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RÉPUBLIQUE FRANÇAISE

TERRES AUSTRALES ET ANTARCTIQUES FRANÇAISES

Order n° 2010-40 of 1 July 2010

On the importation and consumption of alcohol in the French Southern and Antarctic Lands

The Prefect, superior administrator of the French Southern and Antarctic Lands,

Given the law n° 52-1322 of 15 December 1952 instituting a labor code in the territories and associated territories under the responsibility of ultramarine France, especially article 134;

Given the modified law n° 55-1052 of 6 August 1955 concerning the status of the French Southern and Antarctic Lands and Clipperton Island;

Given the decree n° 2008-919 of 11 September 2008 taken for the application of the status of the French Southern and Antarctic Lands;

Given the order n° 2008-65 of 4 August 2008 determining the mandate of the district chiefs of Crozet, Kerguelen, Saint-Paul and Amsterdam, and the Scattered islands in terms of customs;

Given the necessity of setting a framework for alcohol consumption in the French Southern and Antarctic Lands;

Upon proposal of the Secretary-General,

Orders:

Art. 1:

The importation and consumption of alcohol in the French Southern and Antarctic Lands (TAAF) by personnel, whether appointed in or in transit in the districts, are governed by the provisions of the present order. For its application:

are considered as appointed in the districts the personnel called to dwell there during a limited duration for the accomplishment of a mission;

are considered as in transit the personnel who disembark or dwell on the district during all of a ship's stopover or part of it.

QUANTITATIVE IMPORTATION THRESHOLDS IN THE SOUTHERN LANDS AND THE SCATTERED ISLANDS

Art. 2: The importation of alcoholic beverages in the districts of the French Southern Lands by the personnel appointed in the districts, whatever the duration of their assignment, is limited as follows:

Spirits (whisky, vodka, rum, etc.): 3 liters

Intermediate alcoholic beverages (vermouth, port wine, etc.): 3 liters

Wine and beer: 5 liters

Maximum volume: 5 liters.

Art. 3: The importation of alcoholic beverages in the districts of the French Southern Lands by the personnel in transit in the districts is limited as follows:

Spirits (whisky, vodka, rum, etc.): 1 liter

Intermediate alcoholic beverages (vermouth, port wine, etc.): 2 liters

Wine and beer: 3 liters

Maximum volume: 3 liters.

Art. 4: It is understood that these thresholds are per person and per stopover on a TAAF district.

Art. 5: The importation of alcohol on the district of the Scattered islands is limited to a single liter, whatever the kind of alcohol. This threshold concerns all civilians, whether appointed in or in transit in the Scattered islands.

ALCOHOL CONSUMPTION IN THE FRENCH SOUTHERN AND ANTARCTIC LANDS

Art. 6: For reasons of security, public order and public health, alcohol consumption in TAAF districts by the personnel appointed in or in transit in the districts is forbidden during normal duty hours.

It is also forbidden to penetrate worksites under the influence of alcohol and to introduce or drink alcoholic beverages in worksites.

Art. 7: Alcohol consumption is authorized on the districts outside duty hours, including lunch breaks, provided that it be done in moderation.

Art. 8: As a departure from the provisions of article 6, alcohol consumption may be exceptionally authorized by the district chief during celebrations and parties organized during duty hours, provided that it be done in moderation.

Art. 9: In all cases in which alcohol consumption is authorized, it must not lead to inappropriate behavior that would be prejudicial either to the security of personnel or property, or to the good functioning of the service.

Alcohol consumption that might generate inappropriate or dangerous behavior, or that might show obvious signs of public inebriation can expose its author to the penalties exposed in article 14 of the present order.

Likewise, any person or group of people pressuring others to bring them to drink an important quantity of alcohol, against their will or not, during an exercise, a ritual or any particular event, can be exposed to the penalties exposed in article 14 of the present order.

INSPECTIONS

Art. 10: For the application of the clauses of articles 2 to 5 of the present order, district chiefs can proceed to inspecting people and luggage, including personal belongings, upon disembarking on the district.

Luggage inspection must be done in the presence of the concerned person.

Art. 11: For the application of the clauses of articles 6 to 9 of the present order, district chiefs can submit agents who handle tools, machines or dangerous products, or who drive machines or motor or nautical vehicles, or agents whose visible inebriation could represent a danger for themselves or those around them or a trouble to the public order, to a breathalyzer test.

These tests are carried out under the responsibility of the district doctor.

In the absence of breathalyzers, the state of inebriation can be established by means of converging witness statements, under the responsibility of the district doctor, as well as by any other mean at his discretion.

Agents submitted to a breathalyzer test may ask for the control to take place in presence of a staff member of their choice and to benefit from a second control enabling to cross-check, or object if necessary, the results of the first control.

