

Message 001

Communication from the Commission - TRIS/(2025) 1097

Directive (EU) 2015/1535

Notification: 2025/0209/FR

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20251097.EN

1. MSG 001 IND 2025 0209 FR EN 18-04-2025 FR NOTIF

2. France

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4. 2025/0209/FR - SERV - INFORMATION SOCIETY SERVICES

5. Draft decree issued pursuant to Article 43 of Law No. 2024-449 of 21 May 2024 aimed at securing and regulating the digital space and establishing a personal data processing system called "Furnished API"

6. Regulate the digital space and create a personal data processing system called "Furnished API"

7.

8. Faced with the development of furnished accommodation, the French public authorities have, over time, clarified the regulatory framework for the furnished tourist accommodation sector, and therefore also for intermediation platforms. Thus, in municipalities implementing a registration procedure, the ceiling of 120 days of rental per year for the main residence also applies. This 120-day limit has been set in several stages:

With Article 51 of the law "for a Digital Republic" (Law No. 2016-1321 of 7 October 2016 for a Digital Republic) (2016), a procedure was created to require lessors to make a declaration giving rise to the registration of their rental property with the municipalities; in addition, platforms were required to limit the rental duration of a primary residence through these same to 120 days. It is therefore up to the platforms to prevent the rental through them of a main residence beyond 120 days (II of Article L. 324-2-1 of the Tourism Code).

Article 145 of the "ELAN" law (Law No. 2018-1021 of 23 November 2018 on the evolution of housing, planning and digital technology.) (2018) then set this 120-day limit for lessors.

Article 43 of Law No. 2024-449 of 21 May 2024 aimed at securing and regulating the digital space (SREN) now provides that a single public body make available to any municipalities and public inter-municipal cooperation establishments (EPCI) that request it and that have implemented a procedure for registering furnished tourist accommodation the activity data of these accommodations to be transmitted by furnished accommodation intermediaries (such as digital seasonal rental platforms). This Article 43 of the SREN law thus constitutes the legal basis for a system at national level for centralising data relating to furnished tourist accommodation.

This is a simplification measure for all stakeholders involved (rental intermediaries and regional authorities), as until now the transfer was carried out manually and in a non-harmonised manner, thus generating significant reprocessing costs for all stakeholders. This system naturally takes into account the European regulations coming into force in May 2026 (Regulation (EU) 2024/1028 of 11 April 2024 concerning the collection and sharing of data relating to short-term accommodation rental services), by limiting itself only to the variables required in this context.

The combined application of Article 43 of the SREN law and Article 4 of Law No. 2024-1039 of 19 November 2024 aimed at strengthening the regulatory tools for furnished tourist accommodation at local level (known as the "Le Meur / Echaniz" law) has indeed allowed, since 1 January 2025, municipalities to lower, upon reasoned deliberation and within the limit of ninety days, the maximum number of days during which furnished tourist accommodation declared as a main residence may be rented during the same calendar year, this maximum number remaining by default at one hundred and twenty days. The single body responsible for managing this centralised one-stop shop must also inform the municipality concerned when furnished accommodation declared as the principal residence of the lessor has been rented for the same

calendar year for more than one hundred and twenty days or more than the maximum number of days set by reasoned decision, within the lower limit of ninety days. It also makes the data it manages available to the public in aggregated form.

Article 43 of the aforementioned SREN law provides that an implementing decree must designate the single public body and specify the nature of the data transmitted, their retention period, the frequency and technical methods of transmission, as well as the conditions under which the data managed by this single body will be aggregated, made public and retained. These provisions are due to come into force in 2025.

This is the purpose of this decree, which amends the Tourism Code and also includes provisions for creating the processing of personal data that is necessary for the implementation of this centralised one-stop shop called "Furnished API".

Content: Among the provisions of the draft implementing decree, several concern short-term rental intermediaries. Article R. 324-2 of the Tourism Code, as amended by the draft decree, provides the list of data to which municipalities and EPCI can have access through the single body. This data relates to the current year and the previous calendar year. The Article makes a distinction between the data that must be made available (corresponding to that which digital platforms are obliged to transmit via the single body) and the data made accessible if the single body has this at its disposal (data transmitted optionally by regional authorities and digital platforms).

Article R. 324-2-1 of the Tourism Code, created by the draft decree, provides for the list of data that digital rental platforms transmit to the single body, within one month following the elapsed period, on a mandatory or optional basis. The data that must be transmitted by the digital platforms include the declaration number of the furnished tourist accommodation, the internet address of the rental advertisement(s), the precise address of the furnished tourist accommodation, the number of days during which this furnished tourist accommodation was rented through the digital platforms for the previous month or quarter, the number of customers to whom this furnished tourist accommodation was rented per night for the previous month or quarter and with an indication of the country of residence of the customers.

