



UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Diritto della Navigazione

2627-5-A5810216

Learning objectives

1. Knowledge and understanding.
Acquire an in-depth knowledge of maritime navigation law and international law of the sea, and understand the key aspects of some traditional topics within these two disciplines, such as the legal regime governing navigation in different maritime zones, the operation of the ship, and contracts for the use of the ship.
2. Applying knowledge and understanding.
Develop the ability to navigate the framework of sources—domestic, international, and European Union—that regulate maritime navigation law.
3. Making judgements.
Develop a critical approach to identifying solutions through consultation of legal texts related to maritime navigation and the law of the sea, such as the Navigation Code, relevant international conventions, bilateral agreements between states, and soft law instruments.
4. Communication skills.
Be able to construct well-founded arguments using the appropriate technical and legal terminology of maritime navigation law and international law of the sea.
5. Learning skills.
Be capable of consulting scientific literature and independently integrating the knowledge acquired in this course with other resources in the field of legal sciences, using a multidisciplinary approach.

Contents

The course aims at providing knowledge of the **regime of navigation in the different maritime spaces** (internal

maritime waters, territorial sea, international straits, archipelagic waters, exclusive economic zone, high seas), as regulated by the international law codified in the United Nations Convention on the Law of the Sea (Montego Bay, 1982). It also covers selected topics of **maritime law** as regulated in the Italian Navigation Code (R.D. March 30, 1942, no. 327), the Regulations for the implementation of the Maritime Navigation Code (D.P.R. February 15, 1952, no. 328), as well as in other selected instruments (laws, regulations), and customs.

Detailed program

The course covers the subject of navigation law, focusing on maritime navigation (with only brief mentions of inland and air navigation).

The first part of the course addresses the regime of maritime spaces under international law, as codified in the United Nations Convention on the Law of the Sea (Montego Bay, 1982). It describes the construction and extent of such spaces, the rights and obligations of both coastal States and flag States, as well as the international regime of navigation in the internal maritime waters, the territorial sea, international straits, archipelagic waters, the exclusive economic zone, and the high seas, with examples drawn from international practice and jurisprudence.

The second part of the course deals with maritime navigation law as regulated by the Italian Navigation Code (R.D. March 30, 1942, No. 327), the Regulation for the Implementation of the Maritime Navigation Code (D.P.R. February 15, 1952, No. 328), and other selected instruments (laws, regulations) and customs. It covers the subject and sources of navigation law; the role of international uniform law and European Union law; the applicability of principles of private international navigation law; the operation of the ship (seaworthiness, construction, leasing, sale, financing), the concepts of owner and operator and their respective liabilities; the regulations concerning personnel (master and crew); the contracts for the use of the ship, with particular reference to contracts for the transport of goods and passengers; navigation accidents (collision, salvage, general average); and maritime insurance (contracts, insured goods, and primary coverages).

Students are encouraged to attend all lectures and shall study the topics addressed in class on an updated edition of the Italian Navigation Code including the texts of the main international conventions and special laws in the field.

Prerequisites

Having passed the exams of International Law (basic course) and Private and/or Commercial Law.

It is also possible to attend **International Law of the Sea** (first semester) and **Ocean Affairs Law and Policy** (second semester), taught by the same professor in English as first-year courses of the Master's degree in "Marine Sciences", at the Department of Environmental and Earth Sciences. In this way, it is possible to build a coherent path of courses in the field of maritime law, useful for those who wish to undertake a career as Officers in public administrations such as the Navy and the Coast Guard, or at ministerial level, as well as in private companies (shipowners or industries undertaking activities offshore), and in law firms in Italy and abroad specialized in maritime law.

Teaching methods

The course consists of 21 two-hour in-person lectures (6 ECTS, 42 hours), delivered in Italian.

Lectures include the analysis of the relevant legal instruments, with simultaneous comparisons and brief in-depth discussions of practical cases. The teaching materials used in class are uploaded on the e-learning page. These

materials include:

- (a) Brief selected textbook excerpts covering the topics discussed in class, taken from handbooks or scientific journals: the final dossier, which includes all uploaded PDFs, serves as the exam text of reference for attending students;
- (b) Legal texts;
- (c) Cartographic representations of maritime spaces.

Assessment methods

The exam consists of a single oral assessment on the topics covered in class and the exam texts.

For **attending students**, a **list of predefined questions** will be uploaded to the e-learning page at the end of the semester to aid in exam preparation. Answers to these questions can be easily prepared by studying the dossier of PDFs uploaded as study texts. On the exam day, each candidate will reply to one question randomly taken from the predefined list.

Non-attending students, who prepare for the exam independently using the textbook, will reply to questions on the content of this text.

The candidate is required to provide their response:

- using correct technical and legal terminology, as found in the relevant legal provisions and study texts;
- following an independent reasoning and presentation framework, without prompts from the lecturer during their exposition, comprehensively addressing the topic.

The final mark ranges between 18/30 and 30/30 *cum laude*, it is not negotiable and takes into account the following elements: correct terminology, completeness, and independence in addressing the topic. Candidates can either accept the given mark or decline it (in which case, they can register to the exam of the next available session).

Textbooks and Reading Materials

The texts of reference, for both attending and non-attending students, are uploaded as PDFs to the e-learning page in due time. Non-attending students are directed to use Leopoldo Tullio, *Breviario di diritto della navigazione*, 3rd edition, Milan, 2019.

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