

**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

**Principal Researcher:**

*Adriana Vincenca Padovan*, Ph. D.  
Croatian Academy of Sciences and Arts – Adriatic Institute

**Researchers:**

*Prof. Dorotea Ćorić*, Ph. D.  
Faculty of Law, University of Rijeka

*Prof. Ranka Petrinović*, Ph. D.  
Faculty of Maritime Studies, University of Split

*Prof. Nikoleta Radionov*, Ph. D.  
Faculty of Law, University of Zagreb

*Vesna Skorupan Wolff*, Ph. D.  
Croatian Academy of Sciences and Arts – Adriatic Institute

*Božena Bulum*, Ph. D.  
Croatian Academy of Sciences and Arts – Adriatic Institute

*Nikola Mandić*, Ph. D.  
Faculty of Maritime Studies, University of Split

*Iva Tuhtan Grgić*, Ph. D.  
Faculty of Law, University of Rijeka

*Josip Pavliček*, Ph. D.  
Police College, Ministry of the Interior of the Republic of Croatia

*Marija Pijaca*, Ph. D.  
Maritime Department, University of Zadar

*Mišo Mudrić*, Ph. D.  
Faculty of Law, University of Zagreb (from 2016 to 2017)

**Foreign Researcher:**

*Prof. Maria Victoria Petit Lavall*, Ph. D.  
Director of the Institute for Transport Law, University Jaume I, Castellón

## PROJECT ACTIVITIES

### Research activities – national law:

- legislation and judicial practice – analysed, critical points for discussion within the thematic fields identified, *de lege ferenda* proposals 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;

### 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 Altagama, 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:

1. Iva Tuhtan Grgić, *The Legal Regime of Nautical Tourism Ports in Croatia*, S. Zunarelli - M. Musi (eds.), *Current Issues in Maritime and Transport Law*, II *Diritto Marittimo - Quaderni* 2, Bonomo Editore, Bologna, 2016, pp. 273-297
2. Adriana Vincenca Padovan, V. Skorupan Wolff, *The Repercussions of the Legal Definitions of Ship, Yacht and Boat in the Croatian Maritime Code on the Court Competence Ratione Materiae in Disputes Arising from Berthing Contracts*, M. Musi (ed.), *The Ship: An Example of Legal Pluri-Qualification*, II *Diritto Marittimo - Quaderni* 3, Bonomo Editore, Bologna, 2016, pp. 249-277
3. Božena Bulum, Nikola Mijatović, Marija Pijaca, *Regulation of Investment Aid for European Union Airports – Could it Be Applied to Seaports?*, S. Zunarelli - M. Musi (eds.), *Current Issues in Maritime and Transport Law*, II *Diritto Marittimo - Quaderni* 2, Bonomo Editore, Bologna, 2016, pp. 299-335
4. Ranka Petrinović, Nikola Mandić, Ena Sirišćević, *The Status of Vessels for Sport and Recreation in the Croatian and Montenegrin Legislation and Meeting the Requirements of Navigation in Nautical Tourism Ports*, O. Čokorilo (ed.), *Proceedings of the Third International Conference on Traffic and Transport Engineering*, City Net Research Center Ltd, Belgrade, 2016, pp. 312-321
5. Dorotea Čorić, Adriana Vincenca Padovan, Lukša Čičovački, *Prevention of Pollution by Yachts' Sewage in the Ports of Nautical Tourism - the Legal Framework*, P. Vidan, N. Račić et al. (eds.), *IMSC 2017 Book of Proceedings*, Faculty of Maritime Studies, Split, 2017, pp. 381-394
6. Vesna Skorupan Wolff, Ranka Petrinović, Nikola Mandić, *Marina Operator's Obligations from the Contract of Berth according to the Business Practices of Croatian Marinas*, P. Vidan, N. Račić et al. (eds.), *IMSC 2017 Book of Proceedings*, Faculty of Maritime Studies, Split, 2017, pp. 104-111
7. Adriana Vincenca Padovan, Iva Tuhtan Grgić, *Is the Marina Operator's Berthing Fee a Privileged Claim under the Croatian Maritime Code?*, II *Diritto Marittimo*, CXIX (2017), II, pp. 366-399
8. Adriana Vincenca Padovan, *Arrest of a Yacht in a Croatian Court for the Purpose of Securing Marina Operator's Claim*, D. Čorić, N. Radionov, A. Čar (eds.), *Conference Book of Proceedings of the 2nd International Transport and Insurance Law Conference*, INTRANSLAW Zagreb 2017, Faculty of Law, University in Zagreb, 2017, pp. 379-406
9. Vesna Skorupan Wolff, Adriana Vincenca Padovan, *Are there any Elements of the Contract of Custody in the Marina Operators' Contracts of Berth?*, D.

