

COUNCIL OF STATE

Having regard to EH 10.1.24

Public Works Section

Meeting of 9 January 2024

No 407664

SECTION MINUTES

**Ms ALBUMAZARD,
Rapporteur**

Draft decree

laying down the procedures for implementing Order No 2021-1330 of 13 October 2021 on navigation conditions for autonomous vessels and maritime drones and laying down various provisions relating to professional vessels

NOR: PRMM2326896D

The Prime Minister,

On the report of the Secretary of State to the Prime Minister responsible for the sea,

Having regard to the International Convention for the Prevention of Pollution from Ships, done at London on 2 November 1973;

Having regard to the Maritime Labour Convention (together with four annexes) of the International Labour Organisation, adopted in Geneva on 7 February 2006;

Having regard to Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control;

Having regard to Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services; together with the Notification No sent to the European Commission on 2024;

Having regard to Order No 2021-1330 of 13 October 2021 on navigation conditions for autonomous vessels and maritime drones;

Having regard to the Commercial Code, in particular Articles R. 521-1 et seq. thereof;

Having regard to the French General Code for Local Government;

Having regard to the French Penal Code and in particular Article R. 610-1 thereof;

Having regard to the Code of Relations between the Public and the Administration, in particular Article L. 231-4 thereof;

Having regard to the Transport Code, in particular Part Five thereof;

Having regard to Decree No 84-810 of 30 August 1984 on the safety of human life at sea, prevention of pollution and the safety and social certification of ships;

Having regard to Decree No 97-1198 of 19 December 1997 implementing the first subparagraph of Article 2 of Decree No 97-34 of 15 January 1997 on the devolution of individual administrative decisions to the ministers responsible for ecological and solidarity transition, territorial cohesion and relations with local and regional authorities;

Having regard to Decree No 2004-112 of 6 February 2004 on the organisation of State action at sea;

Having regard to Decree No 2006-142 of 10 February 2006 on the creation of the single window provided by Law No 2005-412 of 3 May 2005 on the establishment of the French International Register;

Having regard to Decree No 2012-1246 of 7 November 2012 on budgetary management and public accounting;

Having regard to Decree No 2015-723 of 24 June 2015 on maritime vocational training certificates and the conditions for the exercise of functions on board commercial, pleasure, fishing and mariculture vessels;

Having regard to the opinion of the National Commission for Maritime Collective Bargaining for Employment and Vocational Training dated 25 January 2023;

Having regard to the opinions of the Central Safety Commission dated 1 February 2023 and 3 May 2023;

Having regard to the opinion of the High Council of the French Merchant Navy dated 23 February 2023;

Having regard to the opinion of the Government of New Caledonia dated 5 April 2023;

Having regard to the opinion of the Government of French Polynesia dated 11 April 2023;

Having heard the Council of State (public works division),

Hereby decrees:

**TITLE I
PROVISIONS RELATING TO MARITIME DRONES**

**CHAPTER I
PROVISIONS AMENDING THE TRANSPORT CODE**

Article 1

Part Five of the Transport Code (Regulatory Part) is amended in accordance with Articles 2 to 10 of this Decree.

Article 2

Before Book I, Articles R. 5000-1, R. 5000-2 and R. 5000-3 are inserted worded as follows:

“ *Article R. 5000-1.* – I. – Within the meaning of Article L. 5000-2-2, a maritime drone is any floating surface or underwater craft operated remotely or by its own operating systems that fulfils the following cumulative conditions:

- “1. Not have personnel, passengers or cargo on board;
- “2. Have an overall length of more than 1 metre but less than 16 metres;
- “3. Have a maximum speed of 20 knots or less;
- “4. Have a kinetic energy of less than 300 kJ;
- “5. Have a gross tonnage of less than 100.

“ II. – The following are not considered as maritime drones within the meaning of Article L. 5000-2-2:

“1. Floating surface or underwater radio-controlled craft which, although meeting the conditions of I, are at a distance of 300 metres or less from the shore and are subject to the mayor’s police power pursuant to Article L. 2213-23 of the French General Code for Local Government;

“2. Non-manoeuving objects, including underwater gliders and remotely operated buoys.

“ III. - An order of the Minister for the Sea shall specify the conditions for the application of this Article.

“ *Article R. 5000-2.* – Maritime drones can be used for personal or professional use.

“ A drone for personal use is defined as any drone used privately by its owner for leisure navigation, without being used for any professional activity.

“ *Article R. 5000-3.* – For the navigation of the maritime drone, the following expressions refer to:

“1. Maritime drone operator: any natural person responsible for operating a maritime drone either by manually manoeuvring it remotely or, when the drone is operating automatically, by monitoring its trajectory and remaining in a position to modify this trajectory at any time and to communicate with surrounding vessels and maritime authorities in order to ensure the safety of navigation;

“2. Maritime drone captain: Person responsible for maritime shipping and exercising command of the maritime drone who fulfils the conditions to be a maritime drone operator and, where appropriate, assumes command of the operators responsible for operating the maritime drone;

“3. Remote operations centre: location where all or part of the command and control of the maritime drone is carried out. The operations centre is located remotely from the maritime drone and can be mobile.”

Article 3

The heading of Title I of Book I is supplemented by the words: “and maritime drones”.

Article 4

Chapter I of Title I of Book I is amended as follows:

1. The title is supplemented by the words: “and maritime drones”;
2. Article D. 5111-4 is repealed;
3. It is supplemented by a Section 3 worded as follows:

“ Section 3

“ Provisions specific to maritime drones

“ *Article D. 5111-9.* – Maritime drones bear on their hulls, in a manner that can be read by an outside observer, the letters “DRN”, followed by their registration number from the register of maritime drones under the French flag.

“ *Article D. 5111-10.* – Without prejudice to the provisions of Article D. 5111-9, floating surface or underwater craft referred to in Article L. 5111-1-1 shall be treated as an annex to their parent ship. They bear, in a way that can be read by an outside observer, the letters “AXE DRN”, followed by the name and the port of registration of the vessel from which they are controlled.

