTONOMOUS VESSELS - PRIVATE INTERNATIONAL LAW ISSUES

Zuzanna Peplowska-Dąbrowska

With autonomous shipping waiting just around the corner, there is a lot of effort put into discussing the applicability of the international maritime conventions to unmanned ships at the IMO and CMI forums, as well as in the maritime law doctrine. Not always, however, a uniform law instrument may be applied. In those cases, recourse to private international law (PIL) in cases involving a foreign element is necessary. The paper will analyze the adequacy of the PIL rules applicable in the EU to accidents involving autonomous ships. Specific attention will be given to Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II) and Hague Convention of 2 October 1973 on the Law Applicable to Products Liability.

A LAW OF THE POOR AND DISENFRANCHISED IN MARITIME LAW – IS THERE ONE?

Aref Fakhry

This presentation explores aspects of fairness and equity in maritime law. The focus is on categories of individuals or would-be claimants that are generally under-resourced or disenfranchised. Like other branches in the law, maritime law needs to be vetted against benchmarks set by natural law, constitutional law, human rights law or other overriding corpuses. Seafarers, non-professional cargo owners, opportunistic sea migrants, and coastal dwellers are some of the groups of individuals who may stand to claim from their association with maritime and ocean ventures, but are seen as relatively too weak or ill-equipped to confront the demands of a legal system biased towards the interests of larger commercial or state interests. As a body of law, maritime law is generally approached with those interests at the forefront. This may sharply contrast with typical expositions undertaken in the law, where greater emphasis is placed on the legal benchmarks identified above. Through a methodical overview of selected rules and principles, this presentation advocates a more balanced and arguably requisite examination of maritime law geared toward serving the neediest of its claimants.

TRANSFER OF TITLE TO A SHIP UNDER VARIOUS TYPES OF CONTRACTS

Zoran Tasić

This presentation deals with transfer of title to a ship under three types of contract: Memorandum of Agreement for sale of a ship, shipbuilding contract and Part IV of the standard Bareboat Charter Agreement. English law, in particular by Sale of Goods Act, 1979, govern most of international contracts for sale of ship. Although under English law the title to a ship shall pass to the buyer at such time and in such manner as agreed by the parties, laws of many states that offer their flag registration facilities to the maritime industry govern transfer of title to a ship differently. Those laws and regulations often do not correspond with transfer of title clauses in international standard forms of contract for sale of ship. Parties to the contract need to consider very carefully both the law of the contract and the law of the flag in order to achieve proper transfer of title. Proper transfer of title is of extreme importance. For example, the seller cannot sue for the price until the title is properly transferred to the buyer. Equally, risk of damage to or loss of the ship shall become buyer's risk upon transfer of title regardless of whether or not the ship has been actually delivered to the buyer. Delivery of a ship under any of the above contracts does not constitute transfer of title to a ship. Transfer of title can take place before or after delivery of the ship to the buyer. Each of the above types of contract sets out different terms and conditions for successful delivery of the ship.

Session II: CURRENT CHALLENGES IN MARITIME AND TRANSPORT LAW

JURISDICTION AND COMPETITION IN THE AIR TRANSPORT SECTOR – EXTRATERRITORIALITY AFTER AIRFREIGHT

Achim Puetz

In March 2022, the General Court delivered its second set of judgments in the Airfreight case. Among other issues, it had to deal with the jurisdiction of the European Commission to enforce the prohibition of collusive behaviour in Article 101 TFEU, which had been challenged by most of the sanctioned airlines. The decisions are important, because they provided the first opportunity for the European courts to apply the “qualified effects”-test, as developed in Intel, in a cartel case. Accordingly, the paper aims at analysing the current state of “extraterritorial” application of European law from different angles, as well as alternative solutions to level the playing field in the air sector.

