

Remote operating centres and international law

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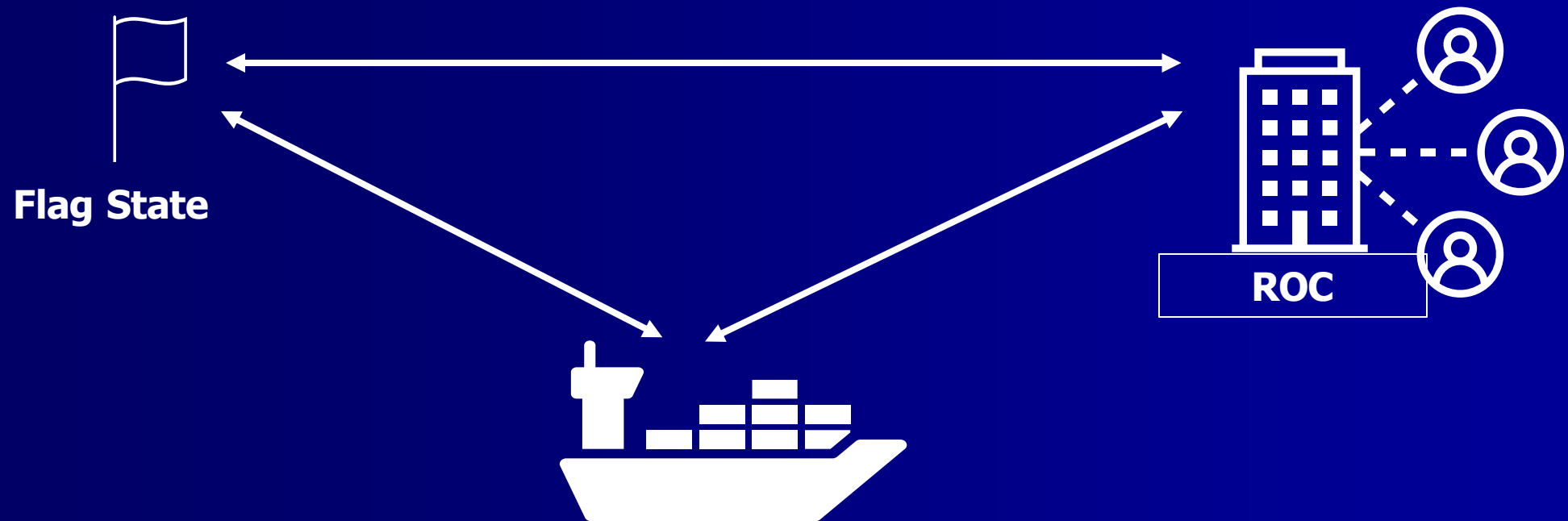
Outline

- **Law of the sea**
 - **Allowed?**
 - **Genuine link?**
 - **Solutions**
- **IMO MASS Code?**
- **Other legal issues linked to ROC (liability)**
- **Concluding remarks**

Some key questions under LOS

	Flag State	Coastal State
Scenario 1: IMO has not approved MASS	Can a State authorize MASS to operate under its flag?	Can a coastal State authorize/promote MASS operations in its waters?
Scenario 2: IMO has approved MASS	What are the limits on IMO placed by UNCLOS?	Can coastal States deny passage for MASS?

The ROC State?



Remote operating centres

- UNCLOS Art 94(1): "Every state shall effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag"
- UNCLOS Art 94(2)(b): in particular to "assume jurisdiction under its internal law over each ship flying its flag and its master, officers and crew in respect of administrative, technical and social matters concerning the ship".

