

CODE PENAL

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CHAPTER III. - OF THE TERRITORIAL APPLICABILITY OF A CRIMINAL LAW

ARTICLE 113-1

For the application of the present Chapter, the territory of the Republic shall include the territorial waters and air space which are attached to it.

SECTION 1. - OFFENCES COMMITTED OR DEEMED TO HAVE BEEN COMMITTED ON THE TERRITORY OF THE FRENCH REPUBLIC

ARTICLE 113-2

French Criminal law is applicable to all offences committed on the territory of the French Republic.

An offence is deemed to have been committed on the territory of the French Republic where one of its constituent elements was committed on that territory.

ARTICLE 113-3

French Criminal law is applicable to offences committed on board ships flying the French flag, or committed against such ships, wherever they may be. It is the only applicable law in relation to offences committed on board ships of the national navy, or against such ships, wherever they may be.

ARTICLE 113-4

French Criminal law is applicable to offences committed on board aircraft registered in France, or committed against such aircraft, wherever they may be. It is the only applicable law in relation to offences committed on board French military aircraft, or against such aircraft, wherever they may be.

ARTICLE 113-5

French criminal law is applicable to any person who, on the territory of the French Republic, is guilty as an accomplice to a felony or misdemeanour committed abroad if the felony or misdemeanour is punishable both by French law and the foreign law, and if it was established by a final decision of the foreign court.

SECTION 2. - OFFENCES COMMITTED OUTSIDE THE TERRITORY
OF THE FRENCH REPUBLIC

ARTICLE 113-6

French criminal law is applicable to any felony committed by a French national outside the territory of the French Republic.

It is applicable to misdemeanours committed by French nationals outside the territory of the French Republic if the conduct is punishable under the legislation of the country in which it was committed.

The present article applies although the offender has acquired the French nationality after the commission of the offence of which he is accused.

ARTICLE 113-7

French Criminal law is applicable to any felony, as well as to any misdemeanour punished by imprisonment, committed by a French or foreign national outside the territory of the French Republic, where the victim is a French national at the time the offence took place.

ARTICLE 113-8

In the cases set out under Articles 113-6 and 113-7, the prosecution of misdemeanours may only be instigated at the behest of the public prosecutor. It must be preceded by a complaint made by the victim or his successor, or by an official accusation made by the authority of the country where the offence was committed.

ARTICLE 113-9

In the cases set out under articles 113-6 and 113-7 no prosecution may be initiated against a person who establishes that he was subject to a final decision abroad for the same offence and, in the event of conviction, that the sentence has been served or extinguished by limitation.

ARTICLE 113-10

Act no. 2001-1168 of 11 December 2001 Article 17 Official Journal 12
December 2001

French criminal law applies to felonies and misdemeanours defined as violations of the fundamental interests of the nation and punishable under Title I of Book IV, to forgery and counterfeiting of State seals, of coins serving as legal tender, banknotes or public papers punishable under Articles 442-1, 443-1 and 444-1, and to any felony or misdemeanour against French diplomatic or consular agents or premises committed outside the territory of the French Republic.

ARTICLE 113-11

Inserted by Act no. 92-1336 of 16 December art 340 Official Journal 23
December 1992 into force on 1 March 1994

Subject to the provisions of article 113-9, French Criminal law is applicable to felonies and misdemeanours committed on board or against aircraft not registered in France:

1° where the perpetrator or victim is a French national;

2° where the aircraft lands in France after the commission of the felony or misdemeanour;

3° where the aircraft was leased without crew to a natural or legal person whose main place of business, or failing this, whose permanent residence is on French territory.

In the case provided for in 1° above, the nationality of the perpetrator or victim of the offence is determined in accordance with article 113-6, last paragraph, and article 113-7.

ARTICLE 113-12

Inserted by Act no. 96-151 of 26 December 1996 art 9 Official Journal of 27
February 1996

French Criminal law is applicable to offences committed beyond territorial waters, when international conventions and the law provide for it.

The present article is applicable in the overseas territories, New Caledonia and the

territorial collectivity of Mayote.

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ARTICLE 221-5

Making an attack against the life of another by the use or administration of substances liable to cause death constitutes poisoning.

Poisoning is punished by thirty years' criminal imprisonment.

