

The Paris office of Hogan Lovells is pleased to provide this English language edition of our monthly e-newsletter, which offers a legal and regulatory update covering France and Europe for January 2024.

Please note that French legal concepts are translated into English for information only and not as legal advice. The concepts expressed in English may not exactly reflect or correspond to similar concepts existing under the laws of the jurisdictions of the readers.

If you would like to consult this newsletter from past months, please click [here](#).

For additional information, please speak to your usual contact.

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- **Audio-visual**

France – Reform of public broadcasting financing adopted

On November 20, 2024, the proposed legislation reforming the financing of public broadcasting (No. 482) was definitively adopted by the French National Assembly, following the implementation of an accelerated procedure. The text as adopted has not yet been published, but [Report No. 556 on the proposed legislation reforming the financing of public broadcasting \(n°482\)](#), dated November 13, is available.

The aim of this reform is to ensure the long-term financing of public broadcasting, by maintaining the allocation of a fraction of VAT revenues to public broadcasting companies, in order to preserve their independence in the face of financing from the general State budget, which could assimilate them to State-owned media. The text amends the organic law on finance laws (LOLF) to allow the direct allocation of taxes to public broadcasting organizations. The text was immediately referred to the “*Conseil Constitutionnel*” (Judge of the constitutionality of the texts in France) on November 21.

France – Creation of LaFA, the audiovisual association

On November 13, 2024, a [press release](#) was issued by the main actors in the French audiovisual industry, including public (France Télévisions) and private (TF1, M6) channels, collective management organizations (SACD, SACEM, ADAMI) and producers' unions (SPI, USPA), to announce the creation of LaFA, an association under the French law of 1901. Under the two-year presidency of Rodolphe Belmer (TF1), LaFA aims to defend cultural diversity and French creation, while adapting to competition from digital platforms such as YouTube, accused of unbalancing the market without equivalent regulatory obligations.

The association is committed to publishing a study on the sector's economic weight in spring 2025, and is campaigning to preserve public funding for the audiovisual sector, tax credits and the system for intermittent workers. It also calls for fairer European regulation of digital platforms, while promoting environmental transformation and inclusive practices. LaFA thus positions itself as a unique interlocutor with French and European decision-makers, to defend a sustainable French audiovisual model, and the interests of a sector employing over 300,000 people.

France – Signage for young people: Arcom assesses the impact of its annual campaign on the risks associated with inappropriate content and the digital practices of minors

From November 20, 2024, Arcom ran its annual youth signage information campaign, broadcast for three weeks by the audiovisual media. The campaign aims to raise public awareness of the classification of audiovisual programs according to their suitability for each age group for minors. The classification system is based on five age categories, its goal being to inform the public about the suitability of programs for children and teenagers, as well as the dangers of unsuitable digital content.

In addition, Arcom conducted a [qualitative study](#) to analyze the digital practices of 8-16 year-olds and their exposure to inappropriate content. The results highlight a high level of consumption of foreign platforms (Netflix, YouTube, Prime Video), which apply their own labels and escape French regulation. The study also reveals that young people themselves play down the risks, and that parental strategies are often inadequate, relying on a "contract of trust" and limited control. The report underlines the need to strengthen awareness-raising and prevention tools to better protect minors.

Authored by Iris Accary and H lo se Croisille

- **Capital Markets**

France – Amendments to the general regulation of the French Autorit  des March s Financiers (AMF)

Pursuant to [order dated 12 November 2024](#) and [order dated 27 November 2024](#), the General Regulation of the AMF has been amended.

The amendments to Books III and IV are designed to improve transparency and regulation of investment funds, by reinforcing the information and management obligations of portfolio management companies, by stipulating, for example, that the investor's bank details must be communicated to the management company prior to subscription of FCPR units (order dated 12 November).

The amendments to Books III and IV of order dated 27 November are updates.

Authored by Charlotte Bonsch

- **Commercial**

European Union – Publication in the Official Journal of the European Union of the Liability for Defective Products Directive

[Directive \(EU\) 2024/2853](#), replacing Directive 85/374/EEC, introduces updated rules on the liability of economic operators for damage caused by defective products, considering technological developments such as artificial intelligence and digital products.

