

ภาคผนวก ก

ประมวลกฎหมายอาญาฝรั่งเศส

CODE PENAL

FIRST PART. - ENACTED PARTS

BOOK I.

GENERAL PROVISIONS

TITLE II. - OF CRIMINAL LIABILITY

CHAPTER I. - GENERAL PROVISIONS

ARTICLE 121-1

No one is criminally liable except for his own conduct.

ARTICLE 121-2

Act no. 2000-647 of 10 July art 8 Official Journal of 11 July 2000

Juridical persons, with the exception of the State, are criminally liable for the offences committed on their account by their organs or representatives, according to the distinctions set out in articles 121-4 and 121-7 and in the cases provided for by statute or regulations.

However, local public authorities and their associations incur criminal liability only for offences committed in the course of their activities which may be exercised through public service delegation conventions.

The criminal liability of legal persons does not exclude that of the natural persons who are perpetrators or accomplices to the same act, subject to the provisions of the fourth paragraph of article 121-3.

ARTICLE 121-3

Act no. 1996-393 of 13 May 1996 Article 1 Official Journal of 14 May 1996; Act no. 2000-647 of 10 July article 1 Official Journal of 11 July 2000

There is no felony or misdemeanour in the absence of an intent to commit it.

However, the deliberate endangering of others is a misdemeanour where the law so provides.

A misdemeanour also exists, where the law so provides, in cases of recklessness, negligence, or failure to observe an obligation of due care or precaution imposed by any statute or regulation, where it is established that the offender has failed to show normal diligence, taking into consideration where appropriate the nature of his role or functions, of his capacities and powers and of the means then available to him.

In the case as referred to in the above paragraph, natural persons who have not directly contributed to causing the damage, but who have created or contributed to create the situation which allowed the damage to happen who failed to take steps enabling it to be avoided, are criminally liable where it is shown that they have broken a duty of care or precaution laid down by statute or regulation in a manifestly deliberate manner, or have committed a specified piece of misconduct which exposed another person to a particularly serious risk of which they must have been aware.

There is no petty offence in the event of *force majeure*.

ARTICLE 121-4

The perpetrator of an offence is the person who:

- 1° commits the criminally prohibited act;
- 2° attempts to commit a felony or, in the cases provided for by Statute, a misdemeanour.

ARTICLE 121-5

An attempt is committed where, being demonstrated by a beginning of execution, it was suspended or failed to achieve the desired effect solely through circumstances independent of the perpetrator's will.

ARTICLE 121-6

The accomplice to the offence, in the meaning of article 121-7, is punishable as a perpetrator.

ARTICLE 121-7

The accomplice to a felony or a misdemeanour is the person who knowingly, by aiding and abetting, facilitates its preparation or commission.

Any person who, by means of a gift, promise, threat, order, or an abuse of authority or powers, provokes the commission of an offence or gives instructions to commit it, is also an accomplice.