ADRIATIC MARITIME LAW CONFERENCE

European Maritime Day 2016

PORTOROŽ, 26-28 May 2016

ADRIATIC MARITIME LAW CONFERENCE

PORTOROŽ, SLOVENIA, 26-28 May 2016

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

26 May 2016

Dear friends and colleagues,

We are happy that our three associations (Italian, Croatian and Slovenian) are organizing the first Adriatic Maritime Law Conference, which is taking place in Portorož, Slovenia from May 26 to 28. You will find all the details of the programme, the speakers and their presentations in this brochure. Besides providing us with a possibility to hear interesting presentations from speakers coming from all the Adriatic coastal states, to discuss recent trends of maritime law and to develop activities of young members of our associations, this event will also give us an opportunity to share opinions regarding unification of maritime law, which is also our main task as member associations of the Comité Maritime International. We are glad that the AMLC is scheduled three weeks after the CMI Conference in New York because it will be an opportunity to inform in detail the members of our associations of the results of this important global maritime law event.

We are also glad that the Adriatic Maritime Law Conference has been included by the European Commission in the official list of events on the occasion of the European Maritime Day 2016 (EMD 2016 event across EU).

Welcome to Portorož and we wish that you enjoy the first Adriatic Maritime Law Conference!

President of AIDIM
Avv. Giorgio Berlingieri

President of DPPS
Dr. Mitja Grbec

President of HDPP
Dr. Petar Kragic

ADRIATIC MARITIME LAW CONFERENCE
PORTOROŽ, 26-28 May 2016

PROGRAMME

Thursday, 26 May 2016 (Yacht Marina Portorož)

14:00-14:30 Registration and Welcome Reception

14:30-15:10 Opening Ceremony speeches: Avv. Giorgio Berlingieri, Dr. Petar Kragić, and Dr. Mitja Grbec
Welcome speech: Capt. Jadran Klinec, Director of the Slovenian Maritime Administration

15:10-16:40 **Introductory Session: Current Maritime Law Issues**
(chairman: Prof. Avv. Stefano Zunarelli)

Avv. Giorgio Berlingieri: Current Maritime Law Issues - CMI Conference in New York *(key-note speech)*
Prof. Dr. Marko Ilešič: Recent Maritime Jurisprudence of the European Court of Justice *(key-note speech)*
Prof. Dr. Ignacio Arroyo Martinez: Jurisdiction and Arbitration Clauses in Maritime Transportation in Times of Economic Crisis *(key-note speech)*

16:40-16:50 Short break

16:50-18:15 **Legal Status of Seaports within the EU: Adriatic and Mediterranean Perspective – Part 1** (chairman: Avv. Giorgio Berlingieri)

Prof. Avv. Stefano Zunarelli: The New Italian Law on Ports in the European Perspective
Prof. Dr. Dragan Bolanča: Legal Status of the Seaports Open to Public Traffic in the Republic of Croatia
Dr. Arber Gjeta: Legal Regime of Ports in the Republic of Albania
Dr. Patrick Vlačič: Seaports and Carriage of Passengers

Discussion

18:15-18:30 Coffee break

18:30-20:00 **Legal Status of Seaports within the EU: Adriatic and Mediterranean Perspective – Part 2** (chairman: Dr. Patrick Vlačič)

Avv. Enrico Vergani: Port Reforms and EU Regulation – the State Aid Issue
Dr. Boris Jerman: Legal Status of Seaports in the Republic of Slovenia
Avv. Simona Coppola: Short Sea Shipping in the Adriatic Sea
Loris Rak: Governance and Organization of Seaports – Croatian Legal Framework

Discussion

Concluding Remarks on Seaports

20:00 Dinner at the Marina Portorož

Friday, 27 May 2016 (Hotel Marko, Portorož)

9:00-11:00 **Legal Framework for Offshore Activities in the Adriatic and Mediterranean – Opportunities, Risks and Challenges - Part 1** (chairman: Dr. Petar Kragić)

Prof. Avv. Lorenzo Schiano di Pepe: The International Legal Framework on Offshore Activities and the CMI
Prof. Dr. Dorotea Ćorić: Marine Pollution from Seabed Activities - Croatian Liability Regime
Prof. Dr. Jelena Nikčević Grdinić: Legal Regime of Seabed Hydrocarbon Activities in Montenegro
Prof. Dr. Axel Luttenberger: Environmental Impact Assessment of Hydrocarbon Seabed Activities
Prof. Dr. Marko Pavliha: Why the Gas Terminals Must Not Be Installed in the North Adriatic Sea

Discussion

11:00-11:30 Coffee break

11:30-13:15 **Legal framework for Offshore Activities in the Adriatic and Mediterranean – Opportunities, Risks and Challenges - Part 2** (chairman: Dr. Mitja Grbec)

Doc. Dr. Mišo Mudrić: Croatian Legislation with Regard the Seabed Hydrocarbons
Avv. Andrea Berlingieri Jr. – Avv. Lorenzo Fabro: Italian Legislation on Offshore Activities
Dr. Marija Pijaca – Marjana Šešelja, LL.M.: Comparative Analysis of Legal Framework for Offshore Hydrocarbon Exploration and Exploitation
Dr. Mitja Grbec: International Legal Framework for Regulation of Offshore Activities in the Adriatic Sea: Liability and Compensation

Discussion

Concluding Remarks on Offshore Activities

13:30-15:00 Lunch (Hotel Marko)

15:00-16:00 **Maritime Law Associations Meeting**

16:00-17:30 **Young Maritime Lawyers Session** (chairman: Dr. Igor Vio)

Avv. Massimiliano Musi: The CMI Work Regarding Ships Nomenclature
Dr. Adriana Vincenca Padovan - Dr. Iva Tuhtan Grgić: Is the Marina Operator's Berthing Fee a Privileged Claim under the Croatian Maritime Code?
Jana Rodica, LL.M.: Marine Environmental Impact in the Process of Decommissioning of Offshore Structures in the European Perspective

Discussion

Concluding Remarks on Young MLA Session

17:30-18:00 Coffee break

18:00-19:00 **Round Table: Current Maritime Law Trends**
(moderator: Prof. Dr. Ignacio Arroyo Martinez)

19:00-19:30 Closing Ceremony (speeches: Avv. Giorgio Berlingieri, Dr. Petar Kragić, and Dr. Mitja Grbec)

20:00 Dinner in Portorož

Saturday, 28 May 2016

9:30-16:00 Visit to the Port of Koper followed by boat trip

KEYNOTE SPEAKERS AND ORGANIZERS

Prof. Dr. Ignacio Arroyo Martinez is practitioner at Ramos & Arroyo, Professor of Commercial Law at the University of Barcelona, Past President of the Spanish Maritime Law Association, Titulary Member of the Comité Maritime International and General Editor of "Anuario de Derecho Maritimo". He obtained his law degree at the University of Bilbao, completed his LLM at the Harvard University and was awarded the Leone Bolaffio prize for his doctoral thesis at the University of Bologna. He is a visiting lecturer at the IMO International Maritime Law Institute (IMO IMLI) in Malta. As invited speaker he has participated at many maritime law conferences and is author of numerous publications covering a variety of topics in areas of commercial, maritime and transportation law.

