

# 10<sup>th</sup> IVR Colloquium

## Vienna | 5-6 October 2023



Legal Conference  
Inland Navigation

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# Welcome

Inland Waterway Transport is characterised by its international, cross border activities. On an annual basis some 550 million tonnes are carried on European waterways along with some 1.5 million passengers on a cruise trip. The 40.000 km waterways cross many different countries located along major rivers in Europe.

Given this scope of inland navigation international conventions play a major role in order to provide legal certainty and clarity to the involved barge owners and their insurers. Inland navigation in the past decades succeeded to realise two important conventions, governing the contract of the carriage of goods (CMNI) and the limitation of liability (CLNI) which were successfully implemented. The later one was renegotiated and signed in a new version in 2012, known as CLNI 2012. This Convention entered into force on 1 July 2019, widening the scope of its predecessor and allowing its ratification by all interested State Parties.

With new technological developments with respect to digitalization and automation new legal questions and challenges arises. The above developments will be highlighted by a number of key note speakers in the colloquium which will offer participants the possibility to discuss all topics with the speakers in more or less interactive sessions. Furthermore the event will provide a networking platform with, governments, transport professionals, lawyers and all relevant stakeholders.

## Participants

The colloquium is open to the representatives of international institutions, national administrations, shipping companies, shipowners, ports, port- and inland waterway authorities, shippers, hull-, cargo- and P&I-insurers, brokers, salvors, surveyors, lawyers, judges and university teachers and other interested persons.



# Programme

Thursday, 5 October 2023 - Hotel Bristol, Körnter Ring 1, Vienna

## *Programme for IVR Legal Committee members only*

09.30 - 11.30 Meeting IVR Legal Committee - *Salon Schönbrunn*

## *Programme for all attendants*

12.00 Welcome / Registration

12.00 - 13.30 Lunch - *The Bristol Lounge*

## **Presentations - *Salon Schönbrunn***

13.30 - 14.00 **Peter Csoklich** 🇸🇰 "Collision liability from the Austrian law perspective"

14.00 - 14.30 **Zsolt Kovács** 🇮🇪 "Collision liability from the Hungarian law perspective"

14.30 - 15.00 **Vivian van der Kuil** 🇳🇱 "Limitation of Liability under the CLNI: unlimited possibilities? A case study on the possibilities the CLNI offers in a European context"

15.00 - 15.30 - Coffee Break -

15.30 - 16.00 **Massimiliano Grimaldi** 🇮🇹 "State aid cases in the EU inland waterway transport sector and the benefits for shipowners"

16.00 - 16.30 **Prof. dr. Dieter Schwampe** 🇩🇪 "The 1960 Geneva Convention - a look over the fence: will the 1910 Collision Convention for oceangoing vessels be revised? A report on the current state of discussions"

16.30 - 17.00 **Cherry Almeida** 🇧🇷 "AI in transport, a threat, or a blessing?"

17.00 Closing words

19.00 Dinner at **Palais Daun-Kinsky - Freyung 4, Vienna**

# Programme

Friday, 6 October 2023 - Hotel Bristol, Kärnter Ring 1, Vienna

## Presentations - Salon Schönbrunn

09.30 - 10.15

**Dr. Olaf Hartenstein** 🇩🇪, **Dr. Johannes Trost** 🇩🇪 & **Daniel Fritz** 🇩🇪  
“Automated vessels and the current concepts of (non-contractual) liability” – German law perspective

10.15 - 11.00

“Automated vessels and the current concepts of (non-contractual) liability” – other European perspectives

11.00 - 11.30

- Coffee Break -

11.30 - 12.00

**Christian Hübner** 🇫🇷 & **Dr. Hubert Holland** 🇩🇪 “Limitation of liability crossing the borders » A French-German approach and case”

12.00 - 12.30

**Dr. Martin Fischer** 🇩🇪 “Good fortune and liability”

12.30 - 13.00

**Ignace Kroos** 🇧🇪 “Belgian government liability for navigable waterways: revisited? Comparison with France and the Netherlands”