The directive harmonizes EU standards, strengthens consumer protection, and clarifies the liability of manufacturers, importers and distributors. Software, including embedded or interconnected software, is now considered a product subject to the directive. Material, immaterial and data corruption losses are also covered. In force from December 2026, it excludes certain fields such as non-commercial open-source software and nuclear incidents, while ensuring that existing specific national legal systems are preserved.

Authored by Charlotte Haddad and Sacha Abou Rjeily

- **Data Protection**

European Union – Publication in the Official Journal of the European Union of the Cyber-Resilience Regulation

On November 20, 2024, [Regulation \(EU\) 2024/2847](#) of the European Parliament and of the Council of October 23, 2024, on cybersecurity requirements for products with digital components, known as the “*Cyber Resilience Act*” (‘*CRA*”), was published in the Official Journal of the European Union.

The CRA aims to harmonize and strengthen cyber security and cyber threat response requirements for connected products sold on the European market (e.g. smartphones, tablets, Wi-Fi routers, IoT sensors, connected toys, power grid management systems, connected medical devices etc.). This regulation covers the entire value chain of these products, from their design to their placing on the EU market.

Coming into force on December 10, 2024, the CRA will be fully applicable from December 11, 2027. However, certain obligations will apply in advance: the obligation to notify vulnerabilities and serious cyber incidents, and the designation by member states of “*notifying authorities*”, on September 11 and June 11, 2026 respectively.

In the event of non-compliance with these new security criteria, penalties of up to €15 million or 2.5% of the total sales of the entity concerned may be applied. In addition, products deemed non-compliant or presenting a risk may be subject to restrictive measures, up to and including withdrawal from the market.

Authored by Rémy Schlich, Anne Delieuvain and Chloé Morandi

- **Insurance**

France - Increase in minimum guarantee thresholds for professional indemnity insurance to be taken out by insurance intermediaries

An Order of 29 October 2024 published in the *Journal Officiel de la République Française* of 1st November 2024 raised the minimum cover thresholds for professional indemnity insurance to be taken out by insurance and reinsurance intermediaries and by insurance intermediaries acting on an ancillary basis.

This Order amends Article A. 512-4, 1° of the French Insurance Code to set the minimum cover per claim at EUR 1,564,000 (instead of EUR 1,500,000 previously) and the maximum annual cover for a single intermediary at EUR 2,315,610 (instead of EUR 2,000,000 previously).

This increase in the minimum guarantee thresholds is the result of European Commission Delegated Regulation (EU) 2024/896 of 5 December 2023, which provides for an adjustment of these thresholds to reflect inflation and maintain adequate protection for policyholders. The revised amounts were defined by the European Commission on the basis of the technical regulatory standards proposed by the European Insurance and Occupational Pensions Authority ("**EIOPA**").

These new minimum guarantee thresholds for professional indemnity insurance come into force on the date of publication of the Order in the *Journal Officiel de la République Française*, i.e., 1st November 2024.

Source: [Order of 29 October 2024 setting the minimum professional indemnity cover thresholds for insurance, reinsurance and ancillary insurance intermediaries, taking into account the amendment of Directive 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution](#)

France - Publication by the ACPR of an information guide on reinsurance captives

On 12 November 2024, the *Autorité de Contrôle Prudentiel et de Résolution* ("**ACPR**") has published an information guide on reinsurance captives.

The purpose of this guide is to assist companies wishing to set up a reinsurance captive in France by setting out the regulatory requirements and best practices to be adopted in order to obtain approval from the ACPR.

As a reminder, a reinsurance captive is defined as a reinsurance undertaking having its registered office in France and "*owned either by a financial entity other than an [insurance or reinsurance] undertaking or a participating undertaking [...], or by a non-financial undertaking*" and whose purpose is "*the provision of reinsurance cover relating exclusively to the risks of the undertaking or undertakings to which it belongs, or the risks of one or more other undertakings in the group of which it forms part*" (Article L. 350-2 of the French Insurance Code).

In response to the growing number of applications for authorisation to set up a reinsurance captive in France, the ACPR has designed this information guide to facilitate the preparation of authorisation applications. By detailing the information required in applications for authorisation and highlighting the critical points, the ACPR aims to speed up the review of applications for authorisation, which must be submitted within six (6) months of the submission of a complete application.

