

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 March 2025.

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](#).

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- **Capital Markets**

France – Amendments to the collective investment undertakings' regime

Article 22 of [law n°2024-537 of 13 June 13 2024](#) authorized the government to enact by ordinance any measure allowing, in particular, (i) the harmonization and simplification of corporate provisions of collective investment undertakings, (ii) the modernization of the governance of collective investment undertakings and (iii) the reform of the operational framework of collective investment undertakings.

This has now been achieved with [ordinance n°2025-230 of 12 March 2025](#) relating to collective investment undertakings.

It introduces numerous modernization and simplification measures to the regime governing collective investment undertakings, particularly its alignment with corporate law.

The ordinance modified (i) the organization of the corporate provisions governing collective investment undertakings to modernize the rules and formalities for holding meetings, notably by clarifying payment deadlines for distributable amounts, quorum rules, and by allowing the use of telecommunication, (ii) the governance of collective investment undertakings to a lesser extent, notably by providing more flexibility regarding the number of members on the supervisory board, (iii) the operational framework of collective investment undertakings to enable operations at the compartment level with the introduction of the notion of compartment meetings when a fund is divided into multiple compartments and (iv) references to the French *Code de commerce* concerning threshold-crossing declaration obligations.

Finally, the ordinance addressed the liquidation regime of collective investment undertakings, covering the amicable liquidation procedure by clarifying the causes of dissolution, the administrative liquidation procedure and the pre-liquidation regime.

France – Amendments to the general regulation of the French *Autorité des Marchés Financiers* (AMF)

Pursuant to [order dated 19 March 2025](#), the General Regulation of the AMF has been amended.

After updating its rules on UCITS and AIFs in May 2024, the AMF amended its general regulation to extend the prohibition of transaction fees to management services. This prohibition will apply from 1 January 2027 for management mandates entered into after that date and from 1 January 2028 for management mandates entered into before 1 January 2027.

The AMF has announced that it will soon update its guidelines to specify the implementation details of this prohibition.

Authored by Charlotte Bonsch

- **Commercial**

France – Disposable E-cigarettes now banned

[Law No. 2025-175 of February 24, 2025](#), introduced a new Article L. 3513-5-1 into the French Public Health Code ("FPHC"), prohibiting the possession for sale, distribution, or free offer, as well as the sale, distribution, and free offer of disposable electronic cigarettes, commonly known as "puffs." This ban applies to all vaping devices that come pre-filled with liquid and cannot be refilled, whether or not they have a rechargeable battery.

Furthermore, the law amends Article L. 3515-3 of the FPHC, which penalizes prohibited practices, by reiterating the list of bans set out in Article L. 3513-5-1 and adding the prohibition on manufacturing these devices. The lack of harmonization between these two articles, as is often the case in the FPHC, is regrettable, as it creates uncertainty as to whether the intention is to prohibit the manufacture of puffs on French territory. It therefore remains to be seen whether a future amendment to the FPHC will resolve this drafting inconsistency and clarify the exact scope of the prohibition.

The legislation is based on two main reasons: first, a public health concern, related to nicotine consumption and the risk of youth smoking initiation; second, an environmental impact, due to the presence of batteries and plastics that are difficult to recycle.

Non-compliance with these provisions can result in a fine of up to €100,000, increasing to €200,000 in the event of a repeat offense.

Authored by Maimouna Goudiaby and Camille Raymond

- **Data Protection**

France – The CNIL launches a public consultation on patients’ medical records, open until May 16, 2025

In light of the sharp rise of data breaches in hospitals and unauthorized access to patients’ medical records, the CNIL has published a draft recommendation — open to public consultation until May 16, 2025 — on security measures applicable to patients’ medical records.

The CNIL aims to clarify the minimum security requirements that healthcare institutions must meet when handling medical records, in order to ensure the adequate protection of patients’ health data. This initiative seeks to establish a clear reference framework for all stakeholders, outlining the measures considered essential under the obligations set by the GDPR and the CNIL and ANSSI’s guidelines.

