

FRENCH REPUBLIC

Ministry for Partnership with Territories
and Decentralisation

Decree No

On various provisions relating to artificial islands, installations, floating structures, and professional vessels

NOR: TECM2423434D

Target audience: *project managers, electricity transmission system operators, state services, approved bodies, shipowners, proprietors or operators, maritime prefectures, users.*

Subject: *the Decree is issued pursuant to Article 63 of Law No 2023-175 of 10 March 2023 on the acceleration of renewable energy production.*

Entry into force: *the text shall enter into force on the day after its publication in the Official Journal of the French Republic.*

Notice: *this Decree aims, on the one hand, to define the status and the specific regime in terms of control and safety of artificial islands, installations and floating structures in accordance with Article 63 of Law No 2023-175 of 10 March 2023 on the acceleration of renewable energy production. On the other hand, it also lays down provisions specific to professional vessels, whether they concern fuel supply operations or amendments to Decree No 84-810 in order to meet needs expressed by the devolved authorities.*

Reference: *Article 63 of Law No 2023-175 of 10 March 2023 on the acceleration of renewable energy production can be consulted on the Légifrance website (<https://www.legifrance.gouv.fr>).*

The Prime Minister,

On the report of the Minister for Partnership with Territories and Decentralisation and the Minister Delegate to the Minister for Partnership with Territories and Decentralisation, responsible for Sea Affairs and Fisheries;

Having regard to the United Nations Convention on the Law of the Sea, signed at Montego Bay on 10 December 1982, published by Decree No 96-774 of 30 August 1996, together with Law No 95-1311 of 21 December 1995 authorising its ratification;

Having regard to Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for vessel inspection and survey bodies;

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 X sent to the European Commission on X 2024;

Having regard to the Environmental Code;

Having regard to the Criminal Code,

Having regard to the Commercial Code;

Having regard to the General Code on Public Authority Property;

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

Having regard to Order No 2016-1687 of 8 December 2016 on maritime areas under the sovereignty or jurisdiction of the French Republic;

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 vessels;

Having regard to Decree No 97-1198 of 19 December 1997 implementing the first paragraph of Article 2 of Decree No 97-34 of 15 January 1997 on the deconcentration 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 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, as amended;

Having regard to Decree No 2013-611 of 10 July 2013 on the regulations applicable to artificial islands, installations, structures and related installations thereof on the continental shelf and in the exclusive economic zone and the ecological protection zone, and to submarine cables and pipelines;

Having regard to the opinion of the Supervisory Committee of the Deposit and Consignment Office of 15 July 2024;

Having regard to the opinion of the Higher Energy Council, dated 28 May 2024;

Having regard to the opinion of the High Council of the French Merchant Navy dated 20 June 2024;

Having regard to the opinion of the Interministerial Mission on Water issued on 17 June 2024;

Having regard to the observations made during the public consultation carried out between 18 July and 12 August 2024, pursuant to Article L123-19-1 of the Environmental Code;

Having regard to the opinion of the Departmental Council of Guadeloupe of ...;

Having regard to the opinion of the Regional Council of Guadeloupe of ...;

Having regard to the opinion of the Assembly of French Guiana of ...;

Having regard to the opinion of the Martinique Assembly of 14 August 2024;

Having regard to the opinion of the Departmental Council of Réunion of ...;

Having regard to the opinion of the Regional Council of Réunion of 29 August 2024;

Having regard to the opinion of the Departmental Council of Mayotte of ...;

Having regard to the opinion of the Territorial Council of Saint-Barthélemy of ...;

Having regard to the opinion of the Territorial Council of Saint-Martin of ...;

Having regard to the opinion of the Territorial Council of Saint-Pierre-et-Miquelon of ...;

Having regard to the opinion of the Government of New Caledonia of ...;

Having regard to the opinion of the Government of French Polynesia dated 31 July 2024;

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

Hereby decrees:

TITLE I

**PROVISIONS RELATING TO ARTIFICIAL ISLANDS, INSTALLATIONS AND FLOATING
STRUCTURES**

CHAPTER I

**PROVISIONS AMENDING DECREE NO 2013-611 OF 10 JULY 2013 ON THE REGULATIONS
APPLICABLE TO ARTIFICIAL ISLANDS, INSTALLATIONS, STRUCTURES AND RELATED
INSTALLATIONS THEREOF ON THE CONTINENTAL SHELF AND IN THE EXCLUSIVE
ECONOMIC ZONE AND THE ECOLOGICAL PROTECTION ZONE, AND TO SUBMARINE CABLES
AND PIPELINES**

Article 1

The aforementioned Decree of 10 July 2013 is amended in accordance with Articles 2 to 4 of this Decree.

Article 2

The title of the Decree is amended as follows: ‘Decree No 2013-611 of 10 July 2013 on the regulations applicable to artificial islands, installations, structures and related installations thereof and to submarine cables and pipelines within maritime areas under the sovereignty or jurisdiction of the French Republic’.

