INDEX

A N	OTE ABOUT THE SECOND EDITION	7
PRE	EFACE	9
	T OF INTERNATIONAL MARITIME ORGANIZATION (IMO) NVENTIONS	17
	STRACT	21
INT	TRODUCTION	23
	THE SHIP, ITS LEGAL AND INSTITUTIONAL VICISSITUDES	
	AND MARINE POLLUTION	31
	The Ship	31
	How to acquire a vessel	36
1.3.	The subjects of the maritime expedition	38
1.4. The Ships' Register		40
	1.4.1. Introduction. The flight from traditional flags ("flagging out")	40
	1.4.2. The procedure for registering ships	47
	1.4.3. The International Shipping Register of Madeira (MAR)	57
1.5.	The problem of unmanned or autonomous vessels	67
1.6.	Maritime claims	73
	1.6.1. Introduction. The concept of "maritime privilege	73
	1.6.2. Maritime privileges and naval mortgage	75
1.7.	Maritime arrest	84
	1.7.1. Arrest under national law	84
	1.7.2. International conventions on ship arrest	88
	ı	

1.8.	Incide	ents at Sea	98
	1.8.1.	General	98
	1.8.2.	Maritime Average	100
		1.8.2.1. Forced entry into port	109
		1.8.2.2. Stranding	110
		1.8.2.3. Flooding	112
		1.8.2.4. Marine salvage	113
		1.8.2.5. Jettisoning	116
		1.8.2.6. Fire	117
		1.8.2.7. Collision and the Lisbon Rules (1987)	117
	1.8.3.	The Regulation of Averages	128
	1.8.4.	The York-Antwerp Rules (YAR)	132
1.9.	Marin	e pollution and the liability framework	154
	1.9.1.	The main spills and incidents with impact and/or major	
		awareness on the Portuguese coast	158
		The evolution of marine pollution prevention and liability	162
		State responsibility of in the field of marine pollution	166
	1.9.4.	Flag state and the coastal state competence in the field	
		of marine pollution	169
		The dumping of substances at sea	171
	1.9.6.	Pollution from land-based and atmospheric sources.	
		Seabed activities	172
	1.9.7.	Roadmap for charging for marine spills	173
2.	гне п	NTERNATIONAL MARITIME ORGANISATION (IMO)	
1	AND T	HE MAIN INTERNATIONAL CONVENTIONS ON	
		FIME SAFETY AND SECURITY RELEVANT ASPECTS	
		ARINE POLLUTION PREVENTION IN THE EUROPEAN	
		N – THE "ERIKA" PACKAGES OR RULES	179
		hoice of law in international law	179
2.2.		saving human life at sea to saving assets and the "green way"	
		rld trade – maritime security requirements	186
2.3.		ime transport and the International Maritime Organisation	
	(IMO	,	192
2.4.		nain international conventions on maritime safety,	
		ion prevention, liability and maritime security	198
		Introduction. The main conventions and their typology	202
	2.4.2.	Conventions on maritime safety (Group I)	214
		2.4.2.1. The International Convention for the Safety of Life	
		at Sea (SOLAS 74)	215

	2.4.2.2. The	e main codes in the field of maritime safety	220
	2.4	.2.2.1. The International Ship and Port Facility	
		Security Code (ISPS Code)	220
	2.4	.2.2.2. The International Safety Management	
		(ISM) Code	223
	2.4	.2.2.3. The Code for the Investigation of	
		Accidents and Incidents (CIAIM)	227
	2.4.2.3. The	e International Convention on Standards of	
	Tra	ining, Certification and Watchkeeping for	
	Sea	afarers (STCW)	230
	2.4.2.4. The	e International Convention on the International	
	Reg	gulations for Preventing Collisions at Sea	
	(Co	olreg 1972)	235
	2.4.2.5. The	e International Convention on Load Lines	
	(LI	L 1966)	237
	2.4.2.6. The	e Tonnage Measurement Convention	
	(T0	ONNAGE 1969)	238
		e Maritime Labour Convention	
	`	LC/CTM 2006)	240
2.4.3.		e pollution prevention conventions (Group II)	245
		e International Convention for the Prevention	
		Pollution from Ships (MARPOL)	245
		nvention on the Prevention of Marine Pollution	
		Dumping Wastes and Other Matter (LC 1972)	249
		nvention on the Control and Management	
		Ships' Ballast Water and Sediments (BWM 2004)	250
		nvention on the control of harmful anti-fouling	
		tems on ships (AFS 2001)	253
		irobi Convention on the Removal of Wrecks	
		AIROBI WRC 2007)	254
		ng Kong Ship Recycling Convention	
	`	ONG KONG CONV)	256
		me Regional Conventions on the Protection of	
		Marine Environment and the Combating of	
		rine litter – the importance of the OSPAR	250
244		nvention	259
2.4.4.		ty conventions and compensation funds	260
	(Group III)		268
	2.4.4.1. The	e oil spill liability and compensation conventions	270

