

# **INTERNATIONAL MARITIME AND TRANSPORT LAW CONFERENCE**

## **MARITIME LAW COLLOQUIUM**

### **“A CENTURY OF UNIFICATION OF RULES ON CARRIAGE OF GOODS BY SEA”**

#### **TRANSPORT LAW DE LEGE FERENDA 2025**



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

**3 – 6 September 2025**



**INTER  
UNIVERSITY  
CENTRE  
DUBROVNIK**

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3<sup>rd</sup> – 6<sup>th</sup> September 2025

#### *PARTICIPATING ACADEMIC INSTITUTIONS:*

*Croatian Academy of Sciences and Arts, Croatia*  
*Erasmus University, Rotterdam, Netherlands*  
*Gakushuin University – Tokyo, Japan*  
*International Maritime Law Institute, Malta*  
*Jagiellonian University, Krakow, Poland*  
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*World Maritime University, Malmö, Sweden*

# INTERNATIONAL MARITIME AND TRANSPORT LAW CONFERENCE

DUBROVNIK, 3 - 6 September 2025

3<sup>rd</sup> September 2025

Dear colleagues and friends,

Welcome to the 2025 edition of the International Maritime and Transport Law Conference at IUC!

What a fantastic lineup do we have this year! A lot of trending issues, to be presented by top international maritime law experts. Much of our attention will focus on the carriage of goods by sea, and for a good reason: although the unification in this field goes back more than a hundred years, the topic is still young and intriguing, posing new challenges to every new generation. But this year's agenda goes much farther than the carriage of goods, covering a variety of topics to satisfy all tastes and interests.

This year's event is organized as a conference, whereas in previous editions it was course. Although in a changed format, IMTLC retains the dynamic three-fold concept, comprising the Colloquium dedicated to the current important legal issues, followed by the number of sessions covering various fields of maritime and transport law, and with TransLawFer as the forum where young maritime law scholars may present results of their research.

We want to express our gratitude to the University of Rijeka - Faculty of Law as the institution co-organizing the Colloquium. Our special thanks go to our hosts at the IUC Dubrovnik, to the organizing task force, and to all the presenters, moderators and participants.

Let us finish with a titbit from the history of Dubrovnik. From the mid-14th century until the fall of the Dubrovnik Republic, each elected rector (the head of the Republic's executive council) held office for as little as one month. This was an exception at that time (in Venice and Genoa, the rectors - or the "doges" - were elected for life). Such a short term of office was intended to prevent corruption and the accumulation of excessive power in one person. Quite wise for the 21 century standards, wouldn't you agree?

We wish you an enjoyable week in Dubrovnik!

President of Croatian MLA

Gordan Stanković



Secretary General

Igor Vio



# INTERNATIONAL MARITIME AND TRANSPORT LAW CONFERENCE

## *MARITIME LAW COLLOQUIUM “A CENTURY OF UNIFICATION OF RULES ON CARRIAGE OF GOODS BY SEA”*

### **Wednesday, 3<sup>rd</sup> September 2025**

09:00     **Opening Ceremony**

09:30     **Part I. Unification of Law on Carriage of Goods by Sea – Challenges**

*(chair: Igor Vio)*

Michael Sturley: The International Regulation of the Carriage of Goods by Sea:  
Where We Have Been and Where We Could Be Going

Marko Pavliha: Hague Rules 101: An Homage to Professor William Tetley

Luci Carey: Carriage of Goods by Sea and the Introduction of Autonomous Vessels

11:15     *Discussion*

11:30     **Coffee break**

12:00     **Part II. International Conventions – Legal Issues**

*(chair: Gordan Stanković)*

Rhidian Thomas: Law and Practice in the UK Relating to the Carriage of Goods by Sea

Filippo Lorenzon: Time Flies 100 Times: Time Bars and Time Limits in the Carriage of  
Goods by Sea

Zoran Tasić: Time Bar under the Hague-Visby Rules, in the Light of Fimbank Plc v KCH  
Shipping Co Ltd I2024I UKSC 38

13:45     *Discussion*

14:00     **Welcome Reception at the Inter-University Centre**

16:00     **Sightseeing: guided walking tour – old town** (departure from the IUC)

### **Thursday, 4<sup>th</sup> September 2025**

09:00     **Part III. From Hague-Visby to Rotterdam Rules – New Solutions**

*(chair: Zuzanna Pełowska-Dąbrowska)*

Časlav Pejović: Unification of Carriage of Goods by Sea: Back to the Future

Petar Kragić: The Rotterdam Rules – Impose or Propose?  
Rethinking Ratification vs. Amendments

Frank Stevens: The Validity of Jurisdiction Clauses in Bills of Lading

10:45     *Discussion*

11:00     **Coffee break**

## ***SESSION 1: NEW FORMS OF TRANSPORT DOCUMENTS – LEGAL ISSUES***

*(chair: Časlav Pejović)*

- 11:30 Souchirou Kozuka: Amendments to the Japanese Electronic Transport Documents Act  
Patrick Vlačić: The UNCITRAL Draft Convention on Negotiable Cargo Documents  
– Advantages and Challenges
- 12:30 *Discussion*
- 12:45 ***Lunch at the Atrium Restaurant***

## ***SESSION 2: AUTONOMOUS SHIPS – EMERGING LEGAL FRAMEWORK***

*(chair: Aref Fakhry)*

- 13:45 Barbara Stępień: Contractual Carriage in the Age of Autonomous Vessels  
Raphael Esu: Cargo Care in MASS: Contractual Norms for Communication Responsibilities  
Craig Laverick: Maritime Safety Issues of Autonomous Ships – Navigating the Seven Cs  
Igor Vio – Zuzanna Pełowska-Dąbrowska: Autonomous Ships and AI – Legal Aspects
- 15:45 *Discussion*
- 16:30 **Sightseeing: visit to the Maritime Museum** (departure from the IUC at 16:15)
- 17:30 **Walking tour around the city walls**

## **Friday, 5<sup>th</sup> September 2025**

### ***SESSION 3: SHIPPING LAW – RECENT DEVELOPMENTS***

*(chair: Zoran Tasić)*

- Aref Fakhry: Fraudulent Ship Registration – Legal Aspects  
Vesna Polić Foglar: A Swiss Register for Swiss Ships  
Adriana Padovan: Executing (Re) Insurance in the London Market: A Croatian Law Perspective – (How) Have Digital Platforms, E-documents and E-Signatures Changed the Old Rules?  
Iva Tuhtan Grgić: Updating a Century-Old Convention: Current Discussions on the 1910 Collision Convention
- 11:00 *Discussion*
- 11:15 ***Coffee break***
- 11:45 ***SESSION 4: INTERNATIONAL MARITIME LAW AND LAW OF THE SEA***  
*(chair: Adriana Padovan)*
- Axel Luttenberger: Regulatory Approach to Air Pollution Originating from Vessels  
Massimiliano Musi: Mobile Offshore Renewable Units – the Work of the CMI  
Julia Constantino Chagas Lessa: Flag State Jurisdiction – Where Does It Begin and End?
- 13:15 *Discussion*

- 13:30     **Book promotion:** *International Maritime Law and Practice – Comparative Law in Context* by Časlav Pejović (promoters: Souchirou Kozuka and Massimiliano Musi)
- 14:00     ***Lunch at the Atrium Restaurant***
- 15:00     ***TRANSPORT LAW DE LEGE FERENDA 2025***  
(chairs: Iva Tuhtan Grgić and Massimiliano Musi)  
Albina Ladynenko: Ship Insurance in Port, the Conflict with the “Pay to Be Paid” Clause  
Agata Dajčić: Port Operations within the Framework of OECD Guidelines  
Josep Lluís Díez i Besora: The Passenger Terminal as a Central Element of Port Services for Passenger Traffic
- 16:30     ***Coffee break***
- 16:45     Ante Vojković: Criminalisation of Shipmasters: A Dangerous Trend for Global Shipping  
Maša Štampić – Nour Nohra: Maritime Labour Convention (MLC, 2006) in Practice: Challenges for Small Maritime Countries
- 17:45     *Discussion and final remarks*
- 18:00     **Closing Ceremony**
- 18:30     **Cable car to Srđ – Dubrovnik panorama** (departure from the IUC at 18:15)
- 20:30     **Dinner at the Orhan Restaurant**

## **Saturday, 6<sup>th</sup> September 2025**

- 10:00     **Sightseeing: boat trip to the Island of Lokrum** (departure from the old port at 10:00)

