
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 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](#).

For additional information, please speak to your usual contact.

Contact

Sophie Giono

Hogan Lovells (Paris) LLP
17, Avenue Matignon
CS 60021
75008 Paris
Tél. : +33 1 53 67 47 47
Fax : +33 1 53 67 47 48

Hoganlovells.com

- **Audio-visual**

France – Draft law to strengthen the effectiveness of press related rights

On 21 January 2025, the French National Assembly introduced a [bill](#) aimed at reinforcing the effectiveness of related rights for the press. Instituted by European Directive 2019/790 on copyright and related rights in the digital single market, related rights are intended to ensure that publishers and press agencies are compensated when their content is reused online by major digital companies. The aims of this bill are to strengthen the procedure for negotiating related rights (Art. 1) and to make the associated fines more dissuasive (Art. 2). It will shortly be discussed by the *Commission des affaires culturelles et de l'éducation* before being presented to a public session on 6 March 2025.

Authored by Anaïs Le Coq and Raphaëlle Métaireau

- **Commercial**

France – The Directorate General for Competition, Consumer Affairs, and Fraud Control (“DGCCRF”) sees its role specified in the oversight of digital intermediary service providers

Decree No. 2025-9 of 3 January 2025, specifies the role of the DGCCRF in the enforcement of Regulation (EU) 2022/2065, also known as the Digital Services Act (“DSA”). This regulation aims to regulate digital services by imposing stricter obligations on digital intermediary service providers (such as online platforms or providers of hosting services) regarding transparency, consumer protection, and the fight against illegal content.

As a reminder, Law No. 2024-449 of 21 May 2024 aimed at securing and regulating the digital space (known as the “SREN Law”) amended Article 7 of Law No. 2004-575 of 21 June 2004 for confidence in the digital economy to designate “the administrative authority responsible for competition and consumer affairs” as one of the authorities responsible for monitoring compliance with the DSA by providers of digital intermediary services. The Decree of 3 January 2025 clarifies this designation by identifying the Director General of the DGCCRF as the administrative authority referred to in Article 7 of the Law of 21 June 2004.

Pursuant to SREN Law, the Director General of the DGCCRF, the Head of the National Investigation Service, and the authorities of decentralized services are empowered to bring cases before the civil courts, pursuant to Article L.133-2 of the French Consumer Code, in order to enjoin provider of marketplaces to comply with the obligations set out in Article L.133-1 of the same code, which incorporates several provisions of the DSA. These obligations notably concern the design, organization, and operation of platforms’ online interfaces to prevent deceptive or manipulative practices, the traceability of traders offering products or services on online platforms to consumers, the compliance of interfaces to ensure communication of required information regarding online products and services, as well as the right of consumers to information, particularly when an illegal product or service is made available online.

The DGCCRF plays a key role in digital market regulation and consumer protection, ensuring the strict enforcement of the new obligations imposed on digital intermediary service providers.

Source: [Decree No. 2025-9 of January 3, 2025, designating the administrative authority responsible for competition and consumer affairs as competent to bring cases before the civil courts under Article L.133-2 of the French Consumer Code and as the authority responsible under Article 7 of Law No. 2004-575 of June 21, 2004, on Confidence in the Digital Economy.](#)

Authored by Floriane Cadio de Kermainguy and Camille Raymond

- **Environment**

European Union – Regulation on packaging and packaging waste

[Regulation \(EU\) 2025/40 of the European Parliament and of the Council of December 19, 2024](#) on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC was published in the Official Journal of the European Union on January 22, 2025 (the "**Regulation**").

As a reminder, [European Parliament and Council Directive 94/62/EC of December 20, 1994](#) on packaging and packaging waste set requirements regarding the composition, reuse, and recovery of packaging. To make these requirements more concrete and effective, the Regulation establishes "*rules covering the entire life-cycle of packaging [...] while preventing and reducing the adverse impacts of packaging and packaging waste on the environment and human health*". In doing so, the Regulation harmonizes Member States' practices in this area.

The Regulation introduces new rules to reduce packaging waste and promote its re-use. Specifically, the Regulation:

- Sets requirements for packaging design by:
 - limiting the placing on the market of food-contact packaging that contains per- and polyfluoroalkyl substances ("**PFAS**") exceeding certain thresholds;
 - imposing restrictions on certain single-use packaging, particularly for specific food (*e.g.*, fruits and vegetables, condiments, etc.), cosmetic and hygiene products, and lightweight plastic carrier bags;
 - establishing a minimum percentage of recycled content and reducing the packaging weight and volume; and
 - introducing new labelling, marking, and information requirements to facilitate consumer information and waste sorting.
- Improves waste end-of-life management and encourage recycling by:
 - setting binding re-use targets for 2030 (ranging from 10% to 40%, depending on the type of packaging) and indicative targets for 2040; and
 - enhancing waste sorting and collection by introducing deposit and return systems and separate collection schemes for plastic and metal beverage packaging.

