

Act No. 68-1181 of 30 December 1968  
relating to the exploration of the Continental Shelf  
and to the exploitation of its natural resources

Chapter I  
General Provisions

Article 1

In conformity with the Geneva Convention on the Continental Shelf of 29 April 1958, the French Republic exercises its sovereign rights for the purposes of exploring the continental shelf adjacent to its territory and exploiting its natural resources.

The continental shelf over which the French Republic exercises the rights defined above shall, in its entirety and whatever the geographical situation and status of the territories to which it is adjacent, be governed by a single legal regime laid down by the present Act, subject to the provisions of articles 35 and 36.

Article 2

Any activity undertaken by a public or private person on the continental shelf with a view to its exploration or the exploitation of its natural resources shall be subject to prior authorization.

In respect of the exploitation of plant and animal resources belonging to sedentary species, French nationals shall be exempt from the authorization requirement provided for in paragraph 1, except in cases where such exploitation entails the emplacement on the continental shelf of fixed installations for fishing or marine cultivation.

Article 3

For the purposes of the present Act, the term "installations and devices" means:

- (1) Platforms and other structures for exploration and exploitation, including their auxiliary vessels;
- (2) Vessels participating directly in exploration and exploitation operations.

Article 4

Safety zones may be established around the installations and devices defined in article 3, extending to a distance of 500 metres measured from each point of the outer edge of such installations and devices. Unauthorized access to this zone, by whatever means, for reasons unconnected with exploration or exploitation operations shall be prohibited.

Restrictions may be imposed on the overflight of installations and devices and safety zones to the extent necessary for the protection of the installations and devices and for the safety of aerial navigation.

Article 5

Subject to the provisions of the present Act and the texts adopted for its implementation, French laws and regulations shall, during the period when the activities referred to in article 2 are being conducted, apply on board the installations and devices defined in article 3 as if they were located in the territory of metropolitan France. They shall also apply, under the same conditions, to the installations and devices themselves.

The said laws and regulations shall apply under the same conditions, within the safety zones, to the supervision of operations conducted there as well as to the maintenance of public order.

#### Article 6

Prospecting for and the extraction and transport by pipeline of all mineral or fossil substances contained in the subsoil of the continental shelf or existing on its surface shall be governed by the regime applicable in the metropolitan territory to geological deposits falling within the category of mines. However, the duration of concessions on the continental shelf shall, whatever the substance, not exceed 50 years.

#### Article 7

Unless a special exception is made by the competent Minister, all maritime or aerial transport between French territory and the installations and devices emplaced on the adjacent continental shelf shall be reserved for French ships and aircraft.

#### Article 8

The installations and devices defined in article 3, paragraph 1, above shall be deemed to be movable property and shall be mortgageable under the conditions set forth in articles 43 to 57 of Act No. 67-5 of 3 January 1967 on the status of ships and other vessels.

#### Article 9

Seamen who are engaged, on board the installations and devices defined in article 3, paragraph 1, above, in activities for the exploration or exploitation of the resources of the continental shelf may, at their request, retain coverage under the social security scheme for seamen and continue to benefit from the provisions of the Maritime Labour Code in respect of sickness and injury, as well as repatriation; in this case the employer shall assume with respect to them the obligations of the shipowner.

### Chapter II

#### Provisions relating to safety measures

#### Article 10

The installations and devices defined in article 3, paragraph 1, above shall be subject to the laws and regulations concerning the safety of life at sea.

In addition, where they are capable of floating, they shall during the time when they are afloat be subject to the laws and regulations concerning registration and the navigation licence, as well as to the regulations for the prevention of collisions at sea.

For purposes of the application of the above laws and regulations, the person on board the installations and devices who is responsible for the conduct of the exploration or exploitation work shall be regarded as the captain within the meaning of the said laws and regulations. He shall in all cases be subject to the jurisdiction of the ordinary law.

