

Autonomous vessels - What are the legal implications?



By Frédéric Denèfle, IUMI Legal & Liability Committee Chair, 31st August 2018

The entirety of the possible legal implications of a crewless merchant vessel cannot be summarised simply. But the main concern for autonomous vessels is safety and environmental preservation.

The International Maritime Organization (IMO) is working hard to assess the possible consequences through its so-called “scoping exercise” of the international shipping convention. During the Maritime Safety Committee’s 99th session in May 2018, discussions were held on how to proceed with a regulatory scoping exercise on autonomous vessels and how to allow such vessels to sail and trade in open and territorial waters.



But many questions arise. How can a ship without any crew face such high expectations? Who would be in charge of these vessels? What would be the role of the onshore staff and who, ultimately, would be responsible for such ships, the owner or the charterers? .

The “European Parliament resolution of 16 February 2017 with recommendations to the commission on Civil law Rules for robotics” by the European Union (EU) can assist in answering elements to the questions that have been raised for Maritime Autonomous Surface Ships (MASS).

The Resolution begins with several key points, where one is definitely inspiring to the importance of the liability for such independent vehicles that include MASS:

“Whereas the trend towards automation requires that those involved in the development and commercialization of Artificial Intelligence (AI) applications build in security and ethics at the outset, thereby recognizing that they must be prepared to accept legal liability for the quality of the technology they produce.”

This is where all stakeholders should now think outside the box and not just within shipping, and consider the development of a legal regime for all autonomous equipment currently being built using AI technology, that has no direct human input.

The designers of such technology and equipment will have to be part of the legal liability/indemnification system as a matter of general law.

But how will this be organised? Who are the designers - shipbuilding yards or IT technical providers?

There are so many questions that not only apply to shipping authorities but also to the professional community cargo owners, shipping brokers, financial institutions and ultimately marine insurers for both hull and cargo insurance, and P&I.

Undoubtedly IUMI will continue open communication lines between all the various stakeholders and provide a full and comprehensive legal analysis of what lies ahead of us in the new world of artificial intelligence that is spreading into shipping as fast as in to other sectors.