

FRENCH REPUBLIC

The Minister for Small and Medium-sized
Enterprises, Commerce, Crafts, Tourism
and Purchasing Power

Decree No of on activity data for furnished tourist accommodation

NOR:

Target audiences: municipalities and public inter-municipal cooperation bodies; intermediaries for the rental of furnished tourist accommodation, operating in particular digital platforms for furnished rentals; rental companies for furnished tourist accommodation; single public body referred to in the first subparagraph of Article L324-2-1(II) of the French Tourism Code.

Subject: The decree amends the rules governing the collection, transmission, provision and retention of activity data relating to furnished tourist accommodation. It thus draws the necessary conclusions from the widespread introduction of the procedure for registering furnished tourist accommodation with a national online service, in particular by abolishing the optional submission, by local authorities and public inter-municipal cooperation bodies, of lists of registration numbers and associated information, whilst providing for transitional provisions relating to data already submitted. It continues the process of aligning national legislation with Regulation (EU) 2024/1028 of the European Parliament and of the Council of 11 April 2024 on the collection and sharing of data relating to short-term accommodation rental services, in particular by amending the data submitted by furnished tourist accommodation intermediaries to the single public body responsible for collecting such data. Finally, it provides for the designation of the French tourism development agency, 'Atout France', as the single public body.

Entry into force: The text shall enter into force on the day following its publication, with the exception of the provisions of Article 6, which designate Atout France as the sole public body and which shall enter into force on a date to be set by ministerial order, and no later than 31 December 2027. The Decree also lays down transitional provisions on the making available and retention of data relating to former declaration numbers.

Implementation: This Decree is issued, in particular, to implement Article 1 of Law No 2024-1039 of 19 November 2024, which aims to strengthen the regulatory framework for furnished holiday accommodation at local level.

The Prime Minister,

On the report by the Minister of Small and Medium-sized Enterprises, Commerce, Crafts, Tourism and Purchasing Power,

Having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC;

Having regard to Regulation (EU) 2024/1028 of the European Parliament and of the Council of 11 April 2024 on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724;

Having regard to Directive (EU) 2015/1535 of the European Parliament and of the Council, of 9 September 2015, laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services;

Having regard to the French Building and Housing Code, in particular Articles L631-7 and L631-10 thereof;

Having regard to the French Tourism Code, in particular Articles L324-1-1 and L324-2-1 thereof;

Having regard to the French Town Planning Code;

Having regard to Law No 78-17 of 6 January 1978 on data processing, files and civil liberties, as amended;

Having regard to Law No 2024-1039 of 19 November 2024 on strengthening the tools for regulating furnished tourist accommodation at local level, in particular Article 1 thereof;

Having regard to the opinion of the National Council for the Evaluation of Standards of XXXX;

Having regard to the opinion of the French Data Protection Authority of XXXX;

Having regard to the opinion of the Assembly of Corsica on XXXX;

Having regard to Notification XXXX addressed to the European Commission on XXXX;

Having heard the Council of State (Finance Section),

Hereby decrees:

Article 1

Article R324-1-2 of the French Tourism Code is repealed.

Article 2

In the first subparagraph of Article R324-1-6 of the same Code, the words: ‘Where the rental as furnished tourist accommodation of premises not intended for residential use within the meaning of Article L631-7 of the French Building and Housing Code does not involve a change of destination or sub-destination subject to a building permit pursuant to Article R*421-14 (c) of the French Urban Planning Code, or a change of destination subject to a prior declaration pursuant to Article R*421-17 (b) of that Code, the’ shall be replaced by the word: ‘The’.

Article 3

Article R324-1-7 of the same Code is repealed.

