

FRENCH REPUBLIC

Ministry of Health, Families, Autonomy
and Persons with Disabilities

DECREE of

**amending Decree No 2013-1261 of 27 December 2013 on the sale and public availability
of certain tanning appliances which use artificial ultraviolet radiation;**

NOR:

Target audience: *manufacturers and distributors of tanning appliances, business operators and professionals who make tanning appliances available to the public or are involved in making them available, accredited bodies responsible for inspecting such appliances, training organisations, consumers and the general public.*

Subject: *changes to the regulatory obligations concerning the public availability of tanning appliances.*

Entry into force: *the text shall enter into force on 1 July 2026, with the exception of Articles 6, 9, 10, 13, 14, 15, 16 and 17, which shall enter into force on the date set out in the decrees to which they refer and by XXXX at the latest.*

Note: *This decree, issued pursuant to Article 21 of Law No 2016-41 of 26 January 2016 on the modernisation of our healthcare system (LMSS), introduces a ban on the sale or transfer, including free of charge, of tanning appliances for non-professional use, strengthens the requirements governing the use of tanning appliances, in particular the procedures for informing the public of the health risks associated with artificial tanning, the procedures for certifying that this information has been provided, and the procedures for the registration and inspection of the appliances. It introduces additional penalties for business owners and professionals who offer services involving the use of tanning equipment, as well as for accredited inspection bodies and training organisations that breach the regulations.*

References: *the provisions of Decree No 2013-1261 of 27 December 2013 on the sale and public availability of certain tanning appliances which use artificial ultraviolet radiation, as amended by this decree, may be consulted on the Légifrance website (<http://www.legifrance.gouv.fr>).*

The Prime Minister,

On the report of the Minister of Health, Families, Autonomy and Persons with Disabilities,

Having regard to Regulation (EU) 765/2008 of the European Parliament and of the Council of 9 July 2008, as amended, laying down the requirements for accreditation and repealing Regulation (EEC) No 339/93;

Having regard to Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment and repealing Council Directive 89/686/EEC;

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 Consumer Code, in particular Articles L. 412-1, L. 422-1 and R. 422-1 thereof;

Having regard to the Penal Code, in particular Articles 131-16, 132-11, 132-15 and R. 610-1 thereof;

Having regard to the Sports Code, in particular Articles R. 322-37 and R. 322-38 thereof;

Having regard to Law No 2016-41 of 26 January 2016 on the modernisation of our health system, and in particular Article 21 thereof;

Having regard to Decree No 2013-1261 of 27 December 2013, as amended, on the sale and public availability of certain tanning appliances which use artificial ultraviolet radiation;

Having regard to Decree No 2015-1083 of 27 August 2015, as amended, relating to the making available on the market of electrical equipment intended for use within certain voltage limits;

Having regard to notification No 2025/XX/F submitted to the European Commission on [date];

Having regard to the opinion of the French Agency for Food, Environmental and Occupational Health & Safety issued on [date];

Having heard the Council of State (social division),

Hereby decrees:

Article 1

The above-mentioned Decree of 27 December 2013 is amended as follows:

1. In Article 1, each occurrence of the words: “UV transmitter” is replaced by the words “ultraviolet transmitter”;
2. Article 2 is amended as follows:
 - a) In the first paragraph,
 - after the word: “use” the following words shall be inserted: “professional for the purpose of”;

- after the words: “to be sold” the following words shall be inserted: “or transferred, including free of charge,”;

b) In the second paragraph,

- after the word: “UV1” the following words shall be inserted: “and UV3”
- the words: “in the field of aesthetics” are replaced by the words: “for aesthetic purposes”;
- the words: “Their sale to the public is prohibited” are deleted;

3. Article 3 is supplemented by a paragraph worded as follows:

“3. Ultraviolet emitter: artificial source of radiation designed to emit non-ionising electromagnetic energy at wavelengths below 400 nanometres;

4. Article 6 is amended as follows:

In the fourth paragraph, the words “the certificate of competence awarded upon completion of the initial training is issued to them automatically by the same authority that awards the diploma” are replaced by the words “the diploma serves as the certificate of competence awarded upon completion of the initial training”.

5. The heading of Chapter III is replaced by the following heading:

“Chapter III: Provisions relating to the conditions of use of tanning appliances”

Article 7 is repealed;

6. Sections 8 and 9 are replaced by the following provisions:

Article 8.- A professional offering a service including the use of a tanning appliance shall provide each person exposed to the ultraviolet radiation of the appliance with eye protection equipment designed to protect the eyes against artificial ultraviolet radiation in accordance with the requirements laid down in the abovementioned Regulation of 9 March 2016.

Art. 8-1. - Where the operator or professional repeatedly provides users with eye protection equipment designed to protect the eyes against artificial ultraviolet radiation, they shall ensure that such equipment remains compliant, in accordance with Article R.322-37 of the Sports Code and the regulations adopted for its implementation.

Art. 9. - I. - The operator shall create a maintenance log and keep it up to date, on their choice of any durable medium, for each of the tanning appliances made available to the public in their establishment for the entire period during which the appliances are in use.