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 legislation 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 all parties involved. This should lead to a progress and further sustainable development of the nautical tourism sector in Croatia subject to the requirements of the marine environmental protection, maritime safety and security, particularly considering the country's strategic orientation to that sector of economy and the planned substantial increase of the nautical tourism ports' berthing capacities in the following years. A special attention is devoted to the gathering of the related expert professionals with a view of developing a cooperation between the theory and practice and amongst all interested stakeholders, including marina operators, insurance companies, charter agencies and public administration.

### Project goals:

- to identify and evaluate the relevant national legislation affecting the business of the ports of nautical tourism in a need of improvement;
- to evaluate the existing autonomous law related to the ports of nautical tourism and marina operator's liability insurance;
- to identify the relevant international and EU rules and standards related to the ports of nautical tourism and examine the level of their implementation into the domestic legal system;
- to create *de lege ferenda* proposals for the improvement of the relevant national legislation;
- to promote the standardisation of the general terms of contract for marina operators and terms and conditions of marina operator's insurance in the interest of the legal certainty, quality of service and consumer protection;
- to raise the level of knowledge and consciousness of the project topic amongst academics, judges, practitioners and interested stakeholders.

### 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

- Ćorić, N. Radionov, A. Čar (eds.), Conference Book of Proceedings of the 2nd International Transport and Insurance Law Conference, INTRANSLAW Zagreb 2017, Faculty of Law, University in Zagreb, 2017, pp. 313-353
10. Božena Bulum, Prohibited Agreements of Competitors on Prices and their Particularities in the Marina Case in the Republic of Croatia, D. Ćorić, N. Radionov, A. Čar (eds.), Conference Book of Proceedings of the 2nd International Transport and Insurance Law Conference, INTRANSLAW Zagreb 2017, Faculty of Law, University in Zagreb, 2017, pp. 355-378
  11. Vesna Skorupan Wolff; Adriana Vincenca Padovan, The Guidelines for the Choice of the Competent Court Ratione Materiae in Disputes Arising from Berthing Contracts and De Lege Ferenda Proposals, P. Amžić Jelovčić et al. (eds.), Conference Book of Proceedings, 1st International Scientific Conference of Maritime Law, ISMCL 2016, Split, Faculty of Law, University in Split, 2017, pp. 379-420
  12. Dorotea Ćorić, Marine Environment Protection in the Marinas: Croatian Legal Framework, P. Amžić Jelovčić et al. (eds.), Conference Book of Proceedings, 1st International Scientific Conference of Maritime Law, ISMCL 2016, Split, Faculty of Law, University in Split, 2017, pp. 135-149
  13. Marija Pijaca, Legal Relationship between Marina Operator and Charter Company Arising from the Contract of Berth – Analysis of Croatian and Comparative Commercial Practice, Conference Book of Proceedings of the 2nd Adriatic Maritime Law Conference, 2nd AMLC 2017, Poredbeno pomorsko pravo = Comparative Maritime Law, Vol. 57 (2018), no. 172.
  14. Hrvoje Jović; Mišo Mudrić, Security and Private Protection of Port Facilities in the Republic of Croatia, Conference Book of Proceedings of the 2nd Adriatic Maritime Law Conference, 2nd AMLC 2017, Poredbeno pomorsko pravo = Comparative Maritime Law, Vol. 57 (2018), no. 172.
  15. Ranka Petrinović; Nikola Mandić; Branka Milošević Pujo, Safety of Navigation Standards in the Ports of Nautical Tourism (Marinas) with a Special Focus on the Maintenance of the Port Order, Conference Book of Proceedings of the 2nd Adriatic Maritime Law Conference, 2nd AMLC 2017, Poredbeno pomorsko pravo = Comparative Maritime Law, Vol. 57 (2018), no. 172.
  16. Dorotea Ćorić, Application of Non-Contractual Liability of Shipowner and Ship Operator Prescribed by the Maritime Code on Yachts and Boats, Conference Book of Proceedings of the 2nd Adriatic Maritime Law Conference, 2nd AMLC 2017, Poredbeno pomorsko pravo = Comparative Maritime Law, Vol. 57 (2018), no. 172.
  17. Iva Tuhtan Grgić; Božena Bulum, The Issue of Valorisation of Legitimate Investments in Nautical Tourism Ports in the Republic of Croatia, Conference Book of Proceedings of the 2nd Adriatic Maritime Law Conference, 2nd AMLC 2017, Poredbeno pomorsko pravo = Comparative Maritime Law, Vol. 57 (2018), no. 172.
  18. Vesna Skorupan Wolff; Adriana Vincenca Padovan, The Effect of the Craft's Sinking on the Contractual Relationship of the Parties to the Contract of Berth and Custody of a Pleasurecraft, Conference Book of Proceedings of the 2nd Adriatic Maritime Law Conference, 2nd AMLC 2017, Poredbeno pomorsko pravo = Comparative Maritime Law, Vol. 57 (2018), no. 172.

