

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 July-August 2011.

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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Summary of miscellaneous French draft legislation

- **Proposed legislation to strengthen consumer protection in distance selling**, n°1940, filed September 29, 2009 - adopted on first reading by the National Assembly 20 January 2010
- **Proposed legislation on retail planning**, n°2490, filed May 3, 2010 - adopted on first reading by the National Assembly 15 June 2010 - adopted on first reading on March 31, 2011
- **Draft supplementary budget for 2011 (2)**, n°3713, introduced on 1st August 2011 - first reading by Parliament on 8 September - awaiting official announcement.
- **Bill on enhancing the safety of medicinal and health products**, n°3714, filed August 1, 2011
- **Bill strengthening consumer rights, protection and information**, n°3508, filed June 1, 2011
- **Proposed legislation to strengthen consumer rights with regard to cold calling**, n°354, filed March 11, 2011 - adopted on first reading by the Senate on April 28, 2011

Enacted laws

- **Law n°2011-814 of July 7, 2011 on bioethics** – published in the OJ 8 July, 2011
- **Law n°2011-835 of 13 July 2011 prohibiting the exploration and mining of hydrocarbon liquids and gases by hydraulic fracturing and to repeal the exclusive licenses awarded to projects using this technique** – published in the OJ on July 14, 2011
- **Law n°2011-850 of 20 July 2011 concerning the liberalisation of the voluntary sale of chattels by public auction** – published in the OJ on July 21, 2011
- **Law n°2011-852 of 20 July 2011 concerning the regulation of the distribution system of the press** – published in the OJ 21 July 2011
- **Law n°2011-893 of 28 July 2011 for the development of internships and career security** - the OJ July 29, 2011
- **Law n°2011-894 of 28 July 2011 concerning the supplementary budget for social security for 2011** – published in the OJ on 29 July 2011
- **Law n°2011-900 of 29 July 2011 concerning the supplementary budget for 2011** –published in the OJ on 30 July 2011
- **Law n°2011-940 of 10 August 2011 amending certain provisions of Law No. 2009-879 of 21 July 2009 on reforming hospitals and concerning patients, health care and territories** – published in the OJ on August 11, 2011
- **Order n°2011-839 of 15 July 2011 relating to insurance for transport** – published in the OJ on 16 July 2011
- **Order n°2011-915 of 1 August 2011 on undertakings for collective investment in securities and modernising the legal framework for asset management** – published in the OJ on 2 August 2011
- **Order n°2011-1012 of 24 August 2011 on electronic communications** – published in the OJ on 26 August 2011

1. Banking

France - Money laundering and terrorism financing

An order dated 27 July 2011 ([JORF No. 0175 dated 30 July 2011](#)) has provided an update to the list of equivalent third countries for the purposes of anti-money laundering and the struggle against terrorism financing, referred to in article L. 561-9 2 ° II of the French Monetary and Financial Code. South Korea and India have been added to this list while Argentina, New Zealand and Turkey no longer benefit from the presumption of equivalence set out in the order. The order further states that this presumption may be rebutted by either the Minister of Economy or the international body responsible for consultation and coordination in the fight against money laundering and terrorist financing.

This order came into effect on 31 July 2011.

France - Inter-bank fees for payments and withdrawals

In a decision dated 7 July 2011 ([Decision n°11-D-11 dated 7 July 2011 relating to practices of GIE Cartes Bancaires](#)), the French Competition Authority ("*Autorité de la concurrence*"), approved the undertaking given by the *GIE Cartes Bancaires* (the entity responsible for the management of interbank card payments and cash withdrawals) to reduce inter-bank payments fees ("*CIP*") by 36% and inter-bank withdrawals fees ("*CIR*") by 20%. This decision binds the *GIE Cartes Bancaires* only and credit and payment institutions remain free to choose whether to pass on these cuts to their

customers.

This decision will come into force on 1st October 2011 for a period of 4 years.

2. Capital Markets

France - Publication of order n°2011-915 implementing the UCITS IV directive

EU Directive 2009/65/CE of 13 July 2009, (the "UCITS IV directive"), which aims at enhancing the quality of information given to holders of shares in collective investment schemes, has been transposed into French law by order n°2011-915 of 1 August 2011. This order introduces a new mandatory information document, known as the "key investor information document", which sets out relevant information concerning the essential characteristics of the collective investment fund, in a clear, accurate and non-misleading way. This document is harmonised at EU level and will allow for greater transparency and make it easier to compare collective investment schemes.