ANALYSIS OF SANCTION REGIMES – CHARTERPARTY ASPECT

Ceren Cerit Dindar

Following the Russian invasion of Ukraine, severe sanction regimes has started to be imposed by many countries against Russia and Russian entities. This makes the topic of sanctions quite popular and gives rise many discussions as to legal problems surrounding sanction concept in the recent months. There is no doubt that due to international nature of the shipping sector, one of the areas which has been affected by the sanction regimes most is sea trade. For example, restrictions imposed today related to transportation of particular goods by sea from the sanctioned country might cause potential problems under a time charter if a charterer orders a shipowner to load the prohibited goods from the sanctioned country. The purpose of this paper is not to indicate sanction regimes related to sea trade which are currently in force and analyse them. This article aims to answer the question of how the charterparty relations are affected from these restrictions. In this regard, following the general overview of sanction regimes, sanction related problems that might arise at the beginning and later stages of charterparties will be the main focus of this paper. The paper will also analyse to what extent sanction related disputes that arise at the beginning and later stages can be set aside by the shipowner and charterer through common law principles such as doctrine of frustraition and contractual mechanisms and to what extent the BIMCO Sanctions Clause for Time Charter Parties 2020 can have a role in this regard.

SUSTAINABILITY IN TRANSPORTS AND LOGISTICS – LEGAL ISSUES AND CHALLENGES

Elena Orrù

Transportation and logistics are indeed paradigmatic sectors for sustainability, since they challenge it in different perspectives. The most renowned of them concerns environment. However, they entail also, among the others, gender equality and safety issues. Considering, as an example, the UN 2030 Agenda for Sustainable Development, they are particularly important, either directly or indirectly, for the fulfilment of most of its goals. With regard to other international instruments, their importance for climate action is further recognized under the United Nations Framework Convention on Climate Change (UNFCCC) as a key factor for achieving the goals set by the Paris Agreement. Actually, fostering sustainability in the transport and logistics sectors is not a new challenge, but what has changed over the years is the increasing awareness of its effects for most aspects of our life and the new tools that are being implemented, such as specific contract clauses (meant to share between the parties to the contract the commitment to a more sustainable transportation and supply chain), new corporations, green bonds. The presentation is meant to outline the current challenges of sustainability and investigate the suitability of the existing legal framework and instruments for addressing them.

Session III: SUSTAINABILITY AND ENVIRONMENTAL PROTECTION

REALISING GREEN CONTRACTUAL NORMS IN CHARTERPARTIES

Pia Rebelo

Generally, charterparties are not governed by international conventions but by English principles of contract law. At present, English contract law does not recognise a set of green norms nor a sustainability mandate, as it is primarily concerned with commercial efficacy. Similarly, the standard forms used to govern chartering arrangements are only concerned with environmental factors to the extent that environmental compliance is necessitated by regulatory standards. In the absence of any public law instrument or internationally accepted environmental rules relating to chartering, contractual terms can serve as early implementers of green norms. Other areas of dry shipping are seeing a hardening of soft environmental commitments though the inclusion of environmental provisions in standard forms as well as voluntarily negotiated specialised green terms. In this regard, charterparties are lagging behind contracts used in vessel financing, shipbuilding, and vessel recycling. However, two developments may be accelerating an emerging set of green norms in charterparty agreements. Both of these initiatives will be discussed in this presentation. The first is the Sea Cargo Charter which sets a ‘benchmark for what it means to be a responsible charterer’ through four principles: assessment, accountability, enforcement, and transparency. Signatories will enforce a commitment to climate alignment through the use of a Sea Cargo Charter Clause as a recommended charterparty clause. The second is the Chancery Lane Project’s Net-Zero Toolkit which has published four climate clauses for the shipping sector – all are applicable to voyage and time charters. If these clauses are to see industry uptake fuelled by consumer demand, CSR, and sustainable supply chain management, they could contribute considerably to the elevation of green norms in chartering. The normative impact of such clauses could also be considerably heightened if included in standard form agreements which generally serve as key instruments for extensive autonomous law making.