“ *Article D. 5111-11.* – Maritime drones are fitted with a permanently fixed and unalterable name plate.

“ *Article D. 5111-12.* – An order by the Minister responsible for the sea shall specify the dimensions and the methods of affixing the external markings referred to in this section.”

Article 5

Chapter II of Title I of Book I is amended as follows:

1. Before Section 1, an Article R. 5112-1 A is inserted, worded as follows:

“ *Article R. 5112-1 A.* – Unless otherwise provided, the provisions of this Chapter applicable to ships shall also apply to maritime drones. The jurisdiction rules specific to ships registered in the French International Register are also applicable to maritime drones.”;

2. After Subsection 2 of Section 2, a Subsection 3 is inserted, worded as follows:

“ *Subsection 3* *“ Special provisions for maritime drones*

“ *Article R. 5112-2-4-1.* – I. – A security check is carried out prior to the registration of the maritime drone.

“ This control consists in an examination of the documents submitted by the operator or the owner. Where appropriate, this control may be supplemented by a safety inspection, which aims to ensure, prior to any operation of the maritime drone, its conformity as well as that of the remote operations centre with the documents transmitted and compliance with the rules referred to in II.

“ The documents shall be examined by the authority competent to issue the registration certificate.

“ II. — If, at the end of the security check, it is found that the maritime drone or its operation does not comply with the general rules on maintenance and operation intended to ensure the safety and security of the navigation of the maritime drone and the prevention of occupational risks and pollution or that it poses a risk to maritime safety, the application for registration shall be rejected.

“ III. – The owner or operator shall bear the cost of the studies, expert reports, analyses, tests, trials, travel and surveys required by the administration as part of this security check.

“ IV. – An order of the Minister for the Sea shall specify the conditions for the application of this Article.

“ *Article R. 5112-2-4-2.* – The following shall be authorised to carry out the safety inspections referred to in Article R. 5112-2-4-1:

“1. Maritime affairs administrators;

“2. Officials assigned to the departments responsible for maritime control tasks under the authority or at the disposal of the Minister for the Sea;

“3. State officials authorised by the Minister for the Sea as ship safety and maritime occupational hazards elimination inspectors;

“4. Agents of the single window of the French International Register.

“ The persons mentioned in this Article shall have access to the maritime drone as well as to the remote operations centre.

“ The owner or operator of the maritime drone shall be allowed to attend the inspection and to present his observations.”;

3. Article D. 5112-2-5(1) is replaced by the following provisions:

“1. For ships registered in the French International Register and maritime drones registered in the register of drones under the French flag, to the departments of the Minister for the Sea;”.

Article 6

I. – Chapter IV of Title I of Book I is amended as follows:

1. The title is supplemented by the words: “and maritime drones”;

2. Before Section 1, an Article R. 5114-1 A is inserted, worded as follows:

“ *Article R. 5114-1 A.* – The provisions of this Chapter applicable to ships registered in the French International Register shall also apply to maritime drones registered in the register of maritime drones under the French flag, with the exception of Article R. 5114-14-11”.

II. — Section 1 of Chapter I of Title II of Book I is amended as follows:

1. Article R. 5121-1 is supplemented by a subparagraph worded as follows:

“ These provisions also apply to the owner of a maritime drone or to any other person mentioned in Article L. 5121-2, as well as to the insurer of the owner of the drone or of this person.”;

2. In Articles R. 5121-2 and R. 5121-3, after the reference: “ L. 5121-6”, shall be inserted the words: “or those of Article L. 5121-5-1”.

Article 7

Article R. 5123-1 of the Transport Code is amended as follows:

1. In 1., after the words: “of the ship”, shall be inserted the words: “or maritime drone, the registration number of the maritime drone or”;

2. In 2., after the words: “of the ship”, shall be inserted the words: “or maritime drone”, and the word: “his” is replaced by the word: “their”.

Article 8

I. – After Title III of Book II, two Titles IV and VII shall be inserted, worded as follows:

“ *TITLE IV*
“ *SAFETY AND POLLUTION PREVENTION*

“ *CHAPTER I*
“ *SHIP SAFETY AND POLLUTION PREVENTION*

“ *Section 2*
“ *Maintenance and operation of ships and maritime drones*

“ *Article R. 5241-1.* – In order to ensure the safe and secure navigation of maritime drones as well as the prevention of occupational hazards and pollution, an order from the Minister for the Sea specifies the operating conditions for maritime drones, lays down the list of equipment to be carried on board a drone, including devices enabling their position at sea to be identified at all times, the equipment required in remote operation centres and the general rules for the maintenance of such crafts.

“ The owner or operator of the maritime drone shall ensure that the operators involved in it hold the maritime drone operator's certificate and the training required pursuant to Article R. 5271-1.

“ *Article R. 5241-2.* – I. – Navigation of submersible maritime drones below the surface of the water is subject to prior authorisation from the representative of the State at sea.

“ If the representative of the State at sea remains silent for two months from receipt of the application for authorisation, the application shall be rejected.

“ II. – The following types of operation may be regulated by order of the representative of the State at sea and shall be subject to a prior declaration to that authority:

“1. The operation of maritime drones in a coordinated fleet;

“2. The operation of maritime drones using any towed equipment or altering the surface area occupied on the water or the underwater volume involved.

“ An order of the representative of the State at sea specifies the procedures for filing, registering and issuing the receipt for the prior declaration.

“ *Article R. 5241-3.* – Pollution prevention certificates to which maritime drones are subject under the International Convention for the Prevention of Pollution from Ships (MARPOL) are issued on behalf of the State by an authorised classification society.

“ The detailed rules for the application of this Article shall be specified by order of the Minister for the Sea.”

“ *Article R. 5241-4.* – Military maritime drones must be devoid of their ammunition and mobile weapons and carry a registration certificate for the entire period prior to their entry into testing or service in the French navy or a foreign navy.

