

The Paris office of Hogan Lovells LLP 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 October 2010.

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.

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For additional information, please speak to your usual contact.

Contact

Omblin Ancelin

Avocat à la Cour

Hogan Lovells (Paris) LLP
6 avenue Kléber
75116 Paris
Tél. : +33 1 53 67 47 47
Fax : +33 1 53 67 47 48

Hoganlovells.com

Summary of miscellaneous French draft legislation

- **Finance bill for 2011, n°2824**, filed on 29 September 2010 - under discussion on first reading from 18 to 26 October 2010
- **Bill on Social Security Financing for 2011, n°2854**, filed on 13 October 2010 - sent to the social affairs commission
- **Bill on retirement reform, n°2760**, filed on 13 July 2010 - adopted in *Commission Mixte Paritaire* on 25 October 2010
- **Bill on managing the social security deficit, n°672**, filed on 13 July 2010 - adopted in *Commission Mixte Paritaire* on 20 October 2010.
- **Bill to maintain and create jobs** - adopted on first reading by the *Assemblée nationale* on 9 June 2009
- **Bill relating to the merger of the professions of advocate and solicitor in Courts of Appeal** - filed on 3 June 2009 - adopted on first reading by the *Assemblée Nationale* on 6 October 2009 and by the *Sénat* on 22 December 2009
- **Bill aiming for greater transparency and fairness in remuneration policies for business managers and market operators** - filed on 2 September 2009 - adopted on first reading by the *Assemblée Nationale* on 20 October 2009
- **Bill aiming to reinforce consumer protection in distance selling, n°1940** - filed on 29 September 2009 - adopted on first reading by the *Assemblée Nationale* on 21 January 2010.
- **Bill relating to equal representation of woman and men on boards of directors and supervisory boards and to professional equality, n°2140**, filed on 3 December 2009 - adopted on first reading by the *Assemblée Nationale* on 21 January 2010

- **Bill to reorganise the electricity market**, n°2451, filed on 14 April 2010 - adopted by the *Assemblée Nationale* on first reading on 15 June 2010 - adopted on first reading by the *Sénat* on 30 September 2010
- **Bill to modernise the regulated judicial and legal professions**, n°2383, filed on 17 March 2010 - adopted by the *Assemblée Nationale* on first reading on 30 June 2010
- **Bill to reform pensions, n°2760, filed on 13 July 2010** - adopted on first reading by the *Assemblée Nationale* on 15 September 2010
- **Bill on commercial planning**, n° 2490, filed on 3 May 2010 - adopted on first reading by the *Assemblée Nationale* on 15 June 2010

Enacted laws

- **Law n°2010-1249 of 22 October 2010 on banking and financial regulation** - OJ of 23 October 2010
- **Law n°2010-1192 of 11 October 2010 prohibiting face-covering in public spaces** - OJ of 12 October 2010

1. Banking

France - Individual entrepreneur with limited liability (*EIRL*)

The Law dated 15 June 2010 ([OJ dated 16 June 2010](#)) creating the EIRL status allows entrepreneurs to distinguish between their personal property and their professional property, allocated to their commercial activity. A [ministry answer dated 19 October 2010](#) intends to dissuade credit institutions from asking entrepreneurs to give personal guarantees enforceable over their own property. The answer recalls that OSEO and the SIAGI can guarantee up to 70% of a loan to an entrepreneur. In addition, OSEO undertakes to limit its recourse to assets allocated to the entrepreneur's activity; this would provide real protection of the personal property of the individual entrepreneur.

2. Capital Markets

France - Adoption of bill on financial and banking regulation

[Please refer to the Corporate section.](#)

France - Updating of guide to preparation of prospectuses for bond issues

[Please refer to the Corporate section.](#)

3. Corporate

France - Rules on business creation equity warrants (*bons de souscription de parts de créateur d'entreprise (BSPCE)*)

An administrative instruction of 4 October 2010 details the legal and tax rules applicable to business creation equity warrants (BSPCE or BCE) (French Tax Code, art. 163 bis G). In relation to the conditions of exercise of this type of equity warrant, the instruction specifies that the benefit of the tax and social-charges rules is conditional upon compliance with certain time limits, as follows:

- for warrants issued before 26 June 2004, the date the ordinance of 24 June 2004 came into force, the time limits set by former article L. 228-95 of the Commercial Code must be complied with, i.e.: on one hand, the warrants must have been issued within a year of the date of the EGM that authorised the issue of the securities underlying the warrants; on the other hand, the securities must be issued within five years of allotment of the corresponding warrants;

- warrants issued after 1 January 2007 must be exercised within the period set by the EGM.

