DEVELOPING A MODERN LEGAL AND INSURANCE REGIME FOR CROATIAN MARINAS
ENHANCING COMPETITIVENESS, SAFETY, SECURITY AND MARINE ENVIRONMENTAL STANDARDS

Host institution:
CROATIAN ACADEMY OF SCIENCES AND ARTS
ADRIATIC INSTITUTE

Project period:
1st March 2016 – 28th February 2019

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The nautical tourism is a branch of economy that is of a strategic interest to the Republic of Croatia and it has developed intensively over the past 30 years. There are about 140 nautical tourism ports in Croatia, with over 17,500 nautical berths and their total annual income is around 100,000,000 EUR. The number of yachts and pleasure craft in transit recorded in those ports is around 200,000 per year. It should be noted that this data does not include the increasing number of nautical berths in Croatian seaports open to public transport. There has been a continuous increase of income in the sector of nautical tourism and the new capacities are still being developed.

Considering this strategic orientation towards the further development of the nautical tourism as an important branch of the national economy, Croatia has an interest in providing clear and competitive quality standards for the nautical tourism ports.

The research project deals with the legal aspects of the establishment, management and the activities of the nautical tourism ports in Croatia, with a special focus on marina operator’s liabilities, insurance arrangements, standards of maritime safety and security and marine environmental protection. The research encompasses a comparative analysis of law and judicial practice in European countries; analysis of the European marina operators’ common practices, general terms and conditions, their experience in the combat against and dealing with the adverse events such as vessel thefts, fire, unauthorised entry, marine accidents within the port, marine pollution, etc. The idea is to propose improvements in the legal framework relating to the regime of liability and insurance of the Croatian marina operators, with a view of enhancing their competitiveness, safety, security and environmental protection standards. In particular, a recommended model of general terms and conditions will be created as an innovative business solution for marina operators and a possible reform of the respective legislative will be proposed, paying due respect to the necessary compliance with the relevant EU legislation. The project is aimed at consolidating the relevant national legislation and clarifying the related legal concepts through the currently lacking doctrine, with a view of unifying the domestic court practice and contributing to legal certainty in the interest of the legal certainty, quality of service and enforcement of marina operator’s claims and other private law aspects.

The research activities – comparative law:
- preliminary research in the libraries and internet databases;
- field research in Montenegro covering the competent public authorities, marinas, ports, Faculty of maritime studies Kotor;
- field research in Slovenia covering insurance market, marinas, Slovenian Maritime Law Association;
- field research in Italy (Bologna, Genova, Venezia) covering port authorities, marinas, law firms specialised in maritime and port law, association of Italian marinas – ASSOMARINAS, association Nautica Italiana – Fondazione Altagamma, library of the Faculty of Law, University in Bologna, library of the Italian Maritime Law Association;
- field research in Malta covering public authorities, marinas, specialised law firms, library of the International Maritime Law Institute, Malta Maritime Law Association;
- research in Spain under the leadership of Prof. Maria Victoria Petit Lavall, Ph. D. Director of the Institute for Transport Law, University Jaume I, Castellón.

Institutional cooperation agreements:
- Ministry of the Sea, Transport and Infrastructure of the Republic of Croatia
- Ministry of Tourism of the Republic of Croatia
- Croatian Insurance Bureau
- Croatian Maritime Law Association
- Croatian Transport Law Association
- Slovenian Maritime Law Association
- Institute for Transport Law, University Jaume I, Castellón, Spain
- Montenegro Public Enterprise for Coastal Zone Management

Academic papers published during the first two years of the project:

PROJECT ACTIVITIES

Research activities – national law:
- legislation and judicial practice – analysed, critical points for discussions within the thematic fields identified, preliminary research created and submitted to the professional committees of the Ministry of the Sea, Transport and Infrastructure for the revision of the Maritime Code and the Maritime Domain and Seaports Act;
- statistical data related to marine accidents and similar adverse incidents in the marinas – collected and analysed;
- marina operators’ general terms of contract – collected and analysed, including 38 out of 58 marinas;
- general terms of insurance of the leading Croatian insurance companies – collected and analysed;
- field research covering 12 marina operators (more than 60% of the local marinas);
- questionnaire covering the leading insurance companies in Croatia;

Thematic fields:
- mooring contracts/contracts of berth, civil liability, security and enforcement of marina operator’s claims and other private law aspects;
- maritime domain, concessions, legal status of the ports of nautical tourism;
- safety: safety of navigation, technical standards applying to the ports of nautical tourism;
- security: e.g. managing the risks of vessel thefts, burglaries, unauthorised entry, etc.
- protection of marine environment: specific application of the legal framework to the ports of nautical tourism
- marina operator’s liability insurance


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The project is financed by the Croatian Science Foundation

Installation Research Project No. 3061