It is punished by criminal imprisonment for life where it is committed in one of circumstances provided for by articles 221-2, 221-3 and 221-4.

The first two paragraphs of article 132-23 governing the safety period apply to the offence under the present article.

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TITLE II. – OF TERRORISM

CHAPTER I. – OF ACTS OF TERRORISM

ARTICLE 421-1

*Act no. 96-647 of 22nd July 1996 Article 1 Official Journal 23 July 1996;
Act no. 98-348 of 11th May 1998 Article 37 Official Journal 12 May 1998;
Act no. 2001-1062 of 15 November 2001 Article 33 Official Journal 16
November 2001*

The following offences constitute acts of terrorism where they are committed intentionally in connection with an individual or collective undertaking the purpose of which is seriously to disturb the public order through intimidation or terror:

1° wilful attacks on life, wilful attacks on the physical integrity of persons, abduction and unlawful detention and also as the hijacking of planes, vessels or any other means of transport, defined by Book II of the present Code;

2° theft, extortion, destruction, defacement and damage, and also computer offences, as defined under Book III of the present Code;

3° offences committed by combat organisations and disbanded movements as defined under articles 431-13 to 431-17, and the offences set out under articles 434-6, 441-2 to 441-5;

4° the production or keeping of machines, dangerous or explosive devices, set out under article 3 of the Act of 19th June 1871 which repealed the Decree of 4th September 1870 on the production of military grade weapons;

- the production, sale, import or export of explosive substances as defined by article 6 of the Act no. 70-575 of 3rd July 1970 amending the regulations governing explosive powders and substances;

- the purchase, keeping, transport or unlawful carrying of explosive substances or of devices made with such explosive substances, as defined by article 38 of the Ordinance of 18th April 1939 defining the regulations governing military equipment, weapons and ammunition;

- the detention, carrying, and transport of weapons and ammunition falling under the first and fourth categories defined by articles 4, 28, 31 and 32 of the aforementioned Ordinance;

- the offences defined by articles 1 and 4 of the Act no. 72-467 of 9th June 1972 forbidding the designing, production, keeping, stocking, purchase or sale of biological or toxin-based weapons;

- the offences referred to under articles 58 to 63 of the Act no. 98-467 of 17th June 1998 on the application of the Convention of the 13th January 1993 on the prohibition of developing, producing, stocking and use of chemical weapons and on their destruction;

5° receiving the product of one of the offences set out in paragraphs 1 to 4 above.

ARTICLE 421-2

Act no. 1996-647 of 22 July 1996 Article 2 Official Journal 23 July 1996

The introduction into the atmosphere, on the ground, in the soil or in waters, including territorial waters, of any substance liable to imperil human or animal health or the natural environment is an act of terrorism where it is committed intentionally in connection with an individual or collective undertaking whose aim is to seriously disturb public order through intimidation or terror.

ARTICLE 421-3

The maximum custodial sentence incurred for the offences provided for under article 421-1 is increased as follows where those offences constitute acts of terrorism:

1° it is raised to criminal imprisonment for life where the offence is punished by thirty years' criminal imprisonment;

2° it is raised to thirty years' criminal imprisonment where the offence is punished by twenty years' criminal imprisonment;

3° it is raised to twenty years' criminal imprisonment where the offence is punished by fifteen years' criminal imprisonment;

4° it is raised to fifteen years' criminal imprisonment where the offence is punished by ten years' imprisonment;

5° it is raised to ten years' imprisonment where the offence is punished by seven years' imprisonment;

6° it is raised to seven years' imprisonment where the offence is punished by five years' imprisonment;

7° it is raised to twice the sentence incurred where the offence is punished by a maximum of three years' imprisonment.

The first two paragraphs of article 132-23 governing the safety period are applicable to the felonies referred to under the present article, and also to the misdemeanours punished by ten years' imprisonment

ARTICLE 421-4

*Ordinance no. 2000-916 of 19th September 2000 Article 3 Official Journal of
22nd September 2000 came into force the 1st January 2002*

The act of terrorism set out under article 421-2 is punished by fifteen years' criminal imprisonment and a fine of € 225,000.

Where that offence causes the death of one or more persons, it is punished by criminal imprisonment for life and a fine of € 750,000.

The first two paragraphs of article 132-23 governing the safety period are applicable to the felony referred to under the present article.