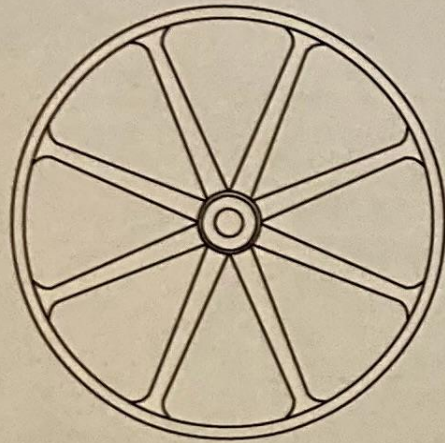


Autonomous Navigation – Liability and Insurance



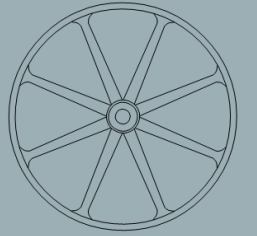
Wheelhouse

Kanzlei für Schifffahrtsrecht

Dr. Johannes Trost

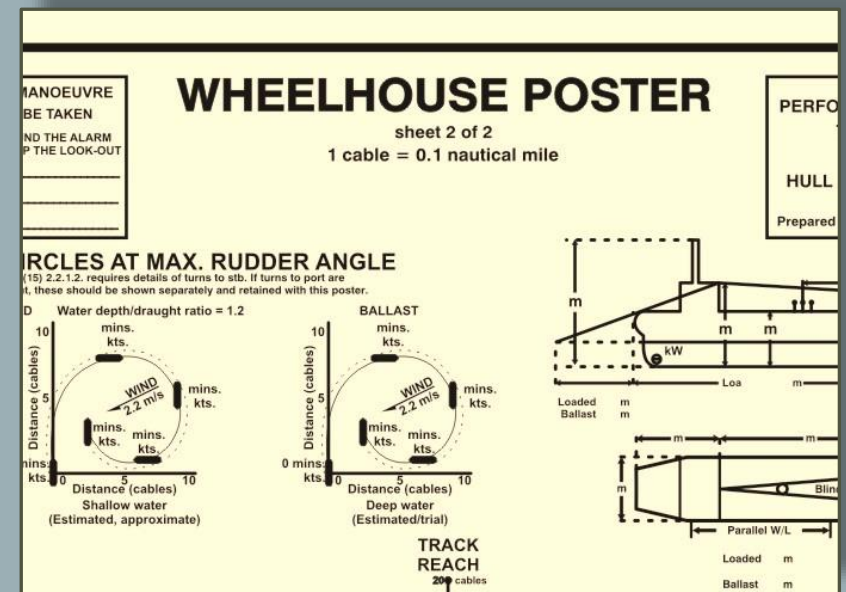
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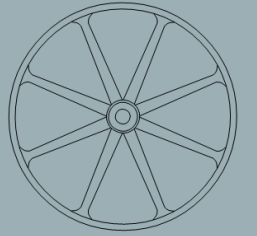
Autonomous Navigation - Liability and Insurance



Agenda:

1. Overview on the existing liability regimes
2. Typical insurance cover
3. Cases / scenarios
4. The Insurance Solutions / Options
5. Future liability concepts?



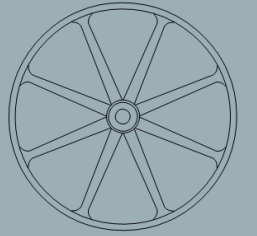


Autonomous Navigation – Liability and Insurance

Overview on the existing liability regimes

- Collision Conventions
 - Maritime: Brussels Convention 23.09.1910
 - Inland: Zusammenstoß-ÜK 15.03.1960
 - no liability for force majeure or if cause is in doubt
 - “fault of the vessel” required
 - no presumption of fault



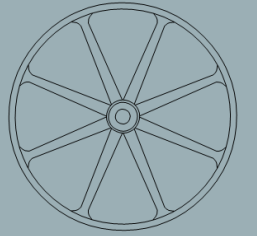


Autonomous Navigation – Liability and Insurance

Overview on the existing liability regimes

- Collision Conventions
 - Maritime: Brüssel Convention 23.09.1910
 - Inland: Zusammenstoß-ÜK 15.03.1960
- General Damages - Law of Torts
 - Negligence of a person
 - Master, crew member or pilot on board
 - Shipowner, manufacturer, service company
 - Knowledgeable, experienced and qualified person