“ When equipped with fixed weapons structurally linked to floats, their navigation shall be subject to prior declaration to the competent representative of the State at sea and limited to territorial waters.

“ The registration certificate is no longer required when the drone is being tested or in service in the French navy.

“ TITLE VII
“ TRAINING IN OPERATING MARITIME DRONES, SHIPS AND MOTOR
PLEASURE BOATS

“ CHAPTER I
“ DRIVING LICENSES FOR SEA AND INLAND WATERS

“ *Article R. 5271-1.* – To be authorised to operate a maritime drone, as defined in Article R. 5000-1, all maritime drone operators must hold a maritime drone operator's certificate, which constitutes the licence to operate at sea referred to in Article L. 5271-2, and have undergone training, approved by order of the Minister for the Sea, provided by the manufacturer, corresponding to the category and use of the operated drone.

“ For the maritime drone operator's certificate, an order by the Minister for the Sea defines:

- “1. Conditions for approval of training;
- “2. Entry conditions for training;
- “3. Activities, skills and assessment frameworks;
- “4. Procedures for issuing the certificate of success establishing that the candidate has successfully completed the training;
- “5. Procedures for issuing the maritime drone operator's certificate;
- “6. Conditions for recognition of foreign qualifications to operate a maritime drone;
- “7. Maritime training qualifications recognised as meeting the training and assessment requirements for the issue of the maritime drone operator's certificate instead of the certificate of achievement referred to in this Article;
- “8. The conditions under which the accreditation of prior learning is organised with a view to issuing the maritime drone operator's certificate.

“ CHAPTER II
“ SANCTIONS

“ *Article R. 5272-2.* – Any person operating a maritime drone without holding a maritime drone operator's certificate or without having completed the training provided by the manufacturer pursuant to Article R. 5271-1 will be punished by a fine provided for fifth-class offences.”

Article 9

Chapter III of Title III of Book III shall be supplemented by Article R. 5333-29 drafted as follows:

“ *Article R. 5333-29.* – Submersible craft and maritime drones shall be required to navigate on the surface and bear the external identification markings intended for their category:

“1. Within the administrative limits of seaports and up to 500 metres outside these limits;

“2. In maritime and river regulation areas as referred to in Article L. 5331-1 and up to a distance of 500 metres outside these areas.

“ The competent administrative authority pursuant to Articles L. 5331-6 and L. 5331-10 may, however, expressly authorise navigation below the surface of the water after examining a reasoned request. If no response is received within two months of receipt of the request, the decision is deemed to have been rejected.”

Article 10

I. – Title VI of Book VII is amended as follows:

1. The following provisions are inserted before Chapter I:

“ *Article R. 5760-1.* – Subject to the adaptations provided for in this Title, the provisions of this Part mentioned in the left-hand column of the table below, as set out in the right-hand column of the same table, shall apply in New Caledonia:

“

APPLICABLE PROVISIONS	AS DRAFTED
R. 5000-1 to R. 5000-3	Resulting from Decree No of

“ *Article R. 5760-2.* – For the application in New Caledonia of Article R. 5000-1(II)(1), the words: “of Article L. 2213-23 of the French Law for Regional and Local Authorities” are replaced by the words: “of Article L. 131-2-1 of the New-Caledonia Municipalities Code”;

2. In the table in Article D. 5761-2:

a) The row:

“

D. 5111-4	Resulting from Decree No 2021-1914 of 30 December 2021
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Is deleted”;

b) The two rows:

“

D. 5112-1 and D. 5112-2	Resulting from Decree No 2023-921 of 5 October 2023
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D. 5112-2-2 to D. 5112-2-5	Resulting from Decree No 2021-1914 of 30 December 2021
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Are replaced by the following rows:

“

D. 5111-9 and D. 5111-12	Resulting from Decree No of
D. 5112-1 and D. 5112-2	Resulting from Decree No 2023-921 of 5 October 2023
D. 5112-2-2 to D. 5112-2-4	Resulting from Decree No 2021-1914 of 30 December 2021
D. 5112-2-5	Resulting from Decree No of

”;

3. In the table in Article R. 5761-1:

a) The rows:

“

R. 5112-2-1-1, R. 5112-2-3-1 and R. 5112-2-7 to R. 5112-2-10	Resulting from Decree No 2023-921 of 5 October 2023
R. 5114-1 to R. 5141-3	Resulting from Decree No 2016-1893 of 28 December 2016

Are replaced by the following rows:

“

R. 5112-1 A	Resulting from Decree No of
R. 5112-2-1-1, R. 5112-2-3-1	Resulting from Decree No 2023-921 of 5 October 2023
R. 5112-2-4-1 and R. 5112-2-4-2	Resulting from Decree No of
R. 5112-2-7 to R. 5112-2-10	Resulting from Decree No 2023-921 of 5 October 2023
R. 5114-1	Resulting from Decree No 2016-1893 of 28 December 2016
R. 5114-1 A	Resulting from Decree No of
R. 51414-2 and R. 5114-3	Resulting from Decree No 2016-1893 of 28 December 2016

”;

b) The row:

“

R. 5121-1 to R. 5122-2	Resulting from Decree No 2016-1893 of 28 December 2016
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Is replaced by the following lines:

“

R. 5121-1 to R. 5121-3	Resulting from Decree No of
R. 5121-4 to R. 5122-2	Resulting from Decree No 2016-1893 of 28 December 2016

R. 5123-1	Resulting from Decree No of
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”;

4. Chapter II of Title VI is supplemented by the following Articles:

“ *Article R. 5762-3.* – Section 2 of Chapter I of Title IV of Book II is applicable in New Caledonia, in its wording resulting from Decree No of, subject to the powers devolved to the collectivity in respect of the police and safety of maritime traffic and the safety of human life at sea by Organic Law No. 99-209 of 19 March 1999.