Directly applicable in all Member States, the Regulation, which entered into force on February 11, 2025, shall apply from August 12, 2026.

Authored by Laure Nguyen, Julie Paladian and Ilia Sedoikin

- **Insurance**

France – Publication by the ACPR of documents relating to the entry into force of the DORA Regulation

Following the industry meeting on 9 October 2024, and to mark the entry into force of EU Regulation 2022/2554 on digital operational resilience for the financial sector (“**DORA Regulation**”) on 17 January 2025, the *Autorité de Contrôle Prudentiel et de Résolution* (“**ACPR**”) has published documents which aim at providing operational details on the requirements applicable to financial entities. The ACPR has also published Q&As on the DORA Regulation and Directive clarifying the scope of the DORA Regulation, including the definition of Information and Communication Technology (“**ICT**”) services, by reference to the European Commission’s response of 22 January 2025 (see brief below). The Q&A also outline the reporting obligations, including those related to outsourcing arrangements, for the declaration of major ICT-related incidents and payment-related operational or security incidents, and the notification of significant cyber threats. To support this, the ACPR has published templates enabling financial entities in the banking and insurance sectors to make all these declarations.

The Q&A also clarifies the process for submitting the register of information, with the first submission due by 15 April 2025 at the latest. It also reiterates the rules on risk management in relation to third-party ICT service providers, in particular with regard to the due diligence to be carried out when negotiating and concluding contracts for ICT services supporting critical or important functions.

For the record, the DORA Regulation aims to ensure the effective and prudent management of ICT-related risks within financial entities, by establishing a comprehensive governance framework and control mechanisms to identify and mitigate these risks.

Source : [ACPR – Publication by the ACPR of documents relating to the entry into force of the DORA Regulation](#)

European Union - Publication of two directives by the European Parliament and the Council in the insurance and reinsurance sector

Directive 2025/1 of the European Parliament and of the Council of 27 November 2024 establishing a framework for the recovery and resolution of insurance and reinsurance undertakings and amending Directives 2002/47/EC, 2004/25/EC, 2007/36/EC, 2014/59/EU and (EU) 2017/1132 and Regulations (EU) No 1094/2010, (EU) No 648/2012, (EU) No 806/2014 and (EU) 2017/1129 (“**IRR**D”), along with Directive 2025/2 of the European Parliament and of the Council of 27 November 2024, amending Directive 2009/138/EC as regards proportionality, quality of supervision, reporting, long-term guarantee measures, macro-prudential tools, sustainability risks and group and cross-border supervision, and amending Directives 2002/87/EC and 2013/34/EU (“**Solvency II Review Directive**”), were published in the Official Journal of the European Union on 8 January 2025.

As a reminder, the IRRD establishes a harmonised recovery framework for EU insurance and reinsurance undertakings and groups, while the Solvency II Review Directive introduces amendments to enhance the role of the insurance and reinsurance sector as a provider of long-term private investment for European companies, and to strengthen its resilience, ensuring better protection for policyholders. For more details, please refer to the newsletter of May 2024.

Member States must transpose these directives by 29 January 2027 at the latest, with entry into force on 30 January 2027.

Source : [IRR](#)D Directive (EU) 2025/1 and [Directive \(EU\) 2025/2 that amends Solvency II Directive](#)

European Union - Rejection by the European Commission of the regulatory technical standards on subcontracting under the DORA Regulation

On 21 January 2025, the European Commission rejected the draft Regulatory Technical Standards (“**Draft RTS**”) on the outsourcing of Information and Communication Technology (“**ICT**”) services, submitted by the European Supervisory Authorities (ESMA, EBA, and EIOPA) (“**ESAs**”) on 17 July 2024 under the Regulation on digital operational resilience for the financial sector (“**DORA Regulation**”).

This draft technical standard aims to define the procedures for financial entities to assess and manage ICT service outsourcing contracts supporting critical functions. The European Commission specifically found that Article 5, which concerns the oversight of subcontracting chains for ICT services supporting the critical or important functions of a financial entity, exceeded the mandate granted to the ESAs under Article 30(5) of the DORA Regulation.