- if the reserved issue procedure was used (French Commercial Code, art. L. 225-138), the warrants must be issued within 18 months of the date of the EGM that authorised their issue.

Note: the instruction of 4 October 2010 replaces administrative doctrine: DB 5 F 1138 and DB 5 F 1154, n°150, reported on the same date. > Instr. 4 Oct. 2010 BOI 5 F-15-10

France - Adoption of bill on financial and banking regulation

The law on financial and banking regulation was adopted on 22 October 2010 (law n°2010-1249). Its main aim is to make the financial system more secure by introducing measures to supervise the players and the financial markets. These include the creation of a financial regulation and systemic risk council, strengthening the powers of the financial markets authority (AMF), supervision of ratings agencies and the putting in place of a new prudential supervisory authority.

France - Updating of guide to preparation of prospectuses for bond issues

To be able to issue and/or have admitted to trading their bonds, issuers must prepare a prospectus, subject to approval by the financial markets authority (AMF). The prospectus may be a single one, prepared each time a request to admit an issue to trading is made, or a basic prospectus prepared annually and completed with final conditions. The AMF, which wants to encourage growth of the primary bond market for French issuers, published in September 2009 a guide on the preparation of bond prospectuses which was updated in October 2010 with the following details:

- reform of the rules relating to acquisitions of receivables which abolished the public offer rules applicable to receivables contained in the AMF's general regulations, replacing it with a much simplified procedure which the issuer can choose how to implement and which is far more flexible;

- the possibility for the issuer to prepare a supplement to its bond prospectus or to incorporate by reference its reference document in English.

4. Employment

France - Bill on retirement reform

On 22 October 2010, the *Sénat* passed the bill on retirement reform. The two key measures of the reform desired by the government remain present: the change from 60 to 62 in the legal age of retirement and from 65 to 67 in the eligibility age for a full pension.

However, the Senate made the following changes:

- Maintaining full retirement at 65 for four categories of persons: (i) parents of three children born between 1 July 1951 and 31 December 1955 who stopped work or reduced their working commitments to bring up their children and who have made a minimum number of quarters of pension contributions, (ii) parents of a disabled child who have paid in a minimum number of quarters, (iii) caregivers, and (iv) the disabled.

- Confirmation of the principle of medical health records established by the workplace doctor and obligation for the employer to record on an "individual form" the conditions of hardship the worker is exposed to and the period during which this exposure went on. Preventive measures taken by the employer to reduce the risk factors will also appear on the form.

- Component Savings: measures to restore equality between PERCO and supplementary pension schemes have been incorporated. Two additional cases of anticipated withdrawal have also been added for pension insurance products in the process of constitution (death of spouse and personal bankruptcy), a partial capital exit limited to 20% for subscribers to Préfon and the possibility for independent agricultural professionals to combine their income with their optional pensions.

- Confirmation of the penalty of 1% of total salaries paid for businesses with at least 50 employees having neither an agreement on professional equality between men and women nor any action plan on the subject.

The final vote on the bill by the *Assemblée Nationale* took place on 27 October 2010.

France - Bill on Social Security Financing for 2011

The bill on Social Security Financing for 2011 (PLFSS) was adopted on 13 October 2010 by the *Conseil des ministres* and reflects a strategy to reduce the public deficit.

The PLFSS will eliminate many social-charge loopholes to bring new revenue to the Social Security system: the general reduction of social security contributions will now be applied on a yearly basis, taxes on stock options and supplementary retirement schemes will increase, revenue from measures related to pension reform will go to Social Security, the social charge on employees' savings will increase from 4 to 6%. The PLFSS also plans an increase of 0.1 point in employers' contributions for workplace accidents and occupational illness.

The PLFSS also includes cost-saving measures, such as the introduction of new measures against fraud and extension of the scope of URSSAF inspections.