The recommendation is mainly designed for data protection officers, IT managers, healthcare professionals, and hospital’s management teams.

Once adopted, the recommendation will serve a dual purpose: it will act both as a practical tool to help professionals comply with existing legislation, and as a reference document that may be used in legal proceedings related to the security of health data processing.

The CNIL invites all stakeholders to contribute, even if their contributions only concern certain recommendations, to help tailor these recommendations to practice and strengthen the protection of patients’ health data. for more details, please see [“French DPA \(CNIL\) has launched a public consultation on the security of patients’ medical records”](#)

France - The CNIL launches a public consultation on location data from connected vehicles, open until May 20, 2025

The CNIL is launching a public consultation with the aim of identifying the legal framework applicable to the processing of location data from connected vehicles — specifically, data collected via embedded vehicle systems, telematics or mobile devices connected by drivers and passengers.

The processing of location data is governed by the GDPR, as well as by Article 82 of the French Data Protection Act, which transposes the ePrivacy Directive under French law. This article requires prior consent for any access to or storage of information on a user’s terminal equipment, including geolocation data. Therefore, the CNIL considers that the processing of location data from connected vehicles generally requires prior consent. However, for vehicle theft prevention, the CNIL considers that there are two possible interpretations, prior consent or not, and submits its reasoning to public consultation.

Vehicle manufacturers, fleet managers, telematics service providers, and data integrators are directly impacted by this draft recommendation, which could significantly affect business models based on connectivity and data collection.

The CNIL invites all stakeholders involved in the processing of location data in the connected vehicle sector to participate in this public consultation. This includes vehicle manufacturers, fleet managers (both short- and long-term rental), telematics service providers, data aggregators and integrators, aftermarket professionals, legal experts, DPOs, public authorities, and sector-specific organizations. The objective is to gather their feedback to help build a legal framework that is both compliant, practical, and balanced. For more details, please see [“Connected vehicles: CNIL’s consultation promotes driver’s consent over fraud and car theft”](#)

Authored by Julie Schwartz, Rémy Schlich, and Sarina Singh

- **Environment**

France – Law no. 2025-268 of March 24, 2025 on guidance for food sovereignty and generational renewal in agriculture.

[Law no. 2025-268 of March 24, 2025](#) on guidance for food sovereignty and generational renewal in agriculture was published in the Official Journal on March 25, 2025 (the “**Law**”).

As a reminder, on March 20, 2025, the Constitutional Council — having been referred for a prior constitutional review — issued its decision on the agricultural guidance law adopted by Parliament on February 20, 2025. In total, 18 articles were censured, either due to substantive constitutional issues (*e.g.*, the principle of non-regression of food sovereignty; the presumption of lack of intent in cases of harm to biodiversity; or the exclusion of fish farms from the French water law regulation), or because they were deemed “legislative riders” (*e.g.*, the exclusion of buildings necessary for agricultural activity from the zero net land take objective) (*Cf.*, [decision no. 2025-876 DC of March 20, 2025](#)).

The key new provisions introduced by the Law include:

- Codification of the concept of food sovereignty in [article L. 1 A](#) of the French Rural and Maritime Fishing Code;
- Acceleration of court decisions in disputes concerning water retention projects (*i.e.*, water reservoirs or “mega-basins”) and livestock facilities;
- Establishment of a goal to reduce pesticide use by supporting research into “*economically viable and technically effective*” alternatives;
- Introduction of a single declaration requirement for hedge removal projects. Each department will be required to map local hedge regulations and recognize the possibility of “routine maintenance work” that, in principle, does not qualify as destruction. A strategy for the sustainable management and restoration of hedgerows must also be established;
- Extension of powers over drinking water management (previously limited to municipalities and their groupings) to include departments.

The Law entered into force the day after its publication, on March 26, 2025.