The ESAs now have six weeks to amend the draft technical standard and resubmit it to the European Commission. If the Commission still considers that the new revised version of the draft technical standard is non-compliant, it may either modify or reject it again.

Source : [Rejection letter by the European Commission of the regulatory technical standards on subcontracting under the DORA Regulation](#)

European Union – Clarification by the European Commission of the definition of ICT services within the framework of the DORA Regulation, at the request of EIOPA

On 22 January 2025, in its Q&A on the Regulation on digital operational resilience for the financial sector (“**DORA Regulation**”), the European Commission clarified the definition of Information Communication Technology (“**ICT**”) service, in response to a request from the European Insurance and Occupational Pensions Authority (“**EIOPA**”). The clarification concerns situations where a financial entity provides to another financial entity one or more financial services that include an ICT component. In such case, an ICT service may be considered primarily a financial service rather than an ICT service under the DORA Regulation if two conditions are cumulatively met:

- the service in question falls within the definition of ICT services under the DORA Regulation; and
- the financial service provider and the financial services it offers are regulated either by EU law or by the national legislation of a Member State or a third country.

If a financial entity provides regulated financial services and the ICT service is unrelated to or independent of these regulated financial services, then, the service in question must be considered an ICT service under the DORA Regulation.

The European Commission has also specified that an ancillary service that qualifies as a regulated financial service, or as a service inseparable, indivisible, preparatory or necessary for the provision of a regulated financial service, and that is not provided in a standalone manner, should not be considered as an ICT service under the DORA Regulation.

Source : [Q&A clarification by the European Commission of the definition of ICT services within the framework of the DORA Regulation](#)

European Union – Publication of a technical opinion by EIOPA on the implementation of a new proportionality framework in accordance with Solvency II

On 30 January 2025, the European Insurance and Occupational Pensions Authority (“**EIOPA**”) published a technical opinion on the implementation of a new proportionality framework in accordance with the amendments to the Directive 2009/138/EC (“**Solvency II Directive**”), (“**EIOPA-BoS-24-590**”). This opinion reaffirms that the revision of the Solvency II Directive introduces a proportionality framework aimed at reducing regulatory requirements for companies qualified as small and non-complex. EIOPA considers that the methodology set out in the Solvency II Directive, as amended by Directive 2025/2 for identifying Small and Non-Complex Undertakings (“**SNCU**”), which involves assessing multiple criteria, including the undertaking’s size, risk profile, and governance is sufficiently clear and comprehensive, and that no further specifications are required.

Furthermore, EIOPA highlights that certain undertakings that do not meet the thresholds to qualify as an SNCU may still benefit from specific proportionality measures (such as adjustments to the frequency of submitting the regular supervisory report, the combination of certain key functions by a single individual, the updating of written policies, or the calculation of technical provisions) if their risk profile justifies it, and subject to prior approval from their supervisory authority. In this context, to assist supervisory authorities in assessing requests for the application (or withdrawal) of proportionality measures, EIOPA proposes to establish general conditions applicable to all proportionality measures, as well as specific conditions tailored to each type of measure. These conditions must be based on both qualitative and quantitative factors. To qualify for a proportionality measure, an undertaking must meet all relevant conditions.

This new framework aims to create a more balanced and efficient regulatory environment, while ensuring appropriate risk management and directing regulatory resources toward the companies which are most at risk.

Source : [EIOPA - Publication of a technical opinion by EIOPA on the implementation of a new proportionality framework in accordance with Solvency II Directive](#)

Authored by Ghina Farah and Maxime Kaya

- **Intellectual Property**

France – Draft law to modernize the fight against counterfeiting

On 21 January 2025, Member of Parliament Christophe Blanchet presented a [bill](#) to the French National Assembly aimed at modernizing the fight against counterfeiting. The legislator intends to strengthen and facilitate the efforts of the various actors involved in combating counterfeiting, by proposing in particular to set up a coordination structure with an inter-ministerial delegate responsible for coordinating public policy on this issue (Art. 1).

It is also proposed to insert a civil fine within Article L.716-10 of the French Intellectual Property Code against the counterfeiter, proportionate to the seriousness of the offense committed, the contributory faculties of the author, and the profits derived from it (Art. 2).

In response to the growing number of online counterfeits, the bill further proposes measures to reinforce the effectiveness of blocking websites selling counterfeit goods, by allowing the introduction of a provision in the French Intellectual Property Code enabling the judicial authority to order the collective suspension of multiple domain names and social media accounts (Art. 4).

This proposal has now been referred to the *Commission des lois constitutionnelles, de la législation et de l'administration générale de la République*, which will be in charge of examining it in the coming months.