The information guide specifies that the application for authorisation must include the reasons for using a captive insurance company (*e.g.*, scope of the captive within the group, nature of the risks covered), a description of the captive's environment within the group to which it belongs (*e.g.*, statutes of the captive, assessment of the qualified shareholders, implications of the creation of the captive for the group), the governance of the captive and its functional organisation (*e.g.*, governance, functional organisation and outsourcing), a multi-year business plan for the captive and information relating to the management of its risks (*e.g.*, pricing, risk management, business forecasts, prudential calculations, potential recapitalisation).

Finally, the information guide reminds that reinsurance captives are subject to the requirements of the Solvency II directive.

Source : [Publication by the ACPR of an information guide on reinsurance captives](#)

France - Publication of a new ACPR recommendation on the duty to advice and personalised recommendations

On 21 November 2024, the *Autorité de Contrôle Prudentiel et de Résolution* ("**ACPR**") has published a new recommendation 2024-R-02 on the collection of customer information for the performance of the duty to advice and the provision of a personalised insurance recommendation service.

Recommendation 2024-R-02 updates best practice regarding collection of customer information in order to provide appropriate advice and personalised recommendations tailored to the requirements and needs of policyholders. Thus, this recommendation provides *inter alia* :

- Before joining or taking out the policy :
 - an extension of the duty to advice to all insurance products, whether group or individual, with the exception of large risks as defined in Article L. 111-6 of the French Insurance Code ("**FIC**"). The scope of this recommendation does not include mandatory group contracts, all contracts taken out by employers for their employees, or capitalisation and life insurance products with a surrender or transfer value that no longer allow payments or arbitration.
 - The ACPR also recommends that distributors gather relevant information about the policyholder or potential policyholder with regard to the product offered, as well as the policyholder's requirements and needs, including the extent and level of cover required, in order to advise the policyholder or potential policyholder on a policy that is consistent with his/ her requirements and needs. Distributors must also draw the policyholder's or potential policyholder's attention to the risk of multiple insurance linked to the prior holding of a policy covering at least part of the same risks or the same need, in order to ensure that it is worthwhile taking out a new policy.

- with regard to capitalisation or life insurance products with a surrender or transfer value, the insurance distributor must, for example, collect all the information relating to the family, professional and financial situation of the potential policyholder or member. Appendix 1 of the recommendation sets out the information to be gathered. In addition, when the advice relates to units of account, the ACPR recommends that distributors draw the attention of potential policyholder or member to the risks associated with their selection, in light of the variable nature of their value, as well as the existence, where applicable, of an indemnity reducing the surrender or transfer value and their consequences on the terms and conditions for exercising the surrender or transfer option. When the advice relates to a retirement savings plan, the ACPR recommends alerting the member to the fact that the savings invested are not available, and to the terms and conditions for early withdrawal.
 - the collection of preferences in terms of sustainability within the meaning of Article L. 522-5 of the FIC.
- After joining or taking out the policy :
- with regard to non-life insurance products: a strengthening of the duty to advise throughout the life of the contract. The ACPR recommends that the duty to advise be renewed in the event of significant changes in the customer's personal or financial situation, or in the event of major operations affecting the policy. The aim of this approach is to ensure that the contract remains in line with the policyholder's requirements and needs.
 - with regard to capitalisation or life insurance products with a surrender or transfer value: regular updating and formalisation of the duty to advise, for example, by providing for contact to be made with the member or policyholder if there is no transaction for four (4) years (or two (2) years if a personalised recommendation service has been provided), or if an arbitrage or payment transaction is likely to have a significant impact on the contract.

Recommendation 2024-R-02 will come into force on 31 December 2025.

Source: [ACPR Recommendation 2024-R-02 of 21 November 2024 on the collection of information relating to the customer for the performance of the duty to advise and the provision of a personalised insurance recommendation service](#)

European Union - Publication of joint guidelines on the oversight cooperation and information exchange between ESAs and competent authorities under DORA

The European Supervisory Authorities (EBA, ESMA and EIOPA - "ESAs") have published on 6 November 2024 joint guidelines on the oversight cooperation and information exchange between the ESAs and national competent authorities ("NCAs") under the Regulation on Digital Operational Resilience in the Financial Sector ("DORA").

