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CHARGÉ DE LA MER  
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*Liberté  
Égalité  
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# French Legal Framework

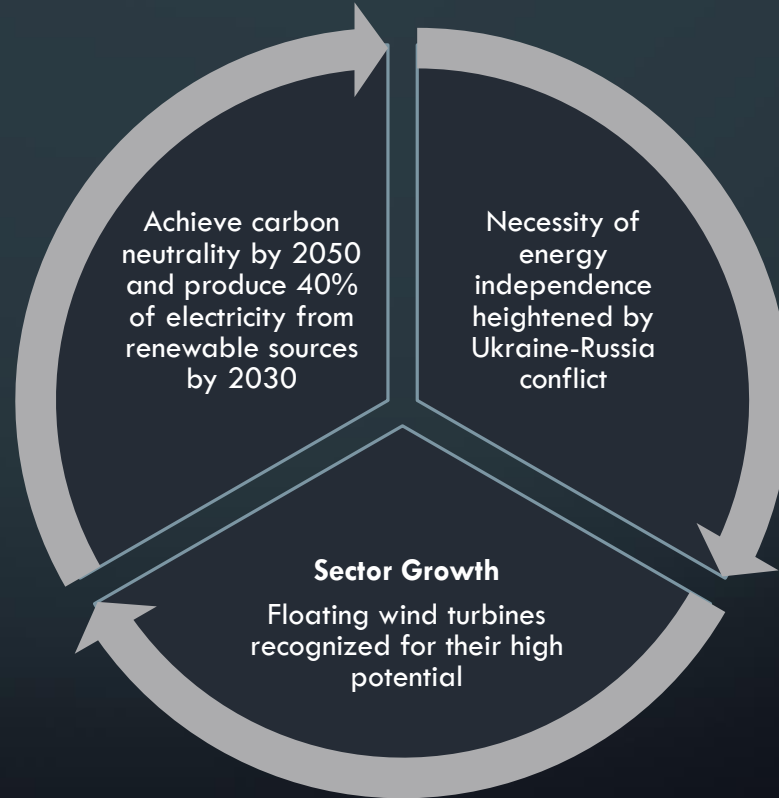
*Regulatory initiatives for the implementation of a new legal framework for Floating Multi-Purpose Platforms (Floating MPPs)*



CMI Colloquium, Göteborg, 22 May 2024

# WHAT ARE OUR AMBITIONS ?

# FRENCH GOVERNMENT AMBITIONS



## STRATEGIC INITIATIVES : ONGOING OR FUTURE OFFSHORE WIND PROJECTS

### INCREASING OUR CAPACITY

- Objective : Achieve 40% renewable electricity by 2030
- Acceleration Strategy : Implementation of tender calls for projects AO5 Bretagne-Sud and AO6 Méditerranée (250 MW each)
- In May 2024, Bruno Lemaire, French Minister of Economy and Finance announced tender calls for projects AO9 (2.5 GW) and AO10 (10 GW) to be launched in 2024

	Authorization Acquisition Timeframe	Litigation duration	Duration of works	Commissioning
<b>A01 Saint Nazaire</b>	4 years and 10 months	2 years and 2 months	3 years and 3 months	November 2022
<b>A01 Saint Briec</b>	4 years and 10 months	3 years and 8 months	3 years	In 2024
<b>A01 Fécamp</b>	4 years and 10 months	2 years and 4 months	3 years and 5 months	In 2024
<b>A01 Courseulles</b>	4 years and 10 months	2 years and 4 months	3 years and 8 months	In the horizon 2025
<b>A02 Dieppe-Le Tréport</b>	2 years and 10 months	3 years and 8 months	3 years and 8 months	In the horizon 2026
<b>A02 Yeu-Noirmoutier</b>	2 years and 10 months	4 years	2 years and months	In the horizon 2025
<b>A03 Dunkerque</b>	4 years	1 year	2 years and months	In the horizon january 2028
<b>A04 Normandie</b>	4 years	1 year and 8 months	5 years and months	In the horizon 2031
<b>A05 Bretagne-Sud</b>	5 years	1 year and 8 months	2 years and 6 months	In the horizon 2031
<b>A06 Méditerranée</b>	7 years	1 year and 8 month	2 years and 6 months	In the horizon 2031
<b>A07 Oléron</b>	7 years	1 year and 8 months	3 years	In the horizon 2032
<b>A08 Normandie</b>	4 years and 6 months	1 year and 84 months	4 years and 6 months	In the horizon 2032