“ *Article R. 5762-4.* – Chapters I and II of Title VII of Book II are applicable in New Caledonia, in their drafting resulting from the Decree No of”

II. – Title VII of Book VII is amended as follows:

1. The following provisions are inserted before Chapter I:

“ *Article R. 5770-1.* – Subject to the adaptations provided for in this Title, the provisions of this Part mentioned in the left-hand column of the table below, as set out in the right-hand column of the same table, shall apply in French Polynesia:

“

APPLICABLE PROVISIONS	AS DRAFTED
R. 5000-1 to R. 5000-3	Resulting from Decree No of

”;

2. In the table in Article D. 5771-2:

a) The row:

“

D. 5111-4	Resulting from Decree No 2021-1914 of 30 December 2021
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Is deleted”;

b) The two rows:

“

D. 5112-1 and D. 5112-2	Resulting from Decree No 2023-921 of 5 October 2023
D. 5112-2-2, D. 5112-2-4 and D. 5112-2-5	Resulting from Decree No 2021-1914 of 30 December 2021

Are replaced by the following rows:

“

D. 5111-9 and D. 5111-12	Resulting from Decree No of
D. 5112-1 and D. 5112-2	Resulting from Decree No 2023-921 of 5 October 2023
D. 5112-2-2 and R. 5112-2-4	Resulting from Decree No 2021-1914 of 30 December 2021
D. 5112-2-5	Resulting from Decree No of

”.

3. In the table in Article R. 5771-1, the following shall be added, after row:

“

APPLICABLE PROVISIONS	AS DRAFTED
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The following rows:

“

R. 5112-1 A	Resulting from Decree No of
R. 5112-2-4-1 and R. 5112-2-4-2	Resulting from Decree No of

”.

4. Chapter II of Title VII is supplemented by the following Articles:

“ *Article R. 5772-3.* – Section 2 of Chapter I of Title IV of Book II is applicable in French Polynesia, in its wording resulting from Decree No of, subject to the powers devolved to this collectivity by Organic Law No 2004-192 of 27 February 2004 in inland waters and on the safety of vessels not intended for the transport of passengers of less than 24 metres or falling within the jurisdiction of French Polynesia on the date of entry into force of Organic Law No 2019-706 of 5 July 2019 amending the autonomous status of French Polynesia.

“ *Article R. 5772-4.* – Chapters I and III of Title VII of Book II are applicable in French Polynesia, in their drafting resulting from the Decree No of”

III. – Title VIII of Book VII is amended as follows:

1. The following provisions are inserted before Chapter I:

“ *Article R. 5780-1.* – Subject to the adaptations provided for in this Title, the provisions of this Part mentioned in the left-hand column of the table below, as set out in the right-hand column of the same table, shall apply in Wallis and Futuna:

“

APPLICABLE PROVISIONS	AS DRAFTED
R. 5000-1 to R. 5000-3	Resulting from Decree No of

“ *Article R. 5780-2.* – For the application in Wallis and Futuna of Article R. 5000-1(II) (1), the words: “And falling within the scope of Article L. 2213-23 of the French Law for Regional and Local Authorities” are replaced by the words: “used in the 300-metre coastal strip”;

2. In the table in Article D. 5781-2:

a) The row:

“

D. 5111-4	Resulting from Decree No 2021-1914 of 30 December 2021
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Is deleted”;

b) The two rows:

“

D. 5112-1 and D. 5112-2	Resulting from Decree No 2023-921 of 5 October 2023
D. 5112-2-2, D. 5112-2-4 and D. 5112-2-5	Resulting from Decree No 2021-1914 of 30 December 2021

Are replaced by the following rows:

“

D. 5111-9 and D. 5111-12	Resulting from Decree No of
D. 5112-1 and D. 5112-2	Resulting from Decree No 2023-921 of 5 October 2023
D. 5112-2-2 and R. 5112-2-4	Resulting from Decree No 2021-1914 of 30 December 2021
D. 5112-2-5	Resulting from Decree No of

”;

3. In the table in Article R. 5781-1:

a) The rows:

“

R. 5112-2-1-1, R. 5112-2-3-1 and R. 5112-2-7 to R. 5112-2-10	Resulting from Decree No 2023-921 of 5 October 2023
R. 5114-1 to R. 5114-3	Resulting from Decree No 2016-1893 of 28 December 2016

Are replaced by the following rows:

“

R. 5112-1 A	Resulting from Decree No of
R. 5112-2-1-1, R. 5112-2-3-1	Resulting from Decree No 2023-921 of 5 October 2023
R. 5112-2-4-1 and R. 5112-2-4-2	Resulting from Decree No of
and R. 5112-2-7 to R. 5112-2-10	Resulting from Decree No 2023-921 of 5 October 2023
R. 5114-1	Resulting from Decree No 2016-1893 of 28 December 2016
R. 5114-1A	Resulting from Decree No of
R. 5114-2 and R. 5114-3	Resulting from Decree No 2016-1893 of 28 December 2016

”;

b) The row:

“

R. 5121-1 to R. 5122-18	Resulting from Decree No 2016-1893 of 28 December 2016
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Is replaced by the following rows:

“

R. 5121-1 to R. 5121-3	Resulting from Decree No of
R. 5121-4 to R. 5122-18	Resulting from Decree No 2016-1893 of 28 December 2016

”;

c) The row:

“

R. 5122-20 to R. 5123-21	Resulting from Decree No 2016-1893 of 28 December 2016
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Is replaced by the following rows:

“

R. 5122-20 to R. 5122-24	Resulting from Decree No 2016-1893 of 28 December 2016
R. 5123-1	Resulting from Decree No of
R. 5123-2 to R. 5123-21	Resulting from Decree No 2016-1893 of 28 December 2016

”;

4. Chapter II of Title VIII is supplemented by the following Articles:

“ *Article R. 5782-3.* – Section 2 of Chapter I of Title IV of Book II shall apply to Wallis and Futuna, in its wording resulting from Decree No of

“ *Article R. 5782-4.* – Chapters I and III of Title VII of Book II shall apply to Wallis and Futuna, in their drafting resulting from the Decree No of”