Prof. Avv. Giorgio Berlingieri is Senior Partner at Studio Legale Berlingieri, Advocate to the Italian Supreme Court of Cassation, the Vice President of the CMI, Titulary Member of the CMI, President of the Italian MLA, Vice President for Italy of IIDM, Vice Editor of Il Diritto Marittimo, Member Contributory Board of Droit Maritime Français, Member of the Advisory Board of Lex Trasporti. After graduating at the University of Genoa - Faculty of Law with a thesis "Safe ports and safe berths in time charters and voyage charters", he continued maritime law studies at the London University College, New York University, Tulane University, Berkeley University and UCLA. He completed his training with leading law firms in London, New York, New Orleans, Los Angeles and San Francisco. Giorgio Berlingieri started practicing law with Studio Legale Berlingieri in Genoa, where he became a senior partner, covering a variety of maritime law fields such as: casualty related work including collision, salvage, wreck removal, limitation of liability, pollution and other environmental and admiralty related issues, charter party and bill of lading disputes and all types of marine litigation and commercial disputes, arrest of ships, foreclosure, enforced sale of ships and ship's registration.

Prof. Dr. Marko Ilešič obtained his Doctorate in Law at the University of Ljubljana and subsequently completed judicial service examination, and specialised in comparative law at Universities of Strasbourg and Coimbra. He is author of numerous legal publications and has been Professor of Civil, Commercial and Private International Law. Since 2004 he has been serving as Judge at the European Court of Justice. Before that he was Vice-Dean (1995-2001) and Dean (2001-2004) of the Faculty of Law of the University of Ljubljana, Honorary Judge and President of Chamber at the Labour Court in Ljubljana (1975-86), President of the Sports Tribunal of Slovenia (1978-86), President of the Arbitration Chamber of the Ljubljana Stock Exchange, Arbitrator at the Chamber of Commerce of Yugoslavia (until 1991) and Slovenia (from 1991), Arbitrator at the International Chamber of Commerce in Paris, Judge on the Board of Appeals of UEFA and FIFA, President of the Union of Slovene Lawyers' Associations (1993-2005). He is a member of the International Law Association, of the International Maritime Committee and of several other international legal societies.

Dr. Mitja Grbec is the President 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 LL.M. and Ph.D. studies in international maritime law at the IMO International Maritime Law Institute (IMO IMLI) in Malta. He has held several positions both in the academia and private sector, including that of a permanent lecturer at the IMO International Maritime Law Institute (IMO IMLI) in Malta and that of a member of the Supervisory Board of the company Slovenian Railways d.o.o. (2011-2015). 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.

Dr. Petar Kragić is the President of the Croatian Maritime Law Association and a Titulary Member of the CMI. He is heading the Legal & Insurance Department of Tankerska Shipping Company. After graduating law summa cum laude at the University of Split, Petar Kragić joined Tankerska plovidba in 1976. He obtained his LLM and PhD degrees in maritime law from the University of Split Faculty of Law. He is a regular speaker at maritime conferences, the author of legal textbook "Tanker Charteparties" and a number of articles on maritime law. Petar Kragić is a member of the drafting committee for Croatian Maritime Code. He was a member of the CMI drafting committee for the Rotterdam Rules and a member of the Croatian delegation to UNCITRAL Conferences. He is a former chairman of the Legal Committee of the Croatian Chamber of Shipping. For a number of years he was a director of the UK P&I Club, SiGCo. and of international investment fund.

Dr. Igor Vio is the Secretary General of the Croatian Maritime Law Association and a Titulary Member of the CMI. He 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 law degree at the University of Rijeka Faculty of Law, LLM at the University of Miami School of Law, M.Sc. in the Law of the Sea and PhD degree in Maritime Law at the University of Split Faculty of Law. As a UN fellow he spent one year in the US and worked in the UN Office of Legal Affairs in New York City. He has published papers covering various fields of the international law of the sea and maritime law. He was the editor of the volume "Maritime Code of the Republic of Croatia and Recent Developments in the Area of Maritime and Transportation Law". As an invited speaker he participated with presentations at various national and international conferences.

SPEAKERS AND ABSTRACTS

Prof. Avv. Stefano Zunarelli
University of Bologna
Faculty of Law

Stefano Zunarelli is Full Professor of Maritime and Transportation Law at Alma Mater Studiorum – University of Bologna. As an internationally acknowledged legal expert in the fields of Maritime Law, Transportation Law and Air Law, he has taken part - on behalf of the Italian Government - in meetings and activities of the international organizations of his area of expertise (IMO, UNCITRAL and UNCTAD), by contributing to the drafting of several international Conventions in the maritime and transportation fields, as well as in several working groups established by the European Commission. He has also taken active part in the modernization process of the Italian transportation laws in his capacity as advisor to the Italian Ministry of Infrastructures and Transport and as advisor to several regional and local governments. Prof. Zunarelli is author of many books and articles published in Italian and international reviews in the area of Maritime, Port, Aviation, Airport and Land Carriage activities regulation. He is Deputy Editor of the Review "Il Diritto Marittimo" (IT) and he is a member of the Editorial Board of the reviews "The Journal of International Maritime Law" (GB), "Anuario de Derecho Maritimo" (SP), "European Journal of Commercial Contract Law" (B), "Revista de Derecho del Transporte" (SP), "Diritto dei Trasporti" (IT), "Diritto del Turismo" (IT), "Rivista di Diritto della Navigazione" (IT) and "Trasporti" (IT). Moreover, he is Director of the series "Quaderni del corso di perfezionamento Master in diritto ed economia dei trasporti e della logistica" and "Diritto e pratica dei trasporti". As a lawyer, Professor Zunarelli advises major companies and institutions in the maritime, air, land, road, port and airport sectors, as well as in the insurance and international trade sector, in judicial proceedings and in domestic and international commercial negotiations. He is the Vice President of the Italian Maritime Law Association and a member of the Bologna Bar Association.

THE NEW ITALIAN LAW ON PORTS IN THE EUROPEAN PERSPECTIVE

The Italian Port Law, 28th January 1994, no. 84, in its art. 18 provides that a Ministerial Decree should regulate the procedures for the award of concessions in a maritime port. With the mentioned discipline, the Italian Ministry of Infrastructures and Transports, providing new tender procedures for the selection of state-owned dealers, has adjusted the rules on concessions related to port areas and docks to the EU legislation, providing for a public tender for the award of the concessions. The interested aspiring concessionaires, specifically, will have to show, at the time of application for the concession and at each stage, a program of activities and investments, a business plan and a plan with the guaranteed employment levels in relation to the same program of activities. Then the Italian Ministry of Infrastructures and Transports, in cooperation with the relevant Authorities of the port system, will ensure the effectiveness of the investment plans officially proposed by the aspiring terminal operators/concessionaires in their applications and will make a choice after having compared all the competing applications.

