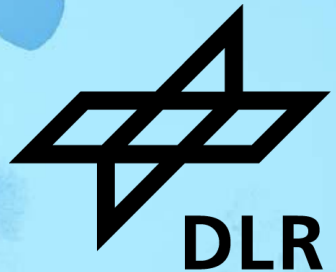


THE LEGAL QUALIFICATION OF MODULAR CRAFTS AS SHIPS MARESEC 2025

Paul Margat, German Aerospace Centre (DLR)



1

CONTEXT



2

LEGAL
DEFINITIONS OF
SHIPS



3

APPLYING A SHIP
DEFINITION TO
MODULAR
CRAFTS



CONTEXT

MUM Project

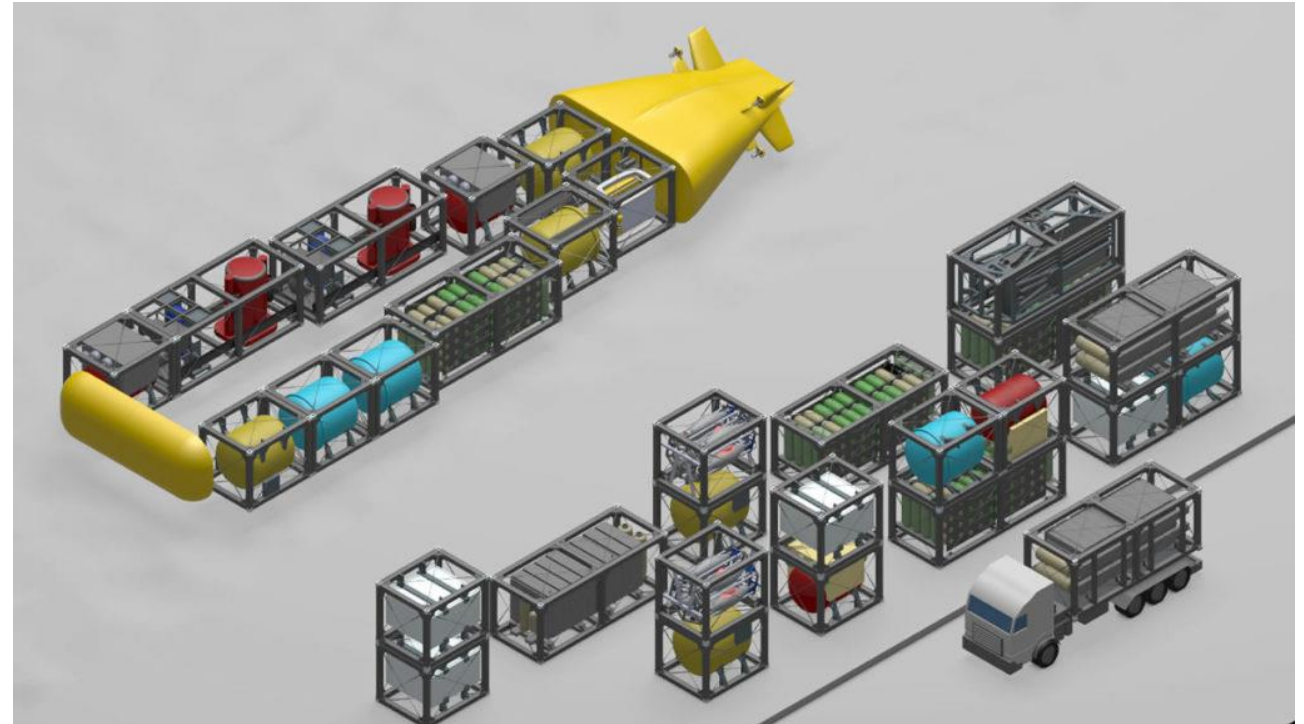
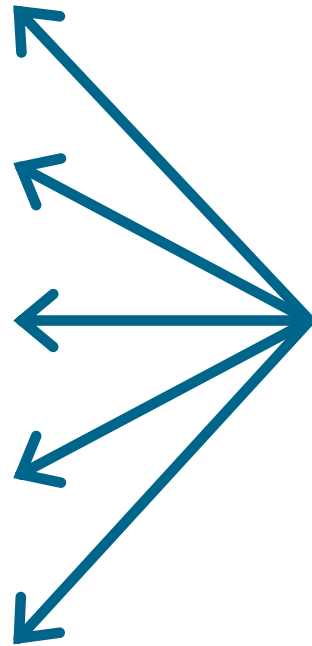
Submarine

