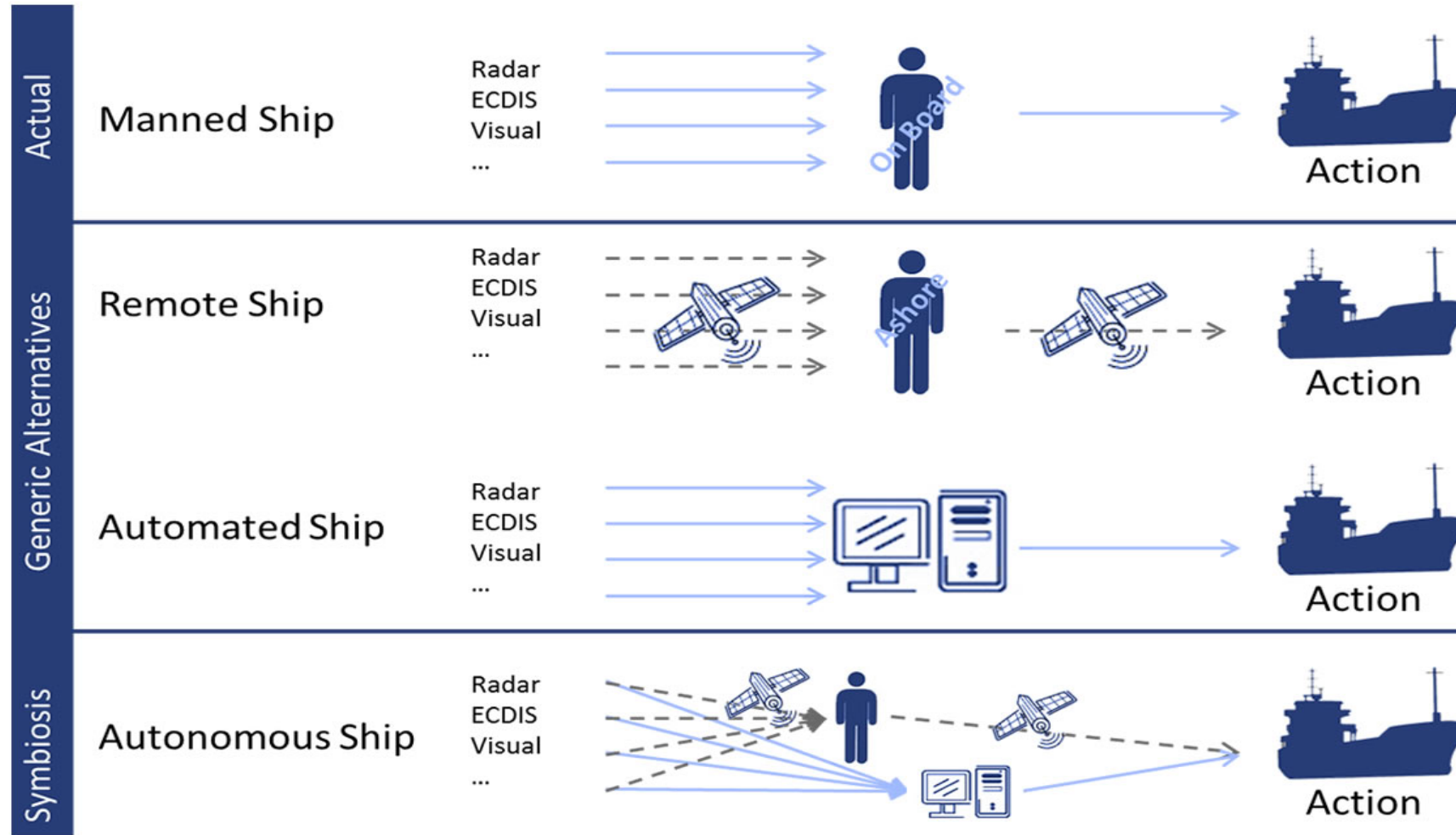


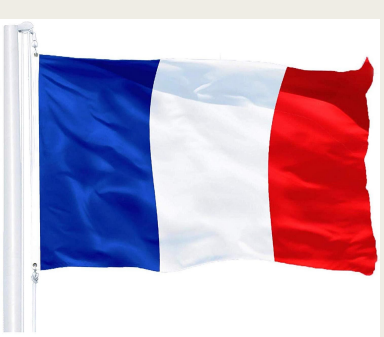
# FRENCH REGULATIONS ON MASS: SOLVED & UNSOLVED ISSUES



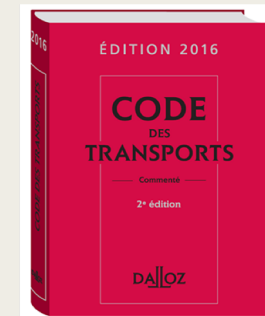


# HOW AUTONOMOUS SHIPS WORK ?





# MASS IN THE FRENCH LEGAL CORPUS



## Law of 20 June 2016

**Integration of the notion of autonomous ships with the creation of the article 5511-1-1 of the Transport Code:**

*"A floating surface or underwater craft, on which no person is embarked, operated from a vessel flying the French flag, must bear external identification markings defined by regulation"*



## Law of 23 December 2019

**5 objectives** were set out by the article 135. III.1 and Government was empowered to legislate by Decree to **remove obstacles and enable the navigation of autonomous or remotely controlled vessel**



## Decree of 13 October 2021 (in application of the law of 23 December 2019)

Authorization of the navigation of the MASS with the creation of a **specific experimental operating regime** for these ships.

**Legal definition of autonomous ships and distinction with drones** through technical characteristics and confirmation **the master is the "person" in command of the MASS**

# ISSUES SOLVED WITH FRENCH REGULATIONS ON MASS



## *The legal definition of MASS & the distinction with drones*

### ➤ **Legal definition with the article L. 5000-2-1 of the French Transport code :**

*"(...) an autonomous vessel is a vessel operated remotely or by its own operating systems, whether there are seafarers on board. The person in command of the autonomous vessel is the master."*

### ➤ **Distinction with the drones based on technical characteristics (size, speed and power) :**

- *No personnel, passengers or cargo on board;*
- *A gross tonnage of less than 100 UMS;*
- *Its overall length is greater than 1m and less than 16 m*
- *Its maximum speed is less than or equal to 20 knots;*
