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SUA.3/Circ.41
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**PROTOCOL OF 2005 TO THE CONVENTION FOR THE SUPPRESSION OF
UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION**

Approval by France

The Secretary-General of the International Maritime Organization has the honour to refer to the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and to state that, in accordance with article 17(3), approval by the French Republic was effected by deposit of an instrument on 9 May 2018.

The instrument of approval by France contained the following declarations and reservations:

- "1. Concerning article 4, paragraph 4 of the Protocol replacing article 3, paragraph 2 of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, the French Republic understands "threatens"/"threat" to mean a threat [Fr. menace] such as it is defined in the conditions provided for by French criminal legislation.
2. Concerning article 4, paragraph 7 of the Protocol, which inserts an article 3^{quater} in the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, the French Republic understands "attempts to commit an offence", "participates as an accomplice in an offence" and "organizes [the commission of] an offence" to mean an attempt [Fr. tentative] and participation as an accomplice [Fr. complicité] such as they are defined in the conditions provided for by French criminal legislation.
3. Concerning article 4, paragraph 6 of the Protocol, which inserts an article 3^{ter} in the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, the French Republic reserves the right not to establish as a criminal offence the fact of unlawfully and intentionally transporting another person on board a ship knowing that the person has committed an act that constitutes an offence set forth in article 3, 3^{bis} or 3^{quater} or an offence set forth in any treaty listed in the annex, and intending to assist that person in evading criminal prosecution, where the said person has committed an offence that constitutes a minor offence [Fr. contravention], a misdemeanour [Fr. délit] or an act of terrorism punishable by less than 10 years' imprisonment. In accordance with article 21, paragraph 3 of the Protocol, the French Republic will apply article 3^{ter} of the Convention in accordance with the principles of French criminal law concerning family exemptions of liability.

4. The French Republic does not consider itself bound by the provisions of article 16, paragraph 1 of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, as revised by the present Protocol, according to which "Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court."

The Protocol will enter into force for France on 7 August 2018, in accordance with article 18(2) of the Protocol.

There are, at present, 43 Contracting States to the Protocol.
