



Notification Number: 2019/168/F

FREQUENCY AND PROCEDURE FOR THE TRANSMISSION OF INFORMATION BETWEEN COMMUNES AND INTERMEDIARIES OF FURNISHED TOURSIT RENTALS (Decree issued in implementation of Article 145 of Law No 2018-1021 of 23 November 2018 on changes in accommodation, planning and digital technology)

Date received : 10/04/2019

End of Standstill : 11/07/2019

Message

Message 002

Communication from the Commission - TRIS/(2019) 01029
Directive (EU) 2015/1535
Translation of the message 001
Notification: 2019/0168/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 - 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: 201901029.EN)

1. Structured Information Line

MSG 002 IND 2019 0168 F EN 10-04-2019 F NOTIF

2. Member State

F

3. Department Responsible

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3. Originating Department

Ministère de l'Economie et des Finances
Direction Générale des Entreprises (DGE/STCAS/SDT/BPT)
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75013 Paris

4. Notification Number

2019/0168/F - SERV

5. Title

FREQUENCY AND PROCEDURE FOR THE TRANSMISSION OF INFORMATION BETWEEN COMMUNES AND INTERMEDIARIES OF FURNISHED TOURIST RENTALS (Decree issued in implementation of Article 145 of Law No 2018-1021 of 23 November 2018 on changes in accommodation, planning and digital technology)

6. Products Concerned

Intermediation of furnished tourist accommodation rentals

7. Notification Under Another Act

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8. Main Content

This Decree implements Article 145 of Law No 2018-1021 of 23 November 2018 on changes in accommodation, planning and digital technology, also known as the ELAN Law. Said Article mandates that 'a Council of State decree shall establish the frequency and technical procedure for the transmission of the information mentioned in the first paragraph of this paragraph II, based on the characteristics of the communes, their need to verify compliance with the regulations set out herein and the ability of the person referred to in paragraph I to comply with the communes' requests.'

Thus, the Decree must specify the procedure and the frequency for the transmission of the information which a commune is entitled to demand from intermediaries of furnished rental properties and, notably, digital platforms.

This exchange of information concerns communes which have decided to subject the rental of any furnished tourist accommodation to a prior declaration to be registered with the commune itself. Upon receiving the lessor's declaration, via a remote service or by any other means approved by resolution of the municipal council, the commune issues a declaration number. It is important to note that this optional procedure may only be put in place by communes which have previously established the change of use authorisation procedure for accommodation in accordance with Articles L631-7 et seq. of the Construction and Housing Code.

The Decree establishes that the information exchange can occur no more than three times per year for properties rented out on 30 April, 31 August and 31 December, respectively. The aim is to meet the communes' needs in terms of monitoring compliance with the applicable regulations for renting out furnished tourist accommodation, taking into account the ability of the rental property intermediaries to meet the requests. First and foremost, the Decree enables communes to check the presence of a registration number for the furnished property on an advertisement hosted by an intermediary. With regard to primary residences, this exchange of information is aimed at checking if the maximum rental term of 120 days is complied with. For other furnished tourist accommodation types, the exchange of information makes it possible to check if the furnished property is



rented out in accordance with municipal change-of-use regulations.

The Decree further restates the applicable criminal sanctions in the event of failure to declare a furnished tourist rental in accordance with paragraph II of Article L324-1-2 of the Tourism Code. In actuality, failure to declare a furnished tourism accommodation which is not a primary residence and is located within a commune exempt from the registration obligation is not sanctioned at the legislative level, but is punishable in accordance with Article R324-1-2 of the Tourism Code, with the sanctions applicable to third class infractions.

9. Brief Statement of Grounds

Similarly to Article 145 of the ELAN Law (Notification No 2018/173/F), the general interest being pursued is tackling the shortage of accommodation in areas which are considered to be 'stretched', i.e. areas in which the demand for accommodation is high in proportion to what is available, as well as tackling the increasing rental costs in these areas.

The main objective is to improve regulation of the activity of renting out furnished tourist accommodation by explicitly capping the number of days for which a primary residence can be rented out at 120 days (except owing to a professional obligation, health reasons or force majeure) and to bring the monitoring measure for local authorities and the penalties into effect, both for lessors and intermediaries.

However, the measure does not entail any increased obligations for intermediaries beyond those under the existing legislation.

10. Reference Documents - Basic Texts

Reference(s) to basic text(s): a) Articles L324-1-1 and L324-2-1 of the Tourism Code, as amended by Law No 2018-1021 of 23 November 2018 on changes in accommodation, planning and digital technology (Notification No 2018/173/F)

The basic texts were forwarded with an earlier notification: 2018/173/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 is neither a technical regulation nor a conformity assessment procedure.

SPS aspect

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

European Commission

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