Article 3

In the title of Title I of the aforementioned Decree of 10 July 2013, the words ‘on artificial islands, installations, structures and related installations thereof’ are replaced by the words: ‘the authorisation required for the construction, operation and use of artificial islands, installations, structures and related installations thereof on the continental shelf and in the exclusive economic zone and the ecological protection zone’.

Article 4

After Title I of the aforementioned Decree of 10 July 2013, a Title Ia is inserted, worded as follows:

‘Title Ia: Safety provisions applicable to offshore renewable energy installations and their connection structures to the public electricity transmission network within maritime areas under the sovereignty or jurisdiction of the French Republic’.

‘Article 18a – A decree of the Minister responsible for Energy and the Minister responsible for Sea Affairs shall lay down the rules intended to ensure the safety of offshore renewable energy production installations and their connection structures to the public

electricity transmission network in maritime areas under the sovereignty or jurisdiction of the French Republic. It also specifies the transitional measures implementing this Decree for offshore renewable energy production installations that have given rise to a competitive tendering procedure in accordance with Article L. 311-10 of the Energy Code and for those same ongoing competitive tendering procedures for which a public call for competition has already been published in the Official Journal of the European Union on the date of entry into force of the Decree.’.

Article 5

After Title II of the aforementioned Decree of 10 July 2013, a Title IIa is inserted, worded as follows:

‘Title IIa: ‘Provisions relating to the status and safety of artificial islands, installations and floating structures’.

‘Chapter I: Definitions (Articles 19-1 to 19-3)

‘Article 19-1 – I. – For the purposes of the above-mentioned Order of 8 December 2016, artificial island, installation and floating structure mean any floating device permanently connected to the dock, seabed or subsoil thereof or to any other fixed point onshore or offshore which is not primarily built and equipped for maritime navigation and assigned to it or assigned to public services of an administrative or industrial and commercial nature within the meaning of Article L. 5000-2 of the Transport Code.

‘II. Without prejudice to the provisions of the previous paragraph, any vessel operated on a commercial basis that cumulatively meets the following conditions shall be treated as an artificial island, installation, and floating structure and may not be operated on the natural maritime public domain pursuant to paragraph 2 of Article 40-3 of the above-mentioned Order of 8 December 2016:

‘1° be operated close to the shore, at a distance fixed by decree;

‘2° be operated principally at anchor, at a standstill, or at berth, whether or not such operation is subject to a system of administrative authorisation pursuant to the General Code on Public Authority Property;

‘3° be intended for residential, tourist, or recreational use, or for seaside, hotel, or catering activities.

‘III. – The following shall not be regarded as artificial islands, installations or floating structures:

‘1° Installations and structures primarily intended for maritime signalling;

‘2° Installations and structures relating to the protection, study, management or operation of fishery and aquaculture resources, scientific research or the protection of the environment, as well as those relating to technical and environmental studies concerning offshore renewable energy installations and their connection structures to public electricity networks.

‘*Article 19-2* – In accordance with Article 40-6 of the Order of 8 December 2016, Articles 40-2 and 40-3 of that Order do not apply to:

‘1° Floating docks and pontoons, whether anchored or connected to the dock at any other fixed point, and operated without the permanent presence of personnel for the mooring or berthing of vessels or as an extension of port facilities;

‘2° Any artificial island, installation, and floating structure installed as part of a temporary nautical event not exceeding one month;

‘3° Offshore renewable energy installations installed on a trial or experimental basis.

‘The detailed rules for the application of this Article shall be specified by decree of the Minister responsible for Sea Affairs.

‘*Article 19-3* – For the purposes of this Chapter, ‘Owner or operator’ means the legal or natural person responsible for the operation of the artificial island, installation, and floating structure.

‘Chapter II: Approval and obligations of control bodies (Articles 19-4 to 19-12)

Subsection 1: Provisions relating to the control procedures for artificial islands, installations and floating structures

‘*Article 19-4* – In order for the artificial island, installation or floating structure to be put into service, its owner, operator or the person responsible for carrying out the exploration or operation works shall have the checks provided for in Article 40-3 of the above-mentioned Order of 8 December 2016 carried out by a recognised body referred to in Article 19-7 of this Decree.

‘At the end of the checks, if the requirements referred to in Article 19-5 of this Decree are complied with and in the absence of a major non-conformity, the approved body shall issue a certificate of conformity, the template of which is defined by decree of the Minister responsible for Sea Affairs.

‘*Article 19-5* – A decree of the Minister responsible for Sea Affairs establishes the arrangements, scope and techniques for carrying out such checks. It shall lay down, where appropriate, according to the categories of artificial islands, installations and floating structures, the frequency of the checks enabling the certificate of conformity to be maintained and those allowing it to be renewed. It shall also distinguish between the checks covered by

the initial certificate of conformity, necessary for the commissioning of the artificial island, installation and floating structure, and the checks covered by the new certificate of conformity, where appropriate, necessary in the event of a change to the installation.

