



Council of the  
European Union

131284/EU XXVII. GP  
Eingelangt am 20/02/23

Brussels, 20 February 2023  
(OR. en)

6522/23

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Interinstitutional File:  
2022/0358(COD)

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TOUR 10  
COMPET 116  
IND 55  
MI 119  
CONSOM 47  
TELECOM 41  
DIGIT 26  
DATAPROTECT 44  
IA 22  
CODEC 205

#### NOTE

From:	Permanent Representatives Committee (Part 1)
To:	Council
No. prev. doc.:	6138/23
No. Cion doc.:	14741/22 + ADD 4
Subject:	Proposal for a Regulation of the European Parliament and of the Council on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724 - <i>General approach</i>

#### I. INTRODUCTION

1. On 7 November 2022, the Commission submitted to the European Parliament and to the Council a proposal for a Regulation on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724, accompanied by an impact assessment<sup>1</sup>.

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<sup>1</sup> 14741/22 and 14741/22 ADD 4.

2. The proposal seeks to harmonise and streamline the framework for data generation and data sharing on short-term accommodation rental services across the EU. More specifically, the proposal seeks to establish:
  - a harmonised approach to registration schemes for hosts, with an obligation for public authorities to maintain appropriately designed registration schemes if they want to obtain data for policymaking and enforcement purposes;
  - obligations for online platforms to enable hosts to display registration numbers (which will ensure hosts' compliance with registration requirements) and to share specific data about hosts' activities and their listings with public authorities, and
  - specific tools and procedures to ensure that data sharing is safe, compliant with the General Data Protection Regulation, and cost-effective for all parties involved.
3. The legal basis of the proposal is Article 114 of the Treaty on the Functioning of the European Union (TFEU), which allows the adoption of measures necessary for the approximation of the provisions laid down by law, regulation or administrative action in Member States that have as their object the establishment and functioning of the internal market.
4. The European Parliament's Committee on the Internal Market and Consumer Protection (IMCO) appointed Ms Kim van Sparrentak (Greens/EFA, NL) as rapporteur for the proposal.
5. The requested Opinions of the European Economic and Social Committee and of the Committee of the Regions on the proposal are still pending. The Opinion of the European Data Protection Supervisor on the proposal was delivered on 16 December 2022<sup>2</sup>.

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<sup>2</sup> 16200/22.

## II. WORK WITHIN THE COUNCIL

6. The Working Party on Competitiveness and Growth (Tourism) started examining the proposal and its accompanying impact assessment under the Czech Presidency at its meetings on 11 November and 7 December 2022.
7. The work continued during the Swedish Presidency, with Working Party meetings held on 9 and 19 January and 2 and 13 February 2023, supplemented with a technical workshop on 17 January. In addition, a presentation on the state of play of negotiations on the proposal took place at the Council's Working Party on Statistics on 18 January, where the Presidency took note of the views expressed by delegations on the correlation between the proposal and the Statistical Regulation (Regulation (EC) No 223/2009).
8. While delegations generally welcomed the proposal and supported its objectives, their views differed on how to best achieve those objectives.
9. The discussions in the Tourism Working Party have mainly focused on the articulation of the future Regulation with the systems already in place in the Member States. Among Member States where registration systems are in place, these vary in scope, procedures (for example online or offline), requirements (such as information to be submitted by the hosts) and enforcement mechanisms, including the level of cooperation required by platforms. In some cases registration procedures are implemented at the national level, in other cases at the regional or local level.
10. Discussions in the Tourism Working Party have also revolved around the articulation of the future Regulation with existing EU legislation, notably with the Digital Services Act, the Services Directive, the Statistical Regulation and the General Data Protection Regulation.
11. Therefore, the Presidency, while retaining the idea, content and basic structure of the proposed legal act, amended several provisions of the Commission's proposal in its compromise texts to take account of delegations' requests during the discussions at Working Party level with a view to improving its clarity, feasibility and legal certainty.