IV. – Title IX of Book VII is amended as follows:

1. The following provisions are inserted before Chapter I:

“ *Article R. 5790-1.* – Subject to the adaptations provided for in this Title, the provisions of this Part mentioned in the left-hand column of the table below, as set out in the right-hand column of the same table, shall apply to French Southern and Antarctic Lands:

“

APPLICABLE PROVISIONS	AS DRAFTED
R. 5000-1 to R. 5000-3	Resulting from Decree No of

“ *Article R. 5790-2.* – For the application in French Southern and Antarctic Lands of Article R. 5000-1(II)(1), the words: “and falling within the scope of Article L. 2213-23 of the French Law for Regional and Local Authorities” shall be replaced by the words: “used in the 300-metre coastal strip”;

2. In the table in Article D. 5791-2:

a) The row:

“

D. 5111-4	Resulting from Decree No 2021-1914 of 30 December 2021
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Is deleted”;

b) The two rows:

“

D. 5112-1 and D. 5112-2	Resulting from Decree No 2023-921 of 5 October 2023
D. 5112-2-2, D. 5112-2-4 and D. 5112-2-5	Resulting from Decree No 2021-1914 of 30 December 2021

Are replaced by the following rows:

“

D. 5111-9 and D. 5111-12	Resulting from Decree No of
D. 5112-1 and D. 5112-2	Resulting from Decree No 2023-921 of 5 October 2023
D. 5112-2-2 and R. 5112-2-4	Resulting from Decree No 2021-1914 of 30 December 2021
D. 5112-2-5	Resulting from Decree No of

”;

3. In the table in Article R. 5791-1:

a) The rows:

“

R. 5112-2-1-1, R. 5112-2-3-1 and R. 5112-2-7 to R. 5112-2-10	Resulting from Decree No 2023-921 of 5 October 2023
R. 5114-1 to R. 5114-3	Resulting from Decree No 2016-1893 of 28 December 2016

Are replaced by the following rows:

“

R. 5112-1 A	Resulting from Decree No of
R. 5112-2-1-1, R. 5112-2-3-1	Resulting from Decree No 2023-921 of 5 October 2023
R. 5112-2-4-1 and R. 5112-2-4-2	Resulting from Decree No of
and R. 5112-2-7 to R. 5112-2-10	Resulting from Decree No 2023-921 of 5 October 2023
R. 5114-1	Resulting from Decree No 2016-1893 of 28 December 2016
R. 5114-1A	Resulting from Decree No of
R. 5114-2 and R. 5114-3	Resulting from Decree No 2016-1893 of 28

	December 2016
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”.

b) The row:

“

R. 5121-1 to R. 5122-18	Resulting from Decree No 2016-1893 of 28 December 2016
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Is replaced by the following rows:

“

R. 5121-1 to R. 5121-3	Resulting from Decree No of
R. 5121-4 to R. 5122-18	Resulting from Decree No 2016-1893 of 28 December 2016

”.

c) The row:

“

R. 5122-20 to R. 5123-21	Resulting from Decree No 2016-1893 of 28 December 2016
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Is replaced by the following rows:

“

R. 5122-20 to R. 5122-24	Resulting from Decree No 2016-1893 of 28 December 2016
R. 5123-1	Resulting from Decree No of
R. 5123-2 to R. 5123-21	Resulting from Decree No 2016-1893 of 28 December 2016

”.

4. Chapter II of Title VIII is supplemented by the following Articles:

“ *Article R. 5792-3.* – Section 2 of Chapter I of Title IV of Book II shall apply to the French Southern and Antarctic Lands, in its wording resulting from Decree No of

“ *Article R. 5792-4.* – Chapters I and II of Title VII of Book II shall apply to the French Southern and Antarctic Lands, in their drafting resulting from Decree No of”

CHAPTER II PROVISIONS AMENDING THE COMMERCIAL CODE

Article 11

I. – The Commercial Code is amended as follows:

1. Article R. 521-2 is amended as follows:

a) In 6., after the reference: “Article R. 5611-1 of the Transport Code”, shall be inserted the words: “and those relating to maritime drones registered in the register referred to in Article L. 5112-1-9 of the same Code”;

b) In 7., after the reference: “Article R. 5611-1 of the Transport Code”, shall be inserted the words: “and those relating to maritime drones registered in the register referred to in Article L. 5112-1-9 of the same Code”;

2. Article R. 521-34 is amended as follows:

a) In the first sentence, after the first occurrence of the word: “ships”, shall be inserted the words: “or maritime drones”, and this sentence shall be supplemented by the words: “and on maritime drones registered in the register referred to in Article L. 5112-1-9 of the same code”;

b) In the second sentence, after the word: “ship”, shall be inserted the words: “or the maritime drone”;

3. The table in aa of Article R. 950-1(5) of the Commercial Code is hereby amended:

a) The row:

“

R. 521-2	Decree No 2023-369 of 11 May 2023
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Is replaced by the row:

“

R. 521-2	Decree No of
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”;

b) The row:

“

R. 521-33 and R. 521-34	Decree No 2021-1887 of 29 December 2021
-------------------------	---

Is replaced by the rows:

“

R. 521-33	Decree No 2021-1887 of 29 December 2021
R. 521-34	Decree No of

”.

II. — In the first subparagraph of Article R. 5761-5-2(I), (II) and (III) of the Transport Code, after the words: “ship mortgages” are added the words: “and those relating to maritime drones referred to in Article L. 5112-1-9”.