These guidelines issued under Article 32(7) of DORA aim to establish harmonised cooperation and coordinated supervision between NCAs and ESAs in order to ensure a uniform approach to digital risk management. The guidelines cover, in particular, the role of the ESAs and the NCAs in terms of cooperation, the rules for the secure exchange of information and the procedures for following up recommendations issued by the ESAs concerning Information and Communication Technology ("ICT") third-party service providers designated as critical.

NCA must notify ESAs of their compliance or intention to comply with these guidelines, or provide reasons for any non-compliance, within two (2) months of the publication of the translated versions of the guidelines. In the absence of notification within this period, NCAs will be deemed by ESAs not to have complied with these guidelines.

These guidelines will come into force on 17 January 2025 and will be subject to review by the ESAs.

Source: [Joint guidelines on the oversight cooperation and information exchange between ESAs and competent authorities under DORA](#)

European Union - EIOPA final report on the prudential treatment of sustainability risks for insurers

On 7 November 2024, the European Insurance and Occupational Pensions Authority ("**EIOPA**") has published its final report on the prudential treatment of sustainability risks for insurers.

This EIOPA report, published as part of the review of the Solvency II Directive, is part of the mandate given by the European Commission to EIOPA to analyse whether specific adjustments to prudential requirements are necessary to take account of environmental, social and governance (**ESG**) risks. Based on public consultations, quantitative and qualitative data, and an in-depth analysis of existing methodologies, the report proposes recommendations for responding to the challenges raised by climate change.

EIOPA notes that assets linked to fossil fuels present a particularly high risk. In this respect, and in order to better align prudential requirements with such risks, EIOPA recommends the introduction of additional capital charges for highly exposed assets. This measure is intended in particular to encourage insurers to reduce their dependence on these assets and redirect their investments towards more sustainable options.

The report also examines the impact of climate risks on the underwriting activities of non-life insurers. Non-life insurers are particularly exposed to the consequences of extreme weather events such as natural disasters. These events, whose frequency and intensity are increasing with climate change, lead to a significant rise in claims and cover costs for insurers, making the process of pricing and risk assessment more complex. In this respect, the report identifies a number of opportunities for non-life insurers, such as mitigation and adaptation measures, improvements to infrastructures resilient to natural disasters, warning systems and loss prevention policies, to reduce insurers' exposure to such risks. However, EIOPA warns against the current limits of these approaches, as the data available on their effectiveness is still insufficient, making it difficult to take them into account when calculating prudential capital requirements.

With regard to social risks, the report recognises their growing importance but points to a lack of data and analytical tools to fully integrate them into the current prudential framework. Although EIOPA does not recommend specific prudential treatment of social risks for the time being, it invites insurers to include these risks in their internal analyses through their Own Risk and Solvency Assessment (ORSA).

In short, the report stresses the importance of strengthening data collection, improving analysis tools and regularly revising prudential requirements to take account of developments in knowledge and methodologies. By including sustainability risks, EIOPA's recommendations aim to strengthen the insurance industry's resilience to environmental and social changes, and to encourage insurers to review their investment and underwriting strategies to better reflect sustainability objectives in their prudential management.

Source: [EIOPA final report on the prudential treatment of sustainability risks for insurers](#)

European Union - EIOPA opinion on the scope of DORA in the light of the review of the Solvency II framework

The European Insurance and Occupational Pensions Authority ("**EIOPA**") has published an opinion on the scope of the Regulation on the digital operational resilience of the financial sector ("**DORA**") with regard to the review of the Solvency II Directive ("**EIOPA-BoS-24/425**").

EIOPA-BoS-24/425 reminds that Article 4 of the Solvency II Directive excludes from its scope certain insurance and reinsurance undertakings because of their small size. This exclusion is reflected in Article 2(3)(b) of DORA, which means that insurance and reinsurance undertakings excluded from the scope of the Solvency II Directive are not subject to DORA either.

The review of the Solvency II Directive provides for an increase in the thresholds set out in Article 4 of the Directive, which will result in more insurance and reinsurance undertakings being excluded from the scope of the Solvency II Directive. However, this change will not take effect until the end of 2026. In its opinion, EIOPA points out the situation whereby certain insurance and reinsurance undertakings will be subject to DORA, which is due to enter into force on 17 January 2025, whereas they may be exempted from the date of entry into force of the review of the Solvency II Directive, currently scheduled for the end of 2026 (by reference to the exclusion provided for in Article 2(3)(b) of DORA).