Prof. Dr. Dragan Bolanča
University of Split
Faculty of Law

Dragan Bolanča graduated from the University of Split Faculty of Law in 1980, and then completed a two-year post-graduate course in the Maritime Law and Law of the Sea and received a Master's degree in 1987 (the title of his master's thesis was "Incidents of Navigation and the Shipowner's Liability in Maritime Transactions"). He was awarded PhD degree in 1994 and his doctoral thesis is entitled "The Institute of Excepted Perils and the Shipowner's Liability in the Carriage of Goods". Before he became a teaching assistant at the Split Faculty Law (1991) he had worked first as a lawyer and later as a judge (1982 - 1991). He passed the bar examination in 1984. He is Full Professor of Maritime and Transport Law, at the Faculty of Law, University of Split. He served as Vice-dean at the Faculty (2000 – 2002), Head-master at the Post-graduate course in the Maritime law and Law of the Sea (2000 – 2004, 2008 - 2012), Dean at the Faculty (2004 - 2006), Vice – Rector for juridical and personnel issues of University of Split (2006 – 2010, 2010 - 2014). Besides publishing many scientific papers, Dragan Bolanča is the author of several books: "The Institute of Excepted Perils and The Shipowner's Liability in the Carriage of Goods", "Maritime Law - Selected Themes", "The Legal Status of Sea Ports as Maritime Demesne in the Republic of Croatia" and "Croatian Administrative Law of Navigation".

THE LEGAL STATUS OF THE SEAPORTS OPEN TO PUBLIC TRAFFIC IN THE REPUBLIC OF CROATIA

The Croatian Maritime Domain and Sea Ports Act (hereafter - CMDSPA) of 2003 divided ports into those open to public traffic and those for a special purpose. In the port open to public traffic any physical and legal person on terms of equality can use the port according to its purpose and within the capacity of the available facilities. The port for a special purpose is a port for the needs of a physical or legal person (nautical tourism port, industrial port, shipyard, fishery port etc.) or government body (military port). The Croatian seaports by definition constitute a part of maritime domain. CMDSPA regulates the maritime domain as the public domain of interest for the Republic of Croatia, which is under its special protection and is used and/or exploited under the conditions and in the manner prescribed by CMDSPA. There is no property in the maritime domain or other proprietary rights on any basis. Anybody is free to use and/or to be benefited by the maritime domain according to its nature and purpose in conformity with the provisions of the mentioned act. Special use and/or economic exploitation of a part of the maritime domain may be conceded to physical and legal persons (concession) provided that such use is not in contradiction with the interests of the Republic of Croatia. The most important act for ports open to international public traffic separates strategic management from commercial activities in public ports introducing a dualism of entities in charge of such activities. On the one hand, the functions of strategic management, development, protection and maintenance, as well as the coordination and control of commercial activities have been entrusted to the Port Authority**,** a State entity with a predominant influence from the Government. On the other hand, the commercial activities should be in the hands of a legal or physical person who is registered for business operation**.** Commercial entities may perform any of port activities only upon a concession which consists of the act of concession and concession's agreement.

Dr. Arber Gjeta
University of Elbasan
Faculty of Economy
Department of Law

Arber Gjeta is a full time lecturer at the University of Elbasan, "Aleksander Xhuvani" since December 2012. He successfully defended his PhD thesis on June 2013 at the University of Bologna (Airport and airportual services regulation in the European and national legislation). He graduated Law at the University of Bologna. The main focus of his research is air law and airport legislation. He is a lawyer and a member of the Albanian National Bar since 2013.

LEGAL NATURE OF PORT AUTHORITIES IN ALBANIAN LEGISLATION

The maritime legislation in Albania lays on Maritime Code, adopted in 2004, and in several secondary acts and specific laws that regulates in detail several issues like security and maritime infrastructures. Regarding Port Authorities the Maritime Code disposes that these are entitled for the administrative direction of navigation operations and relative maritime area, and for the coordination of the relations with state organs. Even for the Port Authorities the Maritime Code disposes a reserve of law as well as for the security issues. The special legislation, which is object of our study, is the law no. 9130 of 08.09.2003 "On Port Authority", whose main goal is to "shift ports from a concept of 'service ports' to 'landlord ports', in order to increase commercial independence of ports" and to "align the services and the port infrastructure according to the international practices, in order to achieve common standards between States". The Port Authority has legal personality in base of the law no. 9130, its Statute and other relevant legislation, including in its name the name of the city where the port is located (in example, Port Authority of Durres) (article 9 of the Law no. 9130/2003). The article 9 disposes that the Port Authority has in its administration the state property of the port area and any rights concerned. As in regard to port services for the Albanian Maritime Code these consists in "towage, loading and unloading, transhipment, storage, transport, fire protection, salvage operations and any other activity that is linked with the arrival and departure of vessels, as well as passenger and cargo within or outside ports" (art. 82) These services are offered by licensed public or private companies selected on competition basis by the Maritime Administration, which is the only subject entitled to sign the contracts with operators. As the law is ante-Maritime Code an update is necessary. There are many parts within this law that have a legal nature of final and transitory disposition, other disposition are overlapped on the same matters. Furthermore, the law needs to be clearer in its explanation of the relationship between Council of Ministers, responsible Minister and Port Authority as well as with the Maritime Administration Office. Actually there is only a Port Authority that operates in Albania and we illustrated its prerogatives and its relationship with the concessionaire subjects. In a comparative view with the Italian discipline it is important to determine which path to follow in fostering the independence of decision the PA. The formal introduction of the "landlord ports" should be accompanied by a real constitution of a public body with coordination and facilitation duties for the subjects that operate within port area. Furthermore, it is important to extend the supervision powers granted to the Port Authorities.

Doc. Dr. Patrick Vlačič
University of Ljubljana
Faculty of Maritime Studies and Transport in Portorož

Patrick Vlačič graduated at the Faculty of Law in Ljubljana, completed LL.M. studies of Maritime Law and Law of the Sea at the Faculty of Law in Split, Croatia, and obtained PhD degree at the Faculty of Law in Ljubljana. He was trainee at the Court of Appeal in Koper from 1995 to 1997, passing the bar exam in 1998. He has worked at the Faculty of Maritime Studies and Transport since 1997. He was the Director of Portorož Airport between 2002 and 2004, and Minister of Transport of Republic of Slovenia from 2008 to 2012. He is the author of the book "Limiting Liability in Transport Law", co-author and editor of the books "Maritime Law I and II", and co-author of the textbooks "Transport Law" and "Introduction to Freight Forwarding".

PASSENGERS AND PORTS

A transport of passengers is *per se* a dangerous activity. As if this is not enough the passengers and carriers are exposed to a wide range of threats. 9/11 was the deadliest attack to transport of passengers in the history of mankind. It demonstrated two things: the first one is that the vulnerability of the transport of large numbers of passengers has not decreased and the second is the lack of security measures to prevent threats from becoming disasters. There are a variety of threats to the safety of maritime passengers in or near ports. The ship and passengers are actually most secure when the ship is sailing. The danger emerges when the ship is at anchorage or in the port. The threats could be ship borne, underwater based, theft, vandalism, piracy and others. Ports have to meet security regulations from the International Ship and Port facility Security code (ISPS) that is implemented through chapter XI-2 Special measures to enhance maritime security in the International Convention for the Safety of Life at Sea (SOLAS). The paper attempts to answer the question whether the safety systems of security of passengers in ports are satisfactory and to answer questions regarding the liability of ports for injuries and other damages suffered by passengers.

