

## CRONACHE

### 6TH ADRIATIC MARITIME LAW CONFERENCE

(TRIESTE, 20 - 21 GIUGNO 2024)

Si è tenuta a Trieste il 20 e 21 giugno 2024, presso la Sala Maggiore della Camera di Commercio, la *6th Adriatic Maritime Law Conference*, organizzata dalla Associazione Italiana di Diritto Marittimo (AIDIM) con la partecipazione delle corrispondenti Associazioni di Stati che si affacciano sull'Adriatico, ossia la Slovenia (HDPP), la Croazia (DPPS), il Montenegro (MMLA).

Dopo il saluto delle Autorità, la Sessione introduttiva (*Keynote Speeches Session*) ha visto la partecipazione dei Presidenti delle Associazioni suddette; indi, in successive sei sessioni, sono stati trattati molti fra i problemi maggiormente rilevanti ed attuali del diritto marittimo, fra i quali urto, sicurezza, porti, congelamento di navi da diporto, ambiente marino, tecnologie digitali, transizione energetica.

Hanno presieduto le suddette Sessioni e sono stati relatori alle stesse qualificati esponenti, a livello professionale o universitario, della cultura giuridica marittima negli ordinamenti statali cui le Associazioni suddette appartengono.

Queste le tematiche delle Sessioni: I Sessione, *Revision of the 1910 Collision Convention* (presidente Zoran Tasić); II Sessione, *The Recent Developments of Maritime Law* (presidente Patrick Vlačić); III Sessione, *Adriatic Seaports and Marinas - Yachts Chartering and Sanctions Affecting the Russian Pleasure Vessels* (presidente Jelena Nikčević); IV Sessione, *Maritime Security, Safety of Navigation and Protection of Marine Environment in the Adriatic* (presidente Mitja Grbec); V Sessione, *Digital Technologies in Maritime Transport - Legal Aspects* (presidente Massimiliano Musi); VI Sessione, *Green Deal - Energy Transition and Decarbonization in Shipping Industry* (presidente Dorotea Ćorić).

Nel corso di una pausa della *Conference*, vi è stato l'incontro dei Delegati delle Associazioni, concluso con un Accordo che ha esteso l'impegno alla collaborazione nel campo del diritto marittimo – assunto

dalle Associazioni italiana, slovena e croata con il *Memorandum of Understanding* del 27 maggio 2016 – alla Associazione montenegrina, costituita nel 2023 e ammessa nel 2024 al *Comité Maritime International*.

La *Conference* è stata preceduta dall'assemblea annuale dell'Associazione Italiana di Diritto Marittimo, presieduta dall'avvocato genovese Giorgio Berlingieri.

Apprendo la Sessione introduttiva, Alfredo Antonini ha svolto un breve intervento sull'antica legislazione marittima delle città dell'Adriatico, di cui riportiamo la sintesi, per l'interesse e l'apprezzamento suscitati dall'argomento:

*The Maritime Law Associations of the States bordering the Adriatic Sea meet up today in Trieste for what has become by now a traditional biennial reunion.*

*The thought of jurists and enthusiasts of maritime law history goes back centuries, to the time when maritime law, a rib of mercantile law, was gradually formed through the customs, collections of laws and statutes of the maritime cities, breaking away from the common law (basically, from the ancient ius civile) of Roman derivation.*

*The formation of maritime law, subsequent to post-Justinian and Byzantine texts (Nómos Rhodion Nautikós, 8th cent.; Basilici, 9th-10th cent.), had a partly different development in the Adriatic Sea as compared to what happened in the Tyrrhenian: in the former, the strong influence of Venetian laws made statutory sources prevailing over collections of customs and maritime courts decisions, while in the latter the rules were largely derived from mercantile customs and jurisprudence.*

*In fact, whereas the maritime regulations of the Tyrrhenian cities were based on sea customs or consulates (Amalfi, Pisa, Cagliari, Messina, Trapani, partly Genoa), those of the Adriatic cities were contained in statutes (Ragusa, Lesina, Zadar, Split, Rimini, Ancona, as well as Venice).*

*We owe these observations to scholars who have dealt with this subject, among whom I shall mention Francesco Basilio (Origine e sviluppo del nostro diritto marittimo, Trieste, 1914), Guido Bonolis (Il diritto marittimo medievale dell'Adriatico, Pisa, 1921) and Riniero Zeno (Storia del diritto marittimo italiano nel Mediterraneo, Milan, 1946), as well as the fundamental contribution of Jean-Marie Pardessus (Collection de lois maritimes antérieures aux XVIII siècle, Paris, 1828 – 1845).*

*The oldest Venetian maritime statute is the Ordinamenta super saornatione caricatione et stivatione navium by Doge Pietro Ziani of 1227;*

*this was followed by the more extensive Statuta et ordinamenta super navibus et aliis lignis by Doge Rainero Zeno of 1255.*

*The first statute of Ragusa, dated 1272, highlights an older part inspired by Byzantine law and another more recent part influenced by the legislation of Venice; the seventh book deals with maritime matters.*

*The statute of Lesina is dated 1331. Its probably oldest book contains rules of maritime law in sixteen chapters.*

*The statutes of Zadar date from the first half of the 13th century; the fourth book contains maritime law.*

*The statute of Split, from 1312, is a remake of earlier texts; the sixth book contains maritime law.*

*Among the statutes of Ancona, the oldest compilation of which appears to date from 1397, the Statute of the Sea, the Statute of Terzenale, and the Statute of the Customs regulate maritime law and navigation.*

*The Ordinamenta maris of Trani, published as an appendix to the Statutes of Fermo in the Venetian edition of 1507, consist of thirty-two chapters, deal with maritime law and are dated 1066, although they are referred by various authors to later periods (12th-16th centuries).*

*Specific maritime laws belonging to Bari, a city also of merchants and seamen (which is witnessed by recovery of the bones of St. Nicholas in 1087 by three ships from Bari, in Mira, on the southern coast of Asia Minor), are lacking, leading to the assumption that maritime commerce was regulated by the Nómois, which inspired the drafting of Bari's customs, the oldest in the Adriatic Sea, by judges Andrea and Sparano (years 1180 and 1200).*

*Maritime law emerged and established itself in the medieval age as the law of maritime commerce in its various implications: the ship, the master of the ship, the sailors, the captain, the jettison, the associative forms (colonna, commenda), the pecunia traiectica or maritime exchange loan.*

*The spread, on one hand, of the Consulate of the Sea, as a general customary regulation applied throughout the Mediterranean basin, and, on the other, of Venetian legislation, led to the gradual overcoming of the regulations belonging to the Adriatic maritime cities.*

*Typical Adriatic legal institutes were the *defensa* of the Ordinamenta of Trani (the sailor's right to defend himself, even to the point of killing his owner, under certain conditions) and the right of *protimesi* of Bari's customs (preemption, in relation to naval property); legal institutes similar to the *commenda* were the *entega* of the Statutes of Ragusa, the Venetian*

*collegantia and then the compagnia de nave.*

*Why this very rapid historical excursus, in presenting the introductory part of our Conference?*

*To remind and highlight the importance of the Adriatic maritime culture and tradition, in the cities that, from one and the other coast of this sea of ours, gave a strong imprint to the establishment and growth of maritime trade and its legal regulation.*

Laura Trovò