Article 4

I. – Article R324-2 of the same Code is amended as follows:

1. In point I:

a) The words: ‘Where a municipality has implemented the registration procedure referred to in Article L324-1-1(III), that’ shall be replaced by the word: ‘The’;

b) The words: ‘of the current year and on those of the previous calendar year’ are replaced by the words: ‘of the last eighteen months’;

2. In II:

a) In the second subparagraph, after the reference: ‘L. 324-1-1’, shall be inserted the words: ‘, also referred to as the “registration number”’;

b) In the second subparagraph:

- In the first sentence, the words: ‘the current year and the previous year’ are replaced by the words: ‘the last eighteen months’;

- In the second sentence, after the words: ‘of the current year and of the previous year.’ are replaced by the words: ‘of the last eighteen months’;

c) After the last subparagraph shall be inserted twenty-four subparagraphs, worded as follows:

‘- the number of customers to whom the furnished tourist accommodation has been rented per day during the last eighteen months, with an indication of the country of residence of the customers. This number is also broken down for each of the persons referred to in paragraph I of Article L324-2-1 and, depending on the applicable period in accordance with Article R324-2-1(III), for each month or quarter of the last eighteen months.

‘III. – The data referred to in I also include the following data, where such data have been provided to the body designated in Article R324-2-2 as part of the declaration file subject to registration referred to in Article L324-1-1(III), as amended by Article 1 of Law No

2024-1039 of 19 November 2024 aimed at strengthening the regulatory framework for furnished holiday accommodation at local level:

‘1. If the lessor is a natural person:

‘ - their surname and first name;

‘ - their postal address;

‘ - their telephone number;

‘ - their email address;

‘ 2. If the lessor is a legal person:

‘ - their name;

‘ - their SIRET number;

‘ - their postal address;

‘ - the surname, first name, telephone number and email address of their or one of their legal representatives;

‘3. An indication of the validity of that registration number or of the existence of an actual activity of renting out furnished tourist accommodation;

‘4. The precise address of the furnished tourist accommodation, including, where appropriate, the building, staircase, floor, door or apartment number and lot identifier;

‘5. The type of furnished tourist accommodation: house or apartment;

‘6. The status of the furnished holiday accommodation as a main residence, a second home, other accommodation or premises used for purposes other than furnished tourist accommodation purposes;”

‘7. The number of rooms in the furnished tourist accommodation unit;

‘8. The maximum number of available bed places that the furnished tourist accommodation offers;

‘9. The level of classification or any other indicator of the quality of the furnished tourist accommodation units;

‘10. The date of the classification decision;

‘11. The accessibility of the furnished tourist accommodation to persons with disabilities;

‘12. The tax identifier of the premises;

‘13. The reference and date of the prior authorisation provided for in Article L631-7 or Article L631-7-1 A of the French Building and Housing Code;

‘14. The reference and date of the authorisation referred to in Article L324-1-1(IV a).’;

3. The first subparagraph of III is replaced by the following provisions:

‘IV. – The data referred to in I also include the following data, provided that these have been submitted to the body designated in Article R324-2-2 pursuant to the provisions of Article R324-2-1(II), in its version prior to that resulting from the Decree No [XXX] of [date] on activity data for furnished holiday accommodation and of Article R324-2-4(I) in its version prior to its repeal by the Decree No [XXX] of [date] on activity data for furnished holiday accommodation:’.

II. – On the expiry of a period of eighteen months from the date of entry into force of this Decree, Article R324-2(IV) of the French Tourism Code, as amended by paragraph I of this Article, shall be amended as follows:

1. In the first subparagraph, the words: ‘of Article R324-2-1(II) in its wording prior to that resulting from Decree No [XXX] of [date] relating to the activity data of furnished tourist accommodation and’ are deleted;

2. Subparagraph 6 is removed.

III. – Upon the expiry of a period of twenty-six months from the date of entry into force of this Decree, Article R324-2 of the French Tourism Code in its wording resulting from Section II of this Article shall be amended as follows:

1. In the first subparagraph of III, the words: ‘in the version resulting from Article 1 of Law No 2024-1039 of 19 November 2024 on strengthening the regulatory tools for furnished tourist accommodation at local level’ are deleted;

2. Part IV is repealed.

Article 5

Article R324-2-1 of the same Code is amended as follows:

1. In I:

a) - In the first subparagraph, after the reference: ‘R324-2-2’, the following words shall be inserted: ‘, once it becomes aware of such data, in particular where it provides a digital platform that enables it to have knowledge of or control over the data stored,’;

b) In the second subparagraph, the words: ‘of declaration’ are replaced by the words: ‘of registration’;

c) In the fifth subparagraph, the punctuation mark: ‘. ’ is replaced by the punctuation mark: ‘;’;

d) After the fifth subparagraph, a subparagraph is inserted, worded as follows:

‘ - the number of customers to whom this furnished tourist accommodation unit has been rented per day during the period referred to in Section III of this Article, with an indication of the country of residence of those customers. ’;

e) In the last subparagraph, the words: ‘one month’ are replaced by the words: ‘fifteen days’;

2. In II:

a) The second to eighth subparagraphs shall be deleted;

b) In the second subparagraph:

- In the first sentence, the words: ‘the current calendar year and the previous year’ are replaced by the words: ‘the last eighteen months’;

- In the second sentence, the punctuation mark: ‘. ’ is replaced by the punctuation mark: ‘;’;

c) After the ninth subparagraph, a subparagraph is added, worded as follows:

‘- the number of customers to whom the furnished tourist accommodation has been rented per day during the last eighteen months, with an indication of the country of residence of the customers. This number shall also be detailed for each applicable period in accordance with III. ’;

3. In IV, the words: ‘the year in which it received them and the following year’ are replaced by the words: ‘for a period of 18 months from their reception by that body’.

Article 6

In Article R324-2-2 of the same Code, the words: ‘the Directorate-General for Enterprise’ are replaced by the words: ‘the body referred to in Article L141-2’.

Article 7

Article R324-2-3 of the same Code is amended as follows:

1. In point I:

a) In the first subparagraph, the punctuation mark: ‘: ’ shall be replaced by the words: ‘, where applicable, the ruling reducing the period referred to in the first subparagraph of Section IV of Article L324-1-1, to fewer than one hundred and twenty days, with an indication of the maximum number of rental days determined by that ruling. ’;

b) The second to fourth subparagraphs are deleted;

2. In Section II, the words: ‘the decisions, deliberations and information mentioned in I’ are replaced by the words: ‘the maximum number of rental days applicable under the provisions of Article L324-1-1(IV)’.

Article 8

I. – Article R324-2-4 of the same Code is amended as follows:

1. Section I is repealed;

2. In II:

a) The words: ‘referred to in I’ shall be replaced by the words: ‘transmitted to the body designated in Article R. 324-2-2 pursuant to Article I of this Article in the version prior to the entry into force of Decree No [XXX] of [date] on activity data for furnished tourist accommodation’;

b) The words: ‘the body designated in Article R324-2-2’ shall be replaced by the words: ‘this body’;

c) The words: ‘of one year’ are replaced by the words: ‘of eighteen months’.

II. – Upon the expiry of a period of twenty-six months from the date of entry into force of this Decree, Article R324-2-4(II) of the French Tourism Code, as amended by Section I of this article, shall be repealed.

Article 9

Section 5 of Chapter V of Title II of Book IV of the regulatory part (decrees of the Council of State) of the French Urban Planning Code is repealed.

Article 10

This Decree shall enter into force on the day after its publication in the Official Journal of the French Republic, with the exception of the provisions of Article 6 thereof, which shall enter into force on a date to be determined by Decree and no later than 31 December 2027.

Article 11

The Minister for Small and Medium-sized Enterprises, Commerce, Crafts, Tourism and Purchasing Power and the Minister for Urban Affairs and Housing shall be responsible, each in their own area of competence, for the implementation of this Decree, which shall be published in the Official Journal of the French Republic.

Drawn up on...

Sébastien LECORNU
By the Prime Minister:

The Minister for Small and Medium-sized Enterprises, Commerce, Crafts, Tourism and
Purchasing Power.

The Minister for Urban Affairs and Housing,

Serge PAPIN

Vincent JEANBRUN