Avv. Enrico Vergani
Studio Legale Garbarino Vergani
Genoa

Enrico Vergani started his legal career with Ferrarini Ferraro Law Firm and gained considerable experience with high profile litigation and transactions from the very beginning of his working days. He had the opportunity of training/internships with top London shipping firms (1991 and 1993). He was admitted to the Italian Bar in 1993 with the highest marks in his session and awarded the Princivalle Prize by the Law Society for the District of the Court of Appeal in Genoa. Enrico has been a partner of the firm Garbarino Vergani since its foundation. He acts as an Arbitrator in domestic and international disputes including ICC Arbitration. Besides Arbitration, his interest encompass all the aspects of shipping including ship finance deals, litigation with particular attention to all international and multi jurisdictional issues. With a deep knowledge of economics he has also attended a number of seminars and round tables and gave papers on various subjects. He is a member of Propeller Club, Port of Genoa and Port of Naples, member of the board of the Italian Maritime Law Association (AIDIM) and member of scientific committee of Lex Trasporti. Enrico is also a regular contributor to different law publications.

PORT REFORMS AND EU REGULATION – THE STATE AID ISSUE

The presentation is intended to review, in the light of discussions on the current EU Regulation on market access to port services and financial transparency of ports, the outcomes of discussions on State aids to EU seaports. The different structures of EU ports (public, private, tool and landlord ports) and the need of clear guidelines on State aids in the corresponding market (in respect of which the Commissions has recently opened a consultation) will be amongst the topics to be considered, by reference to concrete case studies in which the support offered through State aids to port infrastructures has been considered in compliance with EU principles. In the light of the Italian reform of port legislation presently under process, the governance of the Port Authority will be considered, also in its potential effect on the construction and application of State aid regulations, with particular reference to the principles set forth by EU Commission in the "Porto di Salerno" case (2014). Recent complaints moved by the Commission in respect of State aids which might be granted in the Port of Antwerp (PSA Antwerp NV and Antwerp Gateway) will be considered, together with the recent complaint raised in respect of Spanish ports organization to support pork workers and its consistency with State aid principles. As a closing remark, the potential role of European Investment Bank (EIB) in support to infrastructure projects going beyond the ports and involving the in land logistic cluster will complete the presentation, which is intended to touch base on various subjects which still are a work in progress and, hopefully, to the starting point for further and deeper discussions in the course of the rounded table which will follow.

Doc. dr. sc. Boris Jerman
University of Ljubljana
Faculty of Maritime Studies and Transportation in Portorož

Boris Jerman is the Secretary-General of the Maritime Law Association of Slovenia, and Assistant Professor at the University of Ljubljana, Faculty of Maritime Studies and Transportation. He studied law at the University of Ljubljana, where he earned both his MA and Ph.D. degrees in transportation law. He is the head of the Legal Department of the Port of Koper (Luka Koper d.d.) and actively involved in the academic sector. He has published extensively in the field of transport, logistic, maritime and commercial law.

LEGAL STATUS OF SEAPORTS IN THE REPUBLIC OF SLOVENIA

In Slovenia, the management of ports is one of the most important challenges that can never be put aside. The country has its own unique system of port management, which is nevertheless in compliance with the EU legislation. Slovenia began managing its own ports after the World War II when port management was based on more or less the same principles all over the world. Ports were operated by port captaincies, responsible for port operations and maintenance. The turning point in the development of the Slovenian port management system was the »Law about the utilization of ports«, which transferred the management of ports to local communities obliged to turn over management of ports and performance of port activities to commercial enterprises, whenever possible. These enterprises also became owners of all port infrastructure and facilities. Such management system enabled operation of port activities on the market basis, which was not typical for other European countries, where ports were managed by port authorities financed by taxpayers. The main consequence of such a system was that port authorities very often did not built port facilities required by the market, but instead invested into excessive and expensive infrastructure that never paid off. At the moment, management of Slovenian ports is regulated by the Maritime Code, adopted in 2001. The main role of a port manager is organisation and operation of the port in such a way as to guarantee safe navigation and the protection of the environment and waters, and perform activities necessary for the smooth running of the port for the purposes intended (pilotage, towage of ships, provision of stevedoring services, etc.). In ports must also be performed certain public services, such as maintenance of port infrastructure, receipt of ship-generated waste, maintenance of sea lanes and navigation safety facilities, pilotage and towage. Public services are provided by the Republic of Slovenia or a local community (depending on the type of port). The only large commercial port in Slovenia is the Port of Koper. In accordance with the Governmental decree, this port is managed by the Republic of Slovenia, with certain competences of management transferred to a private company Luka Koper, d.d., which also performs commercial services in this port. Such system in the Port of Koper serves public as well as private interests.

Avv. Simona Coppola
Studio Legale Garbarino Vergani
Genoa

After graduating in maritime law at the University of Pisa, Simona joined Garbarino Vergani law firm in 2003. In 2009 she increased her experience at the international law firm in London, Hill Dickinson and at Charles Taylor Consulting. In April 2010 Simona attended a course in London at Lloyd's Academy on "Time Charterparty and Voyage Charterparty". In May 2011 Simona attended a course in London at Lloyd's Academy on "International Marine Insurance". Simona is a member of Propeller Club in Genoa and Port of Naples and of the Italian Association of Maritime Law (AIDIM) and she is part of the editorial staff of the review "Lex Trasporti" in which she is responsible for the shipping matters. On 5th November 2013, Simona has been appointed by acclamation President of YoungShip Italia, the Italian branch of YoungShip International founded in 2004 in Norway. From 14th October up to 14th November 2015 Simona has cooperated as teacher with the Faculty of Engineering in Naples Federico II in the project of professional training "LIMS- experts in management services of the logistic information".

SHORT SEA SHIPPING IN THE ADRIATIC SEA

The principal goals of this presentation are: to express the importance that Italian Adriatic ports gained in the recent years, to underline the special role of the ports of Ancona, Bari and Venice and to describe the process of their development. The presentation is intended to give to the audience, in the light of the Italian reform of port legislation presently under implementation, an overview on the trade routes in the Adriatic areas and on the growth of the infrastructures which are planned to be implemented in order to increase the traffics between the ports facing the Adriatic waters. Starting from magnificent Venice in which the highest attention is paid to the construction of the offshore platform and to the cruise industry which is losing traffic because of restrictive laws on environmental protection, passing through Ancona which has increased in the recent years its capacity to accommodate cargo and passengers, going south to Bari and the very ambitious operational plan made by its Port Authority. Presentation has aim to map out a route between the Italian Adriatic ports and those of the other coastal states. The possible developments will be analyzed considering the State aid that is going to be available to the shipowners and to the railway operators (Marebonus / Ferrobonus), and the positive effects which they might have on the growth of Italian seaports and maritime economy in general.

