



MARITIME AND AIR SALVAGE

On the occasion of the eightieth anniversary of the adoption of the Italian Navigation Code, theorists have been reflecting on the necessity, or appropriateness, at least, of reviewing the code, above all in the first part which is related to maritime matters. Regarding Maritime and Air Salvage the International Convention on Salvage (London 1989) was ratified in Italy. Thus, a law was introduced into our legal system regulating all operations carried out in water, regardless of the craft involved, or the fact that the case in point appears to have relevant connections only with one Country's legal system (of the State having jurisdiction, or other State), or with the legal systems of more contracting States, or third States.

Following the entry in force of the International Convention on Salvage in 1996, the regulatory framework appeared quite complex. Notwithstanding the introduction of the International Convention, some significant rules of the Navigation Code are still applied. Even if there are no crucial aspects that cannot be resolved at a level of interpretation – which would call for an immediate, necessary review of the code, with regard to some specific aspects – the institute would undoubtedly benefit from its rules being clearer, and their application would be more certain. Ideally, a “remission in each case” should always be foreseen in reference to the International Convention on Salvage, even when judicial or arbitration proceedings have not been brought in Italy. In addition, all rulings on salvage of the Italian Navigation Code, incompatible with the 1989 International Convention on Salvage, should be explicitly repealed in whole or in part, as the case may be and ambiguous norms should be revised.