

**Developing a Modern Legal and Insurance Regime for Croatian
Marinas - Enhancing Competitiveness, Safety, Security and Marine
Environmental Standards**

PRESENTATION OF THE PROJECT RESULTS

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The project is financed by:





- **Research project** HRZZ UIP 2013-11-3061
- **Project period:** 1.3.2016. – 28.2.2019.
- **Host institution:** Croatian Academy of Sciences and Arts

PROJECT TEAM

Principal researcher:

Assistant Professor Adriana V. Padovan, PhD, Adriatic Institute, CASA

Collaborators:

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

Professor Ranka Petrinović, PhD, Faculty of Maritime Studies, University of Split

Professor Nikoleta Radionov, PhD, Faculty of Law, University of Zagreb

Associate Professor Lana Ofak, PhD, Faculty of Law, University of Zagreb

Vesna Skorupan Wolff, PhD, Adriatic Institute, CASA

Božena Bulum, PhD, Adriatic Institute, CASA

Assistant Professor Josip Pavliček, PhD, Police College

Assistant Professor Iva Tuhtan Grgić, PhD, Faculty of Law, University of Rijeka

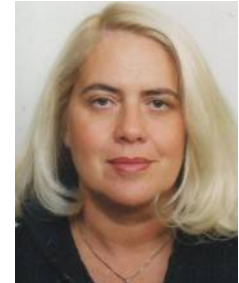
Assistant Professor Nikola Mandić, PhD, Faculty of Maritime Studies, Split

Assistant Professor Marija Pijaca, University of Zadar, Maritime Department

Assistant Professor Mišo Mudrić, PhD, Faculty of Law in Zagreb (2016 – 2017)

Foreign researcher:

Professor Maria Victoria Petit Lavall, PhD, University Jaume I, Castellón



SUBJECT MATTERS OF RESEARCH

- Legislation / conventions / EU law / private regulation 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



PROJECT GOALS



- Identify and evaluate relevant national legislation affecting the marina industry
- Evaluate the existing private regulation (marina operators and insurers)
- Identify relevant international and EU rules and standards and assess the level of their implementation in the national legal framework;
- Create proposals *de lege ferenda* with a view of improvement of the national legal framework;
- Promote the standardisation of marina operator general terms and conditions of berthing contracts and of marina operator liability insurance in the interest of legal certainty, quality of service and consumer protection;
- Raise the level of knowledge about the project theme amongst academics, judiciary, practitioners and stakeholders.



PROJECT RESULTS

- Databases of the research materials and sources (national and comparative law, international instruments, EU law, private regulation, legal literature, case law etc.)
- Questionnaires for marina operators, insurers, harbour master offices
- Gathering of professionals/experts around the project theme, cooperation amongst the academics, practitioners, industry, administration
- Participation in the academic and professional conferences, seminars, workshops etc.
- Publishing
- Public discussion
- Proposals *de lege ferenda*
- Model berthing contracts and marina operator general terms and conditions
- Standard clauses of marina operator liability insurance



Some of the project activities...

- Publications (18 academic papers, 2 books of conference proceedings: III AMLC, II INTRANSLAW)
- Lectures and presentations (34 lectures/presentations at 17 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, Split ISCML 2018, Rijeka 2018)
- Round tables, conferences (II AMLC 2017, II INTRANSLAW 2017, ESD 2017, CASA 2/2018, CASA 11/2018)
- Institutional co-operation (Ministry of Maritime Affairs, Ministry of Tourism, Maritime Law Associations – Croatia, Slovenia, Italy, Public Enterprise for Coastal Zone Management of Montenegro, Croatian Insurance Bureau, Croatian Chamber of Economy, IDT – University Jaume 1)
- Drafting Committees of the Ministry of maritime affairs for the revision of the Maritime Code and Maritime Domain and Seaport Act
- Field research (Croatia, Spain, Montenegro, Slovenia, Italy, Malta, UK, USA)

Some of the project activities...

Field research Croatia (2016-2018)

- 37 marinas / 12 concessionaires (over 60% of Croatian marinas)
- Association of Croatian Marinas at CCE/HGK
- 6 insurers (over 80% of the marina operator liability insurance market)
- Specialised lawyers and experts in the field
- Ministry of the Sea Transport and Infrastructure, Ministry of Tourism, Ministry of Environment and Energy

Some of the project activities...