Loris Rak, LL.B.
University of Rijeka
Faculty of Maritime Studies

Loris Rak graduated at the University of Rijeka Faculty of Law in 2004, where he started his postgraduate studies of Maritime and Transport Law in 2014. He worked as court councillor (recorder) at the Commercial Court in Rijeka from 2004 until 2009, entrusted with activities and responsibilities in judiciary within commercial and admiralty division. Since 2009 he has been working as teaching assistant at the University of Rijeka Faculty of Maritime Studies. He is vice chairman of the Expert Committee for granting concessions on maritime domain and chairman of Managing Board of Krk County Port Authority. He is also appointed a member of the Expert Committee on maritime domain and seaports of the Croatian County Association. Since 2015 he has been Treasurer of the Croatian Maritime Law Association.

GOVERNANCE AND ORGANIZATION OF SEAPORTS – CROATIAN LEGAL FRAMEWORK

The legislation on seaports in the Republic of Croatia was established by the Seaports Act, 1995, and later the Maritime Domain and Seaports Act, 2003, which introduced first major reform on governance and organization of seaports. The new laws have introduced different organization of seaports and divided former social enterprises on private companies and port authorities, as new legal entities that were entrusted with governance of seaports open to public traffic. Since then new legal framework on seaports evolved specifically through governmental and ministerial bylaws. Yet, there is much dispute over the question whether the expected goals have been achieved within this legal framework. Since 2009 there have been many attempts to amend the legislation on seaports as well as attempts to adopt entirely new legislation, so that it is rather reasonable to conclude that implementation of new legal framework was not satisfactory. The paper is reviewing Croatian legal framework *de lege lata* with an analysis of current organization of seaports and models of port governance, focusing on port authority functions as port landlord, port regulator and port operator, and pointing out its various advantages and omissions, with conclusions on proposals *de lege ferenda*.

Prof. Avv. Lorenzo Schiano di Pepe
University of Genoa, Department of Law

Lorenzo Schiano di Pepe is Full Professor of European Union Law at the University of Genoa, Department of Law, currently teaching courses "EU Law" and "International and European Law of the Sea" and Co-ordinator of the Jean Monnet module on "European Union and the Law of the Sea". He is also a partner and a practicing lawyer at Studio Legale Afferni Crispo & C. in Genoa. He obtained degrees in law (University of Genoa, 1997); LL.M. in international business law (University of London, 1999); LL.M. in international legal studies (Georgetown University Law Centre, 2000); Dott. Ric. (University of Milan, 2004). He is an author or co-author of several monographs, book chapters, essays, articles, encyclopaedic entries and case notes. He is a member of scientific board of the following publications: "Il Diritto Marittimo", "Polish Yearbook of Environmental Law", "European Papers", "Przeglad Prawa Pchrony Srodowiska"; editorial board of "Diritto del commercio internazionale". He also serves in the World Commission on Environmental Law, International Union for the Conservation of Nature, and was appointed as a member of the International Working Group on "offshore activities" established by the Comité Maritime International (CMI). Lorenzo Schiano di Pepe is a member of many scientific societies including Associazione Italiana di Diritto Marittimo (AIDIM), Società Italiana di Diritto Internazionale (SIDI), Associazione Italiana Giuristi Europei (AIGE), and European Society of International Law (ESIL).

THE INTERNATIONAL LEGAL FRAMEWORK ON OFFSHORE ACTIVITIES AND THE COMITÉ MARITIME INTERNATIONAL

The presentation focuses on the international, regional (with particular regard to the Mediterranean Sea area) and European Union legal framework relevant to offshore activities in general, with particular regard to the exploration and exploitation of offshore oil and gas reservoirs, with a view to setting out and critically analysing existing principles and norms as well as to detecting its most significant loopholes. Although offshore activities and installations rise, under the law of the sea, a number of questions relating to different areas of study, including safety and security, the presentation will be solely based on an environmental perspective and approach due to time constraints. After a discussion of the relevant provisions contained in the United Nations Convention on the Law of the Sea, 1982, as well as in other legal instruments with a global scope of application, the attention will move towards the solutions incorporated in the so-called Barcelona System (and namely in the Madrid Protocol for the protection of the Mediterranean Sea against pollution resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil, 1994). The contribution of European Union law will also be assessed, within and outside the Barcelona System. Liability will be briefly touched upon as one of the most crucial open questions also in order to highlight the ongoing activities of the CMI's International Working Group on Offshore Activities, chaired by Patrick Griggs, to which the presenter belongs.

Prof. Dr. Dorotea Ćorić
University of Rijeka
Faculty of Law

Dorotea Ćorić, full professor 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 and Maritime Administrative Law. Professor Ćorić is author of one textbook, one scientific book and many peer-reviewed scientific articles and professional papers in the domain of maritime law. She was member of the Expert Working group for drafting Croatian Maritime Code 1994 and 2004 and its amendments. Professor Ćorić is Vice President of the Croatian Maritime Law Association.

MARINE POLLUTION FROM SEABED ACTIVITIES

– CROATIAN LIABILITY REGIME

Croatia currently plans to expand exploration and exploitation of hydrocarbons in the Adriatic Sea. In accordance with this plans, Croatia has enacted a new regulatory framework that specifically focuses on the exploration and exploitation of hydrocarbons. However, Act on exploration and exploration of hydrocarbons as well as Mining Act and regulations adopted under those acts do not address the issues of liability and compensation for pollution from the seabed activities. Therefore, the presentation deals with solutions for maritime regulations and those of general law of obligations that apply. The author concludes that the existing legislation leads to the legal uncertainty for both, operators and potential injured parties and emphasizes the need to adopt special rules on the liability for marine pollution caused by seabed activities.

Prof. Dr. Axel Luttenberger
University of Rijeka
Faculty of Maritime Studies

Axel Luttenberger is a full professor with permanent tenure and the head of Social Sciences Department at the Faculty of Maritime Studies of the University of Rijeka. He got his Bachelor's degree at Law of the Law school of Rijeka, and became Master of Law and Doctor of Law at the Law school of Split. He passed Bar examination and has long lasting practice in marine insurance business as legal attorney and legal advisor. He has experience in local government and government public service having been the City Mayor and Member of Parliament. His main activities are teaching maritime, commercial and ecology law at various university and vocational programmes. He is involved in projects for maritime industry, government entities and non-governmental environmental associations.

