

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 and August 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 - Modernization of the alternative investment fund (AIF) regime

As indicated in its application, [decree n°2025-762 dated 4 August 2025](#) includes several measures implementing [order n°2024-662 dated 3 July 2024 on the modernization of the alternative investment fund \(AIF\) regime](#), particularly with regard to the publication of the replacement and realization values of real estate investment companies (SCPI) and the composition of the assets of company mutual funds (FCPE). It also includes several measures to modernize the AIF regime, as well as coordination measures.

France – Publication of a decree relating to collective investment undertakings

As an addition to the publication of [order n°2025-230 dated 12 March 2025](#), the [decree n°2025-673 dated 18 July 2025 relating to collective investment undertakings](#) has been published. As indicated in its purpose, this decree presents a set of recommendations aimed at better articulating the common law of companies under the French *Code de commerce* and the law on collective investment undertakings under the French *Code monétaire et financier*, particularly with regard to the organization of the corporate life of collective investment undertakings, such as dematerialized participation in meetings. In addition, this decree specifies the procedures for the amicable liquidation of collective investment undertakings and the administrative liquidation process, in particular to enable the transfer of unclaimed funds to the *Caisse des Dépôts*. Finally, it specifies the application of the pre-liquidation regime for venture capital mutual funds in order to prepare for the sale of the fund's assets.

Authored by Charlotte Bonsch

- **Commercial**

France – Digital Accessibility for People with Disabilities: implementation of the “European Accessibility Act”

On 28 June 2025, the [European Accessibility Act](#) (EAA), published in *the Official Journal of the European Union* on 7 June 2019, officially came into effect. It aims to guarantee access to certain services and products for people with disabilities.

Consumer digital and electronic equipment and digital services intended for the public must meet new accessibility requirements. These requirements were transposed by the DADUE law of 9 March 2023 and are fully defined in the [decree of 9 October 2023](#).

Certain exemptions are allowed for : (i) microenterprises with fewer than 10 employees and an annual turnover of less than €2 million, (ii) where the products or services cannot be made accessible due to their nature, or (iii) where making them accessible would result in a disproportionate burden ([Article D412-60 of the French Consumer Code](#)).

The French Consumer Code designates the authorities responsible for monitoring and sanctioning non-compliance. These include : the DGCCRF, the ARCEP for electronic communications services, the ARCOM for publishers and distributors of audiovisual content providing access to media services, and the ACPR, the AMF and the Banque de France for banking services ([Article L511-25-1 of the French Consumer Code](#)). In France, failure to comply with accessibility requirements may result in a 5th class fine ([Article R451-4 of the French Consumer Code](#)).

[See Legislative and Regulatory News - June 2025](#)

France – Telemarketing and Enhanced Powers for the DGCCRF: publication of the Cazenave Law

The [Law against all forms of fraud involving public funds](#), known as the *Cazenave Law* of 30 June 2025, published in the Official Journal on 1 July 2025, introduces new provisions on telemarketing and strengthens the powers of the DGCCRF.

As of 11 August 2026, the ban on all unsolicited commercial calls relating to energy renovation work or the adaptation of housing for disability or ageing will be extended to all sectors ([Article L 223-1 of the forthcoming Consumer Code](#)).

However, telemarketing will still be allowed if the consumer has given their explicit prior consent, or if the call relates to an existing contract ([Article L 223-1 of the forthcoming Consumer Code](#)). In cases of exploitation of vulnerability or ignorance, where the salesperson takes advantage of a person’s lack of information to secure a commitment following a telemarketing call, the penalties have been strengthened ([Article L132-14-1 of the Consumer Code](#)).

The powers of the DGCCRF have been expanded to improve oversight of commercial practices. Its officers will now have broader access to digital data, with the ability to require data to be provided in a usable digital format, access to software and algorithms ([Article L512-11 of the Consumer Code](#)) and receive technical assistance from qualified experts ([Article L512-51 of the Consumer Code](#)). Additionally, to ensure the safety of officers, an anonymity mechanism has been introduced. In cases involving personal risk, they may act under a protected administrative identity ([Article L512-2-1 of the Consumer Code](#)). Finally, procedural changes have been made to facilitate inter-administrative information sharing, even in cases where professional secrecy might otherwise apply ([Article L6362-1-1 of the Labour Code](#)).