**BIOGRAPHICAL NOTES**

**AND ABSTRACTS**

# ***MARITIME LAW COLLOQUIUM “A CENTURY OF UNIFICATION OF RULES ON CARRIAGE OF GOODS BY SEA”***

## ***Part I. Unification of Law on Carriage of Goods by Sea – Challenges***

**Michael F. Sturley, M.A., J.D.**  
**University of Texas School of Law**  
**Austin, Texas, USA**

Michael Sturley holds the Fannie Coplin Regents Chair in Law at the University of Texas at Austin. During Trinity Term 2025, he was the Robert S. Campbell Visiting Fellow in Commercial Law at Magdalen College, Oxford. Prior to joining the Texas faculty, Prof. Sturley was associated with Sullivan & Cromwell in New York. After receiving his undergraduate education at Yale and obtaining law degrees from Yale and Oxford, he served as a law clerk to Justice Lewis F. Powell, Jr., at the U.S. Supreme Court, and to Judge Amalya L. Kearse, of the U.S. Court of Appeals for the Second Circuit in New York. He was the Senior Advisor on the U.S. Delegation to UNCITRAL Working Group III (Transport Law) and a member of UNCITRAL’s Experts Group on Transport Law. He has been consulted in maritime cases before the U.S. Supreme Court, lower federal courts, and in state and foreign courts. Prof. Sturley is a Titulary Member of the Comité Maritime International, a proctor member of the U.S. Maritime Law Association, and a life member of the American Law Institute. He has spoken on maritime subjects at law schools and conferences in the United States and internationally.

### **The International Regulation of the Carriage of Goods by Sea: Where We Have Been and Where We Could Be Going**

#### ***(Keynote Speech)***

2024 marked the centenary of the Hague Rules, the first international convention to regulate the international carriage of goods by sea. As we begin the second century of international regulation, reviewing the history offers valuable insights as we look forward to how the subject might evolve. The effort to achieve international uniformity on the subject began in the late nineteenth century. Even after agreement was reached in 1924, fourteen more years passed before the convention was widely in force. The international effort to amend the Hague Rules began in Croatia in 1959. The Visby Protocol, which changed only a few key provisions, was approved in 1968, and it entered into force in 1977. The Hague-Visby Rules remain the predominant regime for most of the world’s shipping. Soon after they entered into force, the United Nations completed the Hamburg Rules to supersede the prior regimes, but that convention never achieved the widespread support necessary for success (although it entered into force for some countries in 1993). Looking forward, the Rotterdam Rules provide the most convenient vehicle to modernize the law. But the new convention has not obtained enough ratifications to enter into force, let alone the level of support needed to become a successful convention. US domestic politics has played a role in that unfortunate result, and some discussion of the current situation in the United States is accordingly necessary.



**Marko Pavliha, D.C.L., Dr.h.c.**  
**University of Ljubljana –**  
**Faculty of Maritime Studies and Transportation**  
**Slovenia**

Professor Marko Pavliha studied law in Ljubljana, Split and Montreal where he obtained his doctorate under supervision of Professor William Tetley. He practiced law at one of the Montreal leading maritime law firms, in shipping and travel industry, at the High Court of Ljubljana, and in reinsurance sector. In 2003, he was elected Secretary General of the CMI, until he was invited to the Slovenian Government as Minister of Transport (2004) and was later elected as Member and Deputy Speaker of the Parliament (2004-2007). He has been Full Professor of Commercial, Transport and Insurance Law at the Faculty of Maritime Studies and Transportation of the University of Ljubljana for decades and taught law also in Belgium, Luxemburg and Australia. Furthermore, Prof. Pavliha has been Visiting Fellow at IMO IMLI (Malta) for 26 years where he is also one of the Governors, external examiner, and member of the Academic Committee. He has been chosen numerous times as one of the Ten Most Influential Slovenian Lawyers, he won the 2001 Lawyer of the Year Prize and has received several other prestigious awards, including the Golden Plaque of the University of Ljubljana and the honorary doctorate from IMLI. Pavliha is a past member of the Judicial Council, one of the founders and past President of the Maritime Law Association of Slovenia, member of many national and international professional organizations, and author and co-author of 47 books and hundreds of articles, essays and scientific papers.

### **Hague Rules 101: An Homage to Professor William Tetley**

This contribution is dedicated to Professor William Tetley (1927-2014), the legendary teacher, writer and worldwide authority on the law of carriage of goods by sea. Number 101 in the title has a double meaning: In August 2025, we “celebrated” the 101st anniversary of the Hague Rules, and this number typically means an introductory-level course in a particular university subject. It is possible to argue that in 1924 the Hague Rules were indeed the excellent introduction to modern law on carriage of goods. Today, they are outdated, thus the maritime stakeholders need more advanced and sophisticated "course". After the introduction of Tetley’s impressive achievements and his typical marine cargo claim(s), the Hague Rules, the Hague-Visby Rules, the SDR Protocol, the Hamburg Rules, and the Rotterdam Rules will be presented briefly through a critical prism, and the final conclusion will be two-fold. Firstly, four possible and relatively reasonable options for the future will be suggested. Secondly, in 2027, we will mark the 100th anniversary of Professor Tetley’s birth. As he is one of the world greatest maritime law experts ever, Pavliha proposes a one-day symposium to be held at McGill Faculty of Law, Montreal, preceded or followed by a similar event at Tulane Law School, New Orleans, perhaps in June 2027. Both symposiums can be jointly organized by McGill, Tulane, Comité Maritime International, Canadian Maritime Law Association, and Maritime Law Association of the United States.

**Luci Carey, LLM**  
**Lecturer in Commercial Law**  
**University of Aberdeen**  
**The United Kingdom**

Luci Carey was appointed as Lecturer in Commercial Law in the University of Aberdeen in August 2022. She was previously a Teaching Fellow at the University of Edinburgh, where she is undertaking a PhD examining the legal liabilities that may arise with the introduction of autonomous ships. Qualified as a lawyer in Australia, Luci spent 5 years at the Centre for Maritime Law, National University of Singapore where she remains an honorary Academic Fellow. She recently joined as one of the co-authors of Commercial Law in Scotland which is now in its seventh edition. Her research interests are in novel technologies and their impact on maritime law. She has published various articles in this area in the Journal of International Maritime Law, Lloyd's Maritime and Commercial Law Quarterly, and the Edinburgh Law Review.

### **Carriage of Goods by Sea and the Introduction of Autonomous Vessels**

There is nothing unusual about development of new technology in shipping but for the first time, vessels with no human crew on-board are being considered. Given that the international cargo regimes that apply to carriage of goods by sea were drafted with the assumption that, of course, there will be a master and crew onboard the vessel, it is timely to consider if, or how, conventions drafted for conventional ships apply to uncrewed cargo-carrying vessels and the subsequent implications for carrier liability.

## ***Part II. International Conventions – Legal Issues***

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

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

## **Law and Practice in the UK Relating to the Carriage of Goods by Sea**

### ***(Keynote Speech)***

UK law relating to carriage of goods by sea has given legal effect to international developments from the Hague Rules to the Visby Protocol. There has been no positive response to the later Hamburg and Rotterdam Rules. The existing legislation is the Carriage of Goods by Sea Act 1971 which gives effect to the Hague Visby Rules. It supersedes the Carriage of Goods by Sea Act 1924 which gave effect to the original Hague Rules. Alongside this statutory framework has developed a stream of judicial decisions construing and giving effect to the codes, some of which has influenced the application of the Rules internationally or otherwise provoked debate. The keynote speech will discuss the way the courts view and interpret the H/V Rules, with an emphasis on their uniform development internationally, and highlight some of the more significant and often controversial judicial decisions.

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

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

### **Time Flies 100 Times: Time Bars and Time Limits in the Carriage of Goods by Sea**

The marking of 100 years since the adoption of the Hague Rules give us the unprecedented opportunity to look back at a substantial body of judicial decisions giving us not only a holistic and long term perspective on the interpretation of the Rules but also the direction in which they are likely to evolve. This is the case also for the parts of the Rules dealing with the time management provisions of the Convention and in particular Arts. III.6 first and third para and Art. III.6 bis. This paper deals with the theoretical and practical concerns arising out of these provisions in the context of international trade dynamics in which bill of lading holders - the beneficiaries of the original Convention - are also charterers and parties to a sale contract with more provisions about timing, in a world in which business is made in seconds and loading, carriage, discharge and release is faster than ever before.

