



# ASSOCIATION FRANÇAISE DU DROIT MARITIME

CMI

## Court procedures in your jurisdictions and flag administrations in Covid times

Association Française du Droit Maritime – April 2020

- **Are the Courts in your jurisdiction open and functioning as per normal?**

No. Since 16<sup>th</sup> March courts have been closed and there is no hearing except for urgent matters. Although each local court (Court of appeal) has implemented its own continuation plan during the state of health emergency, most of the proceedings are suspended until the end the lock down or of the state of health emergency.

- **If not, are there any exceptions to the arrest of ships and / or are other injunctive or enforcement procedures available?**

Yes. While the courts remain closed, they could still rule on “essential” disputes which include urgent measures. Thus, it remains possible to arrest a vessel or apply for her release.

For example, one of the undersigned managed to obtain an arrest order and an order to appoint a surveyor. Hearing can be held by phone or by videoconference (in inter partes proceedings). However, each court have its own approach.

Outside the scope of maritime law courts have been seized of urgent applications in particular regarding enforcement safety rules toward employees or in summary criminal proceedings.

- **Can Judicial Sale of Ships still take place?**

It will probably be difficult. Judicial sales of ships are ordered by civil courts, the sale is done during a hearing. At the present time, Civil courts are closed, safe exceptions and essential disputes. It would a difficult to qualify a judicial sale as an “essential” dispute.

- **Do you know how long the Courts in your jurisdiction will be closed for?**

Not yet, Lock down is supposed to last until 11<sup>th</sup> May and the “state of health emergency” to last until 24<sup>th</sup> June. It is still not clear how and when Courts will open. The situation may be different for each local court.

- **Is the flag registry in your jurisdiction (if applicable) operating as per normal in terms of the registration of ships and registration of mortgages and deletion of same.**

The flag registry is operating, and registrations and deletions are possible.



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- **Has your flag administration issued any special exemptions for the period of the Pandemic.**

Yes.

The French administration issued rules regarding renewal or the visa of ships certificates as well as the renewal of STCW and STCW-F certificates, training documentary evidences, endorsements, and marine medical certificates for seafarers, and which would expire during the state of health emergency i.e. between 12<sup>th</sup> March and 24<sup>th</sup> June 2020.

The validity of French vessels certificates, including navigation license, expiring during the period of the state of health emergency are extended from this expiration date, up to three months after the end of the state of health emergency (i.e. up to 24<sup>th</sup> September 2020).

A similar rule applies for seafarers' certificates including:

- STCW and STCW-F certificates of competency and certificates of proficiency;
- Documentary evidences of a training approved ;
- Flag State endorsements issued by the French Maritime authorities ;
- Recognition of professional qualifications certificates for seafarers on fishing vessels and shellfish sector ;
- Maritime education and training institutions approval,
- medical certificates