



Notification Number: 2013/391/F

Decree on the accessibility of accommodation for temporary or seasonal occupation, the management and maintenance of which is organised and ensured on a permanent basis, amending Articles R. 111-18-2 and R. 111-18-6 of the Construction and Housing Code (CHC) and adding Article R.111-18-7 to the Construction and Housing Code

Date received : 18/07/2013

End of Standstill : 21/10/2013

Message

Message 002

Communication from the Commission - TRIS/(2013) 01856

Directive 98/34/EC

Translation of the message 001

Notification: 2013/0391/F

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201301856.EN)

1. Structured Information Line

MSG 002 IND 2013 0391 F EN 18-07-2013 F NOTIF

2. Member State

F

3. Department Responsible

Délégué interministériel aux normes – SQUALPI – Bât. Sieyès -Teledoc 151 – 61, Bd Vincent Auriol - 75703

PARIS Cedex 13

d9834.france@finances.gouv.fr

tél : 01 44 97 24 55



3. Originating Department

Ministère de l'égalité des territoires et du logement
Direction générale de l'aménagement, du logement et de la nature
Direction de l'habitat, de l'urbanisme et des paysages
Sous-Direction de la qualité et du développement durable dans la construction
Bureau de la qualité technique et de la réglementation technique de la construction
Grande Arche de La Défense – Paroi sud
92055 LA DEFENSE CEDEX

4. Notification Number

2013/0391/F - B20

5. Title

Decree on the accessibility of accommodation for temporary or seasonal occupation, the management and maintenance of which is organised and ensured on a permanent basis, amending Articles R. 111-18-2 and R. 111-18-6 of the Construction and Housing Code (CHC) and adding Article R.111-18-7 to the Construction and Housing Code

6. Products Concerned

Accessibility of accommodation

7. Notification Under Another Act

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8. Main Content

This decree is issued pursuant to Article 20 of Law No. 2011-901 of 28 July 2011 for the improvement of the functioning of departmental homes for persons with disabilities and introducing various provisions relating to disability policy.

This decree establishes specific provisions regarding accommodation for temporary or seasonal occupation, the management and maintenance of which is organised and ensured on a permanent basis, of which it gives a precise definition.

This type of housing includes student and tourist accommodation, hotel residences with a social purpose, etc.

The decree establishes:

- the common features applicable to all accommodations
- the percentage of accommodation with additional features and equipment
- the additional features and equipment applicable to these accommodations
- services and provisions for ensuring the quality of the accommodation for people with disabilities

These measures are subject to the approval of the representative of the State in the department, after consulting the departmental advisory committee for safety and accessibility.

9. Brief Statement of Grounds

Articles R. 111-18-3 of the Construction and Housing Code (code de la construction et de l'habitation - hereinafter: CHC) on accommodation in buildings for collective living and R. 111-18-7 on grouped individual houses, established by the Decree of 17 May 2006 on accessibility, specifying in particular the instances for



exemption from the rules on accessibility for programmes for accommodation for temporary or seasonal occupation, the management and maintenance of which is organised and ensured on a permanent basis, under the condition that under the same programme, a certain percentage (established by ministerial order) of accommodation exists that already offers accessibility features upon construction.

These articles have, in turn, been repealed following the decision of the Council of State to annul the exemption clauses due to lack of legal basis in the new version, dated 21 July 2009.

Not being subject to these exemption clauses, all accommodation, including accommodation destined primarily for short-term occupation, must be made accessible to persons with disabilities through simple renovation works, pursuant to Article R. 111-18 CHC.

This situation represents an obstacle to the construction of developments for short-term occupancy that are subject to the obligation of undergoing adaptation, the cost of which may be very high, while other accommodation adapted to the programmes since their construction may comply with the requirements.

10. Reference Documents - Basic Texts

References to basic texts: - Law No. 2005-102 of 11 February 2005 on the equality of rights and opportunities, the participation and citizenship of disabled persons

- Decree No. 2006-555 of 17 May 2006 on the accessibility of establishments accessible to the public, buildings open to the public and housing, and amending the Construction and Housing Code

- Order of the Council of State No. 295382 of 21 July 2009

- Law No. 2011-901 of 28 July 2011 for the improvement of the functioning of departmental homes for persons with disabilities and introducing various provisions relating to disability policy (Article 20)

The reference texts were forwarded with an earlier notification: 2005/643/F

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

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16. TBT and SPS aspects

TBT aspect



EUROPEAN COMMISSION
GROWTH DIRECTORATE-GENERAL

Single Market for goods
Prevention of Technical Barriers

No - the draft has no significant impact on international trade.

SPS aspect

No - the draft is not a sanitary or phytosanitary measure.

No - the draft has no significant impact on international trade.

European Commission

Contact point Directive 98/34

Fax: +32 229 98043

email: dir83-189-central@ec.europa.eu