

IALA Legal Advisory Panel – 6th meeting (LAP6)

Liaison note to IALA-NET Steering Group
on legal aspects in relation to the IALA-NET project

The Legal Advisory Panel considered the in-put paper 4.1 by Trinity House (UK), and the Norwegian Coastal Administration, considering the EU directive on sharing of AIS data and the domestic law relevant to AIS dissemination in these countries and in-put paper 4.2 on the US position on dissemination of AIS data.

LAP also noted the input from attendees at the meeting. The background to the paper and the Danish in-put paper to LAP 5 "Exchange of monitored AIS data between nations" was also considered.

Generally speaking, Finland does not have any laws that either prevent or allow the sharing of AIS data and have a similar position to the Norwegian Coastal Administration. Sweden has a similar position as Norway. Australia does not have legislation that prohibits or allows sharing of AIS data. Australia's position is that data will be shared with other country administrations under arrangements made between Australia and other countries but Australia does not encourage sharing of data with private sector agencies that use the data for commercial or free internet AIS sites. The effect of the 2002 EU directive and the 2009 amendment was considered. The domestic law, including the Freedom of Information Acts (or similar legislation) which was noted to exist in all countries, was noted.

LAP concluded that there is generally no legal obstacle within the EU to sharing AIS data within or outside the EU. LAP concluded that this was the same for those countries present not in the EU. LAP noted the IMO concern also expressed in the EU 2009 Directive preambles that the publication of AIS data transmitted by ships could be detrimental to the safety or security of ships and port facilities or the protection of the environment.