CHAPTER III
**PROVISIONS AMENDING DECREE NO 2006-142 OF 10 FEBRUARY 2006 ON THE CREATION OF
THE SINGLE WINDOW PROVIDED BY LAW NO 2005-412 OF 3 MAY 2005 ON THE
ESTABLISHMENT OF THE FRENCH INTERNATIONAL REGISTER**

Article 12

Decree No 2006-142 of 10 February 2006 above is hereby amended:

1. Article 2 is amended as follows:

a) The first subparagraph is supplemented by a sentence worded as follows:

“ This single window is also responsible for collecting and managing all applications for the registration and francisation of drones in the register of maritime drones under the French flag”;

b) In the second subparagraph, after the words: “of ships”, shall be inserted the words: “and maritime drones”;

c) In the third subparagraph, after the words: “French International Register”, shall be inserted the words: “and drones from the register of maritime drones under the French flag”;

d) The sixth subparagraph is replaced by the following provisions:

“ The single window keeps the register of mortgages of ships registered in the French International Register and of drones in the register of maritime drones under the French flag. It shall publicise such mortgages, as well as seizures on these ships and maritime drones, in accordance with Article R. 5114-14-2 of the Transport Code.”;

2. The first sentence of the first subparagraph of Article 3 is replaced by the following provisions:

“ The single window shall promote the French International Register and the register of maritime drones under the French flag and inform users”.

TITLE II
PROVISIONS RELATING TO SHIPS AND AUTONOMOUS VESSELS

CHAPTER I
**PROVISIONS AMENDING DECREE NO 84-810 OF 30 AUGUST 1984 ON THE SAFETY OF HUMAN
LIFE AT SEA, POLLUTION PREVENTION AND THE SAFETY AND SOCIAL CERTIFICATION OF
SHIPS;**

Article 13

Decree No 84-810 of 30 August 1984 referred to above is amended in accordance with the provisions of Articles 14 to 35 of this Decree.

Article 14

Article 1 shall be supplemented by three subparagraphs worded as follows:

“48 Autonomous vessel: any vessel operated remotely or by its own operating systems, whether or not there are seafarers on board, as defined in Article L. 5000-2-1 of the Transport Code;

“49 Remote operations centre: location where all or part of the command and control of the autonomous vessel is carried out. The control centre is located at a distance from the autonomous vessel and can be mobile;

“50 Vessel in transit: any vessel which is required to make an isolated voyage, not as part of a commercial operation, under conditions not provided for in its navigation permit”.

Article 15

In Article 2, between the reference to: “ L. 5241-3” and to: “ L. 5241-4”, shall be inserted the reference to: “ L. 5241-3-1”.

Article 16

The last subparagraph of Article 3-1(I)(1) is replaced by two subparagraphs worded as follows:

“- the declaration of conformity attesting to the notification of fuel oil consumption and the rating of the operational carbon intensity;

“- the energy efficiency certificate.”

Article 17

Article 3-2(II) is worded as follows:

“ II. – For other categories of vessels, the exemption certificate shall be issued:

“1. By the Minister for the Sea, for vessels falling within the competence of the Central Safety Commission;

“2. By the Interregional Director of the Sea, for vessels falling within the competence of the Regional Safety Commission;

“ It shall be renewed by the head of the ship safety centre or his representative.”

Article 18

Article 8 is replaced by the following provisions:

“ *Article 8.* – I. – To allow the vessel to complete an operational phase to a port where a survey can be organised:

“1. The national freeboard certificate may be extended for a maximum period of three months by the authorised classification society which issued or previously renewed it. The period of validity of the renewed certificate shall start from the date of initial expiry of the previous certificate;

“2. International security, safety and pollution prevention licenses and certificates may be extended, under the conditions laid down in international conventions, by the head of the ship safety centre, any competent foreign authority acting at the request of the French Government, or the authorised classification society which issued the certificate;

“3. The navigation permit may be extended for a maximum of three months by the head of the relevant safety centre. It shall be extended under the conditions laid down by order of the Minister for the Sea and may not be extended beyond the limits of validity of the international licenses or the freeboard certificate, which are themselves extended, if necessary, pursuant to (1) and (2) of this Article.

“ II. – The navigation permit of a ship engaged in international navigation which is not required to possess any other safety or pollution prevention license subject to a date of validity, with the exception of the freeboard certificate, may be extended by the head of the ship safety centre for a maximum period of three months under the conditions laid down by order of the Minister for the Sea.

The navigation permit of a ship engaged in national navigation which is not required to possess any other safety or pollution prevention license subject to a date of validity, with the exception of the freeboard certificate, may be extended twice by the head of the ship safety centre. Each extension shall be granted for a maximum period of six months under the conditions laid down by order of the Minister for the Sea. The second extension shall be granted by the head of the ship safety centre with the authorisation of the Interregional Director of the Sea.

“ III. – The certificate attesting that the ship is ready for recycling may be extended by the authorised classification society for a single voyage to the ship recycling facility and under the conditions laid down by order of the Minister for the Sea.”

Article 19

After Article 8-1(I)(11), a (12) shall be inserted as follows:

“12. The autonomous vessel holding the authorisation referred to in Article 12 presents a risk to the safety and security of persons and property or the preservation of the environment.”

Article 20

In Article 9-1, the words: “shall be published under the conditions laid down by order of the Minister for the Sea” shall be replaced by the words: “are notified to the owner or operator of the vessel”.

Article 21

The *b* of Article 10(I) is supplemented by the words: “or in transit”.

Article 22

After Article 11, a Chapter Ia is inserted worded as follows:

“ CHAPTER IA

“ SPECIAL PROVISIONS APPLICABLE TO AUTONOMOUS VESSELS

“ Article 12. – I. – The authorisation provided for in Article L. 5241-3-1 of the Transport Code allows an autonomous vessel which cannot be issued with a navigation permit to sail in one or more of the following cases:

“1. Technical testing and development;

“2. Assessment of the performance in situation for the purpose for which the vessel is intended;

“3. Public demonstration, in particular at special events;

“4. Experimental operation.

“ The composition of the authorisation application file and the procedures for submitting it shall be specified by order of the Minister for the Sea.

“ II. – The authorisation shall be issued and, where appropriate, renewed by the head of the competent ship safety centre, after the opinion of the Central Safety Commission and the competent inspection body.

“ The authorisation may be subject to requirements to ensure the safety and security of navigation, the preservation of the environment and the prevention of pollution and occupational hazards. It may also, for the same reasons, be issued for a shorter period than that requested by the applicant.