In this respect, EIOPA considers that this interim period of subjecting certain insurance and reinsurance undertakings to DORA creates a considerable administrative and financial burden for these small sized entities, which is considered by EIOPA to be disproportionate. Therefore, EIOPA calls on the European Commission to amend DORA for small sized insurance and reinsurance undertakings so that they do not incur the cost of complying with DORA during the interim period prior to the entry into force of the revised Solvency II Directive. EIOPA also calls on the National Competent Authorities ("**NCAs**") not to implement supervisory measures in respect of the application of DORA by these entities as a matter of priority.

In short, EIOPA calls on the European Commission and the NCAs to adopt a pragmatic approach so as not to impose disproportionate impacts on small sized insurance and reinsurance companies as a result of the forthcoming entry into force of DORA.

Source: [EIOPA Opinion on the scope of DORA in the light of the review of the Solvency II framework](#)

European Union - Decision of the ESAs on the reporting by the competent national authorities to the ESAs of information necessary for the designation of critical ICT third-party service providers

On 15 November 2024, the European Supervisory Authorities (EBA, EIOPA and ESMA - "**ESAS**") have published a decision on the information that National Competent Authorities ("**NCAs**") must report to them for the designation of critical ICT third-party service providers under the Regulation on the Digital Operational Resilience of the Financial Sector ("**DORA**").

The ESAs' decision sets out in detail the modalities for the annual reporting to the ESAs of the information needed to designate critical ICT third-party service providers, in particular the arrangements for deadlines, frequencies and reference dates, the general procedures for submitting information, confidentiality and access to information.

NCA will also be required to collect and transfer specific information to the ESAs, including records of contractual relationships between financial entities and their critical ICT third-party service providers, the list of systemic financial entities requiring special attention, and the key data of entities subject to these obligations. The data will be collected either at individual level or at consolidated level for financial groups, depending on the information available.

The first submission is due on 30 April 2025, based on data as at 31 March 2025. This reporting will then be carried out annually. The ESAs encourage financial entities to prepare their registers in advance, even though the technical implementation standards (ITS) have not yet been formally adopted. These standards, together with validation rules, data point models and taxonomies, will be published in December 2024 to harmonise and simplify reporting.

A workshop organised on 18 December 2024 will guide NCAs and financial entities in the preparation of these registers and provide feedback on the dry run exercise that took place during 2024. NCAs are also responsible for the quality of the data transmitted and must guarantee its accuracy while complying with European confidentiality standards.

Source: [Decision of the ESAs on the reporting by the competent national authorities to the ESAs of information necessary for the designation of critical ICT third-party service providers](#)

European Union - Publication of joint guidelines by the ESAs on the exchange of information relevant to the fit and proper assessment

On 20 November 2024, the European Supervisory authorities (EBA, EIOPA and ESMA - "**ESAs**") have published guidelines pursuant to Regulations (EU) 1093/2010, 1094/2010 and 1095/2010 of the European Parliament and of the Council of 24 November 2010 on the system for the exchange of information relevant to the assessment of the fitness and propriety of holders of qualifying holdings, directors and key functions holders of financial institutions and financial market participants.

The ESAs have developed a multi-sector database ("**Database**") that enables national competent authorities ("**NCAs**") to exchange information relating to fit and proper assessments carried out on the above mentioned persons within financial institutions in their Member State. The purpose of the ESA guidelines is to specify the rules for using the Database and for communicating information from the Database.

In this respect, NCAs must ensure the transmission, through the Database, of information resulting from the fit and proper assessment of regulated persons within financial institutions. This information must include the surname, first name, date and place of birth for natural persons and the corporate name, LEI or registration number and registered office address for legal persons.

The information will have to be transmitted within two (2) weeks after the NCA has been informed of a new fit and proper assessment, in order to have a Europe-wide overview of the procedures already validated, in progress or withdrawn prior to the NCA assessment. Similarly, when the same person is subject to additional fit and proper assessments, the information collected by the NCA will have to be transmitted to the Database. NCAs will also have to check the backgrounds, on the Database, of persons notified to them for fit and proper assessments.