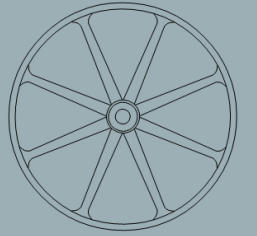


Autonomous Navigation – Liability and Insurance

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- General Damages - Law of Tort
 - Negligence of a person
- Product liability law
 - For personal injury and privately used objects only
 - Strict liability caused by a defect product



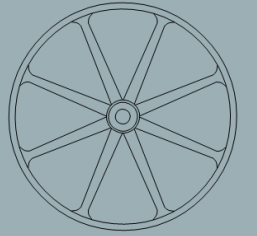


Autonomous Navigation – Liability and Insurance

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- General Damages - Law of Tort
 - Negligence of a person
- Product liability law
- Wreck removal / Water Pollution
 - Strict liability regimes for higher protected interests

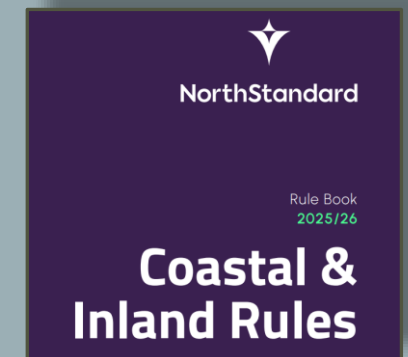
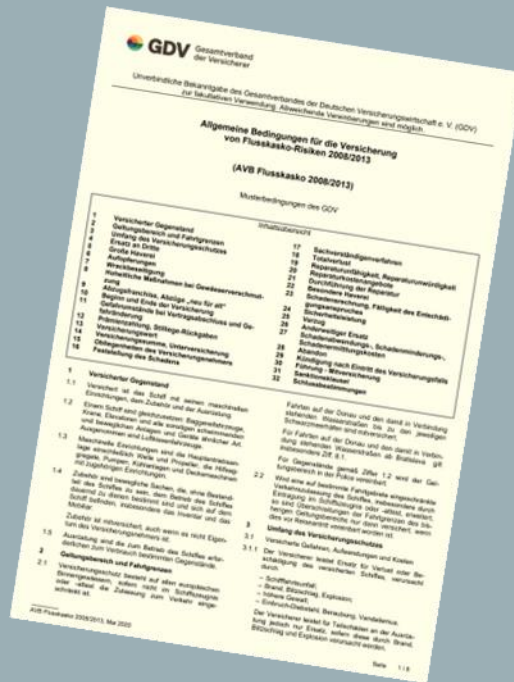


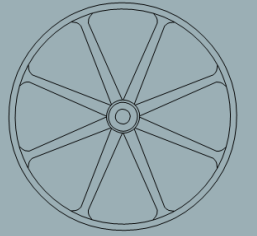


Autonomous Navigation – Liability and Insurance

Typical Insurance Cover

- DTV-Kaskoklauseln I 1978/2004
 - 34.1 Versicherungsschutz für Ersatzpflicht „aufgrund gesetzlicher Haftpflichtbestimmungen“
- AVB Fluskkasko / ADB 2024
 - C 2 “aufgrund gesetzlicher Bestimmungen”
- P&I Club Cover
 - “the member’s collision liability”
 - “liabilities, costs and expenses incurred by a member”





Autonomous Navigation – Liability and Insurance

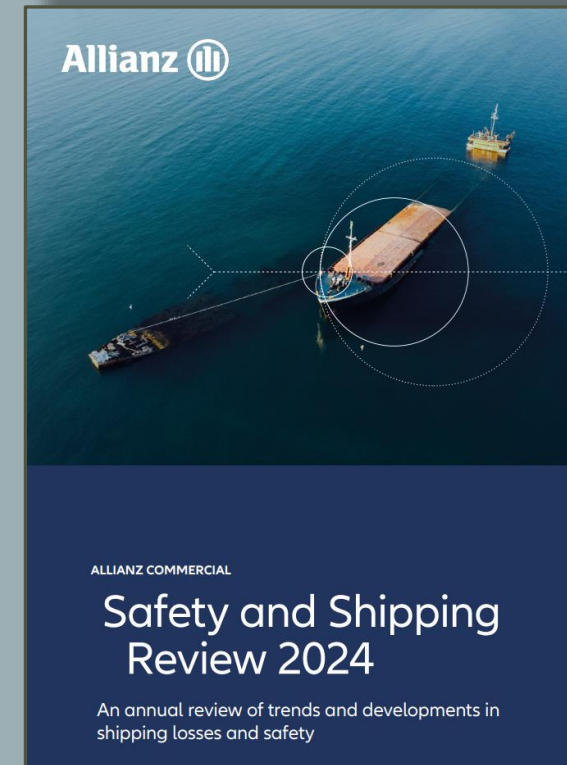
Cases / Scenarios

Are the human error or the “human factor”
still the main reason for accidents?