Source: [Law against all forms of fraud involving public aid](#)

France – Egalim: Publication of a New Proposal

A Proposed law on *Egalim*, was published on 16 September 2025. Its sole provision extends until March 2028 the experiment outlined in [Article 9 of Law No. 2023-221 of 30 March 2023](#), known as the *Descrozailles Law*.

This experimental measure, which was initially set to end after the 2026 trade negotiations, provides that if no agreement is reached by the deadline, the supplier may either: (i) terminate the commercial relationship with the distributor, without the latter being able to invoke the sudden termination of the commercial relationship, (ii) request the application of a notice period, or (iii) the parties may also refer the matter to the mediator for agricultural commercial relations or the business mediator in order to conclude, with their assistance and before 1 April, an agreement setting the conditions for a notice period.

Source : [Proposed law aimed at strengthening the balance of commercial relations between suppliers and distributors by extending a mechanism that allows for better regulation of negotiation conditions.](#)

Authored by Charlotte Haddad and Servane de Maigret

- **Corporate**

France – Publication of the decree on the protection of information relating to the domicile of certain natural persons listed in the RCS

[Decree No. 2025-840 of August 22, 2025](#), relating to the protection of information concerning the domicile of certain natural persons listed in the Trade and Companies Register (RCS) introduces a new paragraph to [Article R. 123-3 of the Commercial Code](#), so as to allow individuals ([Commercial Code, Art. R. 123-54](#)) to “request the confidentiality of information relating to their personal residence.”

The personal home address must still be [provided](#), but its availability will be restricted to a list of authorities and professions (judicial authorities and police officers, notaries, judicial officers/bailiffs, and various ministerial departments), as well as to the company's partners, creditors, and legal representatives.

Such a request has to be sent to the clerk of the commercial court via the Guichet unique and must be processed within five clear working days of receipt. If the clerk does not respond, the matter may be referred to the judge responsible for supervising the register.

Subsequently, a copy of the deed or document with the personal address redacted by the applicant will be published by the clerk in place of the original document, which is kept as supporting evidence.

France – New share capital threshold for appointing a sole CEO in French société anonyme governed by an executive board and a supervisory board

[Decree 2025-818](#) raised the share capital threshold to €250,000 below which French société anonyme with a dual board structure may

appoint a sole managing director to perform the duties of the management board (*Commercial Code, Art. D. 225-58-1 ; Decree 2025-818, Art. 2*).

This change results from [Law No. 2024-537](#) (aka Loi Attractivité) of June 13, 2024, which provides for the determination of this threshold by decree (*Commercial Code, Art. L. 225-58, para. 2*).

Authored by L.-N. Ricard

- **Finance**

France – Dematerialization of transferable titles

[Decree n°2025-811 dated 12 August 2025](#) defines what constitutes the « reliable method » referred to in paragraph I of [article 16 of law n°2024-537 dated 13 June 2024](#). This method is one of the elements enabling an electronic transferable title to have the same effect as a transferable title issued on paper. In addition, the decree specifies the procedures under which the title may be converted to paper or electronic form. The decree also provides various clarifications in the French *Code des assurances*, the French *Code monétaire et financier* and the French *Code des transports*.

Authored by Charlotte Bonsch

- **Insurance**

European Union - Publication by EIOPA of a consultation package on draft amendments to implementing technical standards and Guidelines relating to supervision, reporting and public disclosure obligations

The European Insurance and Occupational Pensions Authority (“**EIOPA**”) published on 10 July 2025 a set of consultations to (i) amend two Implementing Technical Standards ([EIOPA-BoS-25/223](#)) and (ii) two Guidelines under Directive 2009/138 of 25 November 2009 (“**Solvency II Directive**”).

These consultations concern proposed amendments to the following documents:

- Commission Implementing Regulation 2023/894 of 4 April 2023 laying down Implementing Technical Standards with regard to the modalities for the submission by insurance and reinsurance undertakings to their supervisory authorities of information necessary for their supervision, and Commission Implementing Regulation 2023/895 of 4 April 2023 laying down Implementing Technical Standards on the procedures, formats and templates to be used by insurance and reinsurance undertakings for the report on their solvency and financial condition.

- The Guidelines on reporting for financial stability purposes and the Guidelines on the supervision of branches of third-country insurance undertakings.

