



Notification Number: 2016/251/F

Articles 23 quater A, and 23 sexies of the Digital Republic Bill

Date received : 31/05/2016
End of Standstill : 01/09/2016 (03/10/2016)
Issue of comments by : Commission
Issue of detailed opinion by : Commission

Message

Message 002

Communication from the Commission - TRIS/(2016) 01598
Directive (EU) 2015/1535
Translation of the message 001
Notification: 2016/0251/F

No abre el plazo - Nezaahajuje 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 - Atidējimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não 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: 201601598.EN)

1. Structured Information Line

MSG 002 IND 2016 0251 F EN 31-05-2016 F NOTIF

2. Member State

F

3. Department Responsible

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3. Originating Department

Ministère de l'économie, de l'industrie et du numérique
Direction générale des entreprises
Service du tourisme, du commerce, de l'artisanat et des services



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4. Notification Number

2016/0251/F - SERV

5. Title

Articles 23 quater A, and 23 sexies of the Digital Republic Bill

6. Products Concerned

Information society service (digital platforms)

7. Notification Under Another Act

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8. Main Content

Article 23 quater A of the Bill provides for the possibility to be established, by decision of the municipal council, for communes with populations of over 200 000 and the departments immediately encircling Paris (Hauts-de-Seine, Seine-Saint-Denis and Val-de-Marne), to allocate registration numbers to any dwelling offering short-term rentals. The decision will be able to establish the minimum number of overnight stays after which registration becomes compulsory. The number shall be issued electronically (or by any other means) to the lessor, who submits it to the online platform.

Article 23 sexies establishes the obligation, for platforms providing contact services for property rentals, to ensure that dwellings that are the main home of the lessor are not rented for more than 120 days per year, in accordance with the law. This check only concerns dwellings located in towns with populations of over 200 000 and in the departments immediately encircling Paris. From this 120-day limit onwards, the platform must block transactions for one year (from the first day of rental) and send the communes the name of the lessor and the address of the dwelling.

9. Brief Statement of Grounds

The collaborative economy has seen explosive growth in France, particularly in the area of tourist accommodation, due to internet platforms providing contact services for private individuals. This new competition raises a number of issues:

- an imbalance, in large cities, between dedicated residential dwellings and dedicated tourist rental premises;
- illegal subletting;
- professionals or owners of multiple properties who, through these platforms, elude the applicable regulations and create unfair competition with players in the traditional hotel sector;
- tax evasion.

A number of measures have already made it possible to provide a legal framework for touristic rentals by private individuals, notably the Law for access to housing and renovated urban planning of 24 March 2014, by requiring



second homes to be declared as furnished mixed touristic premises; in large cities, an authorisation of change of use or even financial compensation may be required.

Rentals of the lessor's main home are not currently subject to any procedure, but are limited to four months of the year (Article 2 of Law No 89-462 of 6 July 1989).

Furthermore, the 2015 finance law provided for the possibility of platforms executing online financial transactions to collect the tourist tax directly from lessors and pass it on to the town halls.

The Digital Republic Bill pursues this approach by offering a balanced regulation making it possible to establish fair competition between the players.

Preserving residential accommodation capacity in large cities and maintaining economic public order are essential issues justifying the implementation of heightened monitoring and control mechanisms.

10. Reference Documents - Basic Texts

No basic text(s) available.

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

No - the draft is neither a technical provision nor a conformity assessment procedure.

SPS aspect

No - the draft is neither a sanitary nor phytosanitary measure.

European Commission

Contact point Directive (EU) 2015/1535

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