- *Its kinetic energy is less than 300 kJ.*



# ISSUES SOLVED WITH FRENCH REGULATIONS ON MASS

## ➤ **MASS remain under the command of the master**

- **The Master is the person who commands effectively the autonomous ship :**
  - L.5000-2-1 of the French Transport Code : “(...) an autonomous vessel is a vessel operated remotely or by its own operating systems, whether there are seafarers on board. The person in command of the autonomous vessel is the master.”
  - L. 5511-3-1 of the French Transport Code : “When persons participating in the operation of an autonomous vessel, including the captain, are seafarers, they are deemed to be embarked within the meaning of this section”
- **Master will not benefit from the prerogatives of public authority anymore**
  - L. 5521-6 of French Transport Code : “Masters of autonomous vessels and their deputies do not benefit from the prerogatives of public authority.”

# ISSUES UNSOLVED WITH FRENCH REGULATIONS ON MASS

## ➤ *The functions of MASS's master*

- Captain is traditionally defined as "**the only master on board after God** » which corresponds to his multiple functions
- Identification of the Master is fundamental especially regarding his functions related to **environmental and safety issues**.

## ➤ *The liability of MASS's master*

- Shipowner can be responsible for **the negligence of his servants** which traditionally includes the master and the crew
- In the context of MASS it is **difficult to find room for an assessment of fault** -> this could lead to shift from fault based liability to **strict liability scheme**



# ISSUES UNSOLVED WITH FRENCH REGULATIONS ON MASS



*The maritime concepts which rely on or involve human intervention:*

- **Limitation of liability**
- **Nautical fault: exception in the carriage of goods**
- **Collision**
- **Seaworthiness**

**THANK YOU!**