Through these consultations, EIOPA aims to reduce disclosure requirements in order to simplify and streamline the regulatory framework applicable to European insurance and reinsurance undertakings. The objective is to lighten their administrative burden while maintaining financial stability and effective supervision in the sector. This consultation is in line with the European Commission's objective of reducing the burden associated with reporting obligations.

The EIOPA invites stakeholders to submit comments on each consultation document by responding to the online questionnaires, which will be accessible until 10 October 2025.

Source: [Publication by EIOPA of a consultation package on draft amendments to implementing technical standards and Guidelines relating to supervision, supervisory reporting and public disclosure obligations](#)

European Union - Publication by EIOPA of draft technical standards and an amendment to guidelines for the implementation of the Solvency II Directive

Following the adoption of Directive 2025/2 of 27 November 2024 amending Directive 2009/138 of 25 November 2009 ("**Solvency II Directive**"), the European Insurance and Occupational Pensions Authority ("**EIOPA**") published on 14 July 2025 (i) two draft Regulatory Technical Standards, (ii) one draft Implementing Technical Standard, and (iii) an amendment to the Guidelines on undertaking-specific parameters .

The two draft Regulatory Technical Standards respectively concern:

- the factors for identifying undertakings under dominant or significant influence, as well as those managed on a unified basis ([EIOPA-BoS-25/241](#)); and
- the conditions and criteria that supervisory authorities of host Member States must consider when determining the relevance for their market, of activities carried out by insurance or reinsurance undertakings through the freedom of establishment or the freedom to provide services. ([EIOPA-BoS-25/243](#)).

The draft Implementing Technical Standard concerns the lists of exposures to regional governments and local authorities ([EIOPA-BoS-25/247](#)).

The revised Guidelines on undertaking-specific parameters ([EIOPA-BoS-25/249](#)) which allow the replacement of standard parameters in standard-formula capital requirement calculations, corrects outdated legal references and streamlines the guidelines without changing their intended meaning.

The European Commission has three months to decide whether to adopt the draft technical standards.

Source: [Publication by EIOPA of draft technical standards and an amendment to guidelines for the implementation of the Solvency II Directive](#)

European Union – Publication by the ESAs of a guide on oversight activities under the DORA framework.

The European Supervisory Authorities (ESMA, EBA and EIOPA) (the “**ESAs**”) published on 15 July 2025 a guide on oversight activities ([JC 2025 29](#)) under Regulation 2022/2554 on digital operational resilience for the financial sector (“**DORA Regulation**”).

This guide covers the processes used by the ESAs and the Joint Examination Teams (JET) to oversee critical information and communication technology third-party service providers (“**CTPPs**”), and in particular sets out (i) the governance structure and control of CTPPs, (ii) the oversight processes, (iii) the founding principles, and (iv) the tools available to the examination teams.

This document is not legally binding, it provides clarification on the regulatory framework and the practical arrangements for implementing the oversight of CTPPs.

Source: [Publication by EIOPA of draft technical standards and an amendment to guidelines for the implementation of the Solvency II Directive](#)

European Union – Publication by the EIOPA of two annexes concerning mass-lapse reinsurance and reinsurance termination clauses.

The European Insurance and Occupational Pensions Authority (“**EIOPA**”) published on 15 July 2025 two annexes to its 2021 Opinion on the use of risk-mitigation techniques by insurance undertakings.

The two annexes aim to promote convergent supervisory approaches across Europe and respectively address (i) mass-lapse reinsurance ([EIOPA-BoS-25/267](#)) and (ii) reinsurance agreements’ termination clauses ([EIOPA-BoS-25/288](#)):

- The first annex provides guidance to supervisory authorities on the prudential treatment of mass-lapse reinsurance, to assess whether the capital stemming from a mass-lapse reinsurance treaty is proportionate with the actual risk transfer.

It sets out in particular how supervisory authorities should evaluate the impact of key elements such as the definition of the measurement period, exclusions or termination clauses, the effectiveness of the risk transfer and the Solvency Capital Requirement of the undertakings concerned.
- The second annex states that certain termination clauses in reinsurance treaties may undermine the effective transfer of risk. It highlights provisions that could release the reinsurer from losses already incurred, or allow the reinsurer to retain transferred premiums and assets while being discharged from its obligations.