SUSTAINABLE DEVELOPMENT AND PROTECTION OF THE MARINE ENVIRONMENT IN THE ADRIATIC-IONIAN REGION – INTERNATIONAL AGREEMENTS AND PROPOSALS FOR POTENTIAL UPGRADES

Mitja Grbec

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 and furthermore how to upgrade the existing international agreements concluded among the States bordering the Adriatic and Ionian region in the field of safety of navigation and protection of the marine environment.

ENVIRONMENTAL IMPACT ASSESSMENT – CHALLENGES IN COASTAL AREA

Axel Luttenberger

Each project has specific sensitivity, operating in a different natural, social, and cultural environment. In order to achieve high level of marine environment protection, it is necessary to take the measures of prudence, prevention, as well as reasonable and rational use of marine natural resources. Environmental Impact Assessment (EIA) is a process of evaluating the likely environmental impacts of a proposed project or development, considering inter-related socio-economic, cultural and human-health impacts, both beneficial and adverse. It is the process of identifying, predicting, evaluating and mitigating the biophysical, social and other relevant effects of proposed development proposals prior to major decisions being taken and commitments made. The development must correspond to the demands, complying with governance measures and pollution prevention. Coastal areas are subject to interventions particularly by property developers in transport and tourism sector and projects must be contemplated as a function of the quality of life, well-being of local community, and the preservation of natural and cultural heritage. In addition, non-holistic approach could result in tourism that is no longer viable and can only be maintained through considerable financial effort or at lower profit margins. Simultaneously with facilitating resilient economic activities in the area of maritime demesne, all citizens should be granted in an equal and equitable way the use of coastal area, provided its designated purpose is respected. The author presents several cases of current practice of EIA implementation in coastal area in Croatia.

TRANSPORT LAW DE LEGE FERENDA 2022

Session I: RECENT DEVELOPMENTS OF TRANSPORT LAW

TRANSPORT LEGISLATION IN ALBANIA THROUGH THE PROCESS OF EU INTEGRATION – AN OVERVIEW

Arber Gjeta

In recent decades the process of EU integration has driven the Albanian legislation development. The adoption of legislation in line with the *acquis* often was made not through real legislative process but as a need of implementation of EU regulations and directives, with the assistance of EU experts. This process has offered best models of legislation but, at the same time, has taken into account marginally the specifics of the Albanian legal system. The aim of this presentation is to offer a panorama of the implementation of the *acquis* in the field of transport law also as an insight on how Albania has regulated the sector between international conventions, EU legislation and foreign models like in example Italy. Albania has adopted Codes for regulation rail, air and maritime transport and on the other hand there are laws that regulate road transport. These Codes are to be considered as an exhaustive of their field of competence, following the patterns of Italian legislation, but yet there are evidences that these Codes are far away from being considered as autonomous within the legal system. On the other hand, yet there is a lack of secondary legislation that finds its origin in these codes. Finally, this presentation will take in consideration the approval and the entry into force of the Maritime and Air Codes and their alignment with the EU legislation and international conventions.

THE ROLE OF RAIL TRANSPORT IN THE EU MOBILITY STRATEGY – PROS AND CONS

Ciara Vicente Mampel

The European Green Deal calls for a 90% reduction in greenhouse gas emissions from transport, in order for the EU to become a climate-neutral economy by 2050. To this end, the Sustainable and Smart Mobility Strategy envisages, as a pillar of its future actions, making all transport modes more sustainable. This implies, *inter alia*, decisive action to shift more activity towards more sustainable transport modes, notably increasing the number of passengers travelling by rail, as well as shifting a substantial amount of freight onto rail. However, the issue is not new. On the contrary, more than three decades ago, European institutions echoed that rail is not an efficient and competitive mode compared to others and its market share has not increased. The contribution aims at analysing the current state of the rail sector and why and to what extent it continues to be still on the agenda of the European institutions today.