France – Decree no. 2025-238 of March 14, 2024 on the use of water unfit for human consumption for domestic uses within classified installations for environmental protection and basic nuclear installations, and amending provisions on the use of treated wastewater and rainwater for non-domestic uses, and the Order of March 14, 2024 on the use of water unfit for human consumption for domestic uses within classified installations for environmental protection.

[Decree no. 2025-239 of March 14, 2024](#) on the use of water unfit for human consumption for domestic uses within classified installations for environmental protection and basic nuclear installations, and amending the provisions on the use of treated wastewater and rainwater for non-domestic purposes (the “**Decree**”), and the [Order of March 14, 2024](#) on the use of water unfit for human consumption for domestic uses within classified installations for environmental protection (the “**Order**”), were published in the Official Journal on March 15, 2025.

In substance, the Decree:

- Introduces the possibility, in certain cases, of using water unfit for human consumption as a substitute for drinking water, where its quality has no direct or indirect impact on users' health. Specifically, the following uses are authorized for the operation of classified facilities for environmental protection (ICPEs): (i) indoor floor cleaning; (ii) cleaning of outdoor surfaces; and (iii) watering of green spaces;
- Clarifies the regulatory framework for non-domestic use of rainwater and treated wastewater, specifying the permitted categories of use, exclusions (e.g., food sector, personal hygiene, sensitive public-access buildings), and conditions for integration into facilities.

As for the Order, it complements the framework established by the Decree. Specifically, it:

- Specifies the quality criteria for the water used;
- Defines the technical requirements, as well as monitoring, maintenance, and upkeep obligations;
- Lists the cases in which prefectural authorization is required.

Both the Decree and the Order entered into force on March 16, 2025.

France – Roadmap for sensitive water abstraction points

A [roadmap](#) aimed at defining the concept of sensitive water abstraction points, in the context of the transposition of [directive \(EU\) 2020/2184 of the European Parliament and of the Council of December 16, 2020 on the quality of water intended for human consumption](#) was presented by the Government on March 28, 2025 (the “Roadmap”).

This new legal category of “sensitive abstraction points” will supplement the existing category of priority abstraction points. According to the Roadmap, this designation will trigger, for local authorities operating such abstraction points, the obligation to develop, by 2026, a water safety plan (PGSSE) at the scale of the abstraction catchment area (AAC).

A draft decree defining the sensitive abstraction points, along with a guidance document for prefects and local authorities, is expected in autumn 2025.

Authored by Laure Nguyen, Julie Paladian and Ilia Sedoikin.

- **Intellectual Property**

European Union – Withdrawal of the European Commission proposal on standard-essential patents

On 27 April 2023, the European Commission presented a [proposal for a regulation](#) on standard-essential patents, *i.e.*, patents that protect technologies considered indispensable for manufacturing a product or establishing and complying with a standard.

In essence, the proposal, particularly in Article 2, specified the notion of “essential to a standard”, which means that *“the patent contains at least one claim for which it is not possible on technical grounds to make or use an implementation or method which complies with a standard, including options therein, without infringing the patent under the current state of the art and normal technical practice”*.

The proposal stipulated that such a patent must be subject to an application for registration (Article 20). Otherwise, it could not be enforced under the standard, and its holder could not collect royalties (Article 24).

To ensure the effectiveness of this proposal, a check on the essentiality of the patent by an evaluator was envisioned (Article 28). The process was organized as follows : the evaluator could invite the holder to provide observations, then draft a reasoned opinion on the essentiality of the patent in question (Article 31). Finally, at the end of the analysis, the Competence Center would enter the result of the check into a register (Article 33).

Following the publication of its work program for 2025, the European Commission withdrew this proposal.

International – China : Change in CNIPA practice regarding revocation actions

The China National Intellectual Property Administration ([CNIPA](#)) has revised its practice regarding the evidence required for filing requests for revocation of non-use.