The order also aims to improve the clarity for drafting of the French asset management legal framework and consequently the articles of the French financial and monetary code have been reorganised: the first part now assembles all articles relating to UCITS IV compliant collective investment schemes and a second part assembles all articles relating to non UCITS IV compliant collective investment schemes.

This order became effective on 3 August 2011.

France - Order n°2011-915 of 1 August 2011: publication of two implementing decrees

A first decree (n°2011-922) implementing the UCITS IV directive clarifies the general legal framework for investment funds, their rules of investment and their regulations. In particular, the decree:

- lists eligible assets such as debt and capital instruments, monetary market instruments and financial contracts;
- determines the applicable investment ratios; and
- determines the conditions under which investment funds are entitled to borrow money, receive collateral, purchase financial instruments or temporarily assign them.

A second implementing decree (n°2011-923) sets the minimum asset value that an investment fund must have when first established at 300.000 Euros. It also sets a time limit within which investment funds must publish their annual and biannual reports at four months and two months respectively following the end of the period to which they refer.

These two decrees became effective on 4 August 2011.

France - Publication of the 2010 report of the AMF on rating agencies

The 2010 report on rating agencies produced by the French market regulator (*Autorité des Marchés Financiers* or "AMF") has been published. Amongst other things, this report assesses the outcome of the European registration procedure established by European Regulation (EC) n°1060/2009 of 16 September 2009. By 7 September 2010 (the date by which all existing rating agencies were required to have filed their registration applications), 45 rating agencies had filed such applications in Europe; 4 had been registered by the German regulator and one by the Bulgarian regulator. The AMF has also certified the *Japan Credit Rating Agency*.

France - Extension of the ban on net short positions

On 25 August 2011, in accordance with article L.421-16 II of the French financial and monetary code, the board of the French market regulator (*Autorité des Marchés Financiers* or AMF) has extended the effect of the decision of the AMF chairman (originally made on 11 August 2011) to place

a ban on certain French credit institutions and insurance companies creating any net short position or increasing any existing net short position . Institutions affected include Axa, BNP Paribas, Crédit Agricole and Société Générale. The effect of the decision has been extended to 11 November 2011. The prohibition is to be re-examined before the end of September 2011.

3. Competition

France - Casino gaming

Decree n°2011-906 of 29 July 2011 amending Decree n°59-1489 of 22 December 1959 on the regulation of gaming in seaside resorts and spas was published in the Official Journal of 30 July 2011. It introduces provisional licences which may be issued authorising (i) the testing of new games, (ii) an increase in the number of poker tables permitted and (iii) the operation of slot machines offering several games at once which have different rates of payout per unit staked. As regards the conditions of issue, the Decree refers to the decree of 29 July 2011 which amends the order of 14 May 2007 concerning the regulation of gaming in casinos, published in the O.J. dated 30 July 2011.

France -Press distribution

Law n°2011-852 of 20 July 2011 relating to the regulation of the distribution system of the press was published in the O.J. of 21 July 2011. It sets out the functions of the "Conseil Supérieur des Messageries de Presse" ("CSMP") , a professional body that safeguards the freedom of the press and ensures the proper functioning of the press distribution network, and the Regulatory Authority for the Distribution of the Press, an independent administrative authority that arbitrates disputes and enforces decisions taken by the CSMP. These two bodies aim to ensure compliance with principles of competition law as well as safeguard the freedom and fair distribution of the press.

4. Corporate

France - The law concerning payment of a "premium on dividends" came into force, accompanied by a circular.

Law n°2011-894 of July 28, 2011 which amends the law relating to social security for 2011, was published in the Official Journal on 29 July 2011 and came into force on 30 July. The first section of the law requires that commercial companies with more than 50 employees pay a bonus to all employees if such company distributes an increased dividend to their shareholders when compared to the average dividends per share distributed in the last two financial years. This premium shall apply to dividend distributions which were decided on or after 1 January 2011 in respect of the previous financial year (please refer to the Legal and regulatory update (Corporate section) - June 2011).

To address some of the questions raised by the law, the Director General of Labour, Social Security and the Treasury issued a circular dated 29 July 2011 in order to explain the application of the law in the case of a group of companies. It explains that, in a group of companies:

- if the parent company does not pay increased dividends, none of its subsidiaries will have to pay a bonus to their employees, even if some of them have distributed increased dividends per share compared to the average of the last two financial years (unless the parent company is not a commercial company but its subsidiaries are: in that case, the subsidiaries will have to pay the bonus as if they were independent commercial companies, provided they fulfil the eligibility criteria);
- foreign parent companies will not have to pay the bonus and the obligation to pay shall then be independently assessed for each French subsidiary.