# INADEQUACY OF THE LEGAL FRAMEWORK FOR FLOATING WIND UNITS

**Previous inadequacy of Article 30 of the legislative order No 2016/168, December 8, 2016 (Ordonnance n° 2016-1687)**

- Floating wind turbines have been inaccurately classified as ships
- The application of national maritime law and international conventions was uncertain or inappropriate, leading to legal ambiguity
- The legal framework was incompatible with "static" floating units, as opposed to ships



**Law No. 2023-175 of March 10, 2023, regarding the acceleration of renewable energy production (Loi APER)**

- Article 63 of the Law amended by legislative order N° 2016/1687

# CURRENT LEGAL FRAMEWORK: OBJECTIVES

## Article 63 of Law No. 2023-175 regarding the acceleration of renewable energy production

1° Exclusion from ships status

2° Tailored regulations to suit the “stationary” nature of floating units compared to ships

3° Address specific operational requirements of these installations

# **WHAT ARE FLOATING MULTI-PURPOSE PLATFORMS IN FRENCH LEGISLATION ?**

# What are we talking about ?

## “Artificial island, Installation and Floating Structure”

Connected permanently to  
a fixed point

Not primarily constructed  
and equipped for maritime  
navigation or intended for  
such use

### Floating wind turbines



### Floating substations





# FLOATING MULTI-PURPOSE PLATFORMS (MPPs): ASSIMILATED UNITS

**Any vessel**

Involvement in close-to-shore operations

Primarily operating at anchorage or dock

Designed for residential, tourist or recreational purposes

Examples of assimilated units:  
restaurant, tourist village, or floating hotel



# EXCLUDED UNITS

1° Installations and structures primarily dedicated to maritime navigation safety



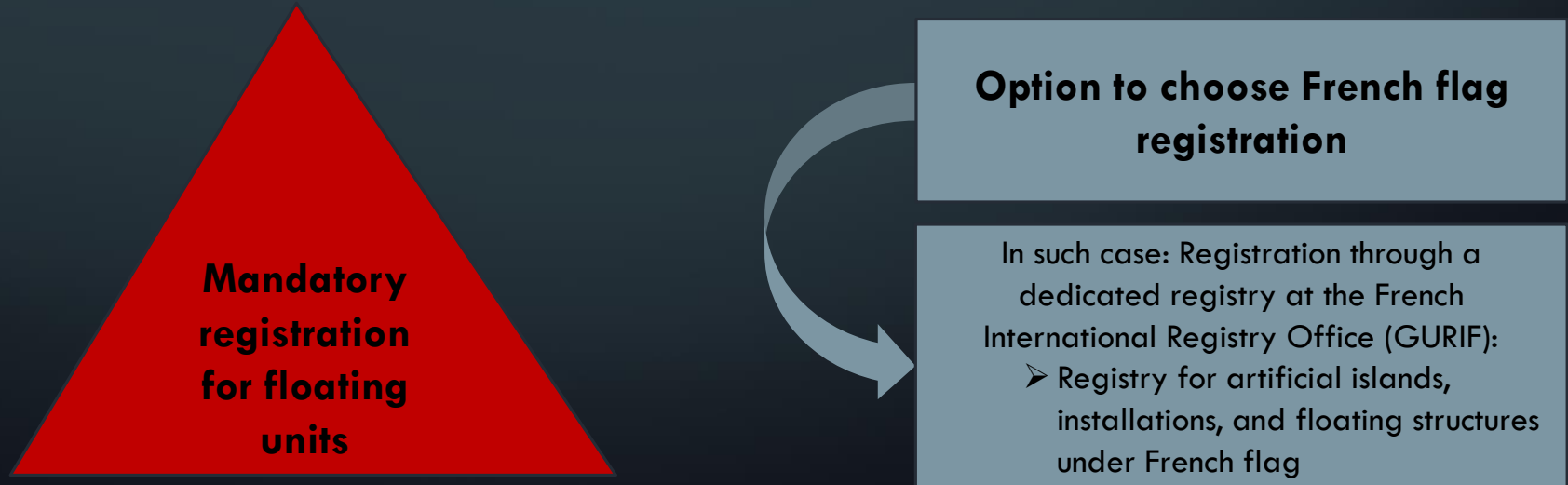
2° Facilities and structures dedicated to technical and environmental studies related to offshore renewable energy production installations and their connection to public electricity grids



