



Report of the AMLC Working Group on the Legal Aspects of Nautical Tourism and the Way Forward

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- AMLC WG on Nautical Tourism from Opatija to Grado - summary
- DELICROMAR – Croatian Science Foundation / Croatian Academy of Sciences and Arts (March 2016 – Feb. 2019)
- Co-operation with CMLA, SMLA, AIDIM (professional support)
- Current developments in Croatian legal framework (CMC, MDSPA)
- Future work of the WG



- DELICROMAR – legal regime for marinas
- Legislation / conventions / EU law / selfregulation and business practice / case law / legal literature:
- Marina operator’s liability, contracts of berth, security and enforcement of claims
- Marina operator’s liability insurance
- Legal status of marinas/nautical tourism ports; maritime domain, concessions
- Safety and security standards
- Protection of marine environment
- Comparative research: Croatia, Slovenia, Montenegro, Italy, Spain, Malta, UK, USA, the Netherlands



- Publications (18 academic papers, 2 books of conference proceedings: III AMLC, II INTRANSLAW)
- Lectures and presentations (32 lectures/presentations at 15 events: Zagreb 2016, Portorose AMLC 2016, Bologna 2016, Senigalia 2016, Split ISCML 2016, Belgrade ICTTE 2016, Solin IMSC 2017, Opatija AMLC 2017, Split ESD 2017, Benicassim TRANSLAWFER 2017, Split ADRIATIC 2017, Zagreb INTRANSLAW 2017, Tivat 2017, Zagreb 2018, Koper 2018)
- Round tables, conferences (II AMLC, II INTRANSLAW, ESD, CASA)
- Co-operation (MMPI, MT, CMLA, SMLA, AIDIM, JPMDCG, HUO, HGK, IDT – University Jaume 1, Castellon)
- Drafting Committees of the MMPI for the revision of the CMC and the MDSPA
- Field research (Croatia, Montenegro, Slovenia, Italy, Malta, UK)



Field research – Italy

in co-operation with Avv. E. Vergani, Avv. L. Fabro, Avv. C. Alessandri,
ASSOMARINAS - Dott. R. Perocchio, president

Genova, Sept. 2017:

Studio legale Garbarino Vergani
Marina Porto Antico
Autorità Portuale di Sistema Mar Ligure Occidentale
Yacht Line Arredomare 1618
Pesto Sea Services operating the Marina Molo Vecchio

Studio legale Berlingieri Maresca
Nautica Italiana - Fondazione Altagamma

Venezia – Cavallino, Sept. 2017:

ASSOMARINAS

Grado, May 2018:

Porto San Vito
Darsena San Marco



Field research Slovenia (April 2017)

in co-operation with SMLA (Ms. M. Selan Voglar, president)

- Zavarovalnica Triglav, Ljubljana (marine department)
- Marina Izola

Round table on nautical tourism ports in Koper (April 2018)



Revision of the CMC:

- Mini-ISM, status of professional crew, single centralised and digitalised ship registry
- Contract of berth; yacht charter contract
- Maritime lien for port charges to include the hire of berth in marinas
- Arrest – extended list of maritime claims: port charges, services for the maintenance, operation, conservation and the use of ships; application extended to boats
- Abandoned vessels – revision of the rules on the removal and recovery of wrecks, and on the removal of substandard ships
- Contracts for the repair of ships – repair, servicing, maintenance, retention
- Definition of yacht operator, liability (owner, demise charterer, lessee + charterer when the yacht is chartered without a crew)
- Application of the CMC to yacht and boats



- ***Revision of the MDSPA:***
- Harmonisation with the Concessions Act and Directive 2014/23/EU on the award of concession contracts
- Extension of the existing concessions
- Valorisation of the legitimate investments upon the expiry of the concession
- Nautical berth in the seaports open to public traffic and sport ports vs. Nautical tourism ports



Future activities – publishing:

- Final DELICROMAR conference book of proceedings (Nov. 2018)
- V. Skorupan Wolff, A. V. Padovan, M. V. Petit Lavall: Comparative analysis of the contract of berth in Croatian, Spanish, American and Italian Law
- I. Tuhtan Grgić, B. Bulum, J. J. Castelló Pastor: Influence of the Directive 2014/23/EU on the award of concession contracts in the national solutions for the concessioning of the ports of nautical tourism
- A. V. Padovan, M. Selan Voglar: Marina operator's liability insurance in Croatian and Slovenian law and practice and its impact on the standard contracts of berth
- A. V. Padovan, A. Merialdi, M. V. Petit Lavall, V. Van der Kuil: Security and enforcement of marina operator's claims: Croatian, Italian, Spanish and Dutch law perspectives
- and more...



Future activities – conferences:

- II. ISCML Split, 27 – 28 Sept. 2018 (Faculty of Law Split & Adriatic Institute)
- DELICROMAR Final Conference, 22 – 23 Nov. 2018, CASA, Zagreb:
 - *Prof. Maria Victoria Petit Lavall, Director, Institute for Transport Law, University Jaume I, Castellón, Security and Enforcement of Marina Operator's Claims under Spanish Law
 - *Dr. Roberto Perocchio, President, ASSOMARINAS / Chairman, ICOMIA, The Legislative Reforms Affecting the Marina Industry in Italy
 - *Prof. Avv. Stefano Zunarelli, Alma Mater Studiorum, University of Bologna / Founding Partner, Studio Zunarelli, The Impact of the EU Law on the System of Concessions for Nautical Ports in Italy



www.delicromar.hazu.hr

The screenshot shows a web browser window displaying the website <http://design.novena.hr/predlozak.aspx?pr=647514df-8092-4730-ba7a-4548-c335d97e>. The website features the Delicromar logo, the HRZZ logo, and the logo of the Adriatic Institute of the Croatian Academy of Sciences and Arts. The main navigation menu includes "About us", "Research Team", "News", "Conferences and Workshops", and "Publications". The central image shows a white sailboat with "BAYARIA" and "CRUICER 46" on its sail. Below the image, the text reads: "Developing a Modern Legal and Insurance Regime for Croatian Marinas - Enhancing Competitiveness, Safety, Security and Marine Environmental Standards". Further down, it states: "Installation Research Project hosted by the Adriatic Institute of the Croatian Academy of Sciences and Arts. The project is financed by the Croatian Science Foundation (Installation Research Project No. 3061). Project period: 1st March 2016 – 28th February 2019". At the bottom, there are sections for "LATEST NEWS", "CONFERENCES AND WORKSHOPS", and "PUBLICATIONS". The footer of the website includes the text "vanje NOBELOVE" and "The research results are to be regularly published and disseminated". The browser's taskbar at the bottom shows the date and time as 15:44 on 11.4.2016.

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AMLC WG on nautical tourism after Grado...

Future activities – ideas, initiatives?

- Comparative study of the compulsory liability insurance for the owners of pleasurecraft and recommendations for the unification of those rules in the Adriatic (and other Mediterranean) countries
- Comparative study and unification of the law relating to the chartering of pleasure craft