

EDITORIAL

Dear Readers,

We present to you the latest issue of *Poredbeno pomorsko pravo = Comparative Maritime Law*, which has been published continuously since 1958 and has for decades served as an important scientific forum for the promotion and development of maritime law and the law of the sea.

At the beginning of this editorial, we sadly bid farewell to Professor Jakša Barbić, who served as Editor-in-Chief of this journal from 2022 until his death. His passing came as we were finalising this issue, when all contributions had already been selected and the academic papers accepted for publication after the peer review process. Therefore, this issue deservedly bears his name. As Editor-in-Chief of *Poredbeno pomorsko pravo = Comparative Maritime Law*, Professor Jakša Barbić shared his knowledge, editorial experience, skills, and academic authority. His dedication, excellence, and vision have left a lasting impact on all of us who had the privilege of working with him, and we will continue to apply his working methods in the development of the journal. We are deeply grateful to Professor Jakša Barbić for his tireless contribution and enthusiasm, which will remain our enduring inspiration.

This issue contains three original scientific papers, one preliminary communication, and two review articles devoted to current topics in the fields of maritime and transport law, insurance law, and the international law of the sea. All papers underwent a double-blind peer review by international reviewers and have been categorised according to the journal's rules in line with international academic standards. This issue includes articles written in either Croatian or English, each accompanied by a summary in the other language.

Among the papers in Croatian, we highlight the paper by Božena Bulum, PhD, Ksenija Ostojić, LL.M., and Associate Professor Marija Pijaca, PhD, entitled "Tonnage Tax: Relevant Croatian Legislation and the European Union Legal Framework". The authors examine trends in the relocation of shipping centres to countries with more favourable tax regimes, aimed at achieving tax benefits, which has led to a decline in the importance of traditional European maritime centres. Particular attention is paid to the tonnage tax as a common measure used by European Union Member States to preserve European shipping and national registers. The paper analyses the legal sources of European Union law and the law of the Republic of Croatia on tonnage tax and makes proposals for

their improvement. It also evaluates the functioning of the tonnage tax system in the current business environment in the shipping sector.

A similar topic, though from a different perspective, is examined in the paper by Petar Kragić, PhD, and Diana Jerolimov, LLB, entitled “Historical Account of Corporate Taxation of Shipping Companies in the Republic of Croatia”. The paper gives a historical account of the taxation of shipping companies’ profits in the Republic of Croatia. The 2004 Maritime Code granted full exemption from corporate tax, which had a significant impact on building up the monetary reserves of shipping companies from 2004 to 2008. The paper analyses the effects of the tax regime on the financial stability of shipping companies and their survival through market crises, as well as proposals for amendments prior to the European Commission’s re-approval of the Croatian tonnage tax regime. The authors also question whether the tonnage tax is a sufficient State aid measure to enable European shipowners to compete in the global market with their Asian competitors, or whether additional measures are needed for the entire maritime cluster to avoid the long-term decline of European shipping, similar to that suffered by the European shipbuilding industry, which has collapsed in competition with subsidised Asian shipyards.

Assistant Professor Ivica Kinder is the author of the paper entitled “The Legal Regulation of the Laying of Cross-border Submarine Cables and Pipelines in the Republic of Croatia in Relation to the 1982 United Nations Convention on the Law of the Sea”. In the paper, the author analyses the alignment of Croatian regulations concerning submarine cables and pipelines with the provisions of the 1982 United Nations Convention on the Law of the Sea (UNCLOS). The analysis begins with the respective provisions of UNCLOS and the opinions of legal writers, while a comparison is also made between the legal regimes applicable to pipelines and cables. Special attention is given to the legal regime of the continental shelf in correlation with the exclusive economic zone (EEZ) of the Republic of Croatia, declared in 2021. The paper identifies legal gaps, particularly the absence of the obligation for the Republic of Croatia to seek State approval for drilling in its continental shelf. Hence, the author proposes appropriate amendments to the Croatian Maritime Code and bylaws. In conclusion, the paper emphasises that cooperation with other States as holders of rights and obligations established by UNCLOS would be more productive if supplemented with partnerships with investors, owners, and operators of submarine cables and pipelines in their mutual interest.