In addition, even though the law does not impose a minimum threshold for the amount of the bonus, the circular states that if the employer meets the conditions laid down by the law, he is required to pay a bonus to its employees, even if negotiations concerning the amount of the bonus fail. In this regard, it also specifies that the amount of the bonus cannot be "derisory".

France - Publication of an AMF position paper - recommendation concerning capital contributions and merger operations.

On 21 July 2011, the AMF (the French Financial Markets Authority) published a position paper n°2011-11 concerning capital contribution and merger operations.

For such operations:

- when shareholders are required to vote on whether to approve a merger they must be provided with all information necessary to fully understand the merger and its implications. To this end, issuers should use a multi-criteria approach when determining any values used.
- the auditors of the merger or capital contribution must provide details in their report as to the accuracy of the methods they used, as well as their practical implementation, and must give their opinion on the fairness of the exchange ratio.
- as soon as auditors accept instructions on the merger or capital contribution, they must include in their report an analysis of potential or existing conflict of interest situations and send a letter to the AMF justifying their analysis.

5. Energy

France - Classification of wind turbines as classified installations for environmental protection

The Decree n°2011-984 of 23 August 2011 amending the list of classified installations was published in the Official Journal on 25 August 2011.

This Decree is based on law n°2010-788 of 12 July 2010 relating to the national commitment to the environment known as the "Grenelle II law". This law provides that onshore wind turbines are to be deemed to be "classified installations for environmental protection" (ICPE) one year after its enactment at the latest (pursuant to Article L. 553-1 of the French Environmental Code).

The Decree therefore includes onshore wind turbines in the list of classified installations and subjects them to two different regimes depending on the tower height and installed wind energy capacity.

Any onshore wind farm is subject to the authorization regime if it includes (i) at least one wind turbine the tower height of which is equal to or greater than 50 meters or (ii) multiple wind turbines with tower heights of less than 50 meters but at least one wind turbine with a tower height of greater than 12 meters, and which has an installed wind energy capacity equal to or greater than 20 MW. Any onshore wind farm is subject to the declaration regime if it includes wind turbines with tower heights of between 12 and 50 meters and which has an installed wind energy capacity of less than 20 MW.

The ICPE regime, with respect to both the authorization regime and the declaration regime, is provided by Articles L. 511-1 *et seq.* of the French Environmental Code.

France - General requirements for wind turbines

Two orders of 26 August 2011, the first relating to wind farms subject to the authorization regime and the second relating to wind farms subject to the declaration regime, were published in the Official Journal on 27 August 2011.

These orders specify certain general requirements wind farms are required to meet as a result of being classified as ICPEs. These general requirements concern, *inter alia*, markings, acoustics, distance between wind turbines and radars and the prevention of a strobe lighting effect which is likely to be caused by wind farms.

These general prescriptions apply to wind farms classified from 28 August 2011. Some of them also apply to wind farms in respect of which a building permit has been granted or applied for before this date.

France - Restoration of the site and related financial guarantees upon the closure of wind farms

The Decree n°2011-985 of 23 August 2011 relating to the implementation of Article L. 553-3 of the French Environmental Code was published in the Official Journal on 25 August 2011.

This Decree again relates to the “Grenelle II law”, which states at Article L. 553-3 of the French Environmental Code, that a decree should be enacted by 31 December 2010 to introduce an obligation for the decommissioning and restoration of wind farms after their closure, together with an obligation to provide financial guarantees.

The Decree therefore creates Articles R. 553-1 to R. 553-8 of the French Environmental Code in order to define the requirements of closure of any wind farm and specify conditions for the provision and application of financial guarantees.

The Order of 26 August 2011 relating to the restoration of wind farms and the provision of financial guarantees for wind farms specifies such conditions.

Going forward, the operator of any wind farm subject to the authorization regime has to provide financial guarantees in the amount specified in the order authorizing the wind farm. In case of closure, the operator has to notify the prefect of the closure date at least one month in advance and indicate the measures being taken or to be taken in order to restore the site. The completion of the restoration is checked by the classified installations inspection agent. The prefect can enforce the financial guarantees in the case of non-restoration.