13.00

Closing Lunch – *The Bristol Lounge*



# Speakers



**Peter Csoklich**  “Collision liability from the Austrian perspective”

Peter Csoklich is a founding partner of DSC law firm. His presentation will be on the topic of collision liability from the Austrian perspective. He has many years of experience in advising domestic and foreign clients on corporate law issues and transactions. His expertise is particularly sought after in the areas of corporate law, foundation law and asset succession. Furthermore, Peter Csoklich is one of the most recognised experts in the field of conflict resolution, in particular in banking, insurance and transport law disputes. He assists clients in all phases of conflict, from conflict prevention to conflict management and representation before national and international courts as well as in international arbitration proceedings. Another focus of his work is advising companies in the logistics sector and related insurance, customs and foreign trade law issues. Prior to practising as an attorney, Peter Csoklich taught and worked academically at the Department of Corporate Law at the University of Economics for several years. Today, he continues to teach “International Business Transactions” at the Vienna University of Economics and Business Administration, lectures regularly and publishes in recognised domestic and foreign journals and commentaries in his areas of expertise.



**Zsolt Kovács**  “Collision liability from the Hungarian perspective”

Collisions, luckily, do not happen too often on the Hungarian part of the Danube. As a consequence, there is no comprehensive experience as to the handling the legal issues of these cases. This presentation given by dr. Zsolt Kovács, one of the few Hungarian legal experts having actual experience in this field provides an overview of the relevant rules of Hungarian private law, including applicable international conventions so that to give a starting point in case one would meet with this problem.

Zsolt started his career at the Hungarian Shipping Plc., from 1991 he worked at the market leader Hungária Insurance Company (today: Allianz) as an associate then as a legal counsel. In 2000 he became the chief legal counsel of the company. He was a member of the supervisory board of Allianz Hungária Pension Fund from its establishment in 1996 and of several international working groups operated by Allianz AG. In 2006 he joined Gárdos, Füredi, Mosonyi, Tomori Law Office as a partner responsible for insurance matters. His primary practice areas are insurance public and private law, from personal lines, like motor, household and life insurance to industrial insurance, reinsurance and intermediaries and international transport law.



**Vivian van der Kuil** 🇳🇱 “Limitation of Liability under the CLNI: unlimited possibilities? A case study on the possibilities the CLNI offers in a European context”

After having heard the Austrian and Hungarian perspective on collision liability based on a fictional case Vivian will address the possibility to limit liability in such a case. She will also discuss the meaning and relevance of limitation decisions of courts in other CLNI member states against the background of the Brussels I-bis regulation and relevant caselaw. Vivian advises and litigates on calamities in the shipping and energy sector, collisions, wreck removal, pollution, salvage, and other maritime and insurance issues. In addition to maritime law, is Vivian an international litigation specialist and a specialist in the field of limitation of liability. She mainly acts for charterers, shipowners, H&M underwriters and P&I clubs. Before becoming a maritime lawyer in 2012, Vivian served as officer of the operations/navigation service with the Royal Dutch Navy and worked in the judiciary. In addition to her legal practice, Vivian acts as a deputy court of appeal judge and arbitrator (UNUM, Caspian Arbitration Association). In addition to her legal practice, Vivian also works on a PhD concerning classification societies at Erasmus University Rotterdam. Furthermore, she is a subject teacher at the vocational training for the Bar and a member of the legal committee of the IVR.



**Massimiliano Grimaldi** 🇮🇹 “State aid cases in the EU inland waterway transport sector and the benefits for shipowners”

Massimiliano Grimaldi will comment on the most interesting cases of state aid instituted by the various Member States of the European Union in the EU inland waterway transport sector. These aids concern many important aspects, such as, for instance, the modernisation of inland waterway freight transport vessels, professional training of personnel to be employed on board inland waterway vessels, loading/unloading installations for inland navigation, modernisation and construction of combined transport terminals, exemption from excise duty for the purchase of fuel for inland navigation vessels, and Eco-bonus for freight transport by inland waterways. Massimiliano Grimaldi, founding partner of the Italian law firm Grimaldi Studio Legale Genova, is an expert with regard to maritime and inland water transport law. Massimiliano Grimaldi founded and is currently President of the Italian Association of Inland Navigation Law (AIDNI) and he is also a member of the editorial board of the Italian Journals Il Diritto Marittimo and Lextrasporti. Massimiliano Grimaldi is the author of numerous books and articles in his fields of specialisation, such as his latest book «Inland Waterway Transport. The European Legal Framework».