**Zoran Tasić, LLB**  
**Global Offshore Engineering - Legal Department**  
**Split, Croatia**

After graduating at the Law Faculty in Split, Zoran Tasić has started his career at Shipbuilding Industry Split where he was involved in export shipbuilding contracts and shipbuilding finance for 8 years. In late 1980s, he has joined Shipping Department of Stephenson Harwood, a City of London firm of solicitors where he worked on shipping finance and shipbuilding disputes for 15 years. In 2002, Zoran joined Ince & Co, another City of London firm of solicitors where he worked on shipping related matters for 2 years. While in London, he was attending courses in Legal Aspects of International Financing, Law of International Trade and Conflict of Laws at Queen Mary University. Upon return to Croatia, he joined Raiffeisenbank Austria d.d. in Zagreb as a Deputy Head of Legal. In 2006, Zoran has formed Banking & Finance team at Zagreb branch of Anglo-Austrian law firm CMS Reich-Rohrwig Hainz, where he spent 10 years being involved in many projects in Croatia financed by international banks. Since 2014 until 2022, he was acting as a Consultant to the Management Board of Shipbuilding Industry Split, Croatia. Then he joined Legal department of Global Offshore Engineering, Split. Zoran is a listed Arbitrator in domestic and international disputes held at the Croatian Chamber of Commerce. He has spoken at many conferences and written articles on the international finance and shipping and shipbuilding matters.

**Time Bar under the Hague-Visby Rules, in the Light of**  
**Fimbank Plc v KCH Shipping Co Ltd I2024I UKSC 38**

This presentation deals with the issue of time bar under Article III, Rule 6 of the Hague Rules and the Hague-Visby Rules. It considers in particular the comprehensive arguments given by the claimant Fimbank P.L.C. (the Bank) in their case against KCH Shipping Co., Ltd (the Carrier) in connection with the carriage of 85,500 mt of steamed coal, financed by the Bank. The Bank, which was assignee/pledgee of the English law bills of lading, claimed damages caused by the carrier's misdelivery of the cargo after discharge and commenced arbitration proceedings against the carrier in London. The carrier claimed that the Bank's claim was time-barred as its action was outside the one-year time-bar period under the Hague Rules and the Hague-Visby Rules. The issues before the tribunal and the judiciary were whether Article III (6) of the Hague Rules and the Hague-Visby Rules applied to claims for misdelivery of cargo after discharge and whether the terms of the bill of lading set aside the time-bar rule in cases that take place after discharge. The Bank argued inter alia that the time-bar rule did not apply to their claim for misdelivery of cargo, which took place after discharge. The Bank's arguments referred to the ordinary meaning and context of Article III, Rule 6, the object and purpose of the said Rule, the travaux préparatoires, the English authorities and textbooks. Neither the tribunal nor the High Court accepted the Bank's arguments. The Court of Appeal dismissed the Bank's claim, holding that although the time-bar provision under the Hague Rules did not apply to misdelivery of goods, the Hague-Visby Rules time-bar provisions did. The Supreme Court dismissed the Bank's appeal and held that the time-bar rules under both the Hague Rules and the Hague-Visby Rules apply to claims for misdelivery that occurs after discharge.

### ***Part III. From Hague-Visby to Rotterdam Rules – New Solutions***

**Časlav Pejović, PhD**

**Kyushu University – Faculty of Law  
Fukuoka, Japan**

Časlav Pejović is the Professor Emeritus at the Faculty of Law, Kyushu University. He graduated in law at the University of Montenegro (B.A.), has LL.M. degrees from the University of Belgrade and Kyoto University, and a Ph.D. from the University of Zagreb. His teaching and research interests include maritime law, comparative law, transnational commercial law, international business law, foreign investment law, and corporate governance. He is a member of several international academic and professional associations, such as the International Academy of Comparative Law (IACL), the International Academy of Commercial and Consumers Law (IACCL), and the Japanese Association of Maritime Law. He is an honorary member of the Croatian Maritime Law Association. He is co-editor (with Gerald McAlinn) of *Law and Development in Asia* (Routledge, 2012) and author of several books, including *Transport Documents: International Law and Practice* (Informa Law, 2020) and *International Maritime Law and Practice – Comparative Law in Context* (Informa Law, 2025). His papers are published in world-leading journals, and some are translated into other languages. He was nominated as arbitrator in the Thai Arbitration Institute (TAI), and the Tokyo Maritime Arbitration Commission (TOMAC), and also served as arbitrator of the International Chamber of Commerce (ICC) Arbitration.

#### **Unification of Carriage of Goods by Sea: Back to the Future**

##### ***(Keynote Speech)***

This presentation is about the future unification of the law governing carriage by sea. Currently, three international conventions are in force: the Hague Rules, 1924, the Hague-Visby Rules, 1968/1979, and the Hamburg Rules, 1978. Three parallel legal regimes governing the same subject matter create legal uncertainty arising from this fragmentation of international law governing the carriage of goods by sea. In 2007, the UNCITRAL adopted the Rotterdam Rules, 2007, aimed at restoring uniformity and modernizing the law governing the carriage of goods by sea to cope with various modern developments, such as the increased importance of container transport, logistics and electronic commerce. The Rotterdam Rules require 20 ratifications to enter into force; so far, the Rotterdam Rules have been ratified by five countries, and the last ratification was in 2019. The Rotterdam Rules face an uncertain future and may never enter into force. The impression is that the text is too ambitious. To achieve greater harmonisation, the result might be the opposite: a greater fragmentation of international law governing carriage by sea. The issue that arises is: What to do now? Waiting for 15 more ratifications? What if the Rotterdam Rules attract sufficient ratifications, but countries like the UK or the USA don't ratify? This topic will address this part of maritime law's current status and possible future directions. An idea that may be explored is proposing a new convention that would go back to the Hague-Visby Rules, as the foundation, being the most widely accepted legal regime currently used, but needs some updating and adjustments that would reflect new developments in the last several decades.



**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. Since he spent his 40 years professional career as in house lawyer for the Croatian largest ship owning company, he 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. Petar Kragić has been a member of the drafting committee for various legislative acts of the Croatian maritime law and is involved in writing commentary to the Croatian Maritime Code. He is the author of a legal textbook *Tanker Charterparties*, number of articles on maritime law topics. He is a regular speaker at maritime law conferences.

### **The Rotterdam Rules – Impose or Propose? Rethinking Ratification vs. Amendment**

The Rotterdam Rules (the Rules) have been largely ignored over the past two decades. In response, the CMI launched a campaign to bring them into force. While there is no doubt that the current, fragmented international regimes for the carriage of goods by sea (including the Hague, Hague-Visby, and Hamburg Rules) require unification and modernization, the effort to promote the Rules raises the dilemma of whether to retain them in their current form or amend them to make them more appealing to the industry. The industry fears that the complexity of the Rules could lead to greater uncertainty and disputes compared to the current state of affairs. This presentation proposes amendments to the Rules. Firstly, it argues that the jurisdiction clauses in the Rules could encourage forum shopping by bill of lading holders in the tramp trade. This would replicate the current situation under the Hamburg Rules, where receivers often oppose the jurisdiction or arbitration clauses negotiated by the parties to the charterparties and incorporated in the bills of lading, disregarding them and bringing suits in local courts. The consignees oppose forums that are, as a rule of thumb, the best qualified in the world for resolving maritime commercial disputes, because of their concern that such forums may not rule in their favour. As a result, they seek alternative forums they believe are more likely to provide a favourable outcome, even if such a ruling contradicts well-established international standards. Secondly, the presentation advocates for a fundamentally different approach than that under COGSA 99, where all parties involved in the transport chain were deemed "performing carriers" and could be sued by cargo interests - a concept that is somewhat reflected in the Rotterdam Rules through the maritime performing party. The alternative proposal is to channel liability toward the contracting carrier, who should be properly insured against such liability (as they are already in practice) by virtue of a mandatory rule. For law to function effectively and justly, a comprehensive legal framework is required, that should include: (A) uniform rules, (B) a well-developed body of governing law, and (C) a high-quality dispute resolution forum, characterized by impartiality, expertise, proper evaluation of evidence, logical reasoning, efficiency, and, ideally, cost-effectiveness.

**Frank Stevens, PhD**  
**Erasmus University School of Law**  
**Rotterdam, the Netherlands**

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

### **The Validity of Jurisdiction Clauses in Bills of Lading**

Jurisdiction clauses are common in commercial and maritime contracts, and their validity in principle is not contested. Bills of lading also generally contain jurisdiction clauses, but their validity is hotly debated. Bills of lading are indeed documents of title, which are meant to be negotiated to third parties. To what extent can these third party holders be bound by a jurisdiction clause agreed between the shipper and the carrier? For the EU, the European Court of Justice seemed to have largely resolved the issue in the Tilly Russ and Coreck Maritime decisions. Last year, however, in Maersk / Allianz (joined cases C-345/22 to C-347/22), the ECJ has created some doubts. Is the Court indeed changing course, and if so, in what direction?