#### Article 11

The owner or operator of an installation or device as defined in article 3, paragraph 1, above which is resting on the sea-bed, or the person on board in charge of the conduct of the exploration or exploitation work shall be responsible, each in his own area of competence, for installing, operating and maintaining in good working order at

all times its means of giving warning of its presence. In all cases, the costs of giving such warning shall be borne by the owner or operator. These provisions shall apply, as appropriate, to the means of giving warning of the presence of the safety zones provided for under article 4.

Where the persons referred to in the preceding paragraph fail to comply with the instructions given to them by the competent authority in application of the present article, the said authority may, after non-enforcement of an injunction, and without prejudice to the institution of legal proceedings, take the necessary measures proprio motu and at the expense of the owner or operator.

For purposes of ensuring that the said persons are complying with the obligations placed upon them under this article, the competent authorities shall have access to the installations and devices, as well as to the means of giving warning.

#### Article 12

Information for navigators relating to activities for the exploration and exploitation of the continental shelf shall be transmitted to the competent authorities.

This obligation shall be assumed according to circumstances by the owner or operator of an installation or device as defined in article 3 above or by the person on board it responsible for the conduct of the work.

#### Article 13

Articles 70 to 74 of the Maritime Ports Code shall apply to the means of giving warning of the presence of installations and devices as defined in article 3, paragraph 1, of the present Act, as well as of the safety zones provided for under article 4 of the present Act.

For purposes of the application of articles 70 to 72 of the Maritime Ports Code, the person on board such installations and devices responsible for the conduct of the exploration or exploitation activities shall be regarded as the captain or master within the meaning of those articles. He shall in all case be subject to the jurisdiction of the ordinary law.

#### Article 14

The owner or operator shall entirely remove installations or devices which have ceased to be used. If necessary, he shall be given formal notice to comply with this obligation, and deadlines for the commencement and completion of the work shall be communicated to him.

If he refuses or neglect to carry out the work, it may be carried out on a compulsory basis at his expense and risk.

In such cases, the owner or operator may forfeit his rights in respect of the installations and devices.

### Chapter III

#### Customs and tax provisions

#### Article 15

For customs purposes, products extracted from the continental shelf shall be regarded as having been recovered from a new part of the customs territory provided for in article 1 of the Customs Code.

For purposes of the application of the tax laws, the same products shall be regarded as having been recovered in the territory of metropolitan France.

**Article 16**

Industrial plant, as well as the products necessary for its operation and maintenance, used on the continental shelf to prospect for or extract oil and other minerals and organic materials of which a list shall be established by decree shall be exempt from customs duties on import.

**Article 17**

Customs officials may inspect installations and devices at any time. They may also inspect the means of transport used for the exploration of the continental shelf or the exploitation of its natural resources within the safety zones provided for under article 4 above and in the maritime part of the customs area.

**Article 18**

Installations and devices in use at a site of exploration or exploitation of the continental shelf on the date of entry into force of this Act, as well as the plant and other goods on board such installations and devices at that time, shall be deemed to have been imported on that date.

**Article 19**

The taxes specified in the second part of book I of the General Tax Code and levied for the benefit of local authorities and various agencies shall not be applicable on the continental shelf, with the exception of the indirect contributions provided for in chapter III, section II.

**Chapter IV**  
**Provisions relating to fees**

**Article 20**

Holders of concessions in respect of liquid or gaseous hydrocarbons on the continental shelf shall be liable to pay the annual fee provided for in article 31 of the Mining Code.

**Article 21**

Holders of liquid or gaseous hydrocarbons extraction permits, as well as holders of concessions and extraction permits for all other minerals subject, under the terms of article 6 above, to the mining regulations, shall be required to pay a specific fee per ton at rates to be set in the light of the value of the substance in question.

The terms on which the revenue from this fee is to be apportioned between the State and local communities shall be established by a finance law before 1 January 1970.

**Article 22**

Plant or animal resource exploitation operations involving a fixed installation for fishing or marine cultivation on the continental shelf shall be required to pay an annual operator's fee to the State.

**Article 23**

The rates of the fees instituted under this chapter, as well as the base of the fee instituted under the preceding article, shall be established by finance laws.