Autonomous

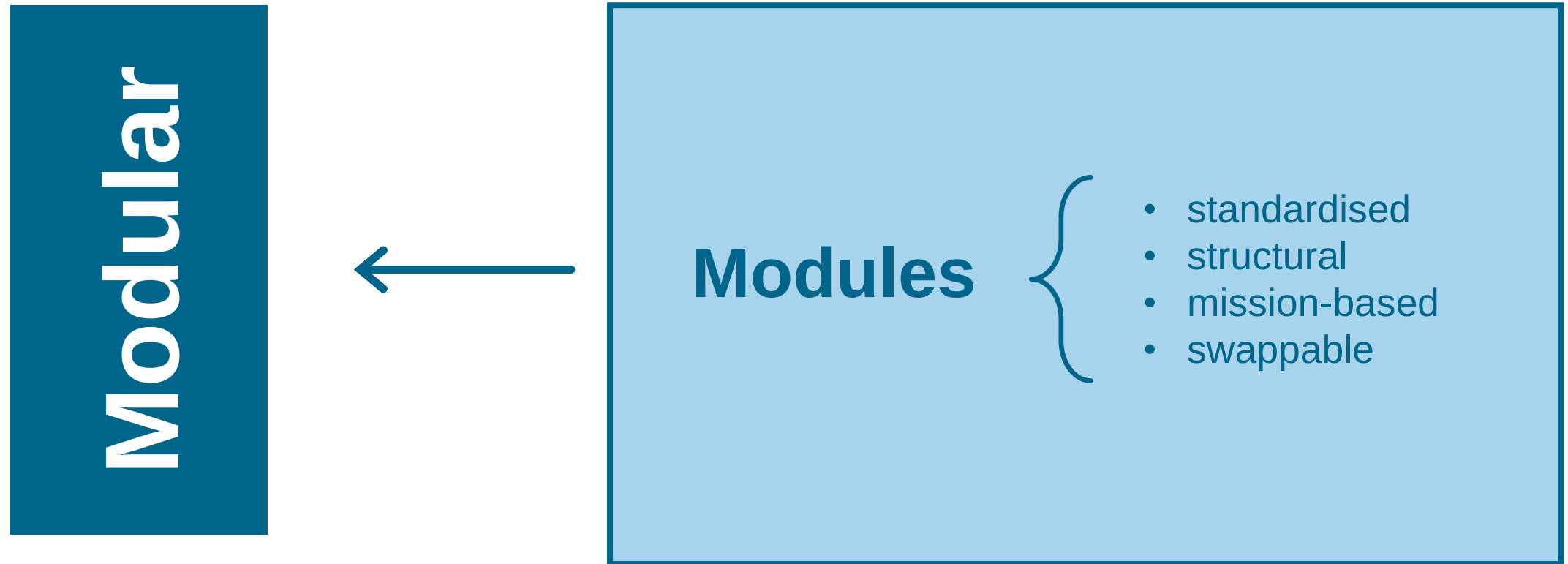
Unmanned

Modular

Civil



Picture: ThyssenKrupp Marine Systems



Traditional Understandings of Ships



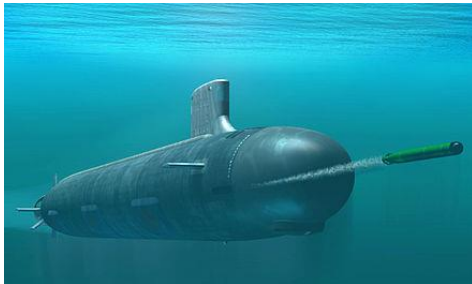
- ‘A **large boat** for **travelling on water**, especially **across the sea**.’
→ Cambridge Dictionary
- ‘One might possibly take the position of the gentleman who dealt with the elephant by saying he could not define an elephant, but **he knew what it was when he saw one**.’
→ Lord Justice Scrutton, *Merchants Marine* case, Court of Appeal, 6 December 1926

Traditional Understandings of Ships



Container ship

<https://krohne.com/en/industries/marine-industry/container-ships>,
consulted 30 April 2025



Submarine

<https://fr.wikipedia.org/wiki/Sous-marin>,
consulted on 9 May 2025

STRUCTURE and
APPEARANCE

MOVEMENT and
NAVIGATION

What Does a Ship Look Like?



Oil platform

<https://www.gtreview.com/wp-content/uploads/2014/10/Oil-platform-offshore-Angola.jpg>, consulted on 9 May 2025



Floating house

<https://www.idesignarch.com/floating-house-on-the-sea/>, consulted on 30 April 2025



FPSO

<https://www.offshore-mag.com/vessels/article/14294868/modec-fpso-achieves-first-oil-offshore-brazil>, consulted 30 April 2025



Jet ski

https://www.kawasaki.de/de_de/ATV_Mule_JetSki/jet-ski/STX160_2024.html, consulted 29 April 2025



Sailing board

<https://www.yacht-zone.com/article-planche-a-voile-tout-savoir-sur-la-planche-a-voile/>, consulted on 9 May 2025



Zodiac

<https://www.bursledonoutboards.co.uk/acatalog/ZODIAC-6.5M-OPEN-GULFSTREAM-SPECIAL-EDITION-RIB-BOAT-PACKAGE-150HP-3.0L-MERCURY-PRO-XS-HIGH-PERFORMANCE-OUTBOARD-GULFSTREAM5.5.html>, consulted on 9 May 2025



Floating offshore platform

https://oceancrew.org/news/jack-up-floating-drilling-rig-satti-increased-its-lifting-capacity-by-15-times_03-08-2021/, consulted on 30 April 2025



Floating crane

<https://marineconstructionrentals.com/equipment/cranes-derrick-barges/db-4100.html>, consulted 30 April 2025



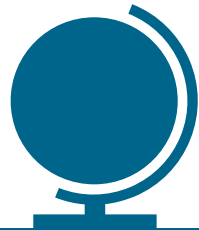
Sailboat

<https://www.sailboat-cruising.com/>, consulted on 13 May 2025

LEGAL DEFINITIONS OF SHIP

Why is it Important to Legally Qualify a Ship?