“ Article 12-1. – I. – Prior to the issue or renewal of the authorisation referred to in Article 12:

“1. The plans and documents of the autonomous vessel shall be examined, under the conditions laid down by order of the Minister for the Sea, by the Central Safety Commission with a view to their approval by the Minister for the Sea, where appropriate accompanied by requirements to ensuring the safety and security of navigation, the preservation of the environment and the prevention of pollution and occupational hazards;

“2. The autonomous vessel shall be subject, where appropriate, to the special surveys referred to in the Article 32(I)(1)(d);

“3. The autonomous vessel shall undergo an experimentation survey.

“ II. – For the renewal of the above authorisations issued for a period of less than two years and on the decision of the head of the ship safety centre, the experimentation survey may

be replaced by a special survey. The conditions for renewing the authorisation shall be specified by order of the Minister for the Sea.

“ III. – The authorisation may be suspended or withdrawn at any time under the conditions laid down in Articles 8-1 and 9.”

Article 23

A new point 1.5 is added to Article 14(I) (1) worded as follows:

“1.5. Of any autonomous vessel;”.

Article 24

Article 25-3 is supplemented by a paragraph IV worded as follows:

“ IV. – The persons referred to in I shall have free access to the remote operation centres and autonomous vessel maintenance sites to carry out the surveys provided for in this Chapter.”

Article 25

After Article 26, an Article 26-1 is inserted worded as follows:

“ *Article 26-1.* – Experimentation survey.

I. – The purpose of the experimentation survey is, prior to the issue of the authorisation referred to in Article 12, to:

“1. Verify that the requirements laid down by the Minister for the Sea, following the opinion of the Central Safety Commission, have been implemented;

“2. Ascertain through the inspection report the status of the autonomous vessel and the remote operations centre;

“3. Ensure that the tests required and those prescribed by the Central Safety Commission are carried out;

“4. Ensure that the autonomous vessel meets the prescribed maintenance and operating conditions designed to ensure the safety and security of navigation, the prevention of pollution and the prevention of occupational hazards for the requested operating conditions.

“ II. – The members of the experimentation inspection body shall be appointed by the president of the Central Safety Commission under conditions laid down by the Minister for the Sea.

“ They shall include at least:

“1. The head of the ship safety centre or his representative, president;

“2. One or more ship safety and occupational hazard elimination inspectors;

“3. The rapporteur of the file in the Central Safety Commission;

“4. Where appropriate, one or more specialised public officials, experts and personalities chosen on the basis of their competence.

“ III. – The members of the inspection body shall have free entry, egress and regress on board the vessel, the remote operations centre and the maintenance areas of the autonomous vessel.

“ IV. — The owner, operator and manufacturer of the autonomous vessel or their representative and, where applicable, the crew representative(s) shall be allowed to attend the survey operations and to present their observations.

“ V. – The committee shall deliver its opinion by a majority vote. In the event of a tie, the president shall have the casting vote.”

Article 26

Article 28-1 is amended as follows:

1. II is supplemented by a subparagraph, worded as follows:

“ However, the certificate may be extended within a limit of five months under the conditions laid down by order of the Minister for the Sea.”;

2. The VIII is amended as follows:

a) After the words: “of the model maritime work certificate”, shall be inserted the words: “, of the provisional model maritime work certificate”;

b) After the words: “of the social certificate for fishing”, shall be inserted the words: “and of the provisional social certificate for fishing”.

Article 27

Article 32 is amended as follows:

1. In Article 32(I)(1)(f), after the words: “ For the issue”, shall be inserted the words: “maintenance,”;

2. The *j* is replaced by a subparagraph worded as follows:

“j) To issue provisional licenses under Article 10 and Article 25-2”.

Article 28

In Article 35(I)(2), after the word: “articles”, the reference shall be inserted: “12,” and after the second occurrence of the word: “vessels”, shall be inserted the words: “autonomous and ships”.

Article 29

Article 37 is amended as follows:

1. In 6., the word: “ Prior” is replaced by the words: “ The carrying out of prior surveys”;
2. After 8., a 9. shall be inserted as follows:

“9. The issuing of the authorisation referred to in Article 12 and the carrying out of the experimentation surveys.”

Article 30

Article R. 41-13(II) is replaced by the following provisions:

“ II. – On the basis of the hourly statement drawn up by the inspector, the State’s claims for inspection costs relating to a fixed asset shall be covered by a notice to pay. The immobilisation shall not be lifted until such inspection costs have been paid in full.

“ In the event of non-payment of inspection costs linked to a detention decision prior to the departure of the vessel or within the time limits specified in the notice to pay, a collection document, issued by the Interregional Director of the Sea, shall be drawn up against the representative, in the national territory, of the shipowner as defined in Article L. 5411-1 of the Transport Code. The shipowner shall designate a shipping agent, consignee of the ship, or any other legal representative to represent him. Otherwise, the certificate shall be issued directly against the shipowner as defined in Article L. 5411-1.

“ The collection document shall be collected by the competent public accountant in accordance with the rules and procedures applicable to debts other than taxes and property, in accordance with the provisions of Decree No 2012-1246 of 7 November 2012 on public budgetary and accounting management.

“ The Minister for the Sea shall define by order the applicable hourly rates and the procedures for the hourly breakdown referred to above.”

Article 31

Article 42-3-3 is amended as follows:

In the second subparagraph of III, after the first sentence, shall be inserted a sentence worded as follows:

“ It confers the same rights as the authorisation referred to in Article R. 5332-39 of the Transport Code.”

Article 32

In Article 56-3(III), after the words: “to remind him”, shall be inserted the words: “to order the distribution or display of a warning,”.

Article 33

Article 57(I)(1) is supplemented by the words: “or the authorisation referred to in Article 12”.