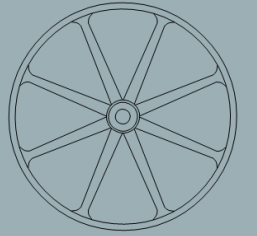
Searching for the origins of the myth: 80% human error impact on
maritime safety

Krzysztof Wróbel

Research Group on Maritime Transportation Risk and Safety, Gdynia Maritime University, Morska 81-87, 81-225 Gdynia, Poland



Shipping safety - Human error comes in many
forms – Allianz expert risk article June 2019

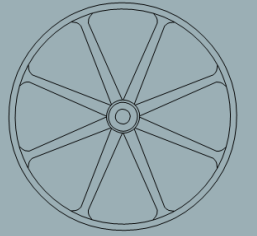


Autonomous Navigation – Liability and Insurance

Cases / Scenarios

- Damage is caused by failure of the autonomous system without an identifiable reason or defect



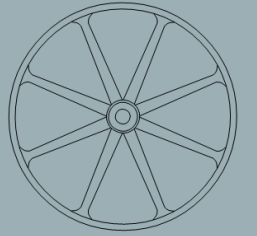


Autonomous Navigation – Liability and Insurance

Cases / Scenario

- Damage is caused by failure of the autonomous system without an identifiable reason or defect
- A defect of the autonomous system is identified, but it was built, maintained and certified according to the state of the art



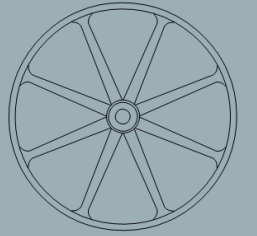


Autonomous Navigation – Liability and Insurance

The Insurance Solutions / Options

- Co-Insurance of the provider or operator of the autonomous navigation system
- Wait-and-see position
 - Advantages of autonomous navigation is acknowledged
 - Cyber risks and general black-outs typically excluded

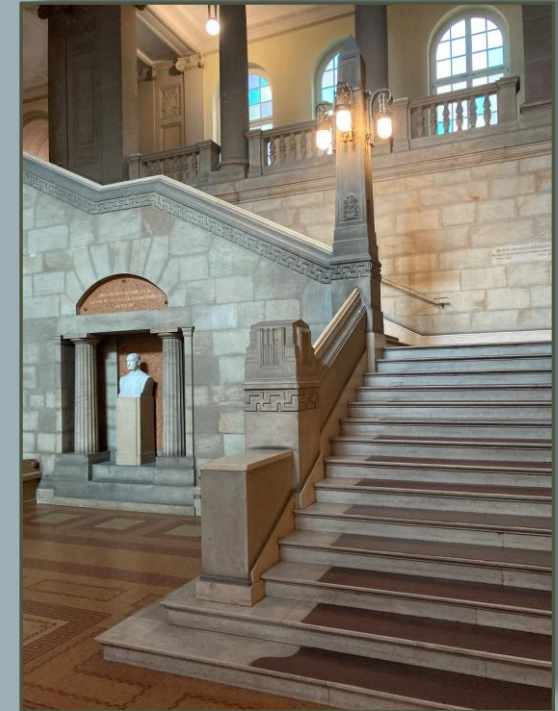




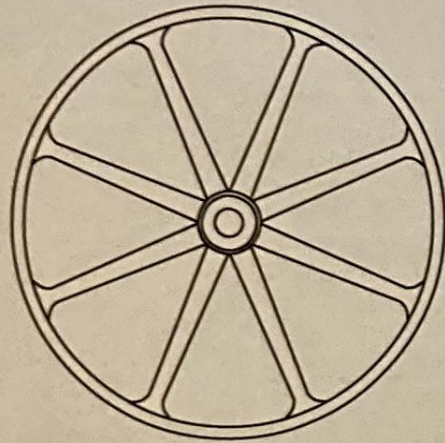
Autonomous Navigation – Liability and Insurance

Future liability concepts?

- Include the technology provider in the list of persons for which the shipowner is liable (like the pilot, § 3 BinSchG)
- Implementing a similar regime such as for dangerous goods, bunkers, wreck removal with strict liability, compulsory insurance and direct action against underwriters
- Expanding product liability regime



Autonomous Navigation – Liability and Insurance



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