- **Legal definitions** paramount to the harmonious and predictable application of a specific legal framework



Applicability of **international** conventions concerning ships



Application of **national** rules of maritime law or rules of civil law

International Conventions

- No unanimous definition in **international law**

NO LEGAL DEFINITION

UNCLOS

SOLAS

EXTENSIVE LEGAL DEFINITIONS

COLREGs

MARPOL

National Legal Orders: Germany



➤ **Bundesgerichtshof, 1951:**

‘A buoyant hollow body of not insignificant size capable of and intended to be moved on or under water while carrying persons or property.’

**PHYSICAL
ELEMENTS**

**MOVEMENT ON
OR UNDER
WATER**

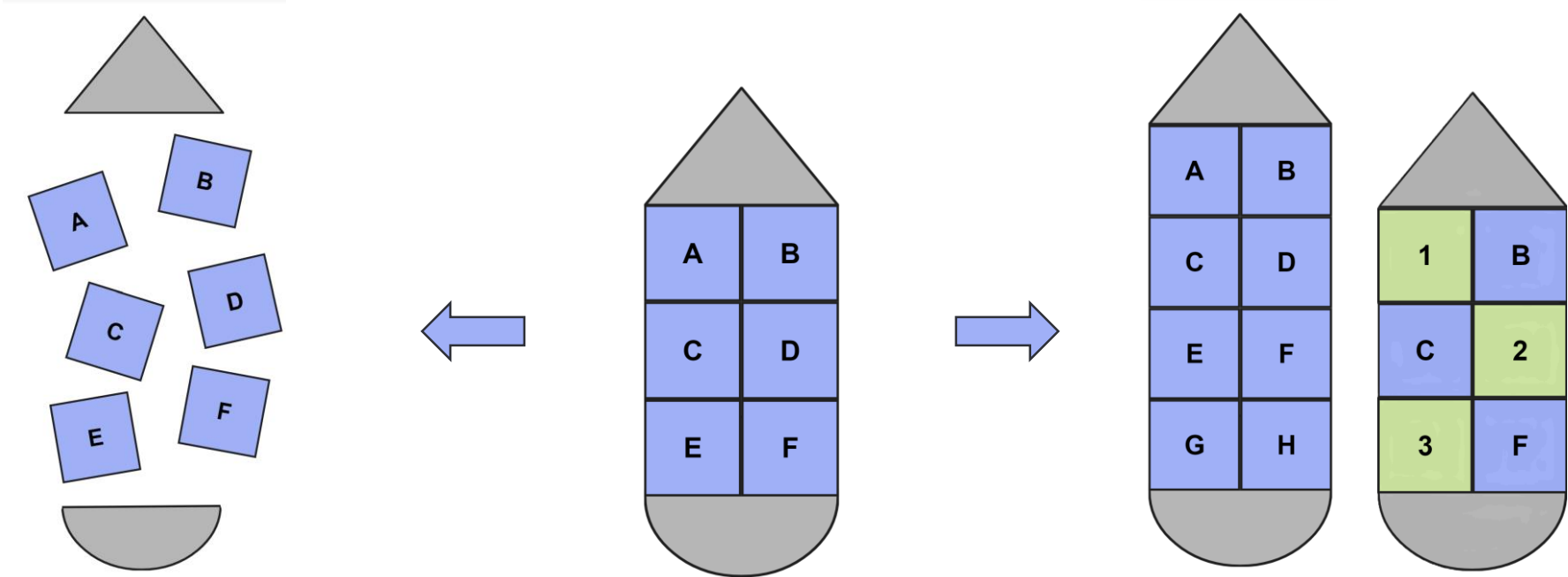
**CARRIAGE OF
PASSENGERS
OR CARGO**

APPLYING A SHIP DEFINITION TO MODULAR CRAFTS

Issues Raised by Modularity for a Ship's Qualification

**MODULAR
STRUCTURE**

**CHANGES OF
TECHNICAL
FEATURES AND
FUNCTIONALITY**



Issues Raised by Modularity for a Ship's Qualification

Modular structure

INTERNATIONAL LAW

- No element to exclude modular structures



GERMAN LAW

- Design elements
- Seaworthiness



Issues Raised by Modularity for a Ship's Qualification



Changes of technical features and functionality

INTERNATIONAL LAW

- Question of applicability



GERMAN LAW

- Change of size
- New missions



CONCLUSION

Thank You!



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