#### Papers planned for publishing in the third year of the project:

1. M. Pijaca, A Comprehensive Analysis and Assessment of the Content of the Business Cooperation Agreements and the Contracts of Berth between Marinas and the Charter Agencies, International Transport Law Review ITLR, 2018
2. V. Skorupan Wolff, A. V. Padovan, Contract of Berth De Lege Ferenda, J. Barbić (ed.), Legal Framework for the Ports of Nautical Tourism, Book series: Modernisation of the Law, Croatian Academy of Sciences and Arts, 2018
3. A. V. Padovan, Legislative Solutions De Lege Ferenda for the Abandoned Vessels in the Marinas, J. Barbić (ed.), Legal Framework for the Ports of Nautical Tourism, Book series - Modernisation of the Law, Croatian Academy of Sciences and Arts, 2018
4. I. Tuhtan Grgić, G. Stanković, The Repercussions of Including the Value of Investment in the Structures Built on Maritime Domain in Determining the Amount of Share Capital within the Process of Transition from Social Enterprise to Corporation, J. Barbić (ed.), Legal Framework for the Ports of Nautical Tourism, Book series - Modernisation of the Law, Croatian Academy of Sciences and Arts, 2018
5. R. Petrinović, N. Mandić, Public Competencies of the Marina Operator as a Concessionaire of the Port of Nautical Tourism, J. Barbić (ed.), Legal Framework for the Ports of Nautical Tourism, Book series: Modernisation of the Law, Croatian Academy of Sciences and Arts, 2018
6. R. Petrinović, N. Mandić, Safety of Navigation and the Maintenance of Port Order in the Ports of Nautical Tourism, Book of Proceedings of the DELICROMAR Final Conference, Poredbeno pomorsko pravo = Comparative Maritime Law (2019)
7. V. Skorupan Wolff, A. V. Padovan, The Models of the Contract of Berth in the Business Practice of Croatian Marinas, Book of Proceedings of the DELICROMAR Final Conference, Poredbeno pomorsko pravo = Comparative Maritime Law (2019)
8. J. Pavliček, Development of the Security Standards in Marinas, Book of Proceedings of the DELICROMAR Final Conference, Poredbeno pomorsko pravo = Comparative Maritime Law (2019)
9. M. Pijaca, Comparison of the Croatian and English Business Practice in the field of Marina Operator's Liability Insurance, Book of Proceedings of the DELICROMAR Final Conference, Poredbeno pomorsko pravo = Comparative Maritime Law (2019)

10. D. Ćorić, Marina Operator's Liability for Pollution, Book of Proceedings of the DELICROMAR Final Conference, Poredbeno pomorsko pravo = Comparative Maritime Law (2019)
11. B. Bulum, Legal Regulation of Nautical Tourism Services in Croatian Seaports De Lege Lata and De Lege Ferenda Proposals, Book of Proceedings of the DELICROMAR Final Conference, Poredbeno pomorsko pravo = Comparative Maritime Law (2019)
12. R. Petrinović, N. Mandić, Can Marina Qualify as a Place of Refuge?
13. V. Skorupan Wolff, The Concept of Court Competence Ratione Materiae in Maritime Cases (Analysis De Lege Lata)
14. A. V. Padovan, M. V. Petit Lavall, Comparative Analysis of the Contract of Berth in Croatian, Spanish, American and Italian Law
15. V. Skorupan Wolff, A. V. Padovan, Obligations of the User of Berth from the Contract of Berth according to the Business Practices of Croatian Marinas
16. I. Tuhtan Grgić, B. Bulum, J. J. Castelló Pastor, Influence of the Directive 2014/23/EU on the Award of Concession Contracts on the National Solutions for the Concessioning of the Ports of Nautical Tourism
17. J. Pavliček, A. V. Padovan, M. Pijaca, Criminological and Legal Aspects of Security in Croatian Ports of Nautical Tourism, Criminal Justice and Security in Central and Eastern Europe, Ljubljana, 25-27.9.2018.
18. B. Bulum: Marinas Cartel Case in the Republic of Croatia and Lessons Learned
19. A. V. Padovan, M. Selan Voglar, Marina Operator's Liability Insurance according to Croatian and Slovenian Law and Practice and its Impact on the Standard Contracts of Berth
20. 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