THE DIGITAL TRANSFORMATION OF THE FREIGHT FORWARDING INDUSTRY – TOWARDS AN INNOVATIVE APPROACH TO THE DIGITAL PLATFORM ECOSYSTEM

Lucrezia Pari

Nowadays the transport and freight forwarding industries are placed at the centre of a disruptive process of innovation which is calling the main players of the sector to keep an adaptive approach to the new trends that are rapidly emerging. The rise in demand for e-commerce and logistics has created a need for freight forwarders to streamline processes and provide real-time updates for shippers and customers. In this context, the demand for faster, more reliable and more affordable forwarding services and technology has kicked off a unique trend of “platformization” of the industry characterized by the presence of digital platforms acting as market intermediaries in freight transportation. From a legal perspective, the digital transformation embraced by many operators opens up various questions concerning both private and public law issues and calls for a systemic analysis that has to start from the observation of the key role played by freight forwarders in the transport and logistic industry.

Session II: NEW TRENDS IN MARITIME LAW

THE ASSESSMENT OF THE STATUS OF SEAMAN IN THE US - PUTTING THE HUMAN BEING BACK AT THE CENTER: A RENAISSANCE EXERCISE THAT DOES NOT FULLY CONVINC

Massimiliano Musi

The debate about the extension of the semantic field of the status of seaman has for many years been particularly heated in US case law and has sometimes led to diametrically opposed decisions, albeit in relation to cases that were often substantially similar to each other. The main reason for the relevance of the question lies in the fact that in the United States there are two federal statutes that provide for some benefits to particular categories of workers, the Merchant Marine Act of 1920, known as the Jones Act, aimed at supporting the development and the maintenance of the merchant marine, and the Longshore and Harbor Workers’ Compensation Act of 1927, or LHWCA. The first guarantees to those who, according to the Law of Admiralty, can be considered seamen, the so-called negligence cause of action against their employer, if they are injured in the performance of their duties. The second establishes a federal compensation remedy for injuries that covers certain private-sector maritime workers. In this context the most recent case law, in identifying the criteria on the basis of which to assign the qualification of seaman, focuses more on the Status Test, than on the type of activity in which the unit and the worker were engaged. What is most relevant is the relationship that the employee has with the vessel, thus, at least in theory, reducing (albeit not eliminating them) the aforementioned risks of unequal treatment between workers who perform similar duties on structures that, at different times, may be in navigation or engaged in drilling the seabed. Putting the human being back at the center, the case law focuses on verifying that this connection with the vessel is substantial, investigating its teleological and space-time characteristics. The presentation will examine the weaknesses that still remain in this approach, trying to provide possible solutions to the problems that arise.

PRACTICAL CHALLENGES OF DETERMINING THE DEBTOR IN THE ARREST PROCEEDINGS – MONTENEGRIN LAW PERSPECTIVE

Maja Radunović

Ship arrest is a powerful weapon in hands of maritime creditors for enforcing the claim related to the particular ship. However, sometimes the personal liability for the maritime claim cannot be attributed to the registered owner of the ship and it could appear that there is more than one legal entity against whom the arrest order shall be issued. This is particularly the case when the ship is chartered under the bareboat charter and subject to whole chain of charterparty agreements causing troubles in determining who the actual carrier is. The recent practice in Montenegro showed the challenges of procedural determination of the debtor in the arrest proceedings. It showed as well how the court in the country with civil legal heritage sees liability *in rem* and liability *in personam* in the light of applicable national legislation and the 1952 Arrest Convention.

THE JUDGMENT OF THE ECJ IN THE PRESTIGE CASE – THE END OF “PAY TO BE PAID” CLAUSES IN THE EUROPEAN UNION?