European Union – Publication of Implementing Regulation 2025/73 of 17 January 2025 on EU Designs

As part of the reform of European Union legislation on design protection, and following the adoption of Regulation (EU) 2024/2822, the [European Commission's Implementing Regulation \(EU\) 2025/73](#), dated 17 January 2025 was published in the Official Journal of the European Union (OJEU) on 20 January 2025. It amends [Regulation \(EC\) No. 2245/2002](#) which sets out the detailed rules for the application of Regulation (EC) No. 6/2002 of 21 October 2002, as amended by Regulation 2024/2822 on designs.

The implementing regulation updates the terminology of Regulation (EC) n°6/2002 to align it with the provisions of the Lisbon Treaty and Regulation (EU) 2017/1001, replacing the term “Community” with “European Union”. It also clarifies the removal from the list of professional representatives in design matters, outlines the various methods for transmitting communications to the EUIPO, and specifies the information that must be included in the EU design register.

International – Madrid System : China (collective trademarks, certification trademarks)

On 16 January 2025, China communicated to the WIPO the [list](#) of documents that must be submitted by the owner of a collective trademark or certification trademark to the National Intellectual Property Administration of China (CNIPA) when China has been designated in an international application or has been the subject of a subsequent designation under the Madrid Protocol.

Henceforth, the owner of such a trademark is required to present an indication of the quality and reputation of the products designated by the geographical indication, an indication of the geographical region covered, and a document attesting that the trademark owner is qualified to inspect the products and ensure they meet the required qualities. Failure to provide the aforementioned documents may result in refusal of protection by the CNIPA.

International – Berne Convention : Lithuania

On 23 December 2024, the Government of the Republic of Lithuania sent a [notification](#) to WIPO withdrawing the declaration it had made at the time of its accession under [Article 33.2 of the Berne Convention](#) for the Protection of Literary and Artistic Works of 9 September 1886. This provision allows a member state to make a reservation regarding the jurisdiction of the International Court of Justice in the event of a dispute with another member state—a reservation that may be withdrawn at any time through notification to the Director General (Article 33.3 of the Berne Convention).

International – Saudi Arabia joins the Hague System

On 7 January 2025, Saudi Arabia deposited with WIPO its [instrument of accession](#) to the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs. This accession brings the number of contracting parties to the Geneva Act to seventy-six, and the total number of contracting parties to the Hague Agreement to eighty-two. The Geneva Act and the related declarations will enter into force for Saudi Arabia on 7 April 2025.

Authored by Anaïs Le Coq and Raphaëlle Métaireau

- **Public Law**

France – Public procurement: details on the modalities for declaring the proportion of expenditure relating to the purchase of goods resulting from reuse or recycling or incorporating recycled materials

[The order of 13th January 2025](#) setting the modalities for declaring the proportion of expenditure relating to the acquisition of goods resulting from reuse or recycling or incorporating recycled materials, published in the OJRF dated 18th January 2025, provides details on the application of this declaration obligation by public entities.

This order is issued pursuant to [Article 3 of Decree No. 2024-134 of 21st February 2024](#), itself issued pursuant to [Article 58 of Law No. 2020-105 of 10 February 2020](#) regarding the fight against waste and the circular economy (known as the "AGEC Law"). As a reminder, this law provides that, from 2021, a certain proportion (between 20% and 100%) of goods purchased by the State and local authorities and their groupings must be reused, be recycled or contain recycled materials.

The order lists the data to be reported and provides that this data must be reported on [the national open data portal](#) within six months following 31 December of the calendar year concerned.

It applies to data prior to its publication date and which have not yet been the subject of an annual declaration.

Authored by Bruno Cantier, Astrid Layrissé and Elisa Brunet

Disclaimer

This publication is for information only. It is not intended to create, and receipt of it does not constitute, a lawyer-client relationship.

So that we can send you this email and other marketing material we believe may interest you, we keep your email address and other information supplied by you on a database. The database is accessible by all Hogan Lovells' offices, which includes offices both inside and outside the European Economic Area (EEA). The level of protection for personal data outside the EEA may not be as comprehensive as within the EEA. To stop receiving email communications from us please [click here](#).

The word "partner" is used to refer to a member of Hogan Lovells International LLP or a partner of Hogan Lovells US LLP, or an employee or consultant with equivalent standing and qualifications, and to a partner, member, employee or consultant in any of their affiliated businesses who has equivalent standing. Where case studies are included, results achieved do not guarantee similar outcomes for other clients.

© Hogan Lovells 2025. All rights reserved. Attorney advertising.