ENVIRONMENTAL IMPACT ASSESSMENTS OF SEABED HYDROCARBON EXPLORATION AND EXPLOITATION

Environmental impact assessment has emerged as an essential element of a preventive approach to environmental protection and sustainable development, and has accordingly received considerable attention It provides decision-makers with information as to the possible effects of a proposed activity before the activity takes place, thereby allowing for an informed decision as to whether that activity should be allowed to proceed, whether further measures are required before such authorisation is granted, or whether other alternatives are preferable. The common principle is therefore to ensure that plans, programmes and projects likely to have significant effects on the environment are made subject to an environmental assessment, prior to their approval or authorisation. Marine accidents relating to offshore oil and gas operations have raised public awareness of the risks involved in offshore oil and gas operations and have prompted a review of policies aimed at ensuring the safety of such operation. The objective of the regulation on environmental impact assessment of seabed hydrocarbon exploration and exploitation is to reduce as far as possible the occurrence of major accidents relating to offshore oil and gas operations and to limit their consequences, thus increasing the protection of the marine environment and coastal economies against pollution. The scope is establishing minimum conditions for safe offshore exploration and exploitation of oil and gas and limiting possible disruptions to indigenous energy production, and to improve the response mechanisms in case of an accident. The author is urging that the state should ensure that decisions on granting or transferring licences to carry out offshore oil and gas operations take into account the capability of an applicant for such a licence to meet the requirements for operations within the framework of the licence. Moreover, for the state it is of utmost importance to ensure sufficient capacity in order to provide for efficient monitoring of seabed hydrocarbon exploration and exploitation.

Prof. Dr. Marko Pavliha
University of Ljubljana
Faculty of Maritime Studies and Transport in Portorož

Professor Marko Pavliha studied law in Ljubljana, Split and at McGill Faculty of Law in Montreal where he obtained doctorate under the supervision of Professor William Tetley. He passed the Slovenian Bar Exam and practiced law for over ten years at various commercial companies and a Canadian law firm. He has been Full Professor of Commercial, Transport and Insurance Law at the University of Ljubljana since 2004 and he taught law in Belgium, Luxemburg and Australia. He has been a Visiting Fellow at the IMO International Maritime Law Institute in Malta (IMLI) since 1998/99 where he is also a member of the Board of Governors and the Academic Committee. In 2003 he became Secretary General of the CMI until his election to the Slovenian Government as Minister of Transport (2004) and later as Vice-President of the Parliament of (2004-2007). Prof. Pavliha is past President of MLAS, past President of the Slovenian Association of Parliamentarians and past member of the Judiciary Council. He is the author and co-author of 31 books and hundreds of articles, essays and scientific papers.

WHY THE GAS TERMINALS MUST NOT BE INSTALLED IN THE NORTH ADRIATIC SEA

Italy has been attempting for about ten years to build two liquefied natural gas (LNG) terminals and a gas pipeline on the sea bottom between the LNG terminal in Žavlje and connection to the gas network in Grado. The locations are in the northern part of the Adriatic Sea (in the Bay of Muggia within the Gulf of Trieste) in close vicinity to the border with Slovenia and the activities are planned in the four-kilometre shallow and polluted part of the northern Adriatic. Slovenia has been partly involved in three environmental impact assessments, however, Italy failed to take into account all results of the cross-border consultations and does not acknowledge the possibility of cross-border impacts on the Slovenian territory. Those impacts entail inter alia pollution by sediment, high concentration of mercury, pollution from chlorination of seawater, lower maritime safety because of increased traffic, security issues from extraordinary events and domino effect and negative effects on tourism. Italy issued an environmental approval for construction of the land gas terminal in Žavlje while the procedures to acquire such a permit for the gas pipeline and the offshore terminal are still pending. Italy does not fully accept the Slovenian position regarding the possible and probable impacts of the projects on land and people in Slovenia, arguing that its neighbour is not entitled to cross-border consultations with respect to the gas pipeline between the two gas terminals. The author asserts that Italy has already breached numerous provisions of the EU law including the Treaty on the Functioning of the European Union (TFEU) and various directives regulating the effects of certain plans and programmes on the environment, water and marine environment policy, dangerous substances, conservation of natural habitats, wild fauna and flora, liability, etc. Furthermore, the arguments against gas terminals in the north Adriatic Sea can be corroborated by the internationally recognized human right to healthy environment, general legal principles and international customs, regional and global law of the sea agreements, relevant case law and even maritime law. If Italy continues planning and realising unilaterally the aforementioned projects, Slovenia should start the pre-litigation procedure before the European Commission and, if necessary, should then bring the matter before the Court of Justice of the EU in accordance with Article 259 of the TFEU, also requesting for a temporary injunction. It is hoped, however, that the two friendly countries will reach an amicable solution in the name of good neighbourliness, loyal cooperation and high level of protection and improvement of the quality of the environment.

Dr. Mitja Grbec
Maritime Law Association of Slovenia

Mitja Grbec is the President 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 LL.M. and Ph.D. studies in international maritime law at the IMO International Maritime Law Institute (IMO IMLI) in Malta. He has held several positions both in the academia and private sector, including that of a permanent lecturer at the IMO International Maritime Law Institute (IMO IMLI) in Malta and that of a member of the Supervisory Board of the company Slovenian Railways d.o.o. (2011-2015). 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.

INTERNATIONAL LEGAL FRAMEWORK FOR REGULATION ON OFFSHORE ACTIVITIES IN THE ADRIATIC SEA: LIABILITY AND COMPENSATION

The aim of the presentation is to touch upon the international legal framework for regulation on offshore activities in the Adriatic Sea with a specific emphasize on liability and compensation. Reference will be made to entry into force of the 'Offshore Protocol' to the Barcelona Convention in 2011, ratified by the EU, but not by all Adriatic States, and to the adoption of additional EU legislation following the 'Deepwater Horizon Accident' in the Gulf of Mexico area in 2010. The Offshore Protocol to the Barcelona Convention is a comprehensive document covering areas such as licensing of operators, contingency planning, mutual assistance in cases of emergency, transboundary pollution and monitoring within the entire Mediterranean Sea, including the continental shelf. It seems therefore surprising, that one of the most criticized provision of the Offshore Protocol has been, at least in the past, the 'channelling of liability' on operators and the requirement for them to 'have and maintain insurance cover or other financial security' in order to ensure compensation for damages caused by the activities covered by the Protocol. Due to the geographical characteristics of the Adriatic and the Mediterranean in general, it is almost certain that even an incident of much lower proportions than the one experienced in the Gulf of Mexico would have a devastating effect on the Adriatic marine environment and its coastal zones, and would most likely affect the territories and/or zones of jurisdiction of more than one coastal State. It is therefore suggested that all Adriatic States should ratify the 'Offshore Protocol' and endeavour to cooperate in the implementation of its provisions, including its Article 27 addressing liability and compensation.

Doc. Dr. Mišo Mudrić
University of Zagreb
Faculty of Law

Mišo Mudrić is Assistant Professor at the Department for Maritime and Transport Law, at the Faculty of Law in Zagreb, where he holds lectures in Maritime and Transport law, Insurance Law, Energy Law, and Private Security Services Law. He has been participating in a number of domestic and international scientific projects, conducts regular peer-review, and is an author of one monograph and numerous scientific and expert articles in his fields of research. Mišo Mudrić serves as an arbitrator at the Permanent Arbitration Court at the Croatian Chamber of Economy. In addition, he is the Secretary General and Management Board member of the Croatian Association for Insurance Law, and a member of the Croatian Maritime Law Association. He has obtained his PhD degree at the Faculty of Law, University of Hamburg, and had conducted his doctoral research at the Max Planck Institute for International and Comparative Law in Hamburg, Germany. Last year he was appointed a member of the International Working Group on the Reformulation of the Lex Maritima by the International Maritime Committee (Comité Maritime International). In addition, he is a Chair of the Sub-Group on Drones, Working Group on Liability Insurance, of the Croatian Association for Insurance Law.