‘Depending on each category of artificial island, installation, and floating structure, a decree of the Minister responsible for Sea Affairs shall lay down the requirements to be complied with, as well as the issuance of the certificate of conformity, and shall define the major non-conformities resulting in the Minister responsible for Sea Affairs and the Minister responsible for Energy being informed under the conditions laid down in Article 19-13 of this Decree.

‘In addition to the general requirements defined by decree of the Minister responsible for Sea Affairs, special requirements may apply only to certain installations, taking into account their design.

‘Where the design methods deviate from the general requirements laid down by the Minister responsible for Sea Affairs, they shall be subject to technical analysis and shall be evaluated and approved by the recognised body.

‘In the event that the artificial island, installation or floating structure receives the public, special requirements may be added, at the request of the Prefect of the Department, relating to the design, construction, maintenance and operation of the installation in order to prevent a serious risk to persons frequenting them due to their exposure to the risk of fire or major natural hazards or, where that artificial island, installation or floating structure is installed within the administrative boundaries of ports and, in estuaries, up to the first obstacle to the navigation of vessels, to avoid aggravating the exposure of third parties to those risks.

‘Article 19-6 – Control of the artificial island, installation, or floating structure may be imposed on the owner, operator, or person responsible for conducting the exploration or operation works by the Minister responsible for Sea Affairs following a report, which may be made by any means, demonstrating a serious or repeated failure to comply with the rules intended to ensure maritime safety and the security of their operation. In that case, he shall inform the owner, the operator or the person responsible for carrying out the exploration or operation works without delay.

‘If a major non-conformity is found, the approved body shall inform the Minister responsible for Sea Affairs and the Maritime Prefect. The Minister responsible for Energy shall be informed of non-compliances relating to offshore renewable energy installations and their connection structures to public electricity networks.

Subsection 2: Approval and obligations of control bodies

‘Article 19-7 – The control bodies shall be approved by a decree of the Minister responsible for Sea Affairs published in the Official Journal of the French Republic. The content of the application shall be defined by decree of that Minister.

‘The Minister responsible for Sea Affairs shall draw up and update the list of bodies approved by him.

‘*Article 19-8* – The body applying for approval shall apply to the Minister responsible for Sea Affairs.

‘*Article 19-9* – Only bodies which issue certifications under accreditation specified by decree of the Minister responsible for Sea Affairs or bodies which meet the criteria laid down in Annex 1, B 8° to Regulation (EC) No 391/2009 may be approved.

‘As regards installations for the production of renewable energy, these two conditions must be fulfilled by a commercial company or its subsidiaries.

‘Only bodies which draw up, publish and keep up to date their rules, regulations or technical references, relating to the design and construction of artificial islands, installations and floating structures, including the issue of certificates, and their related essential technical systems, may be approved. A decree of the Minister responsible for Sea Affairs establishes the list of these rules, regulations or technical standards and the standards determining the level of quality to be respected.

‘Only bodies that have a permanent establishment and effective representation on French territory may be approved.

‘The approved body shall, without delay, inform the Minister responsible for Sea Affairs of any change in the information on the basis of which it was granted approval.

‘*Article 19-10* – I. Approval may be suspended or revoked at any time by the Minister responsible for Sea Affairs:

‘1° In the event of non-payment of the administrative fine of up to €100,000 imposed by the Minister responsible for Sea Affairs pursuant to the first paragraph of Article 40-4 of the above-mentioned Order of 8 December 2016;

‘2° If the body ceases to fulfil the criteria on the basis of which it was approved;

‘3° In the event of serious or repeated failure by the body in carrying out the task entrusted to it.

‘II. The Minister responsible for Sea Affairs shall suspend or revoke the approval after inviting the head of the body to submit their observations within 15 days. The head of the body may be assisted by counsel or represented by an agent of his choice.

‘*Article 19-11* –. The officials referred to in Article 25-3 of the aforementioned Decree of 30 August 1984 assigned to the Central Departments of the Minister responsible for Sea Affairs may assess the quality of the services provided by recognised bodies, within the limits of their powers. They may attend the control visits carried out by these bodies. At their request, the approved bodies shall forward to the officials mentioned a list of the checks

planned, specifying the dates, times and locations, and the subject-matter of those checks. They shall also provide them, at their request, with any document or material relevant to the evaluation of their performance.

‘If the officials referred to in the first paragraph find that an approved body is in breach of its obligations under this subsection, they shall inform the Minister responsible for Sea Affairs.

‘*Article 19-12* – The approved body shall retain the results of its checks. It shall forward all relevant information to the prefect responsible for issuing the necessary authorisations for the construction, operation, and use of artificial islands, installations, and floating structures, to the Maritime Prefect and the Minister responsible for Sea Affairs, including reports of checks concerning artificial islands, installations, and floating structures for which the recognised body issues certificates of conformity.