6. Environment

France - Classified installations: wind turbines

Please refer to the Energy section.

France - Foreseeable natural risks prevention plans

Decree n°2011-765 dated 28 June 2011 published in the Official Journal on 30 June 2011 sets out the procedures for the preparation, revision and modification of development plans for the prevention of foreseeable natural disasters.

The revised and modified rules are immediately enforceable. The new rules apply to the development plans for the prevention of foreseeable natural disasters which are required to be implemented from 1 August 2011.

France - Waste prevention and waste management

Decree n°2011-828 dated 11 July 2011 published in the Official Journal on 12 July 2011 defines the content of departmental and inter-departmental management plans concerning the prevention of waste from construction sites and public works as well as their preparation procedure,

The Decree transposes into French law Directive n°2008/98/EC dated 19 November 2008 establishing a new hierarchy in the methods of waste treatment and specifies the provisions for the implementation of Regulation dated 14 June 2006 regarding the cross-border shipment of waste.

France - Greenhouse gas emissions statement

Decree n°2011-829 dated 11 July 2011 published in the Official Journal on 12 July 2011 defines the content of a greenhouse gas emissions statement that must be issued by certain companies, local authorities and the State, as well as the arrangements for making this available to the public.

7. Insurance

France - Life Insurance - Life Annuity

A ministerial order dated 24 August 2011 has amended article A. 132-7 of the French Insurance Code ("**FIC**") regarding the information required be provided in relation to life insurance and pricing. A new paragraph has been added, which specifies the procedure for providing life annuity estimates to members. The insurer must provide the member with an estimate of the amount of life annuity paid in respect of the rights expressed in euros and the amount of the life annuity associated with the rights expressed in account units. The amendment will come into force on 1 January 2012.

France - Transport Insurance - Aviation and Aerospace

Section 77 of the law on Banking and Financial Regulation dated 22 October 2010 has empowered the French Government to amend Title VII of Book 1 of the FIC, in particular with respect to the insurance of non-marine risks such as aviation and aerospace. Order n°2011-839 of 15 July 2011 relating to transport insurance was published in the Official Journal on 16 July 2011. It widens the scope of Title VII of Book 1 of the FIC, to include insurance contracts relating to aviation and aerospace and clarifies the scope of liability for aviation and aerospace activities.

France - Acquisition or Increase of Shareholdings within an Insurance or Reinsurance Company - Information to be Provided

The French Regulator, the *Autorité de Contrôle Prudentiel* ("**ACP**") has published guidance concerning the information that must be provided in the case of an acquisition or increase in shareholding of an insurance or reinsurance company. This list is contained in Article R. 322-11-1 of the FIC, which was amended following France's implementation of the Acquisitions Directive (Directive 2007/44/EC) on procedural rules and evaluation criteria for the prudential assessment of acquisitions and increases of holdings in the financial sector.

France - Health Insurance - AERAS Convention

A new version of the French AERAS convention ("*S'Assurer et Emprunter avec un Risque Aggravé de Santé*" which translates as Getting Credit and Insurance with an Increased Health Risk), as amended on 1 February 2011, came into force on 1 September this year. (For more information, [please refer to the Legal and regulatory update - February 2011](#)).

France - ACP (Prudential Supervision Authority) - Transparency Policy

As part of its transparency policy, in July 2011 the ACP published details of the legal means it has at its disposal to fulfil its aims. The text, which is published on its website, specifies the nature, the content and the scope of such means in order to provide members of the profession, as well as the public, with information concerning the guidelines and analysis it proposes to employ in order to fulfil its aims.

France - ACP - Code of Conduct

The ACP amended its rules on 6 July 2011, most notably adding a chapter five bis, entitled "Approval of Codes of Conduct". By virtue of this chapter a professional association that has drafted a code of conduct can apply to the ACP to ask them to approve all or part of it, in order to make any approved provisions mandatory. The ACP has to respond to the request within a four month period, which can be extended to six months. If the ACP decides to approve the code, its decision will be published in the Official Journal.

8. New technologies

France - Order relating to electronic communications

The order relating to electronic communications which implements the EU directives of the "Telecoms Package" ([please refer to the Legal and regulatory update - December 2009](#)) was enacted on 24 August 2011 and published in the Official Journal on 26 August 2011. This order provides for better protection of users of electronic communications services and of their privacy (in particular with regard to cookies and loss of personal

data). Several regulatory provisions will be drafted subsequent to the order being enacted.