Source: [Publication by the EIOPA of two annexes concerning mass-lapse reinsurance and reinsurance termination clauses](#)

European Union – Publication of a draft delegated regulation under the Solvency II Directive.

The European Commission published on 18 July 2025 a draft delegated regulation amending Delegated Regulation 2015/35 supplementing Directive 2009/138 of 25 November 2009 (“**Solvency II Directive**”).

The amendments proposed in this draft delegated regulation include, in particular:

- a specific treatment for long-term equity investments made by insurers, to ensure easier access to stable and durable capital;
- measures to mitigate the impact of short-term market volatility on solvency positions; and
- changes to simplify reporting obligations - especially for insurers with a low risk profile - by extending submission deadlines and introducing greater proportionality to reduce administrative burdens.
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The draft delegated regulation also proposes to recalibrate capital requirements applicable to natural catastrophe risks, to take into account the latest scientific advances related to climate change.

The European Commission has collected feedback from stakeholders, and their contributions will be taken into account in preparing the final delegated regulation, which is expected to be published in the third quarter of 2025.

Source: [Publication of a draft delegated regulation under the Solvency II Directive](#)

European Union – Publication by EIOPA of two consultations on Regulatory and Implementing Technical Standards concerning the IRRD

The European Insurance and Occupational Pensions Authority (“**EIOPA**”) published on 22 July 2025 two consultations on Regulatory Technical Standards and Implementing Technical Standards for the implementation of Directive 2025/1 of 27 November 2024 establishing a framework for the recovery and resolution of insurance and reinsurance undertakings (“**IRRD Directive**”).

These consultations respectively concern:

- the development of draft Regulatory Technical Standards ([EIOPA-BoS-25/285](#)) on the functioning of resolution colleges, which are responsible for coordinating and carrying out tasks related to the resolution of insurance groups. The draft RTS sets out how these colleges should collaborate to develop resolution plans and assess the resolvability of groups.
- the development of draft Implementing Technical Standards ([EIOPA-BoS-25/286](#)) specifying the procedures and the standard forms and templates that insurers must submit to resolution authorities for the preparation of resolution plans.

The IRRD Directive must be transposed no later than 29 January 2027 and will apply from 30 January 2027.

The EIOPA invites stakeholders to submit comments on each consultation paper by responding to the online questionnaires, which will be open until 31 October 2025.

Source: [Publication by EIOPA on 22 July 2025 of two consultations on Regulatory and Implementing Technical Standards concerning the IRRD](#)

European Union – Publication of a corrigendum to the DORA Regulation

The European Commission published on 30 July 2025, a corrigendum to the French wording of Regulation 2022/2554 on digital

operational resilience for the financial sector (“**DORA Regulation**”), which amends Regulations 1060/2009, 648/2012, 600/2014, 909/2014 and 2016/1011.

This corrigendum amends the first subparagraph of Article 45(1) on the cyber-threat information and intelligence sharing arrangement by replacing the French terminology of “indicateur de compromis” with “indicateur de compromission”.

Source: [Publication of a corrigendum to the DORA Regulation](#)

European Union – Publication by EIOPA of an Opinion on AI governance and risk management in the insurance sector

The European Insurance and Occupational Pensions Authority (“**EIOPA**”) published on 6 August 2025 an Opinion on the use of artificial intelligence (“**AI**”) in the insurance sector with respect to governance and risk management ([EIOPA-BoS-25-360](#)).

The EIOPA recalls that the use of AI in the insurance sector has been governed since the entry into force of Regulation 2024/1689 of 13 June 2024 laying down harmonised rules on AI (“**AI Act**”), which follows a risk-based approach classifying AI systems into different risk levels.

The purpose of the Opinion is to clarify how to interpret various provisions of existing insurance-sector legislation such as Directive 2016/97 of 20 January 2016 on insurance distribution and Directive 2009/138 of 25 November 2009 (“**Solvency II Directive**”) in the context of AI. It clarifies existing governance and risk-management principles as applied to AI, covering data governance, record-keeping, fairness, cyber security, explainability and human oversight.

AI systems categorised as high-risk or prohibited under the AI Act fall outside the scope of the Opinion.

Source: [Publication by EIOPA of an Opinion on AI governance and risk management in the insurance sector](#)

European union – Publication by the EBA and EIOPA of Q&As on the DORA Regulation

The European Banking Authority (“**EBA**”) published on 8 August 2025 three questions and answers concerning Regulation 2022/2554 on digital operational resilience for the financial sector (“**DORA Regulation**”).