#### Seminars and conferences organised within the project:

1. 2nd Adriatic Maritime Law Conference, Opatija, 25-27 May 2017 – international academic and professional conference organised by the Croatian, Slovenian and Italian national maritime law associations in cooperation with the Croatian Academy of Sciences and Arts (Adriatic Institute)
2. Current Legal Challenges of Sustainable Development of the Adriatic Ports of Nautical Tourism, Split, 30 June 2017 – round table organised by the Adriatic Institute of the Croatian Academy of Sciences and Arts held at the 22nd International Scientific Conference on Economic and Social Development – The Legal Challenges of the Modern World, Split, 29-30 June 2017 organised by the University in Split, University North, Faculty of Law of the University in Split and Faculty of Law of the University in Sarajevo;
3. 2nd International Transport and Insurance Law Conference, INTRANSLAW Zagreb 2017, Zagreb, 12-13 October 2017 – international academic and professional conference organised by the Croatian Transport Law Association, Faculty of Law, University in Zagreb, Croatian Academy of Sciences and Arts and the Institute of International Transport Law and Logistics (IDIT), Rouen.
4. Round table - Legal Framework for the Ports of Nautical Tourism, Croatian Academy of Sciences and Arts, Zagreb, 8 February 2018 – academic and professional event organised by the Scientific Council for Government Administration, Judicature and the Rule of Law and the Adriatic Institute of the Croatian Academy of Sciences and Arts.

#### Some unpublished lectures and presentations:

1. I. Tuhtan Grgić, Legal Regime of Concessions for Tourist and Recreational Use on Maritime Domain according to Croatian Law, invited lecture at the seminar Le Concessioni Demaniali Marittime per Finalità Turistico-ricreative, 15 October 2016, Senigalia, Italia
2. I. Tuhtan Grgić, Valorisation of the Legitimate Investments in the Ports of Nautical Tourism – a Condition for Sustainable Development, presentation at the round table Current Legal Challenges of Sustainable Development of the Adriatic Ports of Nautical Tourism, 22nd ESD Conference, Split, 29-30 June 2017
3. A. V. Padovan, Marina Operator's Liability Insurance and its Influence on the Business Practice, presentation at the round table Current Legal Challenges of Sustainable Development of the Adriatic Ports of Nautical Tourism, 22nd ESD Conference, Split, 29-30 June 2017
4. V. Skorupan Wolff, Standardisation of the Marina Operators' General Terms and Conditions as a Step Forward, presentation at the round table Current Legal Challenges of Sustainable Development of the Adriatic Ports of Nautical Tourism, 22nd ESD Conference, Split, 29-30 June 2017
5. A. V. Padovan, Public Competencies of the Entity in Charge of a Port, invited lecture at the professional seminar Concessions in the Ports of Local Interest, Concessions for the Objects of Shore Infrastructure and Ownership in the Zone of Maritime Domain, Tivat, 2 November 2017, organised by the Montenegro Public Enterprise for Coastal Zone Management
6. I. Tuhtan Grgić, The Importance of the Feasibility Study Relating to the Concession Award and the Criteria for the Choice of the Concessionaire, invited lecture at the professional seminar Concessions in the Ports of Local Interest, Concessions for the Objects of Shore Infrastructure and Ownership in the Zone of Maritime Domain, Tivat, 2 November 2017, organised by the Montenegro Public Enterprise for Coastal Zone Management
7. A. V. Padovan, Prevention of Pollution by Yacht Sewage – the Legal Framework, invited lecture at the international conference ADRIATIC 2017 – Protection of the Adriatic Sea from Ship Source Pollution, 2-5 October 2017, Split, organised by the Ministry of the Sea, Transport and Infrastructure.



**Contact:**

Adriatic Institute  
Croatian Academy of Sciences and Arts  
A. Šenoje 4, 10000 Zagreb  
Tel./fax: +385 1 4812 703  
avpadovan@hazu.hr

Follow us on [www.delicromar.hazu.hr](http://www.delicromar.hazu.hr)

The project is financed by the Croatian Science Foundation



Installation Research Project No. 3061