France - .FR Domain Names

The decree relating to the management of first level Internet domains corresponding to the national territory's country codes ("*décret relatif à la gestion des domaines de premier niveau de l'Internet correspondant aux codes pays du territoire national*") was enacted on 1 August 2011 and published in the Official Journal on 3 August 2011. The decree sets out the rules for the accreditation of registrars and defines the concepts of "legitimate interest" and "bad faith" in relation to applications for registration or renewal.

France - General authorisation for the fight against money laundering

On 16 June 2011 the French data protection authority (the CNIL) published a decision amending a general authorisation for the implementation of automated processing regarding the fight against money laundering and terrorism financing. The amendments relate in particular to the categories of data controllers (now including insurance companies, supplementary health insurance companies and payment institutions). Data controllers who have undertaken to comply with the previous version of the general authorisation can further undertake to comply with the new authorisation until 7 July 2012.

France - The CNIL authorises a new type of biometric-based recognition

The CNIL has authorised a new type of biometric-based recognition of keyboard typing, which relies on the lapse of time between the striking of two keyboard keys when entering a username and a password. Currently this authorisation only extends to the demonstration of the system to potential customers.

9. Public law

France - Reform of the public procurement contracts code

Decree n°2011-1000 dated 25 August 2011, published in the Official Journal on 26 August 2011, modifies the public procurement contracts code. This Decree (i) clarifies some provisions, taking into account recent case-law, (ii) creates new tools for public purchasers, such as global performance contracts and competitive dialogue for some project management contracts, as well as making it possible to contract without prior publicity and without opening themselves to competition, and (iii) simplifies other provisions, including the renewal by tacit agreement and making it possible for companies to present alternative bids without the basic bid. The Decree applies to contractual projects for which consultation takes place on or after 27 August 2011.

France - Advertising of public procurement contracts

An Order dated 27 August 2011, published in the Official Journal on 28 August 2011, fixes the rules on advertising of public contracts, completing Decree n°2011-1000 dated 25 August 2011. The rules are different for the following three categories: (i) for contracts below € 90.000 excluding VAT, public purchasers are not obliged to use the national model - the same rule applies to complementary advertising in a specialised journal and optional advertising in any media, (ii) for contracts between € 90.000 excluding VAT and the EU threshold amounts, a prior advertisement is required either in the Bulletin of Public Procurement Contract Announcements (BOAMP) or in a journal authorised to publish legal announcements, complying with the national model in annex of the Order, and (iii) for contracts above the EU threshold amounts, notices must be published in the OJEU and BOAMP, complying with EU models only. This Order came into force on enforceable from 29 August 2011.

European Law - Advertising of public procurement contracts

Commission implementing regulation n°842/2011 dated 19 August 2011, published in the OJEU of 27 August 2011, establishes standard forms for the publication of notices in the field of public procurement. This Regulation will come into force on 16 September 2011.

10. Real estate

France – Rents: index

The Cost of construction index (ICC) for the first quarter of 2011 published by the National Institute of Statistics and Economic Studies (INSEE) (Information Rapide INSEE, n°172, 8 July 2011) amounts to 1554 which corresponds to an increase of 3.05% over one year.

The commercial rents index (ILC) for the first quarter of 2011 published by the National Institute of Statistics and Economic Studies (INSEE) (Information Rapide INSEE, n°173, 8 July 2011) amounts to 102.92 which represents an increase of 1.83 % over one year.

France - Planning authorizations and environmental performance

Law n°2010-788 dated 12 July 2010 provides that planning authorities cannot object to the use of certain environmentally friendly materials, methods or devices, except in protected areas or in areas controlled by local authorities.

The law also provides that local authorities can allow certain environmentally friendly projects to exceed certain planning regulations by a maximum of 30%.

Decree n°2011-830 dated 12 July 2011 published in the Official Journal on 13 July 2011 lists all environmentally friendly materials, modifies the procedure for awarding the relevant planning authorisations and Annexes to local development plans and specifies the procedures for public involvement in the decisions of local authorities.

11. Tax

France

The Amended Finance Act for 2011, finally adopted on July 6, 2011, includes significant changes to wealth tax and the taxation of trusts and introduces an exit tax on capital-gains.

France - Wealth tax revision

From 2011, only taxpayers whose net taxable wealth exceeds EUR 1,300,000 are liable to wealth tax. Those taxpayers have until September 30, 2011 to submit their wealth tax returns and pay the corresponding tax settled according the current progressive scale.