# REGISTRATION AND FRENCH FLAG

## REGISTRATION AND FRENCH FLAG

Art. 40-2, Ordonnance n° 2016-1687 du 8 décembre 2016: “Artificial islands, installations, and floating structures operated in maritime areas under French sovereignty or jurisdiction are registered. Artificial islands, installations, and floating structures may be flagged as French . In this case, they shall be registered in the registration register of artificial islands, installations, and floating structures, registered under the French flag and subject to mortgages under the conditions provided by the Customs Code.”



# SAFETY CONTROL

**Law No. 2023-175 of March 10, 2023, regarding the acceleration of renewable energy production (Loi APER)**

*Article 40-3 : Artificial islands, installations, and floating structures may be subject to controls, conducted by an approved body, to ensure compliance with the rules for maritime safety, the security of their operation and pollution prevention.*

*Compliance with these rules is certified by a certificate issued by the approved body. These controls and the issuance of the certificate are carried out at the expense of the owner or the operator.*

*An order from the Ministry of the Sea specifies the modalities, scope, and techniques for carrying out these controls*



## Objectives of Accreditation and Certification

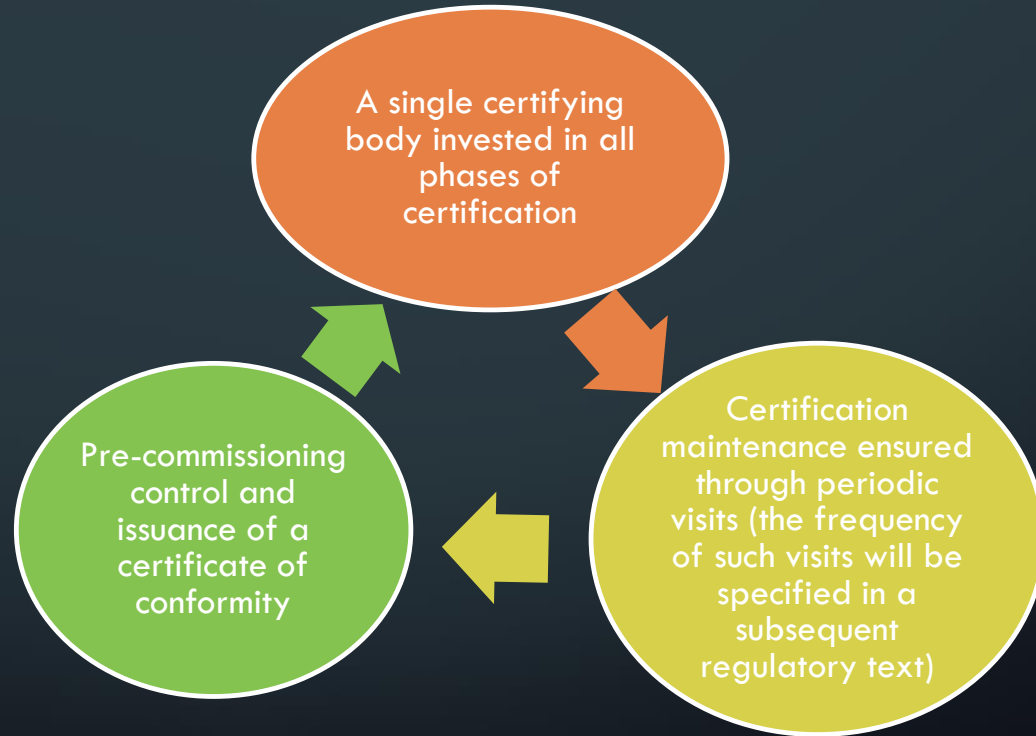
**1°** Involvement of a competent and independent third party similar to authorized ship classification societies in the maritime sector

**2°** Utilization of existing certification systems and standards to capitalize on certification systems, standardization, and existing frameworks