12. The Permanent Representatives Committee, at its meeting on 17 February 2023, examined the compromise Presidency text (document 6138/23) and decided to submit it to the Council (Competitiveness) without any changes for agreeing on a General approach.

### III. CONCLUSION

13. The Council is therefore invited to reach a General approach based on the compromise text set out in the Annex to this document at the session of the Council (Competitiveness) on 2 March 2023.
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Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**on data collection and sharing relating to short-term accommodation rental services and**  
**amending Regulation (EU) 2018/1724**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,

Having regard to the opinion of the Committee of the Regions<sup>2</sup>,

Having regard to the opinion of the European Data Protection Supervisor<sup>3</sup>,

Acting in accordance with the ordinary legislative procedure,

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<sup>1</sup> OJ C , , p. .

<sup>2</sup> OJ C , , p. .

<sup>3</sup> OJ C , , p. .

Whereas:

- (1) Short-term accommodation rental services offered by hosts have existed for many years as a complement to other accommodation services such as hotels, hostels, or bed and breakfasts. The volume of short-term accommodation rental services is increasing significantly across the Union as a result of the growth of the platform economy. While short-term accommodation rental services create many opportunities for guests, hosts and the entire tourism ecosystem, their rapid growth has also triggered concerns and challenges, in particular for local communities and public authorities. One of the main challenges is the lack of reliable information about short-term accommodation rental services, such as the identity of the host, the location where those services are being offered, and their duration, making it difficult for authorities to assess the actual impact of short-term accommodation rental services and develop and enforce appropriate and proportionate policy responses.

- (2) Public authorities at national, regional and local level are increasingly taking measures to obtain information from hosts and online short-term rental platforms, by imposing registration schemes and other transparency requirements, including on online short-term rental platforms. However, legal obligations regarding data generation and data sharing diverge considerably within and between Member States as regards their scope and frequency, as well as in terms of related procedures. The large majority of online platforms intermediating the provision of short-term accommodation rental services provide their services across borders and indeed across the internal market. As a result of diverging transparency requirements, the full realisation of short-term accommodation rental services potential is hampered, and the proper functioning of the internal market is negatively affected. In order to achieve more harmonised rules and requirements, and ensure a fair, unambiguous and transparent provision of short-term accommodation rental services as part of efforts to promote a balanced tourism ecosystem within the internal market, a uniform and targeted set of rules should be established at Union level.
- (3) To that end, harmonised rules on data generation and data sharing for short-term accommodation rental services should be laid down to increase access to and quality of data for public authorities on the provision of short-term accommodation rental services, which in turn should enable them to design and implement policies on such services in an effective and proportionate manner.

- (4) Rules should be laid down to harmonise transparency requirements for the provision of short-term accommodation rental services through online short-term rental platforms in cases where Member States decide to impose such transparency requirements. Accordingly, harmonised rules should be provided for registration schemes and data-sharing requirements concerning online short-term rental platforms should Member States decide to put in place such schemes or requirements. To achieve effective harmonisation, and to ensure a uniform application of the rules, Member States will not be able to legislate on access to data from online short-term rental platforms outside the specific regime laid down in the present Regulation. That is in order to ensure that Member States do not regulate the requests in question without putting in place the necessary registration schemes, databases and single digital entry point and to facilitate proportionate, privacy-compliant and secure data sharing by online short-term rental platforms within the internal market. This Regulation does not affect Member States' competence to adopt and maintain market access requirements relating to the provision of short-term accommodation rental services by hosts, including health and safety requirements, minimum quality standards or quantitative restrictions, provided that such requirements are necessary and proportionate to protect public interest objectives, in accordance with the provisions of the Treaty on the Functioning of the European Union and Directive 2006/123/EC of the European Parliament and of the Council.<sup>4</sup> In the context of short-term accommodation rentals, combatting the rental housing shortage has been recognised by the Court of Justice as an overriding reason relating to the public interest. The availability of reliable data on a uniform basis should support Member States' efforts in developing policies and regulations that comply with Union law. In fact, as the case-law of the Court of Justice of the European Union made clear, Member States are required to justify possible market access restrictions for hosts on the basis of data and evidence.

