

DECREE

Decree No. 2011-1213 of 29 September 2011 on the application of article 4 of Act No.94-589 of 15 July 1994 in relation to measures against piracy and provisions on the exercise of State policing powers at sea

NOR: DEFD1111996D

Consolidated version of 7 October 2011

The Prime Minister,

On the report of the Minister of Defence and Veterans' Affairs,

Having regard to:

- The Code of Penal Procedure, in particular article 28;
- The Defence Code, in particular article R. 3223-6;
- Act No. 94-589 of 15 July 1994, as amended, concerning measures against piracy and provisions on the exercise of State policing powers at sea, in particular articles 1 and 4;
- Decree No. 2004-112 of 6 February 2004 on the organization of State action at sea;
- Decree No. 2005-1514 of 6 December 2005 on the organization overseas of State action at sea;

With the agreement of the Council of State (Administrative section),

Decreases that:

Article 1

The following may be specially authorized to enquire into and ascertain commission of maritime piracy offences mentioned in article 1 of the above-mentioned Act of 15 July 1994:

- 1) Commanders and deputy commanders of naval units and, when in command of another State vessel, maritime administrators, maritime inspectors, officers of the maritime technical and administrative service and maritime controllers;
- 2) When on board a naval unit or other State vessel, marine corps officers or, failing this, the officer responsible to the commander for services relating to security and protection of the naval unit, naval chief administrators and maritime administrators, and officers of the maritime technical and administrative service;
- 3) Onboard commanders of State aircraft responsible for maritime surveillance.

Article 2

Individual authorization shall be issued by the maritime prefect or, overseas, by the government representative for State action at sea whose jurisdiction covers the individual's residence.

The document must be presented on request to any person undergoing a check.

A copy of the document must be attached to the official records sent to the public prosecutor.

Article 3

The provisions of this decree shall apply throughout the territory of the Republic.

Article 4

The Minister of Defence and Veterans' Affairs; the Minister for Ecology, Sustainable Development, Transport and Housing; the Minister for Justice and Freedoms; and the Overseas Minister responsible to the Minister for the Interior, Overseas, the Territorial Authorities and Immigration shall be charged, each in his or her own area of responsibility, with enforcing this decree, which will be published in the Official Journal of the French Republic.

Done on 29 September 2011

François Fillon
Prime Minister

Minister of Defence and Veterans' Affairs;
G rard Longuet

Minister for Ecology, Sustainable Development, Transport and Housing;
Nathalie Kosciusko-Morizet

Minister for Justice and Freedoms;
Michel Mercier

Overseas Minister responsible to the Minister for the Interior, Overseas, the Territorial
Authorities and Immigration
Marie-Luce Penchard