These Q&As provide clarifications on:

- the identification of an information and communication technology third-party service provider ([Question 2024 7089](#))
- the register of information, in particular:
 - o guidance on completing the “refPeriod” field in the “parameters.csv” file ([Question 2025 7387](#)).
 - o the obligation to maintain this register for exempted financial entities under Article 16 of the DORA Regulation ([Question 2025 7388](#)).

The European Insurance and Occupational Pensions Authority (“**EIOPA**”) also published on 8 August 2025 two questions and answers concerning DORA Regulation .

These Q&As provide the following clarifications:

- the appropriate information security standards to be met by information and communication technology third-party service providers with whom financial entities intend to conclude contractual arrangements under Article 28(5) refer to market practices and standards. As such, no exhaustive list can be established ([Question DORA188-3200](#))
- the types of information and communication technology services listed in Annex III to Implementing Regulation 2024/2956 of 29 November 2024 laying down implementing technical standards for the application of the DORA Regulation are the only ones accepted for submission of the register of information. EIOPA notes that the annex is sufficiently high-level to allow the registration of all types of ICT services ([Question DORA187-3199](#))

Source: Q&A of the EBA regarding DORA Regulation ([Question n° 2024 7089](#), [Question n° 2025 7387](#) et [Question n° 2025 7388](#)), Q&A of the EIOPA regarding DORA Regulation ([Question n° DORA188-3200](#) et [Question n° DORA187-3199](#))

Authored by Ghina Farah and Maxime Kaya

- **Intellectual Property**

France – The French Senate publishes a new report on artificial intelligence and artistic creation.

On July 9, 2025, the Senate published a [report](#) on the relationship between Artificial Intelligence (AI) and artistic creation. This report, conducted by the French Commission for Culture, Education, Communication, and Sport (*la Commission de la culture, de l'éducation, de la communication et du sport*), was intended to take an overall look at the issues created by the development of AI players in the cultural sector and their impact on remuneration of rights holders, and thus to assess the risks and benefits of AI for artistic creation.

To this end, the French commission engaged in some fifty hearing with key AI players and the rapporteurs went to Brussels to review the current regulatory framework. Following this investigation, the rapporteurs drew up a list of eight key “principles”, presented as recommendations, aimed at establishing a balanced remuneration model for content used by AI.

Among the main recommendations, the French rapporteurs propose to:

- Reaffirm the right of rights holders to remuneration for the use of their content by AI providers;
- ensure full transparency regarding the data used by AI providers;
- define a remuneration model based on the flows generated by AI providers;
- encourage rights holders from cultural and press sectors to develop databases of their works accompanied by clearly defined terms of use;
- establish a financial settlement between rights holders and AI providers to compensate the use of works by AI for the past;
- promote cultural diversity and support press publishers by leveraging revenues generated by artificial intelligence; and

- create a technical system to identify content fully generated by AI.

European Union – Montenegro joins the London Agreement

On April 9, 2025, [Montenegro joined the London Agreement](#) on reducing the translation costs of European patents. The Agreement entered into force on 1 August 2025, making Montenegro the 23rd state to accede to it. As from that date, for European patents granted and producing effect in Montenegro, it will no longer be required to produce a translation of the European patent specification into Montenegrin if the patent is granted in English or if an English translation of the patent is provided under the conditions set out in Article 65(1) EPC. However, a translation of the claims into Montenegrin will still be mandatory.

Authored by Anaïs Le Coq, Emma Teman and Apolline Thiolon

- **Litigation**

France – Continuation of procedural reform: publication of the “Magicobus 2” decree

Decree No. 2025-619 of 8 July 2025, known as “Magicobus 2,” continues the reform of civil procedure along two main lines: the promotion of amicable dispute resolution methods and the shift towards digitalization. First, the amicable settlement hearing (audience de règlement amiable – ARA) is now extended to commercial courts, confirming the legislator’s intention to make it a central tool for dispute resolution. Second, the decree clarifies the framework for *in futurum* investigative measures (Art. 145 CCP), allowing claimants to choose between the court of the merits or that of the place of enforcement, while reserving exclusive jurisdiction to the court of the location of the property for measures concerning real estate. On the digital side, the text strengthens electronic communications: repeal of the technical ministerial orders as of 1 September 2025, establishment of an irrevocable presumption of consent upon first login to Portalis or the digital court system, and consolidation of the principle of functional equivalence between electronic and paper communication. Finally, the decree adjusts the rules governing requests for advisory opinions to the Cour de cassation, in order to streamline the procedure. These measures, applicable as from 1 September 2025 (including to pending proceedings), reflect the intent to relieve pressure on the courts and to establish digital tools as the primary vehicle of civil procedure.