## Chapter VI Penal provisions

### Article 24

Any person engaging in an activity on the continental shelf for purposes of its exploration or the exploitation of its natural resources without the authorization specified in article 2 above, or failing to comply with the terms of such an authorization, shall be liable to imprisonment for a term of from 11 days to 3 months and to a fine of from 1,000 to 5,000 francs, or to one of these two penalties. In the case of a second or subsequent offence, the fine shall range from 2,000 to 10,000 francs and a sentence of imprisonment for a term not exceeding five years may also be imposed.

In addition, the court may if necessary order either the removal of the installations and devices erected at the exploration or exploitation site without the authorization referred to in the preceding paragraph, or their modification to bring them into compliance with the terms of such authorization. The court may impose on the offender a time limit for proceeding, as appropriate, with the removal of the installations or devices or their modification.

The penalties provided for in the first paragraph shall also apply in the case of failure to carry out within the prescribed time limits the work of removal or modification referred to in paragraph 2.

If following the expiry of the time limit established in the judgment the removal of the installations and devices or their modification, as appropriate, has not taken place or is not completed, the administrative authority designated by decree of the Council of State may proprio motu arrange for the conduct of all work necessary for the execution of the judicial decision, at the expense and risk of the offending party.

### Article 25

Unless already covered and penalized under article 24 above, the violations of the provisions of the Mining Code referred to in articles 141 and 142 thereof shall, when they are committed on the continental shelf, be subject to the penalties specified in those articles. However, the fines shall range from 1,000 to 5,000 francs in respect of the violations referred to in article 141 and from 1,000 to 2,500 francs in respect of the violations referred to in article 142. These amounts shall be doubled in the case of a second or subsequent offence.

### Article 26

When an official report has been drawn up citing an offence referred to in article 24 of the present Act, suspension of the exploration or exploitation work may be ordered, pending the final decision by the judicial authority, on application by the Public Prosecutor's department acting at the request of the administrative authority designated in accordance with article 24 above, or proprio motu by the examining magistrate hearing the case or by the court of summary jurisdiction.

The judicial authority shall render judgement after hearing the owner or operator or having duly summoned him to appear within 48 hours.

The judicial decision shall be immediately enforceable, any right of appeal notwithstanding.

From the moment the official report referred to in the first paragraph of this article has been drawn up, the administrative authority may likewise, if the judicial authority has not yet made a ruling, issue a decision accompanied by a statement of grounds ordering the suspension of the work. A copy of this decision shall be transmitted forthwith to the Public Prosecutor's department.

The administrative authority may take all coercive measures necessary to ensure the immediate enforcement of its order.

The judicial authority may at any time, proprio motu or at the request either of the administrative authority or

of the owner or operator, rule whether the measures taken to ensure suspension of the work shall be revoked or shall continue. In any event, the decision of the administrative authority shall cease to have effect in the event of a decision that there are no grounds for prosecution or an entry of nolle prosequi.

The administrative authority shall be notified of the judicial decision and shall be responsible for executing it if necessary.

Where proceedings have not been instituted, the Public Prosecutor shall so inform the administrative authority, which shall discontinue the measures taken by it, either proprio motu or at the request of the owner or operator concerned.

#### Article 27

Continuation of exploration and exploitation work notwithstanding a judicial or administrative decision ordering its suspension shall be punishable by imprisonment for a term of from 11 days to 3 months and by a fine of from 1,000 to 3,000 francs, or by one of these two penalties only.

#### Article 28

Without prejudice to the application of the laws and regulations concerning prevention of pollution of the sea by oil to the installations and devices referred to in article 3, paragraph 2, of the present Act, any person who during the exploration or exploitation of the natural resources of the continental shelf discharges or releases into the sea from an installation or device referred to in paragraph 1 of that article any of the products listed in article 3, paragraph 1, of the International Convention for the Prevention of the Pollution of the Sea by Oil, signed at London on 12 May 1954, as they are defined in article 1, paragraph 1, of the said Convention, shall be liable to a fine of from 2,000 to 20,000 francs and, in the case of a second or subsequent offence, to imprisonment for a term of from six days to six months and a fine of from 5,000 to 50,000 francs, or to one of these two penalties only.