Field research Montenegro (May 2016, July 2018)

- Public Enterprise for Coastal Zone Management of Montenegro
- Dukley Marina Budva
- AD Marina Bar
- Marina Porto Montenegro (Tivat)
- Luštica Bay Marina (under construction)
- Port of Kotor
- Faculty of Maritime Studies

Some of the project activities...

Field research Spain (2016 - 2018)

- Professor Maria Victoria Petit Lavall, Director of the Institute for Transport Law, University Jaume I, undertook research, gathered the relevant sources – legislation, judicial and administrative practice, legal literature, several individual marinas participated in the questionnaire.

Some of the project activities...

Field research – Italy

- in co-operation with Avv. E. Vergani, Avv. L. Fabro, Avv. C. Alessandri, ASSOMARINAS - Dr. 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

Florence, June 2018:

- European University Institute

Some of the project activities...

Field research Slovenia (April 2017)

- in co-operation with Slovenian MLA
- Zavarovalnica Triglav, Ljubljana (Marine and Transport Insurance Department)
- Marina Izola

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

Some of the project activities...

Field research Malta (November 2017)

- Authority for Transport in Malta
- Msida & Ta'Xbiex Marina, Creek Developments Plc
- Kalkara Boatyard & Marina Co Ltd
- Roland Marina, S&D Yachts
- Laguna Marina, Valletta Cruise Port, Mersenne Marinas Ltd.
- Vella Advocates Law Firm
- Fenech and Fenech Advocates



Some of the project activities...

Field research USA (January 2018)

- Tulane Maritime Law Center –Tulane University Law School (New Orleans)

Some of the project activities...

Field research UK (February 2018) - London insurance market

- RKH Specialty
- RSA/Royal & Sun Alliance Insurance plc
- Marine and Global Risk Solutions, of the RSA/Royal & Sun Alliance Insurance plc
- Travelers Syndicate Management Ltd.
- Markel International
- Hiscox Mga Ltd

Revision of the MC:

- Berthing contract
- 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 MC 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

Final activities – publishing:

- Final DELICROMAR conference book of proceedings – Vol. 47, Book Series *Modernisation of Law* (Ed: J. Barbić)
- A. V. Padovan, V. Skorupan Wolff, M. V. Petit Lavall, D. Casciano: Comparative analysis of the contract of berth - Croatian, Spanish, American and Italian Law Perspectives
- I. Tuhtan Grgić, M. V. Petit Lavall, B. Bulum: Influence of the Directive 2014/23/EU on the award of concession contracts in the national solutions for the concessioning of nautical tourism ports
- A. V. Padovan, M. Selan Voglar: Marina operator 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: Security and enforcement of marina operator's claims: Croatian, Italian and Spanish law perspectives
- V. van der Kuil: Security and enforcement of marina operator's claims under Dutch Law
- M. Pijaca, A. V. Padovan: A review of contractual practices between marina operators and yacht chartering companies in Croatia
- R. Petrinović, N. Mandić: Can marina qualify as a place of refuge?
- L. Ofak: The legal aspects of environmental protection related to marina projects with a focus on EU Law

<http://delicromar.hazu.hr/>



The screenshot shows a web browser window displaying the ELICROMAR website. The browser's address bar shows the URL: <http://design.novena.hr/predlozak.aspx?pr=647514df-8092-4730-ba7a-4548c535d97e>. The website header includes the ELICROMAR logo, the HRZZ logo (Hrvatska zaklada za znanost), and the logo of the Adriatic Institute of the Croatian Academy of Sciences and Arts. A navigation menu contains the following items: About us, Research Team, News, Conferences and Workshops, and Publications. The main content area features a large image of a white sailboat with a white sail that has "BAYARIA" and "CRUISER 46" printed on it. Below the image is the title: "Developing a Modern Legal and Insurance Regime for Croatian Marinas - Enhancing Competitiveness, Safety, Security and Marine Environmental Standards". Underneath the title, 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 of the page, there are three sections: "LATEST NEWS" (with a date of 11.12.2014 and the name Ivanje NOBELOVE), "CONFERENCES AND WORKSHOPS" (with a sub-section for "CONFERENCES"), and "PUBLICATIONS" (with the text "The research results are to be regularly published and disseminated"). The browser's taskbar at the bottom shows various application icons and the system tray with the date 11.4.2016 and time 15:44.



THANK YOU!