Source : [Décret n° 2025-619, JO 9 juil. 2025](#) ; [Circ. NOR JUSC2520030C, BOMJ 16 juil. 2025](#).

France – Overhaul of amicable dispute resolution mechanisms

Decree No. 2025-660 of 18 July 2025 recodifies amicable resolution into a unified Book V (conciliation, mediation, participatory procedure, approval) and elevates conventional case management to the rank of guiding principle. The judge becomes a “referrer” towards ADR (with the power to order an information meeting and sanction unjustified absence), and the amicable settlement hearing (audience de règlement amiable – ARA) is generalized (except for labor courts). Circular CIV/08/2025 clarifies the relationship between agreements and proceedings, the appointment of a technician (amicable expert), and the role of the judge when approving agreements.

Application: 1 September 2025 (subject to reservation: case management agreements apply only to proceedings initiated as from that date).

Source : [Décret n° 2025-653, JO 17–18 juil. 2025](#)

France – Class actions: eight specialized judicial courts (DDADUE Act) and harmonized procedure

Decree No. 2025-653 of 16 July 2025 designates eight judicial courts specialized in class actions (with appeals before the court of appeal of their seat), implementing Law No. 2025-391 of 30 April 2025 (DDADUE). The objective is to enhance the clarity and efficiency of handling collective claims, particularly in the areas of economy, consumer protection, discrimination, and environment.

Source : [Décret n° 2025-653 du 16 juillet 2025](#)

Authored by Nicolas Rohfritsch and Mizgin Laura DELIKAYA

- **Public Law**

France – Public procurement: restriction of access for Chinese operators to public procurement contracts for medical devices

On 25 July 2025, the Legal Affairs Department (“DAJ”) published a technical [note](#) entitled “Implementation of the international public procurement instrument (IMPI) in the medical device sector” intended for contracting authorities.

The note outlines the conditions for applying Commission implementing [regulation 2025/1197](#) of 19 June 2025, which establishes a restrictive measure against economic operators and medical devices originating from the People’s Republic of China in relation to public procurement contracts of medical devices in European Union. This measure applies to public procurement contracts for medical devices falling under CPV codes 33100000-1 to 33199000-12 and with an estimated value of at least five million euros (excluding VAT). In this context, contracting authorities must exclude bids from Chinese economic operators.

The regulation also requires the inclusion of mandatory clauses in contracts, such as a prohibition on subcontracting more than 50% of the total value of the public procurement contract to economic operators from China and a prohibition, for the duration of the contract, on reaching a situation in which the goods purchased and originating in China represent more than 50% of the total value of the contract. Failure to comply with these obligations exposes contract holders to penalties of between 10% and 30% of the contract value.

The DAJ note recalls that these obligations apply only to procedures launched after 30 June 2025 and provides for the possibility of exemptions in certain limited cases, subject to subsequent notification to the European Commission. The technical note thus aims to provide contracting authorities with an operational framework for applying the Commission implementing regulation.

France - Public procurement: update of the technical note on mechanisms for rejecting bids from third countries.

On 30 July 2025, the Legal Affairs Department (“DAJ”) published an updated version of its [note](#) on mechanisms for rejecting bids from third countries in public procurement. The update incorporates recent case law from the Court of Justice of the European Union, which confirms that operators from third countries that have not entered into an agreement ensuring reciprocal access to EU public procurement markets are not entitled to the same treatment as EU operators.

The note reiterates the existing provisions of the public procurement code. These include the right of all purchasers to include criteria or restrictions based on the origin of the works, supplies or services offered, or the nationality of the operators authorised to submit a bid. For supply contracts awarded by contracting entities only, there is also the option to reject a bid if more than 50% of the value of the products originate from third countries with which the European Union has not entered into an agreement.

Authored by Bruno Cantier, Astrid Layrisse and Ronel Cayanan

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