European Law - Extension of maternity leave

Members of the European Parliament adopted a Resolution on 20 October 2010 amending Directive 92/85/EEC on improving health and safety at work for workers who are pregnant, newly back from maternity leave or breastfeeding. The Resolution also provides for maternity leave to be extended from the current 14 weeks to 20 weeks, fully paid, while the European Commission's proposal was to extend it to only 18 weeks.

Critics of the plan denounce a negative impact on the career prospects of women and its high cost.

The European Council of Ministers will soon resume work on the draft Directive.

European Law - Access to social security for third country nationals

On 7 October 2010, Parliament adopted a Resolution to adopt a Regulation giving third-country nationals and their families, if they reside legally in a member State of the European Union and are in a cross-border situation, the same rights as European citizens regarding access to social security.

5. Energy

France - Emissions trading system: extension to aerial activities

Ordinance n°2010-1232 dated 21 October 2010 was published in the OJ of 22 October 2010.

The ordinance aims to implement in French law various European measures including Directive 2008/101/EC dated 19 November 2008 the aim of which is to extend the system of greenhouse gas quota exchanges to aerial activities. The Ordinance also aims to provide a legal characterisation for emissions permits allocated to France under the Kyoto protocol.

Finally, this ordinance implements Directive 2007/2/EC dated 14 March 2007 known as "Inspire" establishing a European system of geographical information available to the public.

France - Air quality: new standards and update to the rules on plans for the protection of the atmosphere

Decree n°2010-1250 dated 21 October 2010 relating to air quality was published in the OJ of 23 October 2010. The objective of this decree is to implement in French law Directive 2008/50/EC of the European Parliament and the European Council dated 21 May 2008. The decree aims to clarify the standards to apply to certain particles and to update certain provisions relating to plans for the protection of the atmosphere which must be established in certain zones.

The decree came into force on 24 October 2010.

France - Air quality: harmonisation at the European level of methods for monitoring air quality and public information

The Order dated 21 October 2010 on air quality monitoring and public information was published in the OJ of 23 October 2010.

The aim of this order is to ensure the comparability of devices for monitoring air quality at the European level pursuant to European Directives n°2004/107/EC dated 15 December 2004 and n°2008/50/EC dated 21 May 2008 and the protocols of the Geneva Convention.

This order repeals the old order dated 17 March 2003 on the same subject.

6. Environment

France - Rehabilitation of quarries: extension of the financial guarantee

Decree n°2010-1172 dated 5 October 2010 published in the OJ of 7 October 2010 amends the scope of the financial guarantee required for quarrying.

This financial guarantee now covers not only rehabilitation of the site after operations have ceased, but also (i) the monitoring of such facilities and (ii) intervention in case of accidents, in cases where there are storage facilities onsite for inert waste resulting from operations.

These provisions apply to quarries whose authorizations were issued after publication of the Decree.

For quarries must comply with the provisions of the Decree no later than 1 May 2014.

France - Classified installations: geological storage of carbon dioxide

Ordinance n°2010-1232 dated 21 October 2010 published in the OJ of 22 October 2010 implements directive 2009/31/EC dated 23 April 2009 relating to the geological storage of carbon dioxide.

The running of geological storage sites for carbon dioxide is subject to authorisation under the regulations on classified installations for environmental protection.

The final closure of storage sites and the possible transfer of responsibility to the State, as well as access by third parties to these sites and to the transport system serving them are also regulated.

7. Insolvency proceedings

France - Faster financial safeguard

The Law dated 22 October 2010 ([OJ dated 23 October 2010](#)) creates the faster financial safeguard procedure, codified in articles L. 628-1 to L. 628-7 of the French Commercial Code. Inspired by the American practice of the "*pre-packaged plan*", the procedure allows debtors whose commercial activity is sustainable to protect their commercial relationship with their suppliers by concentrating the reorganization plan on financial debts only. For a one-month period, renewable once (as opposed to between six and twelve months for an ordinary safeguard procedure) the preparation of the plan benefits from the confidentiality of the "conciliation" procedure. The reorganization plan, voted by a majority, is enforceable against all financial creditors.

France - Recovery plan

The Law dated 22 October 2010 ([OJ dated 23 October 2010](#)) makes the safeguard and recovery procedures simpler while preserving creditors' rights. Thus, in the absence of a creditors' committee, each creditor should be consulted about any conversion of its receivables into equity. Furthermore, payment terms may not exceed the plan period unless they arise from previous provisions agreed prior to the opening judgment and if their extension is ordered by the judge. Finally, undefended debts could be paid immediately by allowances.