‘It shall transmit its study and monitoring reports to the owner or operator of an artificial island, installation or floating structure, where appropriate by electronic means, within 60 days of the visit. The report shall include a description of the control, its results, and the points of non-compliance and major non-compliance as defined in Article 19-5.

‘It shall transmit to the Minister responsible for Sea Affairs a report on its activities for the past year. That report shall specify, in particular, the list and number of checks carried out, the frequency of non-conformities found and the examination of its quality management system.

A decree of the Minister responsible for Sea Affairs shall specify the detailed rules for the application of this subsection.

Subsection 3: Administrative sanctions imposed on the owner or operator of an artificial island, installation or floating structure

‘*Article 19-13* – The administrative authority which is competent to serve notice to the owner or operator to comply with their obligations, as referred to in Article 40-5(I) of the above-mentioned Order of 8 December 2016, is the Maritime Prefect if the artificial island, installation, or floating structure is located on the continental shelf, the exclusive economic zone, or the ecological protection zone.

Where the artificial island, installation or floating structure is located in the territorial sea or, partly in the territorial sea and partly in the exclusive economic zone, the Prefect of the Department shall be the competent administrative authority.

‘*Article 19-14* – Where the person concerned does not comply with a formal notice within the period laid down by the competent prefect referred to in Article 19-13, that prefect may impose the administrative sanctions provided for in Article 40-5(II) of the above-mentioned Order of 8 December 2016.

‘*Article 19-15* – The decision to release the sums referred to in Article 40-5 of the above-mentioned Order of 8 December 2016 is taken by the Maritime Prefect if the artificial

island, installation or floating structure is located on the continental shelf, the exclusive economic zone or the ecological protection zone.

‘Where the artificial island, installation or floating structure is located in the territorial sea or, partly in the territorial sea and partly in the exclusive economic zone, the Prefect of the Department shall be the competent administrative authority.

‘The competent prefect shall designate the beneficiary or beneficiaries and specify the amount of the sums to be disbursed for their benefit.

‘He shall also decide on the fate of deposit interest. The decision shall be notified to the beneficiary concerned.

‘*Article 19-16* – The sums shall be released at the request of the beneficiary or beneficiaries. In support of their application, they shall produce all the documents capable of proving their identity and their status, the decision to release the deposit, and, in general, all documents necessary for the payment of the sums.

‘Where appropriate, the beneficiary shall inform the competent prefect of the release of the sums.

‘*Article 19-17* – The person served with formal notice who has paid a sum ordered under Article 40-5 of the above-mentioned Order shall forward to the competent prefect a statement of the expenditure incurred and the corresponding supporting documents. On the basis of these documents and, where appropriate, of an on-site check, the competent prefect shall lay down by decree the amount of the sums to be released and shall designate the beneficiary or beneficiaries.

‘*Article 19-18* – In the case of works ordered *ex officio*, the competent prefect shall inform the defaulting operator of the completion of the works and their payment.

‘*Article 19-19* – In the event of insolvency proceedings involving the owner or operator of the installation, the competent prefect requests the release of the sums to ensure the implementation of the works and payment.

‘The competent prefect shall determine the eligible items of expenditure and shall submit a request for the release of the deposit to ensure payment thereof. The company representative in the insolvency proceedings shall formalise the work contracts.

‘Where a judgment opening bankruptcy proceedings has been delivered and the liquidator has carried out, at its own expense, the works and operations referred to in the decision, it shall be the beneficiary of the released sums.

‘The prefect shall order the release of the deposit for the benefit of the liquidator.

‘*Article 19-20* – In the event of compulsory works, the competent prefect shall ensure that the representative of the owner or operator of the installation in collective proceedings is informed.

‘Article 19-21 – The release of the deposit will occur upon presentation of the decision to release the deposit under the same conditions as above.

‘The sums deposited are exempt from seizure as soon as they are paid by the public accountant to the Deposit and Consignment Office.

CHAPTER II

PROVISIONS AMENDING DECREE NO 2006-142 OF 10 FEBRUARY 2006 ON THE CREATION OF THE ONE-STOP SHOP PROVIDED FOR BY LAW NO 2005-412 OF 3 MAY 2005 ON THE CREATION OF THE FRENCH INTERNATIONAL REGISTER

Article 6

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

I. Article 2 is amended as follows:

1° The first paragraph is supplemented by the following sentence: ‘This one-stop shop shall also be responsible for collecting and managing all applications for registration and registration as a French vessel of drones in the maritime drones register under the French flag and of artificial islands, installations and floating structures in the register of such craft under the French flag’;

2° In the second paragraph, after the words: ‘of vessels’, the following words shall be inserted: ‘, maritime drones and artificial islands, floating installations and structures’;

3° In the third paragraph, after the words: ‘French International Register’, the following words shall be inserted: ‘, drones in the register of maritime drones under the French flag and artificial islands, installations and floating structures in the register of such craft under the French flag.’;

4° The sixth paragraph is replaced by the following: ‘The one-stop shop shall keep the register of mortgages on vessels registered in the French international register, on drones in the maritime drones register under the French flag and on artificial islands, installations and floating structures in the register of such craft under the French flag. It shall ensure the publication of these mortgages, as well as seizures on these vessels, maritime drones, and artificial islands, installations, and floating structures, in accordance with Article R. 5114-14-2 of the Transport Code.’