NCA may also request information through the Database from other Member State authorities, indicating the grounds, information and legal basis on which the request is based. The NCA that receives the request will then have a period of two (2) weeks to respond, explaining the reasons for any extension of the response period or the total or partial failure of transmitting the said information.

Finally, responses to requests must be transmitted bilaterally, outside the Database, between the two authorities involved, unless the information cannot be communicated for confidentiality or protection of personal data reasons.

These guidelines will be applicable as from their translation into the official languages of the Union. However, the rules concerning the verification of information on the Database by NCAs and those concerning communications between authorities will apply from 15 May 2025 for natural persons and 30 April 2026 for legal persons.

Source: [Publication of joint guidelines by the ESAs on the exchange of information relevant to the fit and proper assessment](#)

Authored by Ghina Farah and Mohamed Boukesra

- **Intellectual Property**

European Union – Reform of design protection in the European Union: publication of a regulation and a directive

On November 18, 2024, two new European legislative texts on design protection were published in the OJEU: [Regulation \(EU\) 2024/2822](#), amending the Community design framework, and [Directive \(EU\) 2024/2823](#), aimed at overhauling the legal protection of designs. These texts, based on an initial proposal by the European Commission on November 29, 2022, are part of the action plan for intellectual property, and aim to modernize and harmonize legislation, making it more accessible for SMEs and designers.

Among the main advances, the directive introduces a "repair clause" liberalizing the spare parts market, offering consumers a wider range at competitive prices. The two texts also reduce costs and simplify protection procedures, reinforcing legal certainty and the attractiveness of the system in a constantly evolving digital context.

International – Adoption of an international treaty on design law

WIPO member states finally adopted the [Riyadh Treaty on Industrial Design Law \(DLT\)](#) at a diplomatic conference held from November 11 to 22, 2024 in Saudi Arabia. The treaty aims to simplify design protection procedures, offering designers a legal framework comparable to that of patents and trademarks, with faster, more accessible and cost-effective procedures, both nationally and internationally. The legal definition of a design and the conditions of its protection will remain the responsibility of the contracting parties.

The text, which needs to be ratified by 15 contracting parties to enter into force, also authorizes states to request information on traditional knowledge and cultural expressions relevant to the registration of designs, thereby strengthening the protection of cultural heritage.

International – Entry into force of the fifteenth edition of the Locarno Classification (designs)

The 15^e edition of the Locarno Classification for the Registration of Industrial Designs will come into force on January 1^{er} 2025, as announced by WIPO in a [notice dated November 4, 2024](#). This new edition introduces additional classes and subclasses to better reflect evolutions in products and technologies.

The changes will apply only to international applications filed on or after this date. Registrations classified according to previous editions will retain their original classification. The electronic version of this edition is available on the WIPO LOCPUB portal.

International – Madrid System: New e-filing services in Sweden; revised fees in Brazil, Zambia, Greece, Laos and Colombia

WIPO announced, in a [press release](#) dated November 15, 2024, that Sweden now offers the e-filing service for international applications under the Madrid System, joining eight other European Union member states and bringing the total number of members using this feature to 33.

In addition, the amounts of the individual fees to be paid for the designations of Brazil, Zambia and Greece in an international application or when renewing a registration will be revised. These changes will come into force on December 21, 2024 for [Brazil](#) and [Zambia](#), and on December 28, 2024 for [Greece](#), impacting users of international trademarks in these jurisdictions.

Similarly, the individual fee amounts applicable to the Laos and Colombia designations will also be modified. These adjustments will take effect on December 7, 2024 for [Laos](#) and January 1, 2025 for [Colombia](#). The changes concern international applications, subsequent designations and renewals of international registrations in which these countries are included.

International – WIPO World Intellectual Property Indicators Report 2024: world record for patent applications in 2023

On November 7, 2024, WIPO published its [World Intellectual Property Indicators report](#), highlighting a record 3.55 million patent applications in 2023, an increase of 2.7% on the previous year. Asia, and China in particular, remains the world leader, followed by the USA, Japan, the Republic of Korea and Germany, while India records the strongest growth (+15.7%).

