



Notification Number: 2013/392/F

Order laying down provisions relating to the accessibility of residences intended for temporary or seasonal occupation, the management and maintenance of which are organised and provided on a permanent basis, defined in Articles R. 111-18-1, R 111-18-2 II and R.111-18-7 of the French Construction and Housing Code (CHC)

Date received : 18/07/2013

End of Standstill : 21/10/2013

Message

Message 002

Communication from the Commission - TRIS/(2013) 01858

Directive 98/34/EC

Translation of the message 001

Notification: 2013/0392/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: 201301858.EN)

1. Structured Information Line

MSG 002 IND 2013 0392 F EN 18-07-2013 F NOTIF

2. Member State

F

3. Department Responsible

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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

2013/0392/F - B20

5. Title

Order laying down provisions relating to the accessibility of residences intended for temporary or seasonal occupation, the management and maintenance of which are organised and provided on a permanent basis, defined in Articles R. 111-18-1, R 111-18-2 II and R.111-18-7 of the French Construction and Housing Code (CHC)

6. Products Concerned

Accessibility of residences

7. Notification Under Another Act

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8. Main Content

This order is made pursuant to the decree on the accessibility of residences intended for temporary or seasonal occupation, the management and maintenance of which are organised and provided on a permanent basis, amending Articles R. 111-18-2 and R. 111-18-6 of the CHC and introducing an Article R. 111-18-7 in the CHC, which is itself presented in parallel.

This order establishes the scope of the decree and lays down specific technical provisions relating to the accessibility of residences intended for temporary or seasonal occupation, the management and maintenance of which are organised and provided on a permanent basis, provided for under this decree:

- provisions relating to exterior walkways; car parking; building access; interior horizontal and vertical walkways; floor, wall and ceiling coverings; doors and locks; control and service devices; and lighting — all in communal areas;
- provisions relating to communal characteristics applicable to all these residences;
- definition of the percentage of residences with additional characteristics and equipment;
- provisions relating to additional characteristics and equipment which apply to the residences (in that percentage).

These measures shall be submitted for approval to the State representative in the Department, following the opinion of the Departmental consultative committee for safety and accessibility.

9. Brief Statement of Grounds

Articles R. 111-18-3 of the CHC, for residences in collective residential buildings, and R. 111-18-7 for



individually grouped houses, introduced by the Decree of 17 May 2006 on accessibility, which notably provided for possibilities for exemptions to the accessibility rules for residential programmes intended for temporary or seasonal occupation, the management and maintenance of which are organised and provided on a permanent basis, provided for a percentage of residences to be created within the same programme, offering the accessibility characteristics established by Order.

These articles were annulled 'on the rebound', following the decision of the Council of State to annul the exemptions, for want of a legal basis, in the new version dated 21 July 2009.

In the absence of these exemptions, all residences, including those primarily intended for short-term occupation, must be made accessible to people with disabilities by means of simple improvements, as provided for under Article R. 111-18 of the CHC.

This situation goes against the construction of building complexes for temporary use, for which potentially costly improvements may be imposed, whereas some residences adapted by programme from construction would be able to meet these needs.

10. Reference Documents - Basic Texts

References to basic texts: -- Law No 2005-102 of 11 February 2005 on equal rights and opportunities, participation and citizenship of disabled people

- Decree No 2006-555 of 17 May 2006 on the accessibility of establishments open to the public, installations open to the public and residential buildings, and amending the CHC

- Order of 1 August 2006 laying down provisions made pursuant to Articles R. 111-18 to R. 111-18-7 of the CHC on the accessibility for disabled people of collective residential buildings and individual houses during their construction

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

- Law No 2011-901 of 28 July 2011 to improve the operation of departmental houses for people with disabilities and various provisions relating to disability policy – Article 20

The reference texts were forwarded with an earlier notification: 2005/643/F 2006/304/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

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

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