CHAPTER III

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 7

The list of individual administrative decisions taken by the Minister responsible for Ecological and Solidarity Transition under the heading “Infrastructure, transport, sea” in Annex 1 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 paragraph 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 vessels of the French International Register’ the following words are inserted: ‘maritime drones and artificial islands, floating installations and structures’, and after the words: ‘of these vessels’, the following words shall be inserted: ‘, drones and artificial islands, floating installations and structures’;

2° In line 61, after the words: ‘French International Register’, the following words shall be inserted: ‘maritime drones under the French flag and artificial islands, installations and floating structures from the register of such craft under the French flag’;

3° In line 65, after the words: ‘French International Register’, the following words shall be inserted: ‘, maritime drones under the French flag and artificial islands, installations and floating structures in the register of such craft under the French flag’.

CHAPTER IV

PROVISIONS AMENDING THE TRANSPORT CODE

Article 8 [registration]

Chapter II of Title I of Book I of Part Five of the Transport Code is amended as follows:

1° In Article R. 5112-1A, after the words: ‘maritime drones’ the following words are added: ‘and artificial islands, floating installations and structures’.

Article 9 [ownership]

Chapter IV of Title I of Book I of Part Five of the Transport Code is amended as follows:

1° The title of Chapter IV is replaced by the words: ‘Ownership of vessels, maritime drones, artificial islands, installations, and floating structures’

2° Article 5114-1A is replaced by the following provisions: ‘The provisions of this Chapter applicable to vessels registered in the French International Register shall also apply to maritime drones, artificial islands, installations and floating structures.’

CHAPTER V
PROVISIONS AMENDING THE COMMERCIAL CODE

Article 10

The Commercial Code is amended as follows:

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

1° In 6°, after the reference: ‘Article L. 5112-1-9 of the same Code’, the following words are inserted: ‘as well as those relating to the artificial islands, installations and floating structures referred to in Article 40-2 of Order No 2016-1687 of 8 December 2016 on maritime areas under the sovereignty or jurisdiction of the French Republic’;

2° In 7°, after the reference: ‘Article L. 5112-1-9 of the same Code’, the following words are inserted: ‘as well as those relating to the artificial islands, installations and floating structures referred to in Article 40-2 of Order No 2016-1687 of 8 December 2016 on maritime areas under the sovereignty or jurisdiction of the French Republic’;

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

1° After the reference: ‘L. 5112-1-9 of the same Code’ the following words are inserted: ‘as well as on artificial islands, installations and floating structures referred to in Article 40-2 of Order No 2016-1687 of 8 December 2016 on maritime areas under the sovereignty or jurisdiction of the French Republic’

2° In the second sentence, after the words: ‘or the maritime drone’, the following words are inserted: ‘or artificial islands, installations and floating structures’.

TITLE II
PROVISIONS RELATING TO 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 11

Decree No 84-810 of 30 August 1984 referred to above is amended in accordance with the provisions of Articles 11 to 17 of this Decree.

Article 12 [definitions]

Article 1 of the above-mentioned Decree of 30 August 1984 shall be amended as follows:

1° I is supplemented by a paragraph, worded as follows:

‘9. Offshore service vessel’: any mechanically propelled vessel which is used to transport and accommodate industrial personnel and authorised to take on board more than 12 persons but without having more than 12 passengers’.

2° In 4(c) of II of the same Article, the word ‘.’ is replaced by the word: ‘;’ and after 4(c) of II of the same Article, the following paragraph is inserted:

‘d) Industrial personnel.’

3° II of the same Article is supplemented as follows:

‘51. Industrial personnel: means all persons who are transported or accommodated on board in order to carry out industrial activities at sea, either on board other vessels or on offshore installations.

‘52. Nautical event: Any organised and temporary event which involves a gathering of persons in connection with a maritime activity and which takes place, in whole or in part, at sea, including within the administrative boundaries of ports and in estuaries, up to the first obstacle to the navigation of vessels.

“ The arrangements for organising nautical events shall be laid down by decree of the Minister responsible for Sea Affairs.’

Article 13 [offshore service vessels]

After the last paragraph of 2° of I of Article 3-1 of the above-mentioned Decree of 30 August 1984, a paragraph is added, worded as follows:

‘ - offshore service vessels with a reference length of 24 metres or more.’

