

Liability aspects of Remote pilotage in Finland

S4V Flash Event 03.12.2021 / Jussi Vahtikari / University of Turku / Faculty of Law

Background

Research:

Liability aspects of Remote pilotage in Finland

Level:

Master's thesis

Methodology:

Legal dogmatics

Research goals:

To build a framework for liability aspects. Not limited to trials and the focus is in life beyond experimental phase.

Limitations:

- Applicable under Finnish jurisdiction
- Only **tort** ie. not applicable to contract relationships
- Simplificated use of term “Reder” / “shipowner”
- The Permit application is not yet existing nor Remote piloting permit issued by authorities



Terminology and some definitions

Applicable law:

- Finnish Maritime Code (674/1994) (FMC)
- Pilotage Act (940/2003) (PA)
 - Remote pilot added by bill of 2018
- Tort liability Act (412/1974)

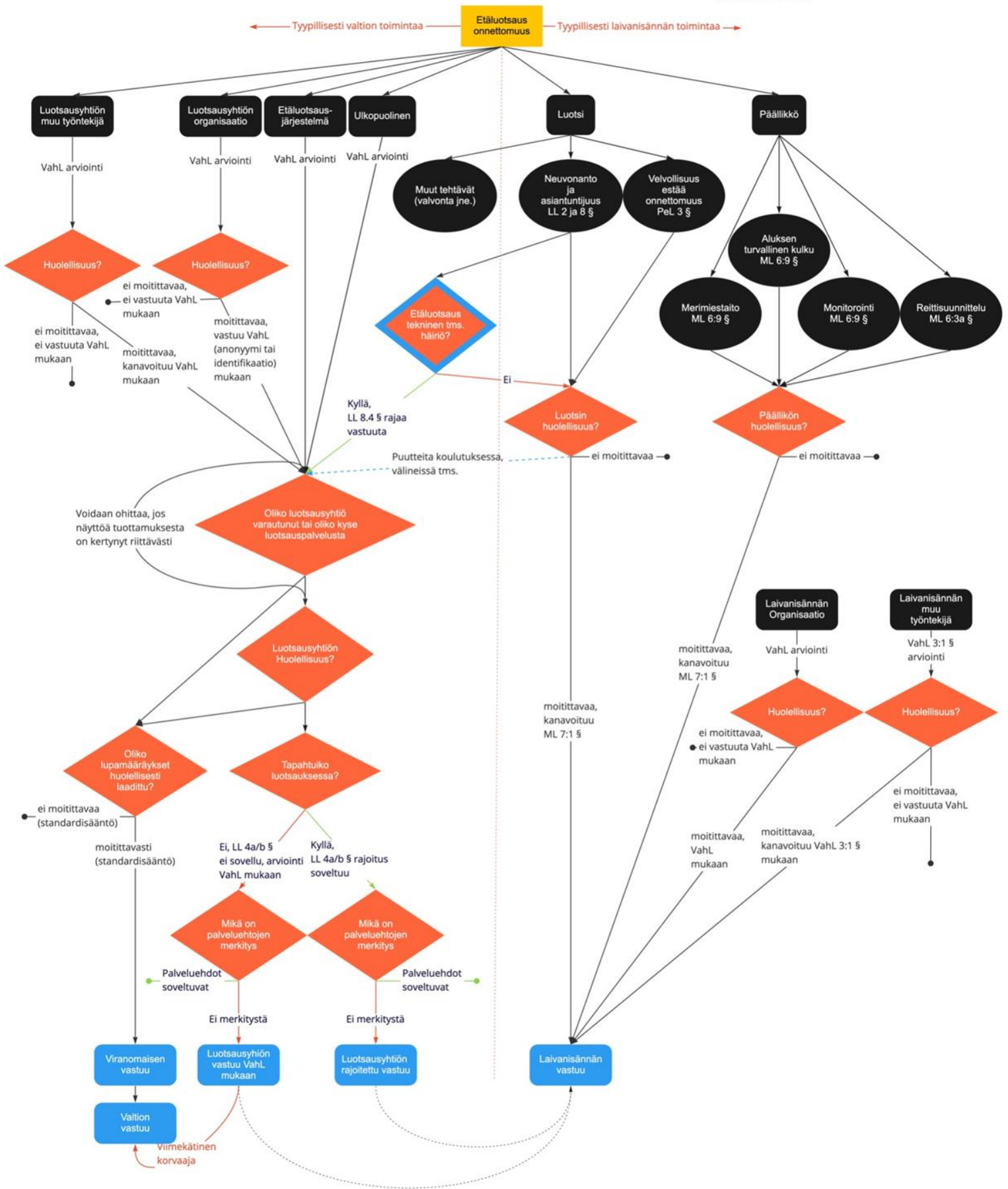
Liability in marine tort:

- Liability for fault or negligence
 - Act or omission by someone with relevant link to accident
 - Failure to act differently must be blameworthy
- Vicarious liability = Employer will be liable in damages for damage caused by an employee, In maritime cases also other servants.
- Strict liability = negligence not required, yet must have relevant link to accident



Etäluotsauksessa tyypillinen osa-alue

Perinteinen luotsaus tulkittuna etäluotsauksen kontekstissa



Key takeaways

Increased role of Pilotage company

- Exposed to substantially bigger legal risk as Pilotage Act section 4a not applicable
- Responsibility to prepare for problems

Permit authority is the most central player of the game

- Defining the standard of care beyond legislation to almost everybody
- It is however unable to define actions of master and in some limit actions of Pilot in emergency
- Remote pilotage permit may change the roles of master & pilot according to chosen piloting model

Data providers position is somewhat unclear

- Issues with confidential data provides such as defence forces

Shipowner's sphere doesn't cover Pilotage company negligence in remote pilotage

- Closer to infrastructure than service and interest of shipowner
- Most likely errors in remote pilotage systems will be interpreted to be negligence of the pilotage company
- **State cannot escape liability in case of severe accident**

Thoughts for legislative measures

- Definition of master's and pilots remote piloting examination / licencing
- Definition of "in pilotage"
- Building of trust between key stakeholders by increasing the role of pilotage company
- There cannot be uncertainty about limitations of criminal liability especially for pilot and captain.
- There cannot be conflict of interest between pilot and pilotage company



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Thank you

ejmvaa@utu.fi

jussi.vaahtikari@eslshipping.com