Among the papers in English, we feature the work of Associate Professor Frank Stevens, PhD, an internationally renowned expert in maritime law, entitled

“The Ever Given: Potential Liabilities and Insurance Cover” which examines legal issues arising from the Ever Given running aground in March 2021 in the Suez Canal, including the insurance coverage of the hull damage suffered by the Ever Given, the argument as to whether or not a salvage agreement had been concluded, the insurance coverage for the resulting salvage awards, whether there is liability for delay in the sea carriage of goods, and the potential impact of the general average declared by the owner of the Ever Given.

Zoran Tasić, LLM, is the author of the paper “Legal Issues of the Allocation of Risk in Shipbuilding Contracts in the Light of Technological Innovation” in which he analyses construction risks in shipbuilding contracts involving modern technology, including dual-fuel engines, alternative fuels, decarbonisation, and mechanical sails. Particular attention is paid to unknown risks related to new and still evolving technologies applied in the construction of modern vessels, for which international standards are still being developed. Legal issues related to the allocation of risk are also considered, in particular the concept of liquidated damages upon sea trials, rejection of delivery by the buyer, termination of the contract, warranty claims for defects in applied innovative technology, or delays in the vessel’s delivery. The paper also emphasises the importance of the shipbuilding contract between the shipyard and the buyer in the allocation of risk for design defects.

The paper entitled “A Legal Analysis of Pollution Damage Claims in the Case of Pollution by Oil and Bunker Oil: Understanding the International Regulatory Framework and the Specifics of the Croatian Legal System” by Ante Vojković, LLM, analyses the international legal framework regarding oil pollution damage, as defined in the 1992 CLC, and bunker oil pollution damage, as defined in the Bunkers Convention, founded on “similarities and differences” between the regimes, with special focus on the corresponding limitation of liability schemes. The paper also examines specific aspects of the Croatian legal system and provides examples from case law.

In addition to the academic papers, this issue presents reviews of several recent decisions of Croatian courts from the field of maritime law, prepared by Vesna Skorupan Wolff, PhD, as well as book reviews: *Maritime Law for Ship Masters* authored by Professor Ranka Petrinović, PhD, and Associate Professor Nikola Mandić, PhD, prepared by Professor Petra Amižić Jelovčić, PhD; and *The Croatian Maritime Domain: The Genesis of Disorder & Proposed Solutions* by Branko Kundih, LLB, presented by Associate Professor Iva Tuhtan Grgić, PhD. Each of these books provides a clear and structured overview of the relevant

legal framework, with the authors sharing their in-depth legal knowledge to help readers better understand the topics covered.

In this issue of the journal we publish a selected bibliography in maritime law. The compilers are Aleksandra Čar, MSc, spec., senior librarian and Jakov Sinovčić-Perković, MLS. The bibliography includes references to selected articles and papers published in both Croatian and foreign academic and professional journals, as well as references to books and single chapters published by Croatian and foreign (mainly European) publishers, respectively.

We are confident that the topics addressed will inspire further academic research and contribute to greater understanding of this field of law, which is complex, demanding, yet of great importance to maritime nations and their economies. We extend our thanks to the authors for their invaluable contributions, to the reviewers and editors for their dedicated efforts, and to all who have played a part in preparing this issue of the journal. We believe that its content will provide our readers, colleagues, and researchers not only with helpful scholarly and professional insight, but will also encourage new reflections, cooperation, and further academic achievements for the benefit of maritime law and the law of the sea.

Finally, we are pleased and honoured to inform you that in 2025 the Adriatic Institute of the Croatian Academy of Sciences and Arts celebrated its 80th anniversary. To mark this important occasion, a commemorative monograph was published, providing a concise historical overview of the Institute's foundation, together with an outline of its mission, vision, and key achievements. The publication records the Institute's outstanding contribution to the codification of Croatian maritime law and the drafting of international treaties, the result of decades of work by generations of its scholars and associates. It also presents the distinguished researchers who have shaped the development of this Institute, its abundant publishing activity, with particular emphasis on the journal *Poredbeno pomorsko pravo* = *Comparative Maritime Law*, and the library of the Adriatic Institute of the Croatian Academy of Sciences and Arts, the unique specialised library for maritime law and the law of the sea in the Republic of Croatia. The monograph further highlights the Institute's fruitful cooperation with international organisations, State authorities, academic institutions in the Republic of Croatia and abroad, business entities, and professional associations, as well as an overview of the scientific and professional projects, conferences, and the awards and honours the Institute has received during its long history.

Professor Dorotea Ćorić, PhD, Deputy Editor-in-Chief