The operator is required to submit it to the accredited inspection bodies referred to in Article 17 and to the inspection officers.

II. - A joint order issued by the ministers responsible for health and consumer affairs sets out the contents of the maintenance logbook and the conditions under which it must be handed over when a tanning appliance is transferred, whether free of charge, for a fee or on any other basis.

7. Article 10 is amended as follows:

a) The word: “UV” is replaced by the word: “ultraviolet”;

b) The words “on their surface” are deleted;

c) The words “of equivalence” are inserted after the first occurrence of the word “code”.

8. Article 11 is replaced by the following provisions:

Art. 11. — The irradiance of radiations of wavelength less than or equal to 320 nanometres of tanning appliances used in the provision of a service offered to the public shall, throughout

the use of the equipment, remain below 1.5% of the total ultraviolet irradiance emitted by the appliances.

The technical characteristics of the appliances must not be changed.

9. The heading of Chapter IV is replaced by the following heading:

“Chapter IV: Provisions relating to information and warnings on the health risks associated with artificial tanning

10. Article 12 is repealed;

11. Article 13 is replaced by the following provisions:

Art. 13. - I.– The content of the public information mentioned in point III of Article 21 of the above-mentioned Law of 26 January 2016 and the warning mentioned in paragraph 3 of point IV of the same law shall include the following headings:

1. The health risks associated with exposure to artificial ultraviolet radiation;
2. The prohibition of use by people under 18 years of age;
3. Recommendations and warnings regarding the use of tanning equipment;
4. The photosensitising effects of certain medicines or cosmetic products.

II. – This information is provided prior to any offer of a service involving the use of a tanning appliance. It is issued both:

1. Verbally by the operator or by the professional who makes an offer to provide a service involving the use of a tanning appliance or who is involved in the provision of the service;
2. By means of a written document made available to the public and available in sufficient quantities in an easily accessible format.

III.- The warning must be displayed visibly and legibly to the public in the reception area of any establishment providing a service that includes the use of a tanning appliance, or at the place where the sale of such a service is concluded if this is different from the reception area of the establishment. This warning shall also be displayed visibly and legibly to the public, close to each tanning appliance.

IV. - A confirmation of receipt of the information must be signed by the consumer prior to their first tanning session at an establishment providing services that include the use of tanning equipment. This certificate is signed in either paper or electronic form. It shall be kept for three years by the operator and made available to the accredited inspection bodies and the officials responsible for carrying out the checks.

V. – A joint order issued by the ministers responsible for health and consumer affairs shall specify the templates and formats of the written document and the warning referred to in sections II and III respectively, and the content of the certificate confirming that the information has been provided, as referred to in section IV.

12. Article 14 is amended as follows:

a) In the first paragraph;

- The words ‘*publicité relative aux appareils de bronzage ou*’ (French version) are replaced by the words ‘*commercial communication, sur tout support et par tout moyen, qui vise à promouvoir ou à proposer la vente d’un appareil de bronzage ou une offre de*’, resulting in the following English translation: ‘All commercial communication, via any media and via any means, intended to promote or offer the sale of a tanning appliance or an offer of’;

- the words: “and any presentation for the sale of such a appliance” are deleted;

- after the word: “content”, the following words shall be inserted: “, the format”;

b) The second paragraph is repealed;

13. The heading of Chapter V is replaced by the following:

Chapter V: Provisions concerning the obligation to register tanning equipment and the inspection of equipment and establishments that make at least one tanning appliance available to the public”

14. Article 15 is amended as follows:

a) After the second occurrence of the word: “appliance” the following words shall be inserted: “prior to its being made available to the public”;

b) After the second occurrence of the word “declaration”, the following words are inserted: “may be made by electronic means. It”;

15. Article 16 is amended as follows:

a) After the word: “service”, the following words shall be inserted: “, within one month of the date of destruction or disposal of the appliance. This declaration may be made by electronic means. ”;

b) After the first paragraph, a paragraph worded as follows is inserted:

“The content of the declaration and the supporting document shall be established in a joint order of the ministers for health and consumer affairs”.

16. Article 17 shall be replaced by the following provisions:

Art. 17. - I. – Any tanning appliance made available to the public for the first time in an establishment, whether new or second-hand, shall be subject to an initial technical inspection by an accredited inspection body prior to its use.

The technical inspection of tanning appliances must be carried out every two years or following the replacement of any component likely to increase the intensity of the radiation emitted by the tanning appliance.

If an inspection of the appliance reveals a major non-compliance within the meaning of the order referred to in IV, the tanning appliance shall be switched off until the operator has taken corrective measures and the accredited inspection body has confirmed, during a follow-up inspection, that the equipment complies with the requirements.

II. – Any establishment making a tanning appliance available to the public for the first time, whether purchased new or second-hand, is subject to an initial inspection.

Inspections of establishments are carried out every two years.

III.- The checks referred to in I and II are intended to certify the conformity of the equipment and establishments with the requirements laid down in this decree.