CROATIAN LEGISLATION WITH REGARD THE SEABED HYDROCARBONS

The presentation aims to deliver an overview of relevant primary and secondary Croatian legislation with regard the hydrocarbons exploration and exploitation in the Croatian part of Adriatic Sea. The two principal acts – the Exploration and Exploitation of Hydrocarbons Act and the Offshore Hydrocarbons Exploration and Exploitation Safety Act – will be analyzed in more detail. The main focus will be placed on the following critical aspects of the noted regulation: public tender, exploration phase, pre-exploitation phase, exploitation phase, and risk management. Further points of consideration will include the issue in connection to the: Croatian Competent Authority in line with the Directive 2013/30/EU, position of the investor, environment protection, energy security and energy infrastructure development, and, possible deficiencies in the overall Croatian responsibility and liability regulation.

Avv. Andrea Berlingieri
Studio Legale Berlingieri, Genoa

After training periods, law studies and interim scholarships from 2005 to 2008 with solicitors in London and in Malta and with leading law firms in Italy, he trained at Studio Legale Berlingieri (2008-2010) and was admitted to the Genoa Bar in 2010. In 2013 he obtained a master degree from the University of Genoa in Maritime Insurance and Transport. Partner of Studio Legale Berlingieri since 2016. He is in charge of the ship financing and sale and purchase department of Studio Legale Berlingieri and he regularly advises Italian and foreign shipowners particularly in transactions of ship sale and purchase and shipbuilding contracts, as well as in matters of ship financing. His practice covers also charter party, bill of lading and marine insurance disputes and all types of marine litigation and commercial disputes, arrest of ships, foreclosure, enforced sale of ships and ship's registration. A member of the Italian Maritime Law Association since 2005.

Avv. Lorenzo Fabro
Studio Legale Maresca, Genoa

Lorenzo Fabro graduated Law with honours at the University of Genoa in 2005 with a dissertation on marine hull insurance. He joined Studio Legale Maresca in 2005 as a trainee, was admitted to the bar of Genoa in 2008 and became partner of same law firm in 2009. He spent a training period in a London law firm working on several shipping and international matters, worked at the Consulate of Italy in Cape Town (South Africa) as stagiaire of the Ministry of Foreign Affairs and attended the 2009 summer course of International Private Law at the Hague Academy of International Law. He is a member of the Executive Committee of the Young Group of Italian Maritime Law Association He published articles in "Diritto Marittimo" law review and in other papers specialized in shipping.

ITALIAN LEGISLATION ON OFFSHORE ACTIVITIES

The aim of the presentation is to provide a general overview on the Italian legislation and organization of offshore activities and the economical, safety and accident issues. The presentation is divided into two parts. Introduction deals with exploration and production activities in Italy with a general overview of the territorial sea and continental shelf (reference to UNCLOS Convention), maritime offshore zones open to hydrocarbon exploration and exploitation and the international agreements between Italy and other States. Authors will explain the organizational chart of the Ministry of Economic Development and the departments and administrative offices involved in the offshore activities (UNMIG, CIRM, DGRME). Next part will focus on various economical aspects of the offshore activities in Italy, explaining the licensing procedure for exploration and exploitation activities and the royalties and tax system in Italy. The following part is dedicated to issues related to the health and safety of workers and the environmental preservation and protection in Offshore Activities: the role of the Ministry of Economic Development, the National Mining Offices for Hydrocarbons and Georesources (UNMIG), Commission of Hydrocarbons and mineral resources (CIRM) and Directorate-general for mineral and energy resources of the Minister of Economic Development (DGRME). After giving the overview of EU directives and Italian provisions concerning safety issues, the final part will provide a short overview on last injuries data and statistics and then focus on the plans for protection of sea and coastal areas in response to local emergencies, namely "Operating Emergency Response Plan" and the "National Emergency Response Plan".

Dr. Marija Pijaca
University of Zadar Maritime Department

Marija Pijaca, works at the Maritime Department of the University in Zadar where she helds lectures in several courses in the domain of maritime law. She finished the scientific master's degree studies of the „Maritime Law and the Law of the Sea" of the University of Split 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 is author and coautor of few scientific papers.

Marjana Botić, LL.M.
University of Zadar Maritime Department

Marjana Botić, works at the University of Zadar. In the scientific work deals with the problem of maritime domain, especially in the field of protection of the marine environment from pollution. She is author and coautor of few papers on this subject, and she is active in a number of civil organizations dealing with the sea and the island population. She is a candiate for a doctoral degree in the third year of the doctorate degree studies in law at the Faculty of Law of the University of Mostar.

COMPARATIVE ANALYSIS OF LEGAL FRAMEWORK FOR OFFSHORE HYDROCARBON EXPLORATION AND EXPLOITATION

This paper provides an overview of the legal framework for offshore hydrocarbon exploration and exploitation. Apart from the solutions from the Croatian law, the paper includes examples of solutions in the subject matter from several selected comparative laws. These are mostly countries from the Adriatic, i.e. Mediterranean area. In that sense, the provisions of legal sources of Italian, Greek and Montenegrin law are studied. Apart from the distribution of competence between international, national and/or legal framework of the European Union, the paper emphasises the need for an integrated approach to the use and protection of the sea, as well as the establishment of mechanisms for cooperation between countries. It also indicates the issue of liability for the damage due to sea pollution from offshore facilities. In conclusion, it states the similarities and differences of the legal framework for offshore hydrocarbon exploration and exploitation in the selected countries. It indicates the need for the application of quality solutions in the subject matter, which is in accordance with the European integrated policy.

Dr. Massimiliano Musi
Studio Legale Zunarelli
Bologna

Massimiliano Musi had studied both Transportation Law and Maritime Law at the University of Bologna since 2008, and in October 2012 he was awarded the Ph.D. in European Transport Law. In 2015 he was awarded a Research Fellowship for the duration of 12 months on the theme "The Role of the Contractor and of the Policy Holder in the Cargo Insurance Contract" at the Alma Mater Studiorum University of Bologna. He is also Lecturer at many higher education courses and has been Lecturer at the Second Level Degree Master in "Strategies and Technologies for Airport Management" at the University of Enna "Kore". Massimiliano is a member of the Bologna Bar Association since 2011 and currently he is an Associate at Zunarelli Studio Legale Associato. He provides legal advice and assistance with reference to Maritime, Transportation, International, Civil and Commercial Law to companies and bodies working in the field of maritime, air, land, intermodal transportation and logistics. He also provides legal, commercial and contractual advice to Italian companies interested in commercial and investment operations in Mozambique and in Albania. He holds regularly seminars for companies and market players. Since 2015 he is Member of the Associazione Italiana di Diritto Marittimo (AIDIM), Genoese Regional Committee, associated with the Comité Maritime International (CMI). In November 2015 he was appointed as member of the Committee for the Ship Nomenclature, inside the Comité Maritime International (CMI). Since 2014 he is General Assistant of the Editorial Committee of the Review "Il Diritto Marittimo". Since 2015 he is Secretary of the International Propeller Clubs - Port of Bologna. Massimiliano wrote three monographs, many articles and case comments and edited two collective volumes, related to the matter of Maritime and Transport Law.