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<sup>4</sup> Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).



- (5) This Regulation is not intended to ensure compliance with customs or taxation rules and does not affect Member States' competences in the area of criminal offences. Accordingly, it does not affect the competence of Member States or of the Union in those fields or any instruments of national or Union law adopted pursuant to such competence for the access, sharing, and use of data in those areas. Therefore, possible future use of personal data processed pursuant to the Regulation for law enforcement or for taxation and customs purposes should be in compliance with national and Union law.
- (6) This Regulation should apply to services consisting in the short-term letting of furnished accommodation, provided for remuneration, whether on a professional or non-professional basis. Given the different approaches existing in the Member States, for the purpose of this Regulation, short-term rental accommodation services should be further defined by national law. Short-term accommodation rental services can concern, for example, a room in a host's primary or secondary residence, or an entire dwelling either on land or on water, rented out for a limited number of days per year, or one or more properties bought by the host as an investment to be rented out on a short-term basis, typically for less than a year throughout the year. The provision of furnished accommodation for more permanent use, typically for one year or more, should not be considered to be provided on short-term basis. Short-term accommodation rental services are not limited to units let for touristic or leisure purposes but should include short-term stays for other purposes, such as business or study.
- (7) The rules laid down in this Regulation should not apply to hotels and other similar tourist accommodations, including resort hotels, suite or apartment hotels, hostels or motels, as data for these types of accommodation are usually available and well-documented. Accommodation provided on camping grounds, or in recreational vehicle parks and trailer parks, such as tents, caravans or recreational vehicles, should also not be covered by those rules, given that such accommodations are normally found in dedicated areas, such as campsites or caravan parks, and do not have an impact on residential housing, comparable to that of short-term accommodation rental services.

- (8) The rules laid down in this Regulation should apply to online platforms within the meaning of Article 3 point (i) of Regulation (EU) 2022/2065 of the European Parliament and the Council<sup>5</sup>, which allow guests to conclude distance contracts with hosts for the provision of short-term accommodation rental services. Therefore, webpages or other electronic means which connect hosts with guests without any further role in the conclusion of direct transactions should be excluded from the scope of this Regulation. Online platforms intermediating the provision of short-term accommodation rental services without remuneration (for example, online platforms intermediating the exchange of dwellings) are not covered by these rules unless, due to the specific way they are designed, they involve remuneration.
- (9) Registration procedures, as opposed to authorisation procedures, enable competent authorities to collect information on hosts and units relating to short-term accommodation rental services. The registration number, which is a unique identifier of a unit rented, should ensure that the data collected and shared by platforms can be properly attributed to hosts and units. It should therefore be for competent authorities in Member States which have imposed a requirement on online short-term rental platforms to transmit data, to put in place or maintain registration procedures for hosts and their units. In order to avoid that a unit is attributed more than one registration number for active listing, each unit should be subject to only one registration procedure in a Member State, either at national, regional or local level. To ensure full traceability of hosts and units, where competent authorities require data from providers of online short-term rental platforms, registration procedures should be established or maintained for all hosts that wish to offer short-term rental accommodation services.

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<sup>5</sup> Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC.