At the same time, trademark applications fell by 2%, and industrial designs rose by 2.8%. The dominant sectors remain IT, electrical machinery and medical technology, with notable advances in energy technologies.

In France, patent and industrial design applications continued to grow, while trademark applications fell back slightly by 2%.

International – First global meeting of research experts on improving gender and diversity in WIPO's intellectual property and innovation field

On November 25 and 26, 2024, WIPO organized its [first global meeting of research experts on gender and diversity](#) in intellectual property and innovation. The event enabled academics, researchers and policy experts to explore new solutions for promoting a more inclusive global framework, drawing in particular on indicators for measuring women's participation in these fields. This initiative is part of WIPO's Intellectual Property and Equality Action Plan.

Authored by Iris Accary and Héloïse Croisille

- **Public Law**

France – Motorways: publication of ART's 3rd report on the economics of motorway concession contracts

The [third report](#) by the French Transport Regulation Authority (“ART”) on the general economics of motorway concessions, published on December 3, 2024, highlights the issues at stake linked to the end of contracts for the seven main historic concessions, scheduled between 2031 and 2036. The report underlines the importance of guaranteeing the restoration of infrastructure in good condition and of ensuring the continuity of the public motorway service at the end of contracts.

ART highlights two priorities for concessionaires: to maintain a level of regular maintenance, estimated at 4 billion euros over five years, and to plan an additional effort of 1.2 billion euros to prevent critical deterioration of pavements and engineering structures. In addition, “second-phase” investments to be carried out by concessionaires, such as the widening of sections, estimated at between 0.4 and 5.1 billion euros, require clarification as to whether they are payable without compensation.

Finally, the report notes that the internal rate of return (IRR) on concessions, set at 7.9%, is broadly in line with the cost of capital over the life of the contracts, estimated at 7%.

France – Solarization of car parks: publication of the decree implementing the *APER* law

The [decree n° 2024-1023](#) of November 13, 2024 applying article 40 of the law n°2023-175 of March 10, 2023 relating to the acceleration of the production of renewable energies (“*APER*”), published in the OJFR of November 15, 2024, defines the terms of the obligation to equip outdoor car parks of more than 1,500 m², over at least 50% of their surface area, with shading systems integrating renewable energy production devices.

The decree specifies the criteria of calculation of the surface areas concerned, which in particular exclude green spaces, logistics areas and surfaces close to facilities classified for environmental protection.

It also details the conditions under which exemptions may be considered in the event of technical, architectural or economic constraints. These exemptions must be justified by the production of a certificate demonstrating that these conditions have been met, accompanied, where needed, by a technical-economic study and a non-technical summary.

Authored by Bruno Cantier, Astrid Layrissé and Joseph Okito

- **Real Estate**

France - Le Meur law to strengthen local regulation of furnished short term accommodation

[Law no. 2024-1039 of 19 November 2024](#) aimed at strengthening the instruments for regulating furnished short term accommodation at local level (the Le Meur law, also known as the "anti-Airbnb law") was published in the *Journal officiel* of 20 November 2024 (J.O. no. 0274 of 20 November 2024) (the "**Law**").

The main purpose of this Law is to:

- oblige co-owners and tenants who offer co-owned properties for rent as short term furnished accommodation to inform the property manager (*syndic*), as soon as the rental is declared;
- offer a less favourable tax treatment for furnished short term accommodation, with a reduction in the tax allowance to:
 - o 50% for classified furnished accommodations and guest room up to a maximum annual rental income of €77,700 (compared to 71%, up to the current limit €188,700); and
 - o 30% for unclassified furnished accommodation up to an annual rental income limit of €15,000 (compared to 50%, up to the current limit of €77,700).
- require furnished short term accommodation to comply with the energy performance standards for decent housing defined in [article 6 of the law of 6 July 1989](#) (entry into force on 1st January 2034);
- give mayors greater powers to better regulate short term rentals (declaration procedure with registration at the town hall; new administrative fines for failure to register a furnished short term accommodation or for false declarations; quotas for authorisations of furnished short term accommodation; limitation of rental periods) (entry into force on 1st January 2025 for certain powers).

The Law came into force on 21 November 2024, except for certain measures for which the entry into force has been postponed as indicated above.

Authored by Alice Houdart and Charlotte Dahdah

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