The owner or operator of the installations or devices referred to in article 3 of the present Act or the person responsible on board such installations and devices for the conduct of the exploration or exploitation work shall, if the offence was committed on his express instructions, be liable to imprisonment for from 10 days to 6 months and to a fine of from 3,000 to 30,000 francs.

Any owner or operator of such installations and devices who has not given the person responsible on board the said installations and devices for the conduct of the exploration or exploitation work express instructions to comply with the provisions whose violation is punishable under paragraph 1 of this article may be held to be an accomplice to the offence referred to in that paragraph.

The offence referred to in the first paragraph of this article shall be deemed not to have occurred when:

- (a) The discharge takes place in order to ensure the safety of the installation or device referred to in article 3, paragraph 1, of the present Act, to avoid serious damage to them or to save human life at sea;
- (b) The release is the result of unforeseeable and unavoidable damage or leakage, if all necessary measures have been taken, after the damage occurred or the leak was discovered, to prevent or reduce the release.

Articles 3, 6 and 7 of Act No. 64-1331 of 28 December 1964 instituting penalties for the pollution of the sea by oil shall apply to the offences punishable under this article.

#### Article 29

An owner or operator who has refused or neglected to comply with the provisions of the first paragraph of article 14 above after taking cognizance of the formal notice provided for in that paragraph shall be liable to imprisonment for a term of from 11 days to three months and to a fine of from 1,000 to 5,000 francs, or to one of these two penalties only.

### Article 30

Any breach of the provisions of the first paragraph of article 11 above shall be subject to the penalties provided for in articles 80 and 81 of the Merchant Marine Disciplinary and Penal Code.

### Article 31

Any breach of the provisions of article 12 above shall be subject to the penalties provided for in article 5 and article 6, paragraph 3, of Act No. 67-405 of 20 May 1967 on the safety of life at sea and shipboard living conditions.

### Article 32

Any person who, except in a case of force majeure, unlawfully enters a safety zone as defined in article 4 above or unlawfully overflies such a safety zone, after the competent authorities have taken appropriate measures to inform navigators of the location of the said zone, shall be liable to imprisonment for a term of between 11 days and three months and to a fine of from 1,000 to 5,000 francs, or to one of these two penalties only. In the case of a second or subsequent offence, the fine may be doubled, and a prison sentence of not more than two years may additionally be imposed.

### Article 33

The following shall be empowered to investigate the offences referred to in articles 13, 24, 27, 29, 30, 31 and 32 of the present Act:

Police officers;  
Administrators of maritime affairs;  
Mining engineers or engineers under their orders;  
Government civil engineers in maritime service;  
Officers and petty officers in command of State vessels;  
Captains of State aircraft;  
Customs officers;  
Members of the coastguard and the fisheries protection service.

The reports of the investigation of such offences shall be transmitted to the Public Prosecutor.

## Chapter XI Miscellaneous provisions

### Article 34

The National Centre for Ocean Exploitation (CNEXO) shall have access to the documents and information on geological, hydrological and mining questions referred to in article 132 of the Mining Code; it may in addition have sent to it all documents or information dealing with biological questions.

The employees of CNEXO who have access to such documents or information shall be bound by professional secrecy under conditions to be determined by decree.

### Article 35

The installations and devices defined in article 3 above and the safety zones provided for in article 4 shall be

subject to the criminal law and criminal procedure in force at the seat of the tribunal de grande instance or tribunal de première instance under whose jurisdiction they fall.

**Article 36**

The terms of the adjustment of this Act to operations conducted on the continental shelf adjacent to communities of the overseas territories shall be established by decree of the Council of State.

**Article 37**

Holders of licences for prospecting on the continental shelf issued prior to the entry into force of the present Act shall continue to operate under the provisions contained in the decrees granting the said licences.

They shall bring the installations and devices, as well as the rules governing their operation, into compliance with the provisions of the present Act within a period of one year from the date of its promulgation.

**Article 38**

The mode of application of the present Act shall be determined by decree of the Council of State, particularly as regards to articles 2, 5, 8, 11, 12, 14 and 35.