Albano Gilabert Gascón

On 13 November 2002, the oil tanker Prestige, owned by Mare Shipping Ltd. and managed by Universe Maritime Ltd., was sailing off the Galician coast when it suffered an incident caused by a structural failure in the starboard ballast tanks, which led to an opening in the hull and the spillage of a large quantity of fuel oil. Subsequently, during the rescue and salvage operations, the damage to the vessel worsened until, on 19 November 2002, the Prestige broke in half and sank. As a result, 63,000 tonnes of fuel oil were spilled, with the consequent pollution of the Spanish and French coasts, as well as many other, both direct and indirect damages. On account of the accident, the Spanish State brought a direct action claim against the shipowner's P&I insurer, *The London Steamship Owners Mutual Insurance Association* before the Spanish Courts. However, the policy incorporated, among its provisions, a pay to be paid clause and an arbitration clause, as well as a choice of law clause selecting English law as the law applicable to disputes that might arise between the parties to the policy. Accordingly, the Club brought a negative declaratory action claim before an arbitration tribunal in London. This resulted in two simultaneous proceedings and two contradictory judgments. Therefore, when the Court of Appeal of A Coruna (Spain) initiated the proceedings to enforce the Spanish judgment in the United Kingdom, the P&I Club opposed the enforcement, alleging the existence of an earlier judgment in England. In view of the doubts, the English court referred to the Court of Justice of the European Union for a preliminary ruling. In particular, it sought an interpretation of the grounds for refusal provided for in Articles 34(1) and 34(3) of the Brussels I Regulation. This question has been answered in the recent Judgment of the ECJ of 20 June 2022. The purpose of this paper is to analyse the decision of the ECJ in the Prestige case, as well as the consequences that this judgement could have on future disputes, particularly with regard to the exercise of the direct action against the P&I Clubs and the possibility for P&I Clubs to enforce “pay to be paid” clauses against injured third parties in the European Union.

THE ROLE OF STANDARDS FOR THE SAFETY OF LIQUEFIED GAS TRANSPORT

Aleksandra Koska

Economic and technological development progress calls for regulatory analyses and revision to foster the further expansion of sustainable energetic growth. Economy and politics, as well as emerging climate change, focus on sustainability, and energy independence, drove researchers to search and explore alternative energy sources like wind energy and hydrogen fuel. Shipbuilding technological development and advancement of the liquefaction process enabled the transportation of large amounts of this LNG fuel without transmission infrastructure. The ability of maritime gas transportation and related threats triggered the necessity to adapt international legal safety regulations. Research on the role of the Standards for the Safety of Liquefied Gas Transport was inspired by the limited studies and awareness of the legal regulations related to the transport of liquefied natural gas. In the author's view, it is fascinating that these regulations reflect technical the character of construction solutions as well as process management procedures. This research is critical due to the construction of the first gas terminal in Poland (Świnoujście) as well as the potential further expansion of (maritime) gas transportation. Sources and safety standards used in this research are related to the international and national legal regulations of gas ships. To better assess the effectiveness of safety requirements on liquified gas transportation, industry standards issued by entities focused on gas transportation were also reviewed. In this research, the author confronts international legal regulations with experience-based industry standards.

PARADIGM SHIFT FOR “ENVIRONMENTAL SALVAGE”?

Haiyang Yu

The ancient concept of salvage in maritime law essentially entitles the salvor who recovers property from a distressed vessel to a right to a salvage reward on a “No Cure – No Pay” basis. The reward is restricted to the salvaged value and it is payable by salvaged interests proportionately; the salvor will not be paid if no property was salvaged. Thus, the NCNP model provides incentives to the salvor to make a calculated assessment of the possible risks and benefits in property salvage. Traditional law and economics literature argues the *ex-post* salvage rewards on an NCNP model are efficient as it encourages rescues at sea in settings of high transaction costs by simulating the conditions and outcomes of a competitive market, and encourages efficient resource allocation. The advent of ship-source pollution cases starting with the *Torrey Canyon* has changed salvage significantly and the NCNP model salvage rewards failed to provide incentives as the salvor's intervention would result in avoidance of costs and pollution but lead to insufficient proceeds which are essential to determine an NCNP salvage reward. Several contractual and conventional law solutions as departures from the NCNP model have been developed in response to this new phenomenon “Environmental salvage” and they are still restricted in the traditional salvage regime with saving property being the central focus. The goal of this presentation is to critically examine the phenomenon of “Environmental salvage” and current solutions in salvage law and practice.

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