**Prof. Dr. Dieter Schwampe** 🇩🇪 “The 1960 Geneva Convention - a look over the fence: will the 1910 Collision Convention for ocean-going vessels be revised? A report on the current state of discussions”

The 1962 Geneva Convention was modeled after the 1910 Collision Convention for ocean-going vessels. Lately, the Comité Maritime International started a review of the 1910 Convention to decide whether after 113 years, it should be updated. If this happens, it may have an impact also for the 1962 Convention. This presentation will introduce to the changes discussed. Dieter Schwampe is deeply involved in the matter, as a Vice-President of the CMI as well as a member of CMI's International Working Group handling the subject.





**Cherry Almeida** 🇧🇷 **“AI in transport, a threat, or a blessing?”**

What today seems a rather distant future, tomorrow will be part and parcels of our daily lives. AI is heading that way and those who are not prepared might miss the boat. A small introduction to the do's and don'ts with AI from a lawyer's perspective. Cherry Almeida started as a lawyer in 2004. She has been working at several (maritime) law firms. After setting up her own office Alius law in 2016, where she became more involved in the supply, maintenance and lease of maritime equipment, she strengthens as of Jan 1, 2019 Caland Advocaten as one of its founders. She is mostly engaged in cases on supply chain contracts: storage, international trade & logistics, and cargo claims. Her customers are mainly suppliers, traders in commodities like metal and fruit as well as logistic service providers such as freight forwarders and warehouse operators.

**Dr. Olaf Hartenstein** 🇩🇪, **Dr. Johannes Trost** 🇩🇪 & **Daniel Fritz** 🇩🇪  
**“Automated vessels and the current concepts of (non-contractual) liability” – German law perspective”**

The presentation of these three speakers shall contribute to an overview of the current European legal framework on the topic of automated vessels and non-contractual liability issues from a German Law perspective. It will deal with various questions of fault within the framework of liability rules for ship collisions, shed some light on concepts of non-fault claims and include some aspects of product liability.



Dr. Olaf Hartenstein, born 1972, is lawyer in Hamburg since 2004, and partner with the law firm ARNECKE SIBETH DABELSTEIN. His areas of practice are maritime and inland waterway shipping law, international transport and commercial law, insurance law, international and European civil procedure. He studied law in Freiburg, Paris and Kiel, spent two years as lecturer at the Paris Institute of Comparative Law, wrote his doctoral thesis in Private International Law and completed his legal clerkship in Hamburg, Bangkok and Beijing.



Dr. Johannes Trost graduated from University of Bonn in 1993, and is admitted lawyer since 1995. His doctoral thesis at the University of Mannheim was on a Comparison of Law in Inland Shipping on the River Danube (1999). He has then worked in the field of inland shipping since and moved to Hamburg in 2000 to join the maritime law firm LEBUHN & PUCHTA. His focus is on insurance, claims and casualty work, fire and salvage and has a particular interest in autonomous shipping and renewable energy / hydrogen technology.



Daniel Fritz is a Legal Advisor Marine Insurance for the German Insurance Association since 2019. After his law studies at the University of Potsdam and a Master's degree in International Trade Law in Stellenbosch, he has been working as an attorney since 2013 and specialised in transport and forwarding law since 2013.



**Christian Hübner** 🇫🇷 & **Dr. Hubert Holland** 🇩🇪 “Limitation of liability crossing the borders » A French-German approach and case”



Christian Hübner is lawyer at Asterias Avocats. He has been a sole practitioner since 2010, with particular expertise in river law and insurance law. Fluently trilingual, he advises French and foreign companies and craftsmen. Christian is also a maritime arbitrator at the Chambre Arbitrale Maritime de Paris and teaches “river law” and “maritime arbitration law” at the Universities of Aix-en-Provence, Rouen and Le Havre. He is a member of the Association Française du Droit Maritime.