Applicants seeking to initiate a revocation action for non-use are now required to submit search results from multiple online platforms as part of their evidence, demonstrating that they have been unable to find any information regarding the use of the trademark. If the evidence provided fails to meet CNIPA’s requirements, the CNIPA will issue a notification requesting additional evidence from the applicant. Failure to respond to this notification will result in the dismissal of the revocation action.

International – Bangladesh : Entry into force of the Bengali Patents Act

The government of Bangladesh officially announced, in its gazette on 12 February 2025, that the Bangladesh Patent Act, adopted in 2023, entered into force on 27 February 2025.

This reform modernizes the legal framework for intellectual property in Bangladesh by replacing outdated laws and aligning the system with international standards. The [official text of the law](#) has been published only in Bengali.

Authored by Iris Accary and Raphaëlle Métaireau

- **Public Law**

France – Public procurement: publication of the third National Climate Change Adaptation Plan (“PNACC”)

On 10 March 2025, the Ministry for Ecological Transition published the third [National Climate Change Adaptation Plan \(PNACC\)](#). This document sets out 52 measures and 200 concrete actions, including four new specific actions relating to public procurement, which will be integrated into all stages of the award and performance of contracts. The first concerns the development of tools to integrate an "adaptation reflex", i.e. the systematic consideration of climate change in all new investments and renovation works, in all purchases of the State. In particular, in 2025, this action will lead to the creation by the Public Procurement Department of the State of green tool sheets for the construction sector, in addition to those already published (see Legislative and Regulatory Update of [February 2025](#)). The second action concerns the development of the “achats-durables.gouv.fr” platform to take into account the challenges and levers of adaptation to climate change, while the third aims to strengthen the consideration and visibility of these issues in the future National Sustainable Procurement Plan. Finally, the fourth action is to promote better integration of climate change adaptation in the context of the next revision of the European public procurement directives.

France – Creation of a national database of public signatures

The [decree of 25 March 2025](#) establishing a personal data processing system called the "national database of public signatures", provided for by the amended decree no. [2021-1205 of 17 September 2021](#) relating to the legalisation and apostille of public documents issued by the French authorities, published in the OJFR dated 27 March 2025, establishes the automated processing of personal data relating to public signatures under the responsibility of the High Council of Notaries. The purpose of this database is to enable the authorities responsible for the apostille and legalisation of public documents to verify the authenticity of the signature and the capacity in which the person signing the document has acted. The decree lists the data collected and provides that access to it is limited to the staff of the public authorities responsible for issuing public documents and to the authorities responsible for issuing apostilles and legalisations and their authorised representatives, within the limits of their respective powers. The data will be kept in an active database for five years from the date on which the signatory ceases to hold that position, and then in an intermediate archive for different periods depending on the data concerned. Lastly, the persons concerned have the right to access and rectify the data held by the High Council of the Notaries, without however being able to exercise a right of cancellation, restriction or opposition.

European Union – Public procurement : publication of the Clean Industrial Deal

The European Commission published, on 26 February 2025, the [Clean Industrial Deal](#). This deal focuses on two closely related sectors, namely energy-intensive industries and clean technologies, and sets out several legislative and regulatory initiatives, including the review of the public procurement framework in 2026. This review will introduce criteria of resilience, sustainability and European preference in public and private procurement in key sectors.

Authored by Bruno Cantier, Astrid Layrisse and Elisa Brunet.

- **Real Estate**

France – Publication of the ILC, ICC, and ILAT indexes for the fourth quarter 2024.

Published by the National Institute of Statistics and Economic Studies (“INSEE”) on March 25, 2025, the indexes for the fourth quarter 2024 – the [Commercial Rent Index](#) (“ILC”), the [Construction Cost Index](#) (“ICC”), and the [Tertiary Activities Rent Index](#) (“ILAT”) – were published in the Official Journal on March 26, 2025.

The indexes are as follows:

- **135.30** for the ILC;
- **2,108** for the ICC (a decrease of 1.63% over the quarter, following a decrease of 2.81% in the previous quarter); and
- **137.29** for the ILAT.

Authored by Alice Houdart and Ilia Sedoikin

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