8. Insurance

France - ACP - Increase of the maximal amount of the financial sanctions

[Law 2010-1249 of 22 October 2010](#) on financial and banking regulation has amended article L. 612-39 of the French Monetary and Financial Code in relation to the sanctions that the French regulator, called the *Autorité de Contrôle Prudentiel* ("**ACP**"), can impose upon the financial entities under its supervision, which include insurance undertakings, by increasing maximum financial sanctions against such entities to 100 million euros.

France - Insurance undertakings: remuneration and risk monitoring

[Law 2010-1249 of 22 October 2010](#) on financial and banking regulations has introduced the obligation, for insurance undertakings and banks, to establish within their companies a Remuneration Committee and Risk Committee. This measure will come into force in May 2011 ([please refer to the Legal and regulatory update - August / September 2010](#)).

France - A new status for IOB

[Law 2010-1249 of 22 October 2010](#) on financial and banking regulations has created a new status for intermediaries in banking operations ("**IOB**"), directly inspired by the regulations applicable to insurance intermediaries. This status requires IOBs, as well as financial investment advisors and tied agents, to register themselves on a single register currently held by the *Organisme pour le Registre des Intermédiaires en Assurance* ("**ORIAS**"). It also makes it possible for the IOB to use sub-mandates following the example of insurance intermediaries. These new provisions are laid down in Articles L. 519-1 et seq and 546-1 et seq of the French Monetary and Financial Code.

France - Reform of insurance related to transport

[Law 2010-1249 of 22 October 2010](#) on financial and banking regulations has introduced the possibility for the Government to take, by way of Ordinance, the measures necessary to reorganise Title VII of Book I of the French Insurance Code regarding insurance relating to transport. Such an Ordinance, which would recast the insurance currently relating to transport, should be made within nine months of publication of the law.

France - ACP recommendation on complex insurance products

On 15 October 2010, the ACP issued a recommendation for insurers selling insurance contracts in units of account made up of complex financial instruments, with the aim of limiting the risk of bad marketing of these products. The ACP specifies the conditions under which insurance undertakings and insurance intermediaries will meet their legislative and regulatory obligations relating to the duty of information and advice, and imposes, in particular, a requirement on insurers to justify the means used to ensure that policyholders are able to understand the risks associated with such products. This recommendation applies to marketing carried out after 31 December 2010.

9. Intellectual Property

France - Bill concerning "*certificats d'obtention végétale*" (plant variety rights)

A bill (no.720) concerning the "*certificat d'obtention végétale*" (plant variety rights) was presented to the *Sénat* on 24 September 2010. The bill is based on an earlier bill of 2006 which was eventually abandoned.

Since 1972, France has applied the legal system for the protection of plant varieties of the International Convention for the Protection of New Varieties of Plants, adopted in 1961.

The purpose of the bill is to include the amendments made in 1991 to the International Convention for the Protection of New Varieties of Plants and to implement European regulations (Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights), particularly concerning the definition of the notion of "protected plant variety", the scope and the application conditions of these rights.

France - Decree concerning access conditions for "Music Card" offers

Decree no. 2010-1267 of 25 October 2010, published in the OJ of 26 October 2010, specifies the conditions of access to "Music Card" offers, intended for internet users between the ages of 12 and 25 living in France.

These offers provide financial assistance to promote legal music downloads and are aimed at "editors of online communications with the public". The latter are offered an amount of money equivalent to the half of their annual income. This amount may not exceed €5 million per editor per year, nor €25 per "Music Card" user per year.

The system will last for two years and assistance is given on certain conditions, including:

- limit of one million "Music Card" offers each year
- editors shall be located in France, a member State of the European Union or a contracting State and
- shall make a financial contribution of 20% of the cost of the offer.

France - Adoption by the *Sénat* of the bill on electronic book prices

The *Sénat* bill of 8 September 2010 concerning the price of electronic books, mentioned in the Legal and regulatory update of August / September 2010, was adopted unanimously on 26 October 2010.

In the same spirit as the "Lang" law of 1981 (from the name of the Minister in charge at that time) concerning paper books, this bill should prevent price slashing. Contrary to the initial provisions, the single price concerns not only publishers established in France, but will affect any book sold in France.