Article 14 [offshore service vessels]

In 1.2 of I of Article 20 of the above-mentioned Decree of 30 August 1984, between the words: ‘loading’ and ‘or fishing’, the following words are inserted: ‘offshore service’.

Article 15 [Port State Control]

The second paragraph of Article 41-2 of the above-mentioned Decree of 30 August 1984 is amended as follows:

1° The words: ‘at the disposal of the inspectorate’ are replaced by the words: ‘at the disposal of the inspector’;

2° The second paragraph is supplemented as follows: ‘The master of the vessel shall provide the inspector with the means to safely access the vessel. Failing this, the departure of

the vessel may be postponed until the inspection can be carried out on the first working day following the availability of these means. It may be brought forward by decision of the head of the Vessel Safety Centre for the purposes of the service under the conditions laid down by decree.’.

Article 16 [Port State Control]

In the second paragraph of 3° of Article 41-3 of the Decree of 30 August 1984 referred to above, the words: ‘The master of the vessel shall provide the inspector with the means to safely access the vessel. Failing this, the departure of the vessel may be postponed until the inspection can be carried out.’ are deleted.

Article 17 [Port State Control]

Article 41-8 of the Decree of 30 August 1984 shall be amended as follows:

1° In V, after the words: ‘of Article R. 5333-4 of the Transport Code’, the following words are inserted: ‘or which calls only during night time, as defined in Article 150-1.02 of the Regulation annexed to the Decree of 23 November 1987 on vessel safety and the prevention of pollution,’;

2° After VI, VII is added as follows:

‘VII. — At the request of the shipowner or their representative, the lifting of the immobilisation inspection shall be carried out on the first working day following the request. It may be brought forward by decision of the head of the Vessel Safety Centre for the purposes of the service under the conditions laid down by decree.’

Article 18 [Port State Control]

In IV of Article 41-9 of the above-mentioned Decree of 30 August 1984, after the words: ‘Article L. 5241-4-6 of the Transport Code’ is supplemented by the words ‘and Article L. 229-18-6 of the Environment Code’.

Article 19 [prohibition of towing]

Article L. 42-6 is supplemented by the following paragraph:

‘Any floating gear or towed vessel is not authorised to carry passengers. Only personnel necessary for safety or for the proper conduct of operations shall be permitted on board.

Article 20 [nautical event]

Article 55 of the aforementioned Decree of 30 August 1984 is supplemented by two paragraphs worded as follows:

‘VII. – Conditions for the carriage of passengers on board fishing vessels during a nautical event

‘In the context of a nautical event excluding the start of races, a fishing vessel may be authorised to take on board, free of charge and under the responsibility of the shipowner or proprietor of the vessel, a number of passengers exceeding 12 provided that the following cumulative conditions are met:

‘1° It complies with the conditions for the issuance or maintenance of its safety permits and pollution prevention certificates;

‘2° It has a stability file supplemented by a specific calculation, under conditions laid down by decree;

‘3° It remains within 2 miles of sheltered waters from its place of departure, in specific weather conditions laid down by decree, during daytime navigation;

‘4° It does not take on board a number of passengers greater than a ratio of 1 passenger per linear metre of the overall length of the vessel;

‘5° It implements a passenger counting system;

‘6° It requires passengers to wear a lifejacket throughout the nautical event.

‘A decree of the Minister responsible for Sea Affairs shall specify the detailed rules for the application of this paragraph.’

CHAPTER II

PROVISIONS AMENDING THE ENVIRONMENTAL CODE

Article 21 [provisions on fuel supply operations]

After Section 5 of Chapter VIII of Title I of Book II of the regulatory part of the Environmental Code, a Section 6 is inserted, worded as follows:

‘Section 6: Provisions applicable to fuel supply operations’

‘**Article R. 218-16:** ‘A fuel supply operation shall mean any operation aimed at supplying fuel to a means of generating electricity ancillary to the offshore renewable energy installation and its connection structures to public electricity networks, or to a vessel used for the construction, operation or maintenance of such installations and structures.

‘Operator means the holder of a concession for the use of the public maritime domain referred to in Article R. 2124-1 of the General Code on Public Authority Property, an authorisation referred to in Article 20 of the above-mentioned Order of 8 December 2016, or

an environmental authorisation provided for in Article L. 181-1 of the Environment Code and, where applicable, any subcontractor they appoint.

‘Owner or operator of an artificial island, installation, and structure within the meaning of the above-mentioned Order of 8 December 2016 means the legal or natural person responsible for operating the installation.

‘Shipowner means any person on whose behalf a vessel is equipped as defined in Article L. 5511-1 of the Transport Code.’

‘**Article R. 218-17.** The manager, owner, or operator of an artificial island, installation, and structure, as well as the shipowner as defined in Article R. 218-16 of this Code, are subject to certain obligations laid down by decree of the Minister responsible for Sea Affairs and the environment, particularly concerning risk identification, pollution prevention and control, personnel training, the architecture of the vessel carrying out the fuel supply operation, and the equipment necessary for these operations.

