The LAP has been requested to draft a legal introduction to the ENAV Committee paper on the use of AIS data as evidence at court cases, after the Council reiterated its wish to have such a paper published. The following is the response from LAP17.

Legal introduction

The use of AIS data in court cases may differ from country to county based on the requirements of each respective legal system. In the absence of a specific international convention each country defines in national frameworks if and how evidence can be introduced to and used in court cases. This includes AIS data.

AIS data can be used in different fields of law. They might be used e.g. as evidence in criminal proceedings to prove that the defendant is guilty of endangering lives in a maritime accident, in civil proceedings to help limit the liability of a party or in an administrative court to revoke a master mariner’s licence.

Despite several cases worldwide where AIS data have been used and introduced as evidence in court cases, it remains a particular decision based on the national legal system of each country.

As a result a specific legal recommendation cannot be made on how to proceed with the use of AIS data.

However the following technical explanation provides a guideline on possible issues to take into account when using specific AIS data in court proceedings.