		2.4.4.1.1. The CLC69 and FUND71 Conventions	270
		2.4.4.1.2. The CLC92 and FUND92 Conventions	272
		2.4.4.1.3. The 2003 Protocol on the Supplementary	
		Fund to the 92 CLC/FUND Conventions	
		and the relationship between the	
		CLC/FUND regime and the limitation	
		of liability conventions	283
	2.4.4.2	. Convention on Liability in Connection with the	
		Carriage of Hazardous Substances by Sea	
		(HNS 1996)	286
	2.4.4.3	Convention on Bunker Oil Pollution Liability	
		(BUNKERS 2001)	290
	2.4.4.4	. Convention on Limitation of Liability for Maritime	
		Claims (LLMC 1976)	295
	2.4.4.5	Athens Convention on the carriage of passengers	
		and their luggage by sea (PAL 1974)	297
	2.4.4.6	. The relationship between the liability conventions	
		relating to marine spills	298
	2.4.4.7.	Convention on Maritime Salvage (SALVAGE 1989)	300
	2.4.4.8	. The practical application of the two-ship collision	
		claims in the case of a declaration of serious damage	
		with a salvage contract	303
2.4.5.	Interna	tional instruments on maritime protection	
	(Worki	ng Group IV)	305
	2.4.5.1.	The Convention for the Suppression of Unlawful	
		Acts against the Safety of Maritime Navigation	
		(SUA 1988). The Protocol for the Suppression	
		of Unlawful Acts against the Safety of Fixed	
		Platforms located on the Continental Shelf 1988	
		and the Protocol of 2005 (SUA PROT,	
		SUA PROT 2005)	305
	2.4.5.2.	Convention for Intervention on the High Seas in	
		Cases of Accidents which may cause oil spills	
		(INTERVENTION 1969) and 1973 Protocol	
		(INTERVENTION PROT 1973)	311
	2.4.5.3.	Convention on prevention, enforcement and	
		cooperation in combating pollution by oil	
		(and other noxious and hazardous substances)	
		(OPRC 1990 – OPRC-HNS 2000)	312

	2.4.5.4. Convention on the Facilitation of the International	
	Maritime Transport of Goods 1965 (FAL 1965)	313
	2.4.5.5. United Nations Convention against Illicit Traffic	
	in Narcotic Drugs and Psychotropic Substances	
	(VIENA 1988)	315
2.5.	The problem of the deployment of armed guards against piracy	317
	The most relevant aspects of maritime safety in the European	
	Union	323
	2.6.1. The three "Erika" collections or normative packages	323
	2.6.2. The European Union's maritime regulatory regime	327
	2.6.3. The developing maritime safety regulatory framework	
	in the European Union	330
	1	
3. T	THE MARITIME LIABILITY OF STATES	333
3.1.	Introduction	333
3.2.	Flag state obligations and agreements with recognised	
	organisations (RO)	334
	3.2.1. The general obligations arising from international	
	conventions	334
	3.2.2. The flag state's duties	336
	3.2.3. Agreements with recognised organisations	345
	3.2.4. Flag state obligations in the European Union legal order	
	and the review process	354
3.3.	The duties of the coastal state	358
3.4.	Port State duties	360
3.5.	Port state control	369
4.	IN SEARCH OF THE AUTONOMY OF THE (NEW) LAW	
	OF MARITIME SAFETY	375
4.1.	On the concepts of "Security", "Safety at Sea" and "Maritime Safety	375
4.2.	Law of the Sea, Maritime Law and Law of Maritime Safety	387
4.3.	The formal aspects of maritime safety law	390
4.4.	The importance of the uniform conventions on maritime safety	
	and in particular the ISM Code as a reference for the conduct of	
	ship management	395
4.5.	Criminal, misdemeanour and civil liability in the field of marine	
	pollution and dangerous steering of ships and boats	400
4.6.	Delimitation of the problem: the increasingly demanding nature	
	of ship management requires a new approach to exoneration	
	clauses (of civil liability and its limits)	406

THE (NEW) LAW OF MARITIME SAFETY

4.7. The main conventional exemption clauses	409
4.8. Analysis of exoneration clauses in maritime safety conventions	
in the light of the ISM Code	424
5. THE FUTURE AS PART OF THE EUROPEAN GREEN DEAL	439
5.1. Presentation	439
5.2. Decisive steps for the maritime-port sector in the energy transiti	ion 443
5.3. The European Green Deal	453
5.4. The European Commission's current initiatives in response to the	ie
European Green Deal in the maritime-port sector	456
5.5. Hydrogen as an alternative fuel	479
CONCLUSIONS	49]
POSTFACE	503
ADDENDUM TO THE SECOND EDITION	507
REFERENCES	521
ANNEX	537