Hubert Holland studied law in Heidelberg, Montpellier/France („Licence en droit“) and Munich. His doctoral thesis was about the law of inland navigation in France at the University of Mannheim. He has been a lawyer since 2000 and a member of several professional associations. Furthermore, he wrote a multitude of papers for the most important German journals for transport and insurance law. He is Co-author of the standard commentary on inland navigation law (5th edition).

Their joint presentation will be on the topic of limitation of liability crossing the borders, a French-German approach and case.



**Dr. Martin Fischer** 🇩🇪  
“Good fortune and liability”

In recent years, the unification of the law in the area of European waterways has made great progress. Nevertheless, the various states in this area still have different regulations on liability in the event of damage to ships or goods. Dr Fischer will show by means of some examples that the liability of a tortfeasor towards the injured party can take on an economically very different extent depending on the place of the accident or the agreed conditions. Dr Martin Fischer, lawyer, was born in Frankfurt am Main. He completed his law studies at the Johann Wolfgang Goethe University in Frankfurt, where he also obtained his PhD. His curriculum included philosophy of law and criminal law. His law firm was established in 1989 and maintains close contacts with the transport and shipping related city of Mannheim. It also collaborates intensively with the ‘Institut für Transport- und Verkehrsrecht’, [institute for transport law and traffic law] at Mannheim University by means of periodic and active participation in preparing and organizing academic conferences, lectures and meetings. He is chairman of the legal committee of IVR in Rotterdam and closely involved in the international application of the law, including the organization of colloquia and regular publications about subjects in the field of inland navigation and transport law. Among other things, he publishes and comments on shipping law decisions in the Zeitschrift für Binnenschifffahrt [Journal of Inland Navigation] (ZfB) on a monthly basis.





**Ignace Kroos** 🇧🇪 “Belgian government liability for navigable waterways: revisited? Comparison with France and the Netherlands”

Any element in the waterway that compromises its navigability is to be regarded as an intrinsic defect of that waterway. The Belgian public government as the custodian of a waterway is (was) liable under article 1384, first paragraph, (old) Belgian Civil Code for all defects in a declared navigable safe waterway which can compromise the safety of the inland vessels sailing on it. The (Flemish) Shipping Decree which entered into force the 1st June 2022 now reverses this principle which has some important implications for many stakeholders. Ignace Kroos was admitted to the Antwerp Bar in 2009 and enjoyed years of training at a reputable maritime law firm. Meanwhile, as a partner, he and his team within Caluwaerts Uytterhoeven built an important law practice and knowledge centre, with a very strong focus on everything related to inland navigation. Ignace is a member of various transport organizations, among others the IVR Legal Committee and the Belgian Maritime Law Association, as well as author of several relevant articles and notes in specialised trade and transport law journals.

# About IVR

IVR, the International Association for the representation of the mutual interests of the inland shipping and the insurance and for keeping the register of inland vessels in Europe.

IVR is the unique international platform at which national organisations of inland navigation, insurance industry and surveyors as well as individual companies and persons from these and related areas such as brokers, lawyers, manufacturers, yards etc. are represented. IVR's main objective is the observation and representation of the common interests of the involved industries on the network of the major European inland waterways. Inland navigation plays an important role within the European transport and mobility system. IVR is coping with all topics within the common sphere of interests of its members. It is characterised by its neutrality and independence.



Key pillars of the activities of IVR:

- ▶ Prevention of accidents and claims in inland navigation
- ▶ Management of the centralised Inland Navigation fleet database
- ▶ Legal harmonisation and unification of inland navigation law and liability

## Want to know more about IVR?

There are several ways to get in touch with us.

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- ☎️ +31(0)10- 411 60 70 | Mon-Fri 8:30 AM - 5 PM
- ✉️ [info@ivr-eu.com](mailto:info@ivr-eu.com)
- 👤 Talk to us during the colloquium!



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