- (10) In order to ensure that competent authorities obtain the information and data they need, without imposing disproportionate burdens on online platforms and hosts, it is necessary to lay out a common approach to registration procedures within Member States that is limited to basic information allowing the identification of the unit and the host. To that end, Member States should ensure that, upon the submission of all relevant information and documentation, hosts and units are given a registration number. Hosts should be able to identify and authenticate themselves using electronic identification means issued under a notified electronic identity scheme pursuant to Regulation (EU) No 910/2014 of the European Parliament and of the Council<sup>6</sup> to complete those registration procedures.
- (11) Hosts should provide information regarding themselves, the units they offer for short-term accommodation rental services and other necessary information so that the competent authorities know the identity of the host and their contact details, as well as the location, the detailed address (e.g. flat number or land registry), the type (e.g. house, apartment, room, shared room, or relevant category provided in national law) and characteristics of the unit. Where relevant, hosts can also be required to indicate whether they have obtained an authorisation to provide the service as referred to in Article 9 of Directive 2006/123 from the relevant authorities, provided such authorisation requirement is in line with Union law. Information on the rights of the hosts as far as the authorisation scheme is concerned, and in particular the means of redress available in the event of dispute, should be easily available to hosts as provided for by Directive 2006/123/EC. The description of the unit's characteristics should include an indication of whether the unit is offered in whole or part and whether the host uses the unit for residential purposes as a primary or secondary residence or for other purposes. Hosts should also provide information on the maximum number of bed places that the unit is capable of accommodating.

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<sup>6</sup> Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).

- (12) It should be possible for Member States to require hosts to submit additional information and documentation attesting compliance with requirements established by national law, such as health and safety and consumer protection requirements or other requirements, such as information as to whether the host has obtained the owner's permission when this is relevant, without preventing the issue of a registration number. Member States can, in particular, in order to ensure equal access and inclusion, require hosts to provide information concerning the accessibility for persons with disabilities of the units offered for short-term accommodation rental services in relation to national or local accessibility requirements. The automatic issue of a registration number does not prejudice the assessment of compliance by the hosts with market access requirements that may apply separately and which affect the provision of short-term accommodation rental services. However, any requirements should comply with the principles of non-discrimination and proportionality, meaning that they must be appropriate and necessary to achieve a legitimate regulatory objective, and with the Treaty on the Functioning of the European Union and Directive 2006/123/EC. The requirement to submit additional information and documentation should not be used to circumvent the rules applicable to authorisation schemes under Directive 2006/123/EC. Furthermore, Member States should be able to impose information requirements on hosts that comply with Union law concerning issues not covered by this Regulation, such as non-remunerated stays including where hosting arrangements concern vulnerable individuals, such as refugees or beneficiaries of temporary protection.
- (13) Where the information and documentation provided by hosts via the registration procedure is valid for a limited period of time, for example in the case of an identity document or a fire or other safety certificate, hosts should be able to update the information or documentation. Where a host fails to submit the updated information and documentation, the competent authorities should have the power to suspend the validity of the registration number until the updated information or documentation has been submitted.

The information and documentation submitted by the host should be retained for the entire period of validity of the registration number and for a maximum period of 1 year following the host's request for removal of a unit from the registry, in order to allow competent authorities to perform any relevant checks even after the removal of the unit from the registry, unless that information or documentation is necessary for other purposes, as required by law, such as pending legal proceedings.

- (14) The information and documentation provided by hosts via the registration procedure should be verified by competent authorities only after the issuance of the registration number. It is appropriate to enable hosts, within a reasonable period of time, to rectify the information and documentation submitted which a competent authority considers to be incomplete or inaccurate. Where the host fails to rectify the information and documentation within the period indicated, the competent authority should have the power to suspend the validity of the registration number. The competent authority should have the power to suspend the validity of the registration number also in cases where it finds that there are manifest and serious doubts as regards the authenticity and validity of the information or documentation provided by the host. In those cases, competent authorities should inform hosts about their intention to suspend the validity of the registration number and the reasons for it. Hosts should have the possibility to be heard and, where appropriate, to rectify the information and documentation provided within a reasonable period of time. Where the validity of the registration number has been suspended, competent authorities should have the power to issue an order requesting the online short-term rental platforms to remove or disable access to the listing relating to the unit in question without undue delay. Those orders should include all necessary relevant information to identify the listing, such as the individual Uniform Resource Locator (URL) of the listings.