The Decree also lays down the conditions for supervising personnel not involved in these operations while they are being carried out.

‘**Article R. 218-18:** All fuel supply operations shall be subject to prior notifications to the Maritime Prefect, the details and content of which shall be laid down by decree of the Minister responsible for Sea Affairs.

‘ **Article R. 218-19:** The Maritime Prefect may issue requirements, aimed in particular at the protection of the environment or allowing coordination with other activities carried out at sea, which must be complied with during the operation.

‘ The Maritime Prefect may prohibit or suspend a fuel supply operation, in particular where it has not been the subject of the notification as defined in Article R. 218-18 of this Code, where the notification has been lodged in breach of the time limits laid down by decree of the Minister responsible for Sea Affairs, where the information communicated by the operator does not comply with that provided for in the notification or where the notified operation presents a risk to maritime safety, the safety of persons or the environment.

‘**Article R. 218-20:** Every vessel carrying out fuel supply operations shall keep a record of the monitoring of these operations, the content of which shall be specified by decree of the Minister responsible for Sea Affairs.

‘ **Article R. 218-21:** Any vessel carrying out a fuel supply operation may be subject to control by the competent control authorities at sea or at berth.

‘ **Article R. 218-22:** Depending on the volume of fuel transferred per fuel supply operation, defined by decree, the vessel carrying out the fuel supply operation is subject to compliance with specific rules specified by decree of the Minister responsible for Sea Affairs and the Minister responsible for the Environment.

TITLE III
MISCELLANEOUS PROVISIONS

Article 22 [conditions of application overseas]

I. – Decree No 2013-611 of 10 July 2013 above is hereby amended:

1° In the first paragraph of Article 22, after the words: ‘French Southern and Antarctic Lands’, the following words are added: ‘in the version resulting from Decree XXX of XX xxx 2024,’;

2° In the first paragraph of Article 22-1, after the words: ‘Wallis and Futuna Islands’, the following words are added: ‘in the version resulting from Decree XXX of XX xxx 2024,’.

3° In D of Article 21, 3° of Article 22 and 3° of Article 22-1, the words: ‘referred to in the fifth paragraph of Article 7, the fourth paragraph of Article 12 and the first and second paragraphs of Article 17’ are replaced by the words: ‘and to the Prefect of the Department’.

II. – The Transport Code is amended as follows:

1° In the table in Article R. 5761-1:

a) The row:

‘

R. 5112-1 A	Resulting from Decree No 2024-461 of 22 May 2024
-------------	--

’,

is replaced by the following row:

‘

R. 5112-1 A	Resulting from Decree XXX of XX xxx 2024
-------------	--

’;

b) The row:

‘

R. 5114-1 A	Resulting from Decree No 2024-461 of 22 May 2024
-------------	--

’,

is replaced by the following row:

‘

R. 5114-1 A	Resulting from Decree XXX of XX xxx 2024
-------------	--

’;

2° In the table in Article R. 5771-1, the row

‘

R. 5112-1 A	Resulting from Decree No 2024-461 of 22 May 2024
-------------	--

’

is replaced by the following row:

‘

R. 5112-1 A	Resulting from Decree XXX of XX xxx 2024
-------------	--

’;

3° In the table in Article R. 5781-1:

a) The row:

‘

R. 5112-1 A	Resulting from Decree No 2024-461 of 22 May 2024
-------------	--

’

is replaced by the following row:

‘

R. 5114-1 A	Resulting from Decree XXX of XX xxx 2024
-------------	--

’;

b) The row:

‘

R. 5114-1 A	Resulting from Decree No 2024-461 of 22 May 2024
-------------	--

’

is replaced by the following row:

‘

R. 5114-1 A	Resulting from Decree XXX of XX xxx 2024
-------------	--

’

4° In the table in Article R. 5791-1:

a) The row:

‘

R. 5112-1 A	Resulting from Decree No 2024-461 of 22 May 2024
-------------	--

’

is replaced by the following row:

‘

R. 5112-1 A	Resulting from Decree XXX of XX xxx 2024
-------------	--

’;

b) The row:

‘

R. 5114-1 A	Resulting from Decree No 2024-461 of 22 May 2024
-------------	--

’

is replaced by the following row:

‘

R. 5114-1 A	Resulting from Decree XXX of XX xxx 2024
-------------	--

’;

III. – The table in 5°(a) of Article R. 950-1 of the Commercial Code is amended as follows:

1° The row:

‘

R. 521-2	Decree No 2023-369 of 11 May 2023
----------	-----------------------------------

’

is replaced by the following row:

‘

R. 521-2	Resulting from Decree XXX of XX xxx 2024
----------	--

’;

2° The row:

‘

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

’

is replaced by the following rows:

‘

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

R. 521-34	Resulting from Decree XXX of XX xxx 2024
-----------	--

’;

IV. – Article 61 of Decree No 84-810 of 30 August 1984 is amended as follows:

1° I is supplemented by a 5°, worded as follows:

‘5° VII of Article 55 shall not apply.’;

2° In 6° of II, after the words: ‘Article 41-4’, the following words are added: ‘as well as VII of Article 55’;

3° III is supplemented by a 6° worded as follows:

‘6° VII of Article 55 shall not apply.’;

4° IV is supplemented by a 5° worded as follows:

‘5° VII of Article 55 shall not apply.’;

5° In 5° of V, after the words: ‘Article 26,’ the following words are added: ‘as well as VII of Article 55’;

6° In the first paragraph of VI, VII, VIII and IX, the words: ‘as a result of Decree No 2020-1808 of 30 December 2020’ are replaced by the words: ‘resulting from Decree XXX of XX xxx 2024’;

7° In 8° of VI, after the words: ‘Article 42-2’, the following words are added: ‘as well as VII of Article 55’;

8° In 8° of VII, after the words: ‘Article 51-2’, the following words are added: ‘, VII of Article 55’;

9° In 9° of VIII, after the words: ‘Article 42-2’, the following words are added: ‘as well as VII of Article 55’;

10° In IX, after the words: ‘Article 51-2’, the following words are added: ‘, VII of Article 55’;

V. – Book VI of the Environment Code is amended as follows:

1° The following provisions are added to Article 612-1:

‘ Articles R. 218-16 to R. 218-22 are applicable in New Caledonia in their wording resulting from Decree XXX of XX xxx 2024, subject to the powers conferred on New Caledonia in the field of maritime safety and the following adaptations:

‘1° In the second paragraph of Article R. 218-16, the words: ‘mentioned in Article R. 2124-1 of the General Code on Public Authority Property’ are replaced by the words: ‘located outside the administrative boundaries of ports’ and the words: ‘or an environmental authorisation provided for in Article L. 181-1 of the Environment Code’ are deleted.’;

2° The following provisions are added to Article 622-1:

‘ Articles R. 218-16 to R. 218-22 are applicable in French Polynesia in their wording resulting from Decree XXX of XX xxx 2024, subject to the powers conferred on French Polynesia in the field of maritime safety and the following adaptations:

‘1° In the second paragraph of Article R. 218-16, the words: ‘mentioned in Article R. 2124-1 of the General Code on Public Authority Property’ are replaced by the words: ‘located outside the administrative boundaries of ports’ and the words: ‘or an environmental authorisation provided for in Article L. 181-1 of the Environment Code’ are deleted.’;

3° The following provisions are added to Article 632-1:

‘ Articles R. 218-16 to R. 218-22 are applicable to Wallis and Futuna in their wording resulting from Decree XXX of XX xxx 2024, subject to the following adaptations:

‘1° In the second paragraph of Article R. 218-16, the words: ‘mentioned in Article R. 2124-1 of the General Code on Public Authority Property’ are replaced by the words: ‘located outside the administrative boundaries of ports’ and the words: ‘or an environmental authorisation provided for in Article L. 181-1 of the Environment Code’ are deleted.’;

4° The following provisions are added to Article 642-1:

‘ Articles R. 218-16 to R. 218-22 are applicable to the French Southern and Antarctic Lands in their wording resulting from Decree XXX of XX xxx 2024, subject to the following adaptations:

‘1° In the second paragraph of Article R. 218-16, the words: ‘mentioned in Article R. 2124-1 of the General Code on Public Authority Property’ are replaced by the words: ‘located outside the administrative boundaries of ports’ and the words: ‘or an environmental authorisation provided for in Article L. 181-1 of the Environment Code’ are deleted.

Article 23 [transitional provisions AO5 and AO6]

A decree shall specify the conditions for the application of Chapter I of Title I of this Decree to offshore renewable energy production installations that have given rise to competitive tendering procedures with competitive dialogue, No 1/2021 and No 1/2022 relating respectively to floating offshore wind power generation installations in an area off the south of Brittany and in the Mediterranean, provided for in Article L. 311-10 of the Energy Code.

Article 24 [implementing article]

The Prime Minister, the Minister responsible for Overseas Territories delegated to the Prime Minister, the Minister of the Interior, the Minister for Territorial Partnership and Decentralisation, and the Minister Delegate to the Minister for Territorial Partnership and Decentralisation, responsible for Sea Affairs and Fisheries, shall be responsible, each insofar as they are concerned, for the application of this Decree, which shall be published in the *Official Journal* of the French Republic.

Done on

By the Prime Minister:

The Minister responsible for Overseas Territories with the Prime Minister

The Minister for the Interior,

The Minister for Partnership with Territories and Decentralisation,

The Minister Delegate to the Minister of Partnership with Territories and Decentralisation,
responsible for Sea Affairs and Fisheries,