10. New technologies

France - HADOPI warning emails

A decree published on 12 October 2010 requires internet service providers to send the first warning emails to illegal downloaders in the framework of the "graduated response" procedure resulting from the HADOPI Law. The decree provides that the warning emails must be sent within 24 hours of their receipt from HADOPI (the High Authority for the distribution and protection of protected works on the Internet). The decree does not provide for any financial compensation for this mandatory service.

France - Decision of the commission in charge of the private copy levy

The commission in charge of implementing the levy on blank media to compensate for private copying (as provided for in Article L.311-5 of the French intellectual property code) issued on 20 September 2010 a decision broadening the scope of the levy to external storage media but excluding external storage media qualified and certified for functioning simultaneously with at least three operating systems and those which can be used exclusively as part of a technical professional environment.

France - Unconstitutionality of the provisions relating to the attribution of domain names in France

On 6 October 2010, further to an application for a priority preliminary ruling on the issue of constitutionality of Article L.45 of the French Posts and Electronic Communications Code, the French Constitutional Council declared that the said article relating to the allocation of domain names was unconstitutional. According to the Constitutional Council, regulation of the choice and use of domain names by decree, whereas these are matters for the law, affects the freedoms of enterprise and communication. The Constitutional Council decided that the unconstitutionality would take effect on 1 July 2011.

France - Devices measuring audience for advertisements under review by CNIL

On 4 October 2010, the French data protection authority (CNIL) published its analysis on devices allowing measurement of the numbers of people viewing advertising hoardings or the number of visitors to a specific location. The CNIL declared that French data protection law applies to these devices to the extent that they collect data allowing identification of individuals. Providing clear information to the data subjects and obtaining the CNIL's authorisation are therefore necessary steps before putting in place such devices.

France - Guidelines on the security of personal data

The CNIL has published security guidelines to assist data controllers in ensuring that the personal data they process are adequately secured. The CNIL also provides on its website a questionnaire allowing evaluation of the level of security of data within entities acting as data controllers.

France - Charter on the "right to be forgotten"

At the initiative of Nathalie Kosciusko-Morizet, the Secretary of State for Strategic Studies and Development of the Digital Economy, 10 collaboration websites and search engines signed on 13 October 2010 a charter relating to the right to be forgotten in the digital era. The websites have in particular undertaken to provide better protection to minors.

11. Public law

France - Public contracts entered into by hospitals

Decree n°2010-1177 dated 5 October 2010, published in the OJ of 7 October 2010, amends the Public Procurement Contracts Code as regards

hospitals (which are now national public entities). It deals with the provisions related to thresholds (similar to those for local public entities), purchasing groups, tender committees, formal procedures and time-limits for payment.

European Law - Time-limits for payment

The European Parliament approved on 20 October 2010 the revision of Directive 2000/35/EC of the European Parliament and of the Council on combating late payment in commercial transactions. It requires public sector bodies to pay invoices within 30 days. Any extension must be justified and may not exceed 60 days. Member States may extend the time-limit to a maximum of 60 days for public entities providing healthcare.

European Law - Green Paper on expanding the use of e-Procurement in the EU

The European Commission published on 18 October 2010 the Green Paper on expanding the use of e-Procurement in the European Union (EU). It invites comments on how the EU can help member States simplify and improve on-line procurement procedures.

12. Real estate

France - Sale in a future state of completion: regime of the intrinsic guarantee

Decree n°2010-1128 dated 27 September 2010 published in the OJ of 29 September 2010 modifies the system of intrinsic guarantees issued in the context of a sale in a future state of completion.

It specifies the new conditions under which an intrinsic guarantee can be issued, sets out the timing of payments depending on the progress of works, states the obligation for the seller to attach a certificate to each call for funds and amends the definition of the completion of the building that determines the end of the guarantee.

These new provisions will apply to transactions in which the building permit is applied for after 1 April 2011.

France - Real estate diagnostic inspection: prohibition of commission

Decree n°2010-1200 dated 11 October 2010 published in the OJ of 13 October 2010 relates mainly to the prohibition on commission in relation to real estate diagnostic inspections.

A person carrying out a real estate diagnostic inspection or his/her employer may not pay compensation or provide a benefit to an entity involved in the sale or rental of the property subject to inspection nor receive compensation or a benefit from a company that is carrying out works related to the inspection.