# ***INTERNATIONAL MARITIME AND TRANSPORT LAW CONFERENCE - SESSIONS***

## ***1. NEW FORMS OF TRANSPORT DOCUMENTS – LEGAL ISSUES***

**Souchirou Kozuka, PhD**  
**Gakushuin University**  
**Tokyo, Japan**

Souchirou Kozuka (PhD, Tokyo) is Professor of Law at Gakushuin University, Tokyo. He specialises in commercial law, corporate law and maritime, air and space law. He has taught at Chiba University (Chiba), Sophia University (Tokyo), and Keio University (Tokyo) as well as at Tokyo seminar sponsored by Ritsumeikan University & ANJeL (Australian Network for Japanese Law). He has written about various issues of commercial law, including “Japan’s Maritime Law Reform in an International and Regional Context” in (2016) 30 *Australia and New Zealand maritime Law Journal* 125-133; “The Law and Reality of Custom in a Civil Law Country: Experiences of Japan” in (2021) 1(2) *Transnational Commercial Law Review*, DOI: 10.26494/tclr2202212; and “Between Globalization and Localization: Japan’s Struggle to Properly Update Its Civil Code” in: Michele Graziadei & Lihong Zhang (eds), *The Making of the Civil Code* (Springer, 2023) 181-201. Prof. Kozuka is correspondent of UNIDROIT (the International Institute for the Unification of Private Law) and Associate Member of the International Academy of Comparative Law (IACL).

### **Amendments to the Japanese Electronic Transport Documents Act**

The digitisation of transport document is a universal development. The Model Law on Electronic Transferable Records adopted by the UNCITRAL provides guidance to legislators about how a legal system should respond to it. Still, the actual law reform may take different forms from one jurisdiction to another, depending on each jurisdiction’s legal system, including the style of law-making. In Japan, a group of experts examined how the law is to be amended to introduce electronic bills of lading from 2021 to 2022. Then the Ministry of Justice (MoJ) started a more formal procedure of examining the necessary amendments at the Legislative Council, which was concluded in August 2024. The bill is reportedly being prepared to be submitted to the Diet soon. In this presentation, the speaker will introduce major issues discussed among the group of experts and in the Committee of the Legislative Council at the MoJ. Then he will compare the Japanese approach to those of a few jurisdictions where amendments have already been made to give legal basis to electronic bills of lading. Through such comparative analysis, the speaker will identify universal issues on this subject as well as the unique features of the Japanese law-making in the field of commercial law.



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

## **The UNCITRAL Draft Convention on Negotiable Cargo Documents**

### **– Advantages and Challenges**

The preparation of the United Nations Convention on Negotiable Cargo Documents (NDC Convention) began in 2020, when UNCITRAL Working Group VI was tasked with developing a binding legal instrument on negotiable transport documents, including electronic forms. At its 58th session, UNCITRAL approved the draft and recommended it for adoption by the UN General Assembly in 2025. The Convention will enter into force upon ratification by just three states, a deliberately low threshold to ensure swift adoption. Its aim is to extend to consignment notes—particularly in rail transport—the legal and commercial functions of a bill of lading, long recognized as a negotiable document of title. Unlike maritime bills of lading, documents issued by rail, road, and air carriers are generally non-negotiable. The Convention addresses this gap by introducing negotiable cargo documents (NCDs), in both paper and electronic form, usable across all modes of transport, including multimodal operations. The NDC Convention offers flexibility: negotiability may be conferred on an existing transport document (“to order”), a separate negotiable document may accompany a non-negotiable one, or a standalone NCD may be created. Issuers may include carriers, freight forwarders, or logistics providers, ensuring compatibility with diverse practices. Key features include legal clarity and uniform recognition of rights and obligations; improved access to trade finance, as banks and financial institutions may accept NCDs as collateral; facilitation of in-transit trade by enabling goods to be traded while on the move; and acceleration of digital trade and interoperability, building on UNCITRAL’s MLETR. The choice of a binding convention over soft-law instruments reflects the need for legal certainty, uniformity, and stakeholder demand for a robust framework in trade finance, while avoiding the weaknesses of prior non-binding approaches.

## ***2. AUTONOMOUS SHIPS – EMERGING LEGAL FRAMEWORK***

**Barbara Stępień, PhD**  
**Jagiellonian University**  
**Faculty of Law and Administration**  
**Krakow, Poland**

Barbara Stępień is a doctor of law working at the Faculty of Law and Administration of the Jagiellonian University, specializing in the law of the sea and international maritime law, with a focus on autonomous and unmanned maritime systems. She has conducted research and held professional roles at institutions such as the Max Planck Institute for Comparative Public Law and International Law, the European Commission's Legal Service, and the National Autonomous University of Mexico (UNAM), among others. In addition to her legal scholarship, she holds a professional Master of Yachts license and has sailed over 30,000 nautical miles. Dr Stępień recently completed a Horizon 2020 Marie Skłodowska-Curie project on maritime autonomous vessels and currently leads a research team under the OPUS programme of the Polish National Science Centre, examining the legal implications of unmanned systems in naval warfare. Her work has been published by leading academic publishers, including Oxford University Press, Routledge, Brill, and Elsevier.

### **Contractual Carriage in the Age of Autonomous Vessels**

The emergence of remotely controlled and fully autonomous ships challenges traditional maritime liability frameworks, including carriage of goods regulations. This paper examines how charterparties and contracts of carriage adapt to autonomous operations, focusing on seaworthiness obligations and whether due diligence and fault-based liability remain meaningful with minimal human involvement. Extra contractual aspects, such as third-party and product liability, are assessed to determine the allocation of risk among shipowners, operators, and technology developers as potential new liability bearers. The analysis also considers whether autonomous ships should be treated analogously to conventional vessels under existing conventions, including the Hague-Visby Rules and the LLMC 1976, or whether a distinct liability regime is required. Finally, the applicability of limitation of liability regimes to autonomous vessels is evaluated, highlighting gaps and the need for regulatory clarification.

**Raphael Esu, PhD**  
**University of Hertfordshire**  
**Hatfield, the United Kingdom**

Dr Raphael Esu is a Senior Lecturer in Law at the University of Hertfordshire, where he leads modules in Contract Law and Torts, and oversees timetabling for the School of Law. He also serves as a Visiting Lecturer at City, University of London, teaching Carriage of Goods by Sea and Cross-Border Commercial Law, and is a member of the London Universities Maritime Research Group, having organised its annual conference for two years. Dr Esu holds a PhD in Shipping and Commercial Law from City, University of London, with a thesis on managing legal risks in autonomous ships under voyage charter parties. His research focuses on Maritime Autonomous

Surface Ships, Contract Law, and Technology, including publications on unmanned vessels and maritime security. He has industry experience as Head of Legal and Investor Relations at Propel in Berlin, and as an in-house lawyer for international development projects.

### **Cargo Care in MASS: Contractual Norms for Communication Responsibilities**

This presentation examines how traditional contractual norms, specifically timeliness, accuracy, and security or confidentiality, should be adapted to govern data communication responsibilities in Maritime Autonomous Surface Ships (MASS) cargo care. Drawing on established clauses from charterparty forms such as NYPE 2015 and SUPPLYTIME 2017, it argues that timely and accurate data exchange is essential for the safe and efficient operation of autonomous vessels. A tiered approach to timeliness is proposed, distinguishing between critical real-time data and less urgent information. Accuracy should be supported through defined data standards, verification procedures, and regular integrity checks. Security and confidentiality require robust clauses addressing encryption, access control, and data management protocols. The paper concludes that integrating these adapted norms into MASS charterparty agreements will ensure legal clarity, operational effectiveness, and continuity with established maritime contractual practice.

**Craig Laverick, PhD**  
**Northumbria University**  
**Newcastle, the United Kingdom**

Craig Laverick, an Associate Professor in Maritime and Commercial Law at Northumbria University in Newcastle, England, is renowned for his expertise in the international regulation of maritime safety and the effective use of criminal law mechanisms as both sanctions and compliance mechanisms. In 2017, he was appointed by the Norwegian Government as a Special Advisor and Consultant on maritime safety, and since 2018, he has served as a maritime law arbitrator with the London Maritime Arbitrators Association (LMAA). Notably, in 2020, he provided advisory services to the United Nations, and in 2021, he served as an advisor to the European Court of Human Rights. In recognition of his significant contributions to maritime safety, Craig was knighted in September 2022. Since June 2023, he has assumed the role of Special Envoy for Maritime Affairs, leading efforts to establish a regulatory framework that enables the safe operation of autonomous ships in both British and international waters while simultaneously upholding international legal obligations and commitments. Through his academic positions and the role of Special Envoy, Craig plays a pivotal role in positioning the United Kingdom at the forefront of maritime innovation. His contributions are instrumental in promoting safe, sustainable, and legally compliant shipping practices amidst the rapid technological advancements in the maritime sector.