THE CMI WORK REGARDING SHIP NOMENCLATURE

From the prehistoric ones to those of the Vikings, from those used by the ancient Greeks to the most modern vessels, ships have always played a key role in the course of human events during times of peace, with the flourishing of trade, as well as in times of war. Over the centuries, ships have been subjected to many changes in shape, structure, technical characteristics, and functions performed. In particular, in the last few decades, there has been a big boost in the number of types of vessels operating in the sea, which has led to the need of a more deepened study on the concept of "ship". The issue is of prime importance, as it affects matters related to various areas of law and economics as the insurance regulation, the environmental protection, and the certainty of trade on a large scale, involving transversely interests belonging to different stakeholders' categories. For all these reasons the lecture aims to analyze the concept of "ship", taking into consideration some of the major legal issues related thereto.

Doc. Dr. Adriana Vincenca Padovan
Croatian Academy of Sciences and Arts - Adriatic Institute in Zagreb

Adriana Vincenca Padovan graduated in 2002 from the Faculty of Law, University of Zagreb, where she also obtained her Ph.D. in 2011. She obtained her LL. M. degree in 2003 at the IMO International Maritime Law Institute (Malta). She is a 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. Dr. Padovan passed the Croatian bar exam in 2006. She holds training seminars in transport insurance and works as mediator at the Centre for Mediation of the Croatian Insurance Bureau. Dr. Padovan was part of the Professional Committee for the revision of the Croatian Maritime Code in 2012 and 2013. She has published over fifteen professional and academic papers, a chapter in a book and a monograph.

Doc. Dr. Iva Tuhtan Grgić
University of Rijeka Faculty of Law

Iva Tuhtan Grgić is Assistant Professor of Maritime and Transportation Law at University of Rijeka Faculty of Law, where she worked as a research assistant at the Department of Civil Law. She defended a doctoral dissertation in 2014 and got her PhD degree from the University of Zagreb Faculty of Law. During the doctoral studies she spent a research period at the Max Planck Institute for Comparative and International Law in Hamburg, Germany, as their scholar. She has worked on several scientific projects and is currently involved as a collaborator on a scientific project Developing a Modern Legal and Insurance Regime for Croatian Marinas. She has published several scientific papers in the field of civil and maritime law, developing a special interest in research of legal regime of maritime domain, and participated with presentations at various national and international conferences.

IS THE MARINA OPERATOR'S BERTHING FEE A PRIVILEGED CLAIM UNDER THE CROATIAN MARITIME CODE?

The paper is inspired by the recent practice of the commercial courts in Croatia regarding the arrest of yachts for the purpose of enforcement of the marina operator's claim for the outstanding berthing fees. The authors seek to answer the question whether the marina operator's claim is protected by a lien according to the Croatian Maritime Code by examining the relevant provisions of the Code regulating the maritime liens and the arrest of vessels. In particular, the authors examine whether the marina operator's berthing fee could be regarded as a type of a port due or charge and in respect thereof they compare the relevant provisions of the Maritime Domain and Seaports Act and the Maritime Code. In order to examine the correct interpretation of the relevant legislative provisions the authors look into their background and development, in particular considering the fact that the provisions on maritime liens and the arrest of vessels in the Croatian Maritime Code are inspired by the provisions of the International Convention on Maritime Liens and Mortgages 1993 and the Arrest Convention 1952. Through the critical analysis of the relevant court practice and the applicable law, the authors seek to make de lege ferenda proposals reflecting the interest of protecting the marina operator's position as a claimant and considering the Croatia's strategic orientation towards the nautical tourism.

Mrs. Jana Rodica, LL.M.
Van Ameyde Group, Koper

Mrs. Jana Rodica obtained a Law degree from the University of Ljubljana in 2004 and concluded with distinction Master's degree in International Maritime Law at the IMO International Maritime Law Institute in Malta. In 2009 she received the Maltese Government Prize for Best Performance in the Law of the Sea examination. In 2010 she concluded the London School of Public Relations and obtained a Diploma in PR. She is author and co-author of several articles and scientific papers, member of the Supervisory Board of Maritime Law Association of Slovenia, member of the Supervisory Board of Propeller Club - Port of Koper and a former representative of EJCCL (European Journal of Commercial Contract Law, Belgium, Brussels). Following graduation, Mrs. Rodica worked in a well-established law firm, as legal adviser at the European Consumer Centre and at the Triglav Health Insurance Company as product development expert. After pursuing her Master's degree she was assistant lecturer at the Faculty of Maritime Studies and Transportation, University of Ljubljana. Afterwards she was engaged as General Manager in Lloyd's Agency in Koper and concluded with distinction Level 2 Lloyd's Certificate in Marine Cargo Surveying. She is currently the General Manager for Slovenia and Managing Director for Croatia for the Van Ameyde Group a primary Dutch insurance-services provider and marine-surveying company.

MARINE ENVIRONMENTAL IMPACT IN THE PROCESS OF OFFSHORE STRUCTURES DECOMMISSIONING IN THE EUROPEAN PERSPECTIVE

The purpose of this presentation is to contribute to the evaluation of the decommissioning solution for removal and disposal of offshore structures and to examine its impact to marine environment. Decommissioning of different type of offshore structures should be planned and executed with consideration to its unfavourable impact on the marine environment. Unfortunately the application of some innovations has undesirable environmental consequences. Therefore the primary challenge for the future is to maximize the benefits of technological innovations while minimizing undesirable environmental effects. All over the world they are now more than 9,000 offshore platforms and 800 exploration drilling rigs in over 5,000 offshore field developments in more than 100 countries. However, at present when we refer to different types of offshore structures we have to consider rapid changes brought about by modern technology and the multiple purposes for which offshore structures are used. Because all offshore structures have limited time of operation it is important to briefly introduce what will be the fate and impacts if the proposed LNG terminal in the Gulf of Trieste one day need to be removed. Today there is no applicable single decommissioning solution for removal and disposal of offshore structures. Some eminent biologists are claiming that decommissioning and offshore disposal can have significant effect on marine environment. On the other hand, engineering contractors believe that disposal of offshore platforms can provoke minimal environmental consequences. Currently in Europe there is a concern related to environmental impact to the introduction of noise by man into the sea. This recognition is related also to high explosives which are used in the process of decommissioning of the offshore structures. Generally speaking this subject is characterized by a lack of international and regional attention, particularly in comparison to other forms of pollution. The next relevant issue that needs to be addressed is related to the question of liability for damage arising from marine pollution. Environmental liability has become a major subject in itself, still embedded in the civil law doctrine but with connections to other areas such as insurance law. The focus of the discussion will be on the importance of principles developed by customary international law and rules concerning international responsibility for damage caused by pollution whose origin is on the territory of one state but which has some effect on the territory of another state. The final part of the presentation will present the conclusions drawn upon the discussion of the issue concerned.

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