These inspections are carried out by bodies accredited for this purpose by the French Accreditation Committee (COFRAC) or any other accreditation body that is a signatory to the multilateral recognition agreement established within the framework of European cooperation on accreditation. The cost of these inspections shall be borne by the operator of the tanning appliance.

IV.- A joint order issued by the Ministers responsible for health and consumer affairs shall define the scope and procedures for the inspections referred to in sections I and II, major non-conformities, the procedures for issuing inspection reports and certificates, and the conditions for the accreditation of the bodies responsible for carrying out these inspections.

17. Article 18 is replaced by the following provisions:

Art. 18. The following acts shall incur the specified fine for fifth class offences:

1. Making UV2 and UV4 type appliances available to the public;
2. Selling or transferring UV2 and UV4 type appliances to the public, including free of charge;
3. Proposing an offer to provide a service including the use of a tanning appliance or participating in the performance of the service without holding the valid certificate of competence provided for in Article 6 or the certificate of recognition of qualification referred to in Article 21(I) and (II), within the limit of its validity;
4. For the operator, having recourse to a person who does not hold the valid attestation of competence provided for in Article 6 or the attestation of recognition of qualification referred to in points I and II of Article 21 within the limits of its validity;
5. For the training bodies referred to in Article 5(I)(2), issuing certificates of competence without being certified to provide the training services;
6. For a trader who offers a service involving the use of a tanning appliance or who is involved in the provision of the service, failing to provide the consumer with the eye protection equipment referred to in Article 8;
7. For the operator, failing to keep a maintenance log for a tanning appliance, or failing to record in it any work carried out on a tanning appliance in accordance with the conditions set out in Article 9, or failing to comply with the obligation to produce the maintenance log as provided for in the second paragraph of Article 9;
8. Using ultraviolet emitters that do not meet the marking requirements laid down in Article 10;
9. For the operator, offering a service package that includes the use of a tanning appliance where the tanning appliances do not comply with the provisions of Article 11;
10. For an operator or professional who offers a service involving the use of a tanning appliance, or who is involved in the provision of such a service, the fact of altering the technical specifications of a tanning appliance in contravention of the provisions of Article 11;
11. For any operator or professional who offers a service involving the use of a tanning appliance or who is involved in the provision of such a service, the fact of failing to make available to the public the written notice referred to in paragraph 2 of II of Article 13, or failing to display the warning provided for in III of Article 13, or failing to use the mandatory templates and formats for the written document and the warning, and failing to comply with the content of the certificate of provision of information as defined by the order referred to in section Article 13(V);
12. For the operator: not retaining the document attesting that the information has been provided, as per point IV of Article 13;
13. For the operator or professional, the making of or the fact of being responsible for the making of a commercial communication for tanning appliances or for services that include the use of these appliances, in disregard for the provisions of Article 14;
14. For the operator, not making the compulsory declarations to the prefect, in disregard for the provisions of Articles 15 and 16;
15. For the operator, making a tanning appliance available to the public without having carried out the initial inspection of the appliance provided for in Article 17 or making a tanning appliance available to the public without having carried out the periodic inspection provided for in Article 17;

16. For the operator, not switching off a tanning appliance presenting a major non-conformity in breach of the provisions of Article 17;

17. For the accredited inspection bodies referred to in Article 17(III), issuing certificates attesting the conformity of equipment and establishments where major non-compliances as defined in the Order provided for in Article 17(IV) have been found;

Repeat offences shall be punished in accordance with the provisions of Articles 132-11 and 132-15 of the Criminal Code.

18. Article 20 shall be replaced by the following provisions:

Art. 20. - Anyone found guilty of any of the offences set out in Article 18 shall be liable to the additional penalty provided for in Article 131-16(5) of the Criminal Code.

Legal persons shall also be liable to the additional penalty provided for in Article 131-16(5) pursuant to Article 131-43 of the same Code.

19. In Article 21(2)(II) and (III), the words: “the date of entry into force of this Decree” shall be replaced by the words: “28 December 2016”.

Article 2

This decree shall enter into force on **XXX** 2026. However, Articles 6, 9, 10, 13, 14, 15, 16 and 17, as amended by this decree, shall enter into force on the date specified in the orders to which they refer, and no later than XXXX.

Article 3

The Minister for Labour and Solidarity, the Minister for Justice, the Minister for the Economy, Finance and Industrial, Energy and Digital Sovereignty, the Minister for National Education, and the Minister for Health, Families, Independence and People with Disabilities are responsible, each within their respective areas of competence, for the implementation of this decree, which will be published on the Official Journal of the French Republic.

Done on

Sébastien LECORNU

By the Prime Minister:

The Minister of Labour and Solidarity,

Jean-Pierre FARANDOU

The Keeper of the Seals, Minister of Justice,

Gérald DARMANIN

The Minister of Economy, Finance and Industrial, Energy and Digital Sovereignty,

Roland LESCURE

The Minister for National Education,

Edouard GEFFRAY

The Minister for Health, Families, Independence and Persons with Disabilities,

Stéphanie RIST