### **Maritime Safety Issues of Autonomous Ships – Navigating the Seven Cs**

This paper explores the complex challenges and opportunities emerging from the development of autonomous ships. As the maritime sector embraces digitalisation, automation, and artificial intelligence, the legal, ethical, and regulatory dimensions are becoming increasingly difficult to navigate. From questions of liability and accountability to issues of safety, security, and international cooperation, autonomous shipping tests the boundaries of existing maritime legal frameworks, particularly conventions established long before such technologies were imaginable. Adopting a

maritime safety law perspective, the paper highlights how international agreements may struggle to adapt to these shifts in technological trends. The analysis situates these issues in both historical and contemporary contexts, using case studies and ongoing projects from Scandinavia and Holland as examples of what is needed to get it right and to guide us to where we need to be. Norway's leadership in maritime innovation provides a valuable lens through which to examine these developments, reflecting both the opportunities for progress and the risks of regulatory lag. But with Finland close behind Norway and Holland about to overtake them at great speed, and with greater influence, the UK needs to act fast if it is to be repositioned as the world's leaders in maritime safety once again. Ultimately, the paper argues for a balanced and forward-looking approach to governance: one that embraces innovation while safeguarding safety, efficiency, sustainability, and accountability. It emphasises the need for adaptive regulation and robust international collaboration, recognising both the technological advances and the human dimensions of the modern maritime world.

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

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

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

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

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

### **Autonomous Ships and Artificial Intelligence - Legal Aspects**

The concept of autonomous ship based on IT solutions and controlled by artificial intelligence has become technically feasible over the last few years, attracting the attention of shipping industry and international organisations dealing with shipping and the protection of the marine environment. MASS with all four degrees of autonomy will probably employ a combination of AI and devices with sensors, processing capability, software and other technologies that enable it to connect and exchange data with other equipment using sophisticated communication technologies. While technology has developed rapidly, a major concern is result of the deficiency of available legal instruments and the slow development of an emerging regulatory framework to cover the various aspects of the use of AI in autonomous navigation. The presentation will discuss the most recent decisions of the Maritime Safety Committee (MSC) and its progress on drafting the MASS Code. Additionally, it will analyse the axiological challenges related to AI-based solutions in case of conflict of values between the principles of protecting the marine environment and human life vs. owners' interest in saving ships, cargo, and other property. It will be necessary to incorporate ethics into deductive decision making processes of the artificial intelligence that will be used on board MASS. Concerning liability issues, presentation will offer thoughts on possible ways forward for AI operated MASS. Finally, it will examine the practice of autonomous cars in order to suggest improvements to the MASS regulatory framework regarding liability.

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

### ***3. SHIPPING LAW – RECENT DEVELOPMENTS***

**Aref Fakhry, PhD**  
**World Maritime University**  
**Malmö, Sweden**

Aref Fakhry is an Associate Professor at the World Maritime University, a centre of excellence in education and research in maritime affairs established by the International Maritime Organization in Malmö, Sweden. After receiving his legal education in Canada, where he practised shipping and insurance in a leading law firm, Dr. Fakhry initiated an international career that took him to the European Commission in Brussels, the United Nations Conference on Trade and Development in Geneva, as well as the IMO International Maritime Law Institute in Malta. Dr. Fakhry pursued his doctoral studies at the University of Southampton, specialising in the doctrine of frustration in relation to the capture of vessels by pirates at the high tide of ransom attacks off the coast of Somalia. Dr. Fakhry has served as a consultant to EU, UN and World Bank agencies. He is affiliated with the Holy Spirit University of Kaslik in Lebanon. His strengths lie in the areas of commercial shipping, maritime security and marine environmental protection. Dr. Fakhry is in charge of the maritime policy and maritime administration streams at the World Maritime University. He holds a Master of Marine Management from Dalhousie University.

#### **Fraudulent Ship Registration – Legal Aspects**

Despite all the recent hype about fraudulent ship registration, the topic is perhaps not at so novel. Fraud belongs to the realm of illegality or outright negligence, both commonplace features in administrations around the world. That being said, fraud should carry, in law, a sense of intentionality, which is not necessarily present in all the discussions concerning this phenomenon. It is arguable that the flag state's porous connection with the ship under the law of the sea, notably through the vacuous "genuine link," is at cause. Times might be ripe for sounding the death knell of such a tried concept in an environment of mounting protectionism and political sanctions. Nevertheless, legal scholarship and shipping's propensity towards opacity may stand in the way of reforms. Debates at the International Maritime Organization, which has given itself a mandate in this area, appear charged. The topic seems indeed as a Trojan horse in the wider geopolitical and economic conflicts marking present times. It is perhaps not surprising that the focus has slipped into the wider notion of substandard shipping, a déjà vu in maritime annals. The practicalities surrounding the cracking down on fraudulent registration raise daunting legal questions from sanctions enforcement through to naming and shaming by way of electronic databases. The role of private intelligence companies and their relationships with intergovernmental organisations are particularly gruelling issues. This presentation will give an update on current discussions and analyses, and offer some incisive thoughts challenging established legal opinions.



**Vesna Polić Foglar, PhD**  
**gbf Attorneys-at-law**  
**Zurich, Switzerland**

Vesna Polić Foglar obtained her law degree and completed postgraduate studies in public and private international law and international relations at the Faculty of Law, University of Zagreb, where she also earned her PhD. She began her career as a senior research associate at the Institute of Maritime Law in Zagreb. Her areas of specialization include the liability of carriers – by sea, inland waterways, and road – and freight forwarders in the international carriage of goods. With over two decades of professional experience in Switzerland, she has served as a legal adviser in the field of transport insurance and the handling of transport-related claims for major insurance companies, with particular emphasis on complex liability cases involving transport service providers. She also provided legal support to Underwriting and Claims departments and was actively involved in the development of new insurance products and the drafting of general conditions for carrier liability insurance. She was also involved in drafting general terms and conditions for road carriers. She currently holds the position of of-counsel at gbf Attorneys-at-law in Zurich. Dr. Polić Foglar is the author of numerous scholarly articles and two monographs, including *The Carriage of Goods in Swiss Law* (in English) and a German-language study on liability for delay in the carriage of goods. She is a member of various transport and maritime law associations in Switzerland, Germany, and Croatia.

### **A Swiss Register for Swiss Ships**

Despite being landlocked, Switzerland maintains its own ship registry. Maritime navigation under the Swiss flag—including the requirements for admission to the registry—is governed by the Federal Act on Maritime Navigation under the Swiss Flag (MNA), adopted in 1953 and in force since 1957, alongside the Ordinance on Maritime Shipping. Under the Act, companies entered in the Swiss Commercial Register may register seagoing vessels in their name, provided their registered office and actual business centre are in Switzerland. Shipowners must also hold own funds equal to at least 20% of the book value of their registered vessels. The Federal Government may allow this ratio to fall temporarily below the minimum in case of losses. At its peak in the mid-1980s, the Swiss flag flew over 34 ocean-going ships. Since then, numbers have steadily declined, though Swiss-controlled tonnage remains significant—albeit mostly under foreign flags. To attract more tonnage, a motion sought to ease registration requirements without turning Switzerland into a flag of convenience. Ultimately, only moderate changes to the Ordinance were adopted, entering into force on 1 January 2025. The core requirements—management based in Switzerland and a 20% own-funds ratio—remain practically unchanged. Ultimately, one of the changes with the most far-reaching consequences was not adopted: the tonnage tax. This would have taxed shipping companies at a flat rate based on their loading capacity, rather than their profits, as is common in other European countries. In the months since, there has been no rush to re-flag under Swiss colours. Such change rarely happens overnight, but there is lingering doubt as to whether it will happen at all.

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

Dr. Adriana Padovan graduated from the Faculty of Law, University of Zagreb, in 2002, where she also earned her Ph.D. in 2011. She received her LL.M. degree in 2003 from the IMO International Maritime Law Institute in Malta. She serves as a scientific advisor at the Adriatic Institute of the Croatian Academy of Sciences and Arts. From 2003 to 2010, she worked in the Marine Department of Croatia Insurance Company. During the 2007/2008 academic year, she was an assistant lecturer at IMO/IMLI. She has been a visiting lecturer at the maritime and transport law departments of the law faculties in Zagreb, Rijeka and Split (Croatia), holding the academic title of Adjunct Associate Professor at the Law Faculty of the Catholic University of Croatia. She was a visiting scholar at the University of Udine (Italy) in October 2019 and a Fulbright visiting research scholar at the Maritime Law Center of Tulane University Law School (New Orleans, Louisiana, USA) for the academic year 2023/2024. Dr. Padovan passed the Croatian bar exam in 2006, having completed an internship at the Municipal Court in Zagreb. She has conducted a series of training seminars on marine and transport insurance at the Education Centre of the Croatian Insurance Bureau and serves as a mediator at its Mediation Centre. She is listed as an arbitrator under the National Collective Agreement for Croatian Seafarers on Board Ships in the International Shipping Trade. She participates in the professional committees of the Croatian Ministry of the Sea, Transport, and Infrastructure for drafting maritime legislation. Dr. Padovan is a Vice-president of the Croatian Maritime Law Association and a founding member of the Croatian Transport Law Association. She has been involved in organizing numerous academic events, participated in several competitive research projects and published over 40 academic and professional papers. She authored a book on marine insurance and its role in the protection of marine environment and co-edited a monograph on the new legal regime for Croatian Marinas. She serves on the Board of Editors of the journal “Comparative Maritime Law” published by the Croatian Academy of Sciences and Arts.

