



## **Clarifications on the application of article L 5551-1 of the (French) Transport Code**

June 2018

### Duration considered:

The regular and continuous length of residency, within the meaning of Article L 5551-1, can be understood by analogy to the rules set out under Article R 111-2 of the (French) Social Security Code. This condition is met by possessing residence in France or upon the condition of a principal stay, i.e. an actual period of stay within metropolitan France or an overseas department of at least 6 months. This can be proven with any conventionally recognizable document (lease, subscriptions, etc.).

For seafarers who reside on a vessel during their contract(s) and who do not have their residence in France, this period is calculated based on the presence of the seafarer in territorial or internal waters for a period of 6 months (assessed on a 12-month basis).

In effect, being a seafarer taken on board foreign-flag vessels does not prevent the application of the regulations of the country within the waters of the vessel's location.

It must be an actual stay of more than 6 months, assessed on a rolling 12 months period. It may be made up of non-continuous stays.

This obligation of subscription to Enim (french public body of social security) or an insurance policy is required from the day on which the length of stay in territorial waters reaches 183 days, calculated on a rolling 12 months basis. To subscribe to Enim, the seafarer must certify this by making a sworn statement.

Ship-owners also have the option of subscribing to Enim or insuring a seafarer, under the conditions of Article L 5551-1, at any point once the expected length of stay is 183 days or more.

### At least equivalent insurance:

Social protection, whether provided by a social security body or private insurance, must cover all the branches set out in the aforementioned Article L 111-1 of the (French) Social Security Code . As a minimum, it must provide cover for the seafarer's healthcare costs and their beneficiaries, compensatory salary allowances in the event of illness or accident (whether work-related or not), permanent disability compensation and old-age benefits including reversionary pension and family allowances particularly for child maintenance and childcare.

Arrangements for subscription to an insurance scheme:

This obligation may be assumed in full or part by the seafarer, subject to the obligations concerning certain costs assumed by ship-owners.

For vessels undergoing maintenance:

This measure applies to vessels that are subject to standard operations within the scope of their activity, and does not concern vessels undergoing maintenance.

Therefore, maintenance periods that render the vessel inoperable or periods spent in a naval shipyard, including periods before and after the maintenance work in the shipyard, are excluded from the calculation for the obligation arising from Article L5551-1 of the (French) Transport Code.

Clarifications concerning the means of subscribing to Enim:

To make the process easier for employers who might decide to subscribe their employees to Enim, all the necessary documents will be translated into English on the Enim website, the subscription procedure will be simplified and a reporting tool for the seafarer's services will be made available online.