The transmission frequency, monthly or quarterly, depends on the size and activity of the digital rental platform.

Digital platforms, if they have knowledge of the same, will have the possibility of transmitting, for each furnished tourist accommodation that has been the subject of at least one rental through them, the data relating to the identification of the lessor (last name and first name for natural persons, company name and legal representatives for legal persons, SIRET number of the lessor (which is the identifier of the lessor's establishment in the SIRENE directory - national system for the identification and directory of businesses and their establishments)), the address and email address of the lessor or information relating to the characteristics of the rented property or the activity (whether the furnished accommodation constitutes the principal residence of the lessor or not, whether the furnished accommodation is accessible to people with disabilities, and whether the furnished accommodation is rented as part of a professional activity or not).

The data transmitted by the digital platforms are kept for a period exceeding one year, which is the time necessary for the single body to make aggregated data relating to the current year and the three previous years available to the public.

Article R. 324-2-2 of the Tourism Code resulting from the draft decree designates the single public body responsible for managing the system for centralising activity data for furnished tourist accommodation. In this case, it is the Directorate General of Enterprises, the central administration department of the Ministry of the Economy. It is to this body that the digital platforms will transmit the activity data, which will then make it available to the municipalities and the EPCI authorised to have access to the same.

The draft decree also creates an Article R. 324-5 of the Tourism Code, which provides for the public to be made aware of the list of municipalities or EPCI that have requested access to the data disseminated by the single public body. This list thus allows for transparency and better public knowledge of municipalities using the registration procedure of Article L. 324-1-1 and the request for activity data for furnished tourist accommodation.

Articles D. 324-2-8 to D. 324-2-13 of the Tourism Code resulting from the draft decree create the processing of personal data called "Furnished API" and allow the implementation of the system for centralising data relating to furnished tourist accommodation.

In particular, the new Article D. 324-2-8 of the Tourism Code sets out the purposes of this processing, depending on the persons and organisations concerned. For regional authorities and their groups, the purpose of the single body is to enable them to access furnished accommodation activity data, in particular to monitor compliance with the 120-day limitation (or a lower ceiling set by reasoned decision of the municipality) regarding the number of days of rental of main residences. The purpose of the processing concerning digital platforms is the transmission of relevant activity data of the furnished accommodation to the single body. As regards State services responsible for tourism and housing, by making activity data available to them, the processing aims to facilitate the development of public policies in the areas of tourism and housing. Finally, the processing aims to make anonymised and aggregated data available to the public as well as the list of the regional authorities that request access to the data.

The new Article D. 324-2-9 of the Tourism Code lists the personal data and information that may be recorded in the processing and that concern furnished tourist accommodation, lessors and declarants who have completed the registration procedure, furnished accommodation intermediaries and their representatives, regional authorities and their agents, agents of the manager of the single body, agents of the services responsible for tourism or housing as well as the connections to the processing.

The newly created Articles D. 324-2-10 to D. 324-2-13 of the Tourism Code establish the list of persons who may have access to the processing, the rights of the persons concerned by the processing of their data and the retention periods of the various personal data and information recorded in the data processing.

9. The draft implementing decree for Article 43 of the SREN law responds to the need to establish the methods of transmitting data via the single body. The centralisation of activity data for furnished tourist accommodation lessors provided for by the SREN law constitutes a simplification mechanism in pursuit of the following objectives:

- a reduction in the administrative burden for the stakeholders concerned (digital platforms and regional authorities);
- improved monitoring of compliance with the regulations imposed on lessors thanks to the reliability and structuring of data through processing;
- facilitating decisions by local authorities regarding their tourism and housing policies.

The draft decree thus meets the same objectives and does not create any additional obligations for furnished accommodation intermediaries with regard to current law.

This simplification measure is part of the broader framework of the regulation of furnished tourist accommodation, a policy which pursues a general interest objective of combating the housing shortage in so-called "tense" areas (areas where the demand for housing is high compared to the supply), as well as combating the rise in rents in these areas.

The draft implementing decree is non-discriminatory in nature with regard to the stakeholders concerned, in particular digital operators of seasonal rentals. The decree, however, does make a distinction between intermediaries, since the frequency of transmission, monthly or quarterly, depends on the size and activity of the intermediary.

10. References to the reference texts: 2023/0352/FR

The reference texts must be sent within the framework of the previous notification:
2023/0352/FR

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

European Commission

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