- (15) Where a registration procedure applies, hosts should be required to provide online short-term rental platforms with their registration numbers, display them in each respective unit listing and provide guests with the unit's registration number. Member States should ensure that, where a registration procedure applies, national law enables competent authorities to order online short-term rental platforms to remove listings related to units offered without a registration number or offered with an invalid registration number.
- (16) Article 31 of the Regulation (EU) 2022/2065 lays down certain due diligence requirements for providers of online platforms allowing consumers to conclude distance contracts with traders. Those requirements apply to online short-term rental platforms with respect to short-term accommodation rental services offered by hosts that qualify as traders. However, the short-term accommodation rental sector is characterised by the fact that hosts are often private individuals offering short-term accommodation rental services on an occasional peer-to-peer basis, who do not necessarily meet the conditions to be categorised as 'traders' under Union law. Therefore, in line with the concept and objective of 'compliance by design' under Article 31 of Regulation (EU) 2022/2065, and in order to enable competent authorities to verify whether applicable registration obligations are complied with, it is appropriate to apply specific conditions for compliance by design in the context of short-term accommodation rental services, including those offered by hosts that do not qualify as traders pursuant to Union law. Online short-term rental platforms should ensure that services are not offered where no registration number has been provided, in cases where a host declares that such a registration number applies. This should not amount to an obligation for online short-term rental platforms to generally monitor the services offered by hosts through their platform, nor to a general fact-finding obligation aimed at assessing the accuracy of the registration number prior to the publication of the offer of short-term accommodation rental services. The online short-term rental platforms should only be required to make reasonable efforts to carry out random checks through the use of functionalities offered by the Single Digital Entry Point. These random checks include the validity of the registration number, by checking whether the registration number indicated by the host is included in the registry established by the Member State.

- (17) *[deleted]*
- (18) Competent authorities in Member States which have imposed a requirement on online short-term rental platforms to transmit data about hosts' activities and have registration systems in place should be able to obtain activity data from online platforms on a regular basis. The type of data that may be obtained should be fully harmonised and include information on the number of nights for which a registered unit has been rented, the number of guests the unit was rented for per night, their country of residence, the detailed address of the unit, the registration number and the URL of the listing of the unit. In order to obtain data that accurately reproduces hosts' activities in a given reference period, this information should reflect the in-fact situation in the reference period, taking into account eventual changes to the original booking. Only online platforms that have effectively facilitated the conclusion of direct transactions between hosts and guests are covered by the obligation to provide the activity data, the registration number and the URL of the listing of the unit, as only those platforms are in a position to collect data, such as on the number of nights for which a unit is rented and the number of guests the unit was rented for per night. In case a booking chain includes various online short-term rental platforms, only the online short-term rental platform on which the contract is concluded with the host should be obliged to provide the aforementioned information in order to avoid multiple transmissions of the same information from different platforms. Member States should not maintain or introduce measures that require platforms to report on short-term accommodation rental service providers and their activities diverging from those laid down in this Regulation, unless otherwise provided under Union law.
- (19) In order to ensure that the processing of personal data is adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed, online short-term rental platforms should not be required to report additional information on the identity of the hosts, given that this information is already collected by competent authorities through the registration procedures applicable to hosts.

- (20) Online short-term rental platforms that qualify as small or micro enterprises within the meaning of [Commission Recommendation 2003/361/EC](#)<sup>7</sup> should not be expected to use machine-to-machine communication means of data-sharing provided that they did not, in the previous quarter, reach a monthly average of minimum 2 500 listings in the Union. Allowing such online short-term rental platforms to use manual means to share data with the Single Digital Entry Point reduces their compliance burden and takes account of their financial or technical resources, while still ensuring that competent authorities obtain the relevant data. The assumption is that online short-term rental platforms that are small or micro