France - Rents: index

The Cost of construction index (ICC) for the second quarter of 2010 published by the National Institute of Statistics and Economic Studies (INSEE) (Informations Rapides INSEE, n°247, 8 October 2010) amounts to 1517, which corresponds to an increase of 1.27% over one year.

The commercial rents index (ILC) for the second quarter of 2010 published by the National Institute of Statistics and Economic Studies (INSEE) (Informations Rapides INSEE, n°248, 8 October 2010) amounts to 101.83, which represents a decrease of 0.22 % over one year.

13. Tax

France - Interpretations given by the French tax authorities ("*FTA*") and French tax ruling procedure

The FTA issued two statements of practice dated 4 October 2010 (**statements of practice n°13 L-10-10** and **13 L-11-10**) regarding (i) interpretations given by the FTA on French tax rules through the issuing of statements of practice and administrative circulars and (ii) the French tax ruling procedure.

France - Business creation equity warrants (*bons de souscription de parts de créateur d'entreprise "BSPCE"*)

The FTA issued a statement of practice dated 13 October 2010 (**statement of practice n°5 F-15-10**) regarding the rules provided by the French Tax Code for BSPCE ([please refer to the Corporate section](#)).

France - Finance Bill for 2011

The FTA issued the Finance Bill for 2011 which should be enacted by the end of the year.

The Finance Bill for 2011 provides, among other things, for:

- an increase in the maximum rate of personal income tax from 40 to 41%;
- an increase in the taxation rate applicable to capital gains on disposals of securities from 18 to 19%;
- removal of the taxation threshold of Euro 25,830 for 2010 applicable to capital gains realized upon disposals of securities;
- postponement of the one third rebate applicable to capital gains realized upon disposals of securities after a five year holding period from 1 January 2014 to 1 January 2017;
- an increase in the taxation rate applicable to real estate capital gains from 16 to 17%;
- an increase in the taxation rate applicable to acquisition capital gains realized by beneficiaries of stock-options from 40 to 41% for the portion exceeding Euro 152,500.

International - Double tax treaties and bilateral agreements

- **Statement of practice n°14 A-7-10** dated 13 October 2010: Addendum to the Double tax treaty between France and Malta signed on 29 August 2008;
- **Tax bilateral agreement** dated 21 October 2010 signed by France and Hong Kong regarding double taxation;
- **Decree** dated 22 October 2010: Agreement between France and Jersey regarding (i) exchange of information in tax matters and (ii) the tax treatment of pensions.

14. Telecoms

France - Approval of the procedure relating to the fourth 3G mobile licence

The *Conseil d'Etat* (the French highest administrative court) has rejected all of the applications by existing mobile operators to obtain cancellation of

the procedure awarding the fourth 3G mobile licence to Free Mobile. In its decision of 12 October 2010, the *Conseil d'Etat* found that all the acts comprising the procedure, including the setting of the amount of the fixed licensing fee due from the fourth operator, were transparent and non-discriminatory.

France - ARCEP's proposals on internet and networks neutrality

The French Telecommunications and Posts regulator (ARCEP) published on 30 September 2010 ten proposals and recommendations relating to the neutrality of internet and networks. ARCEP's recommendations include the freedom and quality of internet access. Some of the measures promoted by ARCEP could be implemented in the future as part of new regulation powers attributed to ARCEP following implementation of revised European directives on electronic communications ("Telecoms Package").

15. Transports

France - Motorcycle transportation of persons

Decree n°2010-1223 of 11 October 2010 for the application of Law n°2009-888 of 22 July 2009 for the development and modernization of tourist services was published in the OJ of 20 October 2010. It provides that companies which offer customers transportation on motorcycles or motor tricycles driven by the owner or its agent shall be subject from 1 April 2011 to stricter requirements as to drivers' qualifications and the suitability of the vehicles used.

European Law - Strengthening of the rights of passengers on ships

A Regulation concerning the rights of passengers travelling by sea or by inland waterways and amending Regulation n°2006/2004 was adopted on 29 September 2010. It improves the rights of passengers on ships carrying more than twelve people who can now receive increased compensation (provision of alternative means of transport or reimbursement of the ticket price) and assistance (meals and lodging if necessary) in case of cancellation of their trip or delay of more than 90 minutes.

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