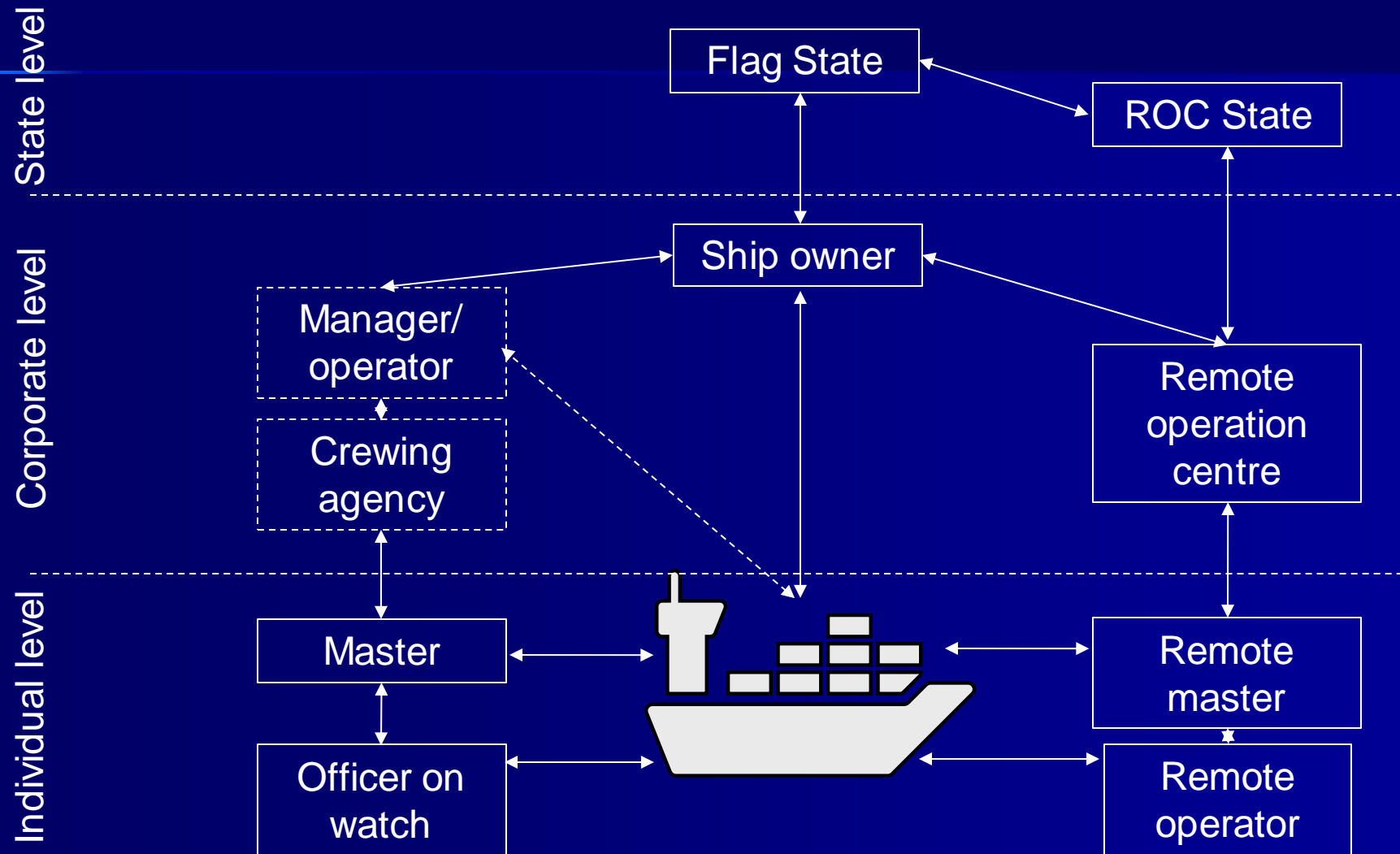


Flag States and ROCs

- Starting point: Flag State duties remain the same, need to ensure that they be met
- Where ROC is located in a different State
 - Some issues are not subject to the flag State's control
 - Different treaty obligations
 - Genuine link?
 - To be located in flag State? (territorial requirement)
- Current situation?
- Entities: flag state, owner, crewing agency, master, crew

Traditional operation

Remote operation



Solutions?

- **Could FS duties be upheld by means of prior agreement between flag State and ROC State and/or operator?**
 - **Agreements flag/owner/ROC (note ISM precedent)**
 - **Inter-State agreements (regional judicial integration)**
 - **Other arrangements**
- **However, ROC does involve a (further) evaporation of flag State control**

MASS Code



- **Slowly taking shape (5 Dec. 2024: MSC 109/WP.8)**
- **Goal-based (functional requirements, expected performance)**
- **Three parts:**
 - **1: Overarching matters (Ch 1-4)**
 - **2: Technical principles (Ch 5-16)**
 - **3: Goals and functional requirements (Ch 17-28)**
- **First five chapters are finalized**
- **Time-table 2026 - 2032**

ANNEX*

NOTE: The proposals in the submissions made to MSC/ISWG/MASS 3 that have not been discussed, are kept in this version for ease of future reference and discussion.

**CONSOLIDATED VERSION OF THE DRAFT INTERNATIONAL CODE OF SAFETY
FOR MARITIME AUTONOMOUS SURFACE SHIPS (MASS CODE)**

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* This annex is provided in the English language only. Colour shading has been used for indicating particular reminders and additional modification proposals to the draft text, emanating from the submissions made to this session and the proposals by the Secretariat.

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(Draft) MASS Code

- **Chapter 4 Definitions**

4.35 *Remote Operations Centre* (ROC) means a location remote from the ship and from which some or all of the functions of the ship can be operated.

- **Chapter 5 (surveys and certification)**

- ROC
- ISM
- Safe manning

- **Chapter 15 (human element)**

ROC and liability questions

- Who is liable?
 - Usual starting point: shipowner is liable person
 - Vicarious liability: broad range of helpers covered
 - Outsourcing remote operation? (cf. MASS Code)
- For what acts/omissions is liability triggered?
 - Usual starting point: fault-based
 - ROC errors = acts of ships under collision convention (1910)?
 - Communication breakdowns? Data errors?
 - Error in choosing incompetent ROC?
- Not a harmonized regime –national variations
- New types of liability? (product liability, new treaty regime?)



Concluding thoughts

- ROCs are not ruled out by law of the sea, but require some additional considerations
- IMO's role is pivotal
- Terms and requirements should not be given different meaning for ROCs
- ROCs tend to be equated to conventional crew in existing IMO processes
- As regards liability of ROCs errors appear to be covered by owner's vicarious liability
- However, many key questions remain unanswered