### **Executing (Re)Insurance in the London Market: A Croatian Law Perspective - (How) Have Digital Platforms, E-documents and E-Signatures Changed the Old Rules?**

The presentation addresses the complexities encountered in insuring ships through international brokers, under European Union and Croatian legislation. It focuses on marine hull insurance contracts placed in the London market via a Lloyd's registered broker, with mandates from a Croatian local insurance intermediary. Despite this international placement, the insurance contracts are governed by Croatian law, designating the jurisdiction of Croatian courts. The presentation examines the legal capacity of EU-registered insurance intermediaries to issue valid marine insurance documents under Croatian law, particularly when foreign underwriters are involved. It explores the legal foundations enabling such practices within the Croatian legal framework and details the roles these entities assume when issuing insurance documentation. Issues regarding cross-border freedom of service, as outlined in EU legislation, specifically Directive 2009/138/EC and Directive (EU) 2016/97, alongside pertinent Croatian national legislation, will be considered. Another focal point is the process of electronic co-signatures on insurance documents, questioning their validity under Croatian law and applicable EU regulations concerning electronic identification and signatures. Finally, the presentation scrutinizes the validity of insurance contracts under



Croatian law and their enforceability when local, EU, and English legal frameworks intersect. This exploration aims to outline the challenges and practical implications of cross-border insurance and reinsurance practices, where coverage is ultimately placed on the London insurance market. The analysis will aid in understanding the nuanced legal environments governing marine insurance within the European Union framework.

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

Iva Tuhtan Grgić is an Associate Professor at the University of Rijeka's Faculty of Law, where she teaches Maritime and Transportation Law, Marine Environmental Protection Law, and Administrative Maritime Law. She earned her PhD in Civil Law and Civil Law Procedure from the University of Zagreb's Faculty of Law. She carried out several research stays at the Max Planck Institute for Comparative and International Law in Hamburg, Germany, at the European University Institute in Florence and at the Sapienza University of Rome. She presented her research results at various national and international conferences and round tables. As a member of research teams, she has worked on several projects and she is the author of a number of publications in the field of civil and maritime law. She was a member of the expert committee for the drafting of the Law on the Maritime Domain and Seaports and acts as an ad hoc legal advisor to the business sector. Since 2024, she has also been a member of the Collision Convention International Working Group of the Comité Maritime International. She is Vice-President of the Croatian Maritime Law Association and a member of the Croatian Comparative Law Association and the Croatian Transport Law Association.

### **Updating a Century-Old Convention: Current Discussions on the 1910 Collision Convention**

In 2022, the CMI (Comité Maritime International) established an International Working Group (IWG) to assess whether the 1910 Collision Convention requires modernization. As the first convention adopted by the CMI, the 1910 Convention remains in force in many jurisdictions. To evaluate the necessity of a revision, the IWG prepared a short questionnaire distributed to national Maritime Law Associations whose purpose was to examine the necessity and/or desirability of amending certain provisions of the Convention, assessing whether it should be supplemented, or even replaced by a new convention. Based on the responses received, the IWG analysed the input, and proceeded to examine each of the questions raised. The task has proven particularly challenging due to the wide divergence in national positions, especially regarding issues such as compulsory liability insurance and the associated right of direct action against the liability insurer, the question of channelling liability for collision damage to the shipowner, and the need for joint and several liability of colliding vessels towards third parties not on board. Another issue on which differing views were expressed was the need to include specific rules for MASS vessels. This presentation will provide a comprehensive overview of the progress made by the IWG to date, with particular emphasis on the most sensitive matters, as well as the preliminary conclusions reached thus far. Furthermore, it will set out the envisaged roadmap for the continuation of the IWG's work, including the indicative timeline for the drafting of the proposed amendments to the Convention.

## **4. INTERNATIONAL MARITIME LAW AND LAW OF THE SEA**

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

Axel Luttenberger is a full professor with permanent tenure at the Faculty of Maritime Studies of the University of Rijeka. He got his Bachelor's Law degree at the University of Rijeka, Faculty of Law, and became Master of Law and Doctor of Law at the University of Split, Faculty of Law. After passing bar examination he had long lasting practice in marine insurance business as legal attorney and legal advisor. He had experience in local government and government public service having been the City Mayor of Opatija and Member of Croatian Parliament. He has published four books and over hundred academic papers. His main activities are teaching maritime, commercial and ecology law at various university and vocational programmes. He is a member of a number of organisations, including Croatian Maritime Law Association. He is involved in projects for maritime industry, government entities and non-governmental environmental associations.

### **Regulatory Approach to Air Pollution Originating from Vessels**

Wherever we live, we need air that is breathable and that does not shorten or impair our lives. Although pollution of the oceans and the seas originating from land-based sources is justifiably studied and analysed, insufficiently addressed is the contribution to air pollution of coastal areas and the communities living therein from seaborne sources, particularly shipping and boating. Consequently, there is a sort of regulatory gap when it comes to coastal area pollution since different regulatory level and approach is applicable to land-based sources on one side and the sources at sea on the other. Ships generally use low-quality high-emissions fuel and their emissions to air have only recently become the object of regulation by International Maritime Organization. The system of environmental permits which applies to stationary technical units under the Directive on industrial and livestock rearing emissions (integrated pollution prevention and control), known as IED, specifically excludes any technical apparatus used in the propulsion of the ship. The result is that many communities in coastal regions are exposed to the threat of air pollution emitted from shipping, cruise ships in particular, which very often stay outside the port area while burning the fuel to meet their power requirements on board. The presentation analyses different regulatory and policy frameworks applicable to pollution from vessels on one part and land-based units on the other urging for the necessity of harmonized approach to air emissions abatement in coastal areas.

**Massimiliano Musi, PhD**  
**Alma Mater Studiorum University of Bologna**  
**Bologna, Italy**

Massimiliano is Full Professor of Navigation and Transport Law at the *Alma Mater Studiorum* University of Bologna and Of Counsel at the Firm Pirola Pennuto Zei & Associati. He gained the Full Professorship after having completed all the previous stages of the academic career, having covered the position of Associate Professor and before that of Senior Assistant Professor in the same

University, as well as that of Senior Assistant Professor, from August 2019 to August 2021, at the University of Teramo. In the academic years 2016/2017 and 2017/2018 he was Adjunct Professor in Air Law at the School of Engineering and Architecture, University of Bologna, Campus of Forlì. He was awarded four Research Fellowships at the University of Bologna from 2015 to 2018 on the following themes: “*The shipowners’ compulsory insurance for maritime claims: problems of coordination between disciplines and possible solutions*” (2018); “*Off-shore platforms, strategic hubs for the production of fossil and renewable energy: comparative perspectives*” (2017); “*The Discipline of Logistics Services in the Transport Sector de Iure Condito et de Iure Condendo*” (2016); “*The Role of the Contractor and of the Policy Holder in the Cargo Insurance Contract*” (2015). He has been named expert both in Maritime Law and in Transport Law at the University of Bologna since 2008, and in September 2012 he was awarded the Ph.D. in European Transport Law. He has also been Lecturer at many higher education courses, Masters and Ph.D. courses and he held some lessons at the European Parliament for the Directorate for Legislative Acts. He has been invited to participate as a speaker in more than 90 national and international Conferences (held, *inter alia*, in Antwerp, Benicassim, Bilbao, Bruxelles, Dubrovnik, Elbasan, Gothenburg, Istanbul, La Valletta, Leuven, London, Madrid, Mali Lošinj, Mexico City, Opatija, Portoroz, Pula, Rotterdam, Stockholm, Seoul, Southampton, Split, Tirana, Tokyo, Torù, Zagreb), over the years he has organized Summer Schools, Conferences and International Research Seminars at the University of Bologna, at Ravenna Campus and at the Port Authority of the Northern Adriatic Sea (Venice and Chioggia) and has taken part in research groups both at international and Italian level. Since 2011 he is member of the Bologna Bar Association. He is member of the Executive Council of the Comité Maritime International (CMI), member of the yCMI’s Standing Committee and of the IWGs on Vessel Nomenclature and on Mobile Offshore Renewables Units (MORU), as well as Chair of the CMI Publications and Social Media Committee. 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), of which since 2023 has become also member of “*Consiglio Direttivo*”. Since 2014 he is General Secretary of the “*Il Diritto Marittimo*” Journal and since 2015 of the book series “*Il Diritto Marittimo - Quaderni*”. Since 2022 he is also member of the Board of Directors of the Journal “*Il Diritto Marittimo*”. From January 2016 to December 2021 he was Executive Editor of the “*International Transport Law Review*” and since 2017 he is a member of the Editorial Board of the Croatian Journal “*Comparative Maritime Law*”. He has been Secretary of the International Propeller Clubs - Port of Bologna from 2015 to 2020. Massimiliano is the author of four monographs, more than 90 articles and case comments and edited eight collective volumes, related to the matter of Maritime and Transport Law.