As from 2010, the current progressive scale will be replaced by the following tax rates: a rate of 0.25% for taxpayers whose net wealth is less than EUR 3,000,000 and a rate of 0.5% otherwise. Moreover, the filing obligations have been simplified.

In addition to this, the definition of professional assets has been made more flexible.

France - The taxation of assets and rights held in a trust

Previously unknown concepts in French law, the "trust" and its "settlor", are now defined in general terms under article 792-0 *bis* of the French Tax Code.

Moreover, all free transfers made through a trust (whether gift or inheritance) as well as the income that is capitalised in it, will be subject to gift tax and inheritance tax if the settlor or the beneficiary is resident of France or if the assets held via a trust are located in France.

In addition to this, the net wealth held in a trust (*i.e. assets or rights as well as the income that are capitalised*) will be included in the net wealth of the

settlor, subject to French wealth tax.

Moreover, only the income paid by a trust to a French resident is now subject to income tax (*article 120, 9 of the French tax code*).

Filing obligations have to be respected by the administrator of the trust.

France - The exit tax on capital gains

According to the new article 167 *bis* of the French tax code, taxpayers who transfer their residence outside France are, since March 3, 2011, subject to income tax and social contributions on:

- Unrealized capital gains on shareholdings in a company of more than 1% or valued at more than EUR 1,300,000;
- Capital gains benefiting from deferred taxation;
- Payables representing an additional price to be received in execution of an indexation clause (earn-out payment).

However, an automatic deferral of payment is granted to taxpayers who transfer their domicile to an EU Member State, Ireland or Norway. When the taxpayers transfer their residence to other Member States, they can opt for deferral of payment, but they will be asked to meet certain conditions.

12. Telecoms

France - Adoption of the Presidential order n°2011-1012 dated 24 August 2011 implementing the revised EU Telecom directives and published August 26, 2011.

The Presidential order (*ordonnance*) n°2011-1012 implementing the EU Telecom directives n°2009/136/CE and n°2009/140/CE was adopted on August 24, 2011 and published in the Official Journal on August 26, 2011. The *Ordonnance* modifies several parts of the Post and Electronic Communications Code, the Consumer French Code, the Penal French Code, the Informatique et Libertés (Informatics and Civil Liberties) Law and the LCEN.

The *Ordonnance* introduces new rules on data breaches, cookies, security audits, radio frequency management, net neutrality, functional separation, infrastructure sharing, and consumer protection. The *Ordonnance* contains rules affecting pure internet companies as well as traditional telecom operators. For example, ARCEP now has the ability to conduct investigations of Internet service providers, even if the ISPs are not telecommunications operators under French law. Please, see our last [update on this matter](#).

France - Publication in the Official Journal on August 17, 2011, of the ministerial circular sent to regional prefects related to the implementation of the Fiber To The Home (FTTH) national program dated August 16,2011

The circular dated August 16, 2011 containing information on regional prefects regarding their role in the FTTH national programme was published on August 17, 2011. The circular sets out the prefects' role in the control and implementation of FTTH in the national territory in application of the law n°2008-776 dated August 4, 2011 for modernisation of the economy and of the law n°2009-1572 dated December 17, 2011 on the digital divide.

The Regional French government officials will have to ensure that projects comply with state aid regulation and with the Presidential objectives regarding the FTTH project. They shall issue opinions on local projects based on public financial support and make sure that VDSL2 is a temporary solution until the implementation of the FTTH or is a replacement for the FTTH where its implementation will not be made before 10 years.

13. Transports

France - European electronic toll

Decree n°2011-813 of 5 July 2011 relating to the conditions of registration in France of the companies providing the European electronic toll service was published in the O.J. on 7 July 2011. It specifies the requirements for registration, the registration procedures and the conditions for remaining in France for companies providing the European electronic toll service.

It is completed by Decree n°2011-812 of 5 July 2011 relating to the placing on the market, removal or prohibition of interoperability constituents of the European electronic toll service, published in the O.J. of July 7 2011.

France - Fines for breaches of parking provisions

Decree n°2011-856 of 25 July 2011, amending the amount of the fixed penalty for parking offences, was published in the O.J. on 27 July 2011. It sets the amount of the fixed fine at 17 Euros for breaches of provisions concerning stopping and parking contained in Articles R.417-1 to R.417-6 of the Traffic Code.

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