**3°** Establishment of flexible rules to avoid potential incompatibility issues with innovative solutions



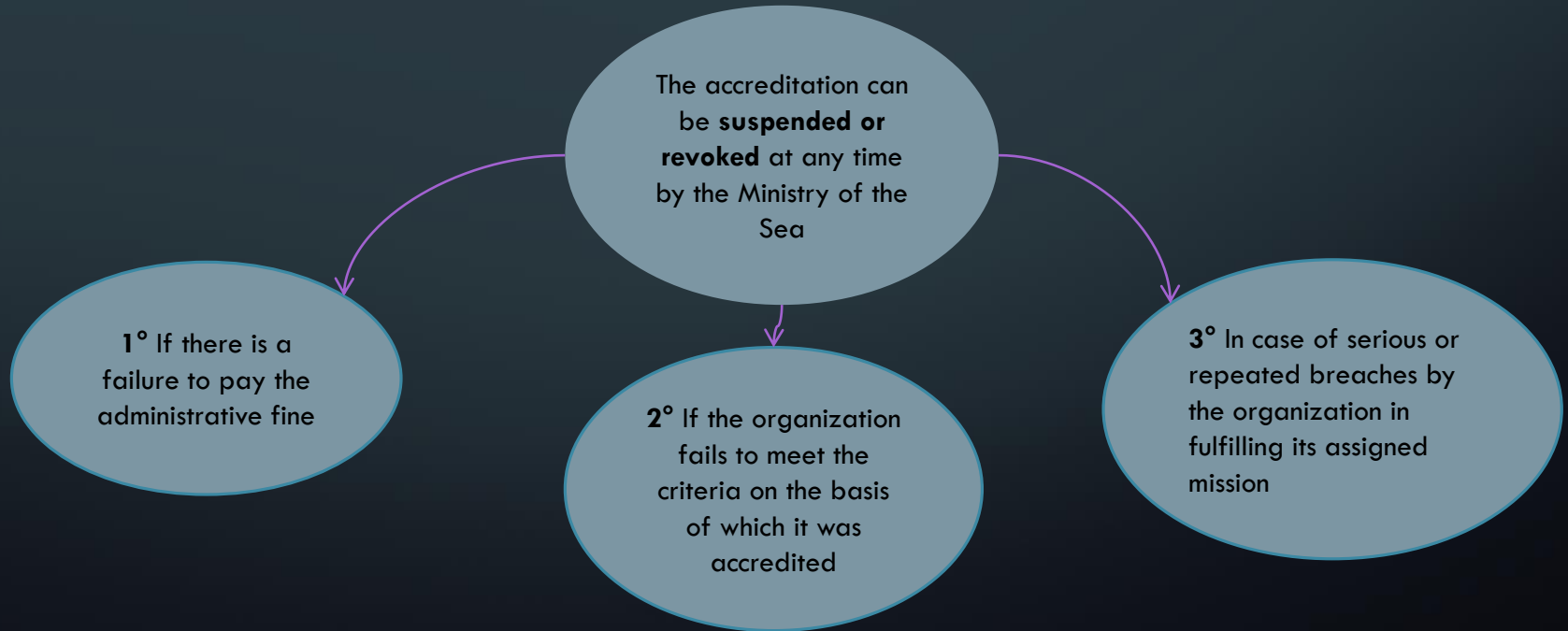




# PENALTY REGIME

# PENALTIES

*Article 40-4: An administrative fine of up to €100,000 may be imposed by the competent administrative authority against an accredited organization if it fails to carry out the mission for which it is accredited with the diligence required for its proper execution*



# PENALTIES TARGETING THE OWNER OR THE OPERATOR OF THE FLOATING UNIT

## Article 40-5 : Gradual penalties

### Formal notice

- When obligations are not met, the competent administrative authority shall formally notify the owner or operator of the unit to comply with them
- If the party fails to comply within the deadline set by the competent administrative authority, it may impose one or more administrative penalties

### Penalty (phase 1)

- 1° Require the party served with the formal notice to pay to a public accountant, an amount corresponding to the cost of the works or operations to be carried out

### Penalty (phase 2)

- 2° Ensure on behalf of the party served with the formal notice and at their expense, the implementation of the prescribed measures.

### Penalty (phase 3)

- 3° Suspend the operation of the unit's activities until the complete fulfillment of the imposed conditions, and take necessary interim measures, at the expense of the party served with the formal notice



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**THANK YOU FOR YOUR  
ATTENTION**