ADMINISTRATIVE PENALTIES

Art. 12: Failure by agents appointed in TAAF to adhere to the thresholds set in article 2 of the present order or refusal to submit to the controls exposed in article 10 shall lead to the following administrative penalties:

- A stop shall be put to TAAF contract workers' contracts, without notice or compensation, and the agents shall be immediately embarked on the first ship making a stopover on the district and likely to repatriate them;
In this case, they shall be required to reimburse received payments and costs incurred by TAAF in preparation for their stay in the districts. In case of refusal, they shall be constrained to by any legal means;
- Agents other than TAAF contract workers shall be embarked on the first ship making a stopover on the district and likely to repatriate them, independently of the state of progress of their mission in the French Southern and Antarctic Lands that had been assigned to them by their employer;
- Alcoholic beverages will be confiscated by the district chief.

Art. 13: Failure by agents in transit in the districts to adhere to the thresholds set in article 3 of the present order or refusal to submit to controls exposed in article 10 shall lead them to being taken back to the supply ship during its stopover, to have no further access to TAAF districts and to alcoholic beverages being confiscated by the district chief.

Art. 14: Inappropriate or dangerous behavior, or behavior that might show obvious signs of public inebriation, or signs similar to the pressures exposed in article 9 of the present order, or refusal to submit to the controls exposed in article 11 shall lead to the following administrative penalties which will be applied in a proportional and graduated manner, without prejudice to legal consequences likely to be filed with the competent authorities:

- Local warning: formal warning taken by the district chief in response to minor infractions. This warning leads to a detailed written report that isn't transmitted to TAAF headquarters.
- Warning from headquarters: formal warning taken by the district chief in response to more significant infractions or to repeated minor infractions. This warning leads to a detailed written report that is transmitted to TAAF headquarters. Using vehicles, leaving base camp, or disembarking on the districts may also be

forbidden. If the concerned agents aren't linked to TAAF by a contract, the report is addressed to their employers for potential consequences.

- Anticipated return: penalty taken by the Prefect, superior administrator of the French Southern and Antarctic Lands, upon district chief recommendation, in case of a repeat offence or serious misconduct after a warning from headquarters. This penalty leads to a written reasoned report. Whatever the agents' statuses may be, this leads to the interruption of the mission and the immediate and rightful termination of the contracts possibly signed with TAAF, without notice or compensation. It may be accompanied by a request for the reimbursement, by the agents or their employers, of costs incurred by TAAF in preparation for their stay in the district and their anticipated return. The agents struck by this penalty shall be embarked on the first ship making a stopover on the district and likely to repatriate them.

For agents other than TAAF contract workers, their employers will be informed of the penalty taken against them before effective repatriation.

The decision of an anticipated return from the district of Adelie Land is taken by the Prefect, superior administrator of the French Southern and Antarctic Lands, closely with IPEV director.

Art. 15: On board ships that stop in the French Southern and Antarctic Lands, personnel appointed in or in transit in the districts are placed under the authority of the competent captain for the application of collective and individual rules related to security and alcohol consumption, such as defined by the laws and regulations of the ship's pavilion and such as taken by the ship-owner.

Failure to respect these rules shall expose the wrongdoer to the required legal penalties, without prejudice to the penalties exposed in article 14 of the present order that could be taken by the Prefect of the French Southern and Antarctic Lands after notification by the captain or ship-owner.

In a more general way, any behavior on board that may contradict the specifications of the present order's articles will be likely to lead to the same penalties.

Art. 16: Order n° 2008-66 of 4 August 2008 is abrogated.

Art. 17: The Secretary-General of the French Southern and Antarctic Lands, the district chiefs and the captains of ships stopping in TAAF districts are in charge, each in those matters that concern them, of enforcing the present order that will be published in the Official Journal of the French Southern and Antarctic Lands.

The Prefect, superior administrator of the French Southern
and Antarctic Lands

ROLLON MOUCHEL-BLAISOT



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RÉPUBLIQUE FRANÇAISE

**TERRES AUSTRALES
ET ANTARCTIQUES FRANÇAISES**

I undersigned, Mr./Mrs....., declare to submit to the provisions of the order n° 2010-40 of 1 July 2010, on the importation and consumption of alcohol in the French Southern and Antarctic Lands.

I declare to have taken notice of the administrative penalties that I risk if I do not respect the order n° 2010-40 of 1 July 2010.

In case of a stay in the Southern Lands:

Upon return to Reunion island, I commit to submit to the provisions of common law related to the importation of alcohol into Reunion island (quantities of alcohol superior to 2 liters of wine and 1 liter of alcohol over 22% or 2 liters of wine and 2 liters of alcohol under 22% must be declared).

In case of a stay in Adelie Land:

Upon return to Reunion island, I commit to submit to the provisions of Australian customs related to the importation of alcohol (possibility to import a maximum of 2.25 liters of VAT-exempt alcohol).

Done aton

Signed and approved

Signature