Article 34

Article 61 is amended as follows:

1. In the first subparagraph of VI, VII, VIII and IX, the words: “of Decree No 2020-1808 of 30 December 2020” are replaced by the words: “of Decree No of”;

2. In VI(16) and in VII(17), the words: “ Article 2” shall be deleted and the words: “and I(11), of its thirteenth” are replaced by the words: “, I(11) and (12), of its fourteenth”;

3. A new 7a is inserted in VI, VII and VIII, worded as follows:

“7a – For the purposes of Article 2, the reference to Article L. 5514-3 of the Transport Code shall be deleted”;

4. In VIII, an (18) is added, worded as follows:

“(18) References to the social certificate for fishing shall be deleted.”;

5. In IX(8), after the words: “are not applicable”, shall be inserted the words: “except where they concern the provisions relating to the social certificate for fishing”.

CHAPTER II

PROVISIONS AMENDING DECREE NO 2015-723 OF 24 JUNE 2015 ON MARITIME VOCATIONAL TRAINING CERTIFICATES AND THE CONDITIONS FOR THE EXERCISE OF FUNCTIONS ON BOARD COMMERCIAL, PLEASURE, FISHING AND MARICULTURE VESSELS;

Article 35

The above-mentioned Decree of 24 June 2015 shall be amended as follows:

1. The second subparagraph of Article 2 is supplemented by the words: “, including remote operators of an autonomous vessel as defined in Article R. 5511-2(4) of the Transport Code.”;

2. Article 3 is supplemented by a III worded as follows:

“ III. – No one may work as a remote operator of an autonomous vessel unless he has the qualifications and certificates required by this Decree”;

3. In Article 5, after the words: “mentioned in I”, shall be inserted the words “and in III”;

4. Article 7 is supplemented by the words: “or to perform the function of remote operator of an autonomous vessel”;

5. In Article 30-7, the words: “on board a ship”, shall be inserted the words: “or the exercise of the function of remote operator of an autonomous vessel”;

6. In Articles 36, 37, 38 and 39, the words: “as a result of Decree No 2022-1727 of 28 December 2022” are replaced by the words: “as a result of Decree No of”.

CHAPTER III PROVISIONS AMENDING THE TRANSPORT CODE

Article 36

Part Five of the Transport Code (regulatory part) is amended in accordance with the following provisions:

1. Article R. 5232-1(I)(3) is supplemented by the following provisions: “or, where appropriate, the authorisation referred to in Article L. 5241-3-1”;

2. Article 5511-2 is supplemented by a (4) worded as follows:

“4. For the operation of an autonomous vessel, any person carrying out remotely an activity directly linked to the operation of the vessel, in particular in the tasks of navigation, handling, stowage of cargo, control of the operation of the vessel and assistance to persons on board, maintenance and repair.”

Article 37

Book VII of Part Five of the Transport Code (regulatory part) is amended as follows:

1. In the tables in Articles R. 5782-1 and R. 5792-1, the row:

“

R. 5232-1	Resulting from Decree No 2023-921 of 5 October 2023
-----------	---

is replaced with the following row:

R. 5232-1	Resulting from Decree No of
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”;

2. In the tables in Articles R. 5765-1, R. 5775-1, R. 5785-1 and R. 5795-1, the row:

“

R. 5511-1 to R. 5511-7	Resulting from Decree No 2015-454 of 21 April 2015
------------------------	--

Is replaced by the following rows:

“

R. 5511-1	Resulting from Decree No 2015-454 of 21 April 2015
R. 5511-2	Resulting from Decree No of
R. 5511-3 to R. 5511-7	Resulting from Decree No 2015-454 of 21 April 2015

TITLE III MISCELLANEOUS PROVISIONS

CHAPTER I

PROVISIONS AMENDING DECREE NO 97-1198 OF 19 DECEMBER 1997 IMPLEMENTING THE FIRST SUBPARAGRAPH OF ARTICLE 2 OF DECREE NO 97-34 OF 15 JANUARY 1997 ON THE DEVOLUTION OF INDIVIDUAL ADMINISTRATIVE DECISIONS TO THE MINISTERS RESPONSIBLE FOR ECOLOGICAL AND SOLIDARITY TRANSITION, TERRITORIAL COHESION AND RELATIONS WITH LOCAL AND REGIONAL AUTHORITIES

Article 38

The list of individual administrative decisions taken by the minister responsible for ecological and solidarity transition under the heading “Infrastructure, transport, sea” in Annex I to Decree No 97-1198 of 19 December 1997 for the application to ministers responsible for ecological and solidarity transition, territorial cohesion and relations with local and regional authorities in the first subparagraph of Article 2 of Decree No 97-34 of 15 January 1997 on the devolution of individual administrative decisions is hereby amended:

1. In line 41, after the words: “of ships in the French International Register”, the words: “and maritime drones” shall be inserted and after the words: “of these vessels”, shall be inserted the words: “and drones”;

2. In line 61, after the words: “French International Register”, shall be inserted the words: “and maritime drones registered in the register of maritime drones under the French flag”;

3. In line 65, after the words: “French International Register”, shall be inserted the words: “and maritime drones registered in the register of maritime drones under the French flag”.

CHAPTER II

TRANSITIONAL AND FINAL PROVISIONS

Article 39

Article R. 5271-1 of the Transport Code shall enter into force 18 months after the publication of this Decree.

Prior to this date, an order of the Minister for the Sea shall provisionally lay down the conditions for training and the list of sea driving qualifications required to operate a maritime drone.

Article 40

The provisions of Article 40 of this Decree shall apply in New Caledonia, French Polynesia, Wallis and Futuna and the French Southern and Antarctic Lands.

Article 41

The Minister of Interior and Overseas Territories, the Keeper of Seals, the Minister of Justice, the Minister for the Ecological Transition and Territorial Cohesion, the Minister attached to the Minister of Interior and Overseas Territories, responsible for Overseas Affairs, the Minister attached to the Minister for the Ecological Transition and Territorial Cohesion, responsible for Transport and the Secretary of State to the Prime Minister, responsible for the Sea, are each responsible for the application of this Decree, which shall be published in the *Official Journal* of the French Republic.

This draft decree was discussed and adopted by the Public Works Division at its meeting on 9 January 2024.