### **Mobile Offshore Renewable Units – the Work of the Comité Maritime International**

Mobile Offshore Renewable Units or “MORUs” have recently appeared in the maritime realm. These can be defined as non-self-propelled, floating offshore units or facilities primarily designed for the purpose of directly or indirectly generating electric power or other forms of renewable energy by converting wind, wave, tidal, or solar energy, or differences in water temperature or salinity, or a combination of any of these. This phenomenon is revolutionizing the way the operators, the professionals, and, more generally, the various stakeholders view maritime spaces and their use, and countless questions have arisen regarding the qualification of these units, applicable regulations, ownership, registration, encumbrances, insurability, bankability, arrest, accidents and collisions,

liability (and its possible limitation), right of transit or innocent passage, immunity, and many others. In an effort to provide solutions that are as uniform as possible at the international level, a dedicated International Working Group (IWG) on MORUs was established in 2023 within the Comité Maritime International. This IWG is conducting intensive in-depth analysis of the issues raised and has already gathered considerable feedback from National Maritime Law Associations, particularly through responses to an *ad hoc* created questionnaire. The speech aims to present an updated overview of the International Working Group's work.

**Julia Constantino Chagas Lessa, PhD**  
**University of Essex**  
**The United Kingdom**

Julia Constantino Chagas Lessa has completed her PhD in maritime Law at City, University of London. She has lectured commercial and Maritime Law for many years at the University of Westminster and University of East Anglia, at Erasmus University of Rotterdam, and currently at University of Essex. She has both academic and practical experience, having worked in numerous consultancy projects and arbitration. Dr. Chagas Lessa is involved in numerous academic activities, being a board member of the German American Maritime Institute, one of the executive editors of the International Transport Law Review, an executive member of the London Universities Maritime and Policy Group and a member of the Cross-Border Insolvency and Commercial Law Group. She regularly speaks in academic and industry conferences, having published articles in several renowned academic law journals.

**Everything that has a beginning has an ending, what about Flag State jurisdiction?**  
**Where does it begin and where does it end?**

Ships have been essential tools to international trade for centuries, with 90% of goods still being transported by sea. As such, the need to regulated matters relating to ships in a transnational level is evident and can be perceived by all the public and private stakeholders that work together to regulate carriage of goods by sea and related matters. Examples of these are the International Maritime World Organization and even the International Labour Organization that when created had as its main goal the regularization of seafarers' rights, who have been acknowledged as transnational worker. Nevertheless, even with all the regulations regarding carriage of goods and ships in general, there is still a blatant misconception, even among legal minds, about the extends of the jurisdiction of the State where the ship is registered, better known as the Flag State. For instance, many believe that the Flag State has jurisdiction over a seafarers' employment contract, which could not be further from the truth, or that the Flag State would have jurisdiction in a dispute of ownership of goods sold during transit in international waters. The fact is that Flag State jurisdiction was created so ships would stop being lawless chattels when trafficking international waters, and it is vital to regulated actions that take place on board of the ship. However, this jurisdiction is not limitless and many times it is given more credit than it deserves. This paper aims to explore the nature and the limits of Flag State jurisdiction.

# ***TRANSPORT LAW DE LEGE FERENDA 2025***

**Albina Ladynenko, LLM**  
**National University “Odessa Law Academy”**  
**Odessa, Ukraine**

Albina Ladynenko is a PhD candidate in Maritime Insurance Law at the University Rovira i Virgili (URV) in Tarragona, Spain. She began her doctoral studies in 2024 and was awarded an Industrial PhD scholarship in May 2025 for a joint research project between URV and the Port Authorities of Tarragona. Her research project, titled “Risk Analysis in the Port Operations and Coordination of Insurance Coverage: Systematization and Proposal for Efficiency and Improvement”, focuses on enhancing the effectiveness of risk management and insurance coordination in maritime port operations. Albina holds a Master’s Degree (2009) in International Legal Relations and a Bachelor’s Degree in Law (2007) from the National University “Odesa Law Academy”. In addition to her doctoral research, she is professor (currently on academic leave) at the same university, where she has taught in the field of international law. Her academic interests include port logistics, legal risk framework, stakeholder coordination and the role of insurance in supporting emergency response and operational resilience in port environments.

## **Ship Insurance in Port, the Conflict with the “Pay to Be Paid” Clause**

The shipping company that operates vessels in the port is obliged to guarantee the risks that its activity may cause to third parties. This requirement derives from various international, European Union regulations and maritime laws of the member countries. To mention the most relevant: the International Convention on Civil Liability for Bunker Oil Pollution Damage (BUNKERS 2001); Directive 2009/20/EC of the European Parliament and of the Council on the insurance of shipowners for maritime law claims, Law 14/2014 on Maritime Navigation; or Royal Decree 1616/2011, which regulates in Spain the Insurance of Owners of Civil Vessels for Maritime Law Claims. The aforementioned insurance obligations are typically covered - and this is permitted by the regulations of the coastal states - by policies offered by the Protection and Indemnity Clubs, which, as is well known, are governed by the "pay first" rule regarding the payment of indemnities. The direct responsibility of the P&I Clubs, in the event of insolvency or difficulty in collecting from the shipping companies, finds its Achilles’ heel in the strict interpretation of the "pay to be paid" clause. What is the use of civil liability insurance coverage provided by P&I if the shipowner does not pay the indemnities first and the courts exonerate the Clubs from direct liability? And where does that leave the P&I insurance industry if its policies are not accepted due to the inclusion of the applicability of that clause? This communication aims to address this problem, by means of an analysis of the decisions of the Spanish and European Courts and in particular the decision of the Court of Appeal of England and Wales of 12 December 2024, in the case of the sinking of the ship "PRESTIGE".



**Agata Dajčić, MSc**  
**University of Rijeka**  
**Faculty of Maritime Studies**  
**Rijeka, Croatia**

Agata Dajčić is an Assistant at Faculty of Maritime Studies, University of Rijeka and a PhD candidate at Faculty of Law, University of Rijeka, where she had already finished Postgraduate Specialist Study Programme. As a PhD Candidate she is dedicated to her research to concessions and complementary activities on maritime domain. Before joining to the University, she was for 11 years Legal Advisor for the Tehnomont Group whose main activities were strictly connected with maritime concessions in shipyard and in nautical tourism. As a legal advisor she was a member of various expert committees for drafting Maritime Domain and Sea Ports Act and Law for posting workers in Republic of Croatia. She attends numerous courses in the area of public procurement, concessions, etc.

**Port Operations within the Framework of OECD Guidelines**  
**– Focus on Concession Extension**

Croatia's accession to the OECD, just like its accession to the European Union, requires the candidate country to meet certain obligations, particularly with regard to legal certainty, transparency, and equal access to the market. These obligations come at a time when the existing concession contracts for the majority of nautical tourism ports in Croatia are approaching expiration. As a result, the issue of concession renewal in ports raises important questions concerning market competition, existing infrastructure investments, and the protection of both new and existing concessionaires, where automatic renewals may conflict with OECD guidelines and requirements. The presentation will aim to analyse how the OECD legal framework approaches the extension of concession contracts, taking into account the legal nature of renewals, the preservation of competitive neutrality and third-party access, and compliance with regulatory requirements, while also considering models of good practice from comparative jurisdictions. The goal will be to identify a model that balances the legitimate interests of existing concessionaires with the fundamental principles of market competition (OECD guidelines), while at the same time safeguarding maritime domain as a public good of special interest to the Republic of Croatia.

**Josep Lluís Díez i Besora, LL.M**  
**Head of Legal Services and Public Domain**  
**Port Authority of Tarragona**  
**Tarragona, Spain**

Josep Lluís Díez i Besora holds a Law Degree from the University of Barcelona. In maritime studies, he holds a Master's Degree in Maritime Law from the Barcelona Bar Association, a Master's in Maritime Business and Port Management from the Nautical Faculty of Barcelona, and Postgraduate Diploma in Port Operations from the Nautical Faculty of Barcelona and a Postgraduate Diploma in Port Management from North Kent College and the Lloyd's Maritime Academy. In the field of security, he holds a Master's Degree in Emergency Management from the University of Valencia, a Master's in Critical Infrastructure Security from the Carlos III University of Madrid, and a Master's in Integral Security from the Central University of Catalonia. He holds the position of Chief Legal Officer and Head of Public Domain at the Port Authority of Tarragona, as well as Port Security

Officer (PSO) and Director of Security, managing the security of this critical infrastructure and the Port Police. He also serves as President of the Port's Health and Safety Committee. Josep Lluís Díez i Besora is an Associate Professor of Maritime, Transport and Logistics Law, and is currently a PhD candidate in Maritime Law at the Rovira i Virgili University. His doctoral research focuses on "*The Contract for the Provision of Maritime Passenger Services*." He is a practicing lawyer and President of the Maritime, Port and Transport Law Section of the Tarragona Bar Association.

### **The Passenger Terminal as a Central Element of Port Services for Passenger Traffic**

Passenger traffic by cruises, ferries, or RO-PAX services represents a growing activity in commercial ports. This type of traffic has specific characteristics in terms of safety, flow and traffic organization, operation of associated services, etc., which differentiate it from cargo handling operations, with which it coexists within the port. The peculiarities of this auxiliary contract of navigation—which is atypical in most legal systems—and the different configurations of this activity depending on the management model adopted by the port where the service is provided, combined with the economic impact that passenger transport has on tourism, make this growing activity a subject of great interest for study, that has received little attention in legal scholarship so far. In this context, the Passenger Terminal operates as the tangible element of the contract, and as the central component of the activity, it shapes and defines the overall characteristics of the business. This paper aims to examine and outline the main features of passenger services from the perspective of the Passenger Maritime Terminal as the core element, to expose the main problems it presents, and to suggest, in a brainstorm of ideas, the key concepts for solutions to be further developed.

**Ante Vojković, LLM**  
**Stanić and Partners Law Firm**  
**Rijeka, Croatia**

Ante Vojković is a private Attorney at Law at Stanić & Partners LLC, Rijeka. He graduated in Law in 2019 from the Faculty of Law, University of Rijeka, where he was awarded three Dean's Awards for academic excellence and served for four academic years as a Student Assistant at the Chair of the History of Law and State. In 2021, he passed the bar exam with special praise (*cum laude*). In 2024, he obtained the Degree of Master of Laws (LL.M.) in International Maritime Law with distinction from the International Maritime Law Institute (IMLI), Malta. At IMLI, he was awarded the prestigious CMI Prize for Best Overall Performance (Best Student of the Generation Award), as well as the Government of Malta Prize for the Best Maritime Legislation Drafting Project, for his work entitled "*A Law to Incorporate the 1996 Protocol to the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter into the Laws of Croatia and to Provide for the Effective Implementation Thereof*." Alongside his legal practice, Ante Vojković writes monthly maritime law columns for "*Burza nautike*", a specialized maritime journal. Moreover, he is a member of the Croatian Maritime Law Association and a regular participant at international maritime law conferences, dedicated to contributing to the advancement of international maritime law and to strengthening the role of shipmasters within the global industry.

## **Criminalisation of Shipmasters: A Dangerous Trend for Global Shipping**

To criminalize captains simply for being captains is not law - it is the collapse of law itself. The maritime industry stands on the shoulders of its captains, the very heart of global shipping, trade, and connectivity. Yet, instead of being afforded fair treatment, shipmasters are increasingly subjected to unjust criminalization. This paper exposes the dangerous misuse of the doctrine of command responsibility, which, when wrongly applied to shipmasters, transforms them into automatic scapegoats for crimes and incidents far beyond their influence. Such practices not only violate fundamental principles of criminal law, including *nullum crimen, nulla poena sine lege* and the presumption of innocence, but also erode the very foundation of the maritime sector. Criminalizing captains for acts they did not commit represents both a legal and moral failure of the systems meant to uphold justice. The law demands proof of intent or negligence tied to a specific act, not the presumption of guilt by virtue of holding command. To punish otherwise is to undermine fairness, disincentivise future generations from assuming command, and ultimately weaken an industry that carries the lifeblood of the global economy. This contribution argues for the urgent necessity of protecting shipmasters through lawful, rational, and equitable treatment. Standing up for them is not about privilege, but about safeguarding justice, preserving the integrity of maritime law, and ensuring the resilience of the industry itself.

**Maša Štampić, LLM**  
**Ministry of Maritime Affairs**  
**Podgorica, Montenegro**

Maša Štampić holds a Master of Humanities in International Maritime Legislation from the IMO International Maritime Law Institute (IMLI), Malta, and a postgraduate specialisation in Maritime Management from the University of Montenegro. She has built her career across both public administration and the private maritime sector. While in Malta, she worked at MC Consult& Associates, a legal consultancy specialising in shipping, logistics, and maritime law. She then served as an Executive in Business Development and Shipyard Operations at a yacht company from Malta, operating across four countries. Upon returning to Montenegro, she resumed her role at the Ministry of Maritime Affairs, where she currently serves as a Senior Advisor. She has completed extensive training in international maritime law, with a strong interest in seafarers' rights and sustainable maritime development, and has participated in numerous seminars and courses on the law of the sea, maritime dispute resolution, and sustainable development in the maritime domain. In addition to her native language, she speaks fluent English and Italian, enabling her to work effectively in international and multilingual environments. Maša has a strong interest in the intersection between international regulation and local maritime policy, particularly in the challenges faced by small maritime states like Montenegro. Her focus includes legal matters related to seafarers' certification, working and living conditions, and international compliance. Her current work centres on improving the professional and legal support framework for Montenegrin seafarers within a globalised shipping industry.



**Nour Elias Nohra, LLM**  
**IMO International Maritime Law Institute**  
**Valletta, Malta**

Ms. Nour NOHRA is a dedicated lawyer, currently serving as the ITF Seafarers Trust Assistant Lecturer on Seafarers' Rights at the International Maritime Law Institute (IMLI) in Malta. She is also a member of the Beirut Bar Association, where she practices law. Ms. Nour graduated with Honours from the Lebanese University, completing her Bachelor's degree in Law at the Filière Francophone de Droit. She continued her academic journey at the same university, earning a First Master's degree in General Law. In 2023, she pursued further specialization and earned an LL.M. in International Maritime Law from IMLI, a renowned institution for maritime law education. Fluent in three languages—Arabic, French, and English—Ms. Nour also speaks professionally in these languages and is actively learning Maltese to further expand her linguistic skills. Throughout her career, Ms. Nour has gained practical legal experience through various internships. She began with a paralegal internship at Bablex, where she worked on legal translation tasks. She later interned at Baroudi Law Firm in Beirut, gaining valuable experience in general legal practice, including legal research, case preparation, and client support. In addition to her legal work, Ms. Nour is a professional violin player.

### **Maritime Labour Convention, 2006 in Practice: Challenges for Small Maritime Countries**

Although the Maritime Labour Convention (MLC, 2006) sets out a global framework intended to ensure decent working and living conditions for seafarers, its practical implementation remains inconsistent, especially in protecting seafarers from serious and repeated violations by shipowners. Despite the formal obligations outlined in the Convention, cases involving unpaid wages, a lack of food and water on board, or denied repatriation and medical support continue to occur. In such situations, shipowners often shift responsibility to P&I insurance or international institutions, while avoiding direct accountability. The Convention does not define criminal or punitive sanctions for owners who deliberately and repeatedly violate their obligations, creating a regulatory gap. This paper examines these shortcomings through the example of Montenegrin seafarers, who frequently operate under foreign flags due to the absence of a national fleet and limited domestic maritime infrastructure. As a non-EU country, Montenegro lacks institutional capacity and legal mechanisms to protect its nationals working in foreign jurisdictions. In contrast, Malta, as an EU member with a strong international ship registry and developed enforcement structures, illustrates how a small state can maintain effective flag-state control and oversight. By comparing these two small maritime countries, this paper highlights how fleet presence, registry strength, and international integration shape the effectiveness of MLC, 2006 implementation. The findings point to the urgent need for more precise international enforcement instruments, as well as national-level frameworks that would allow small states, particularly those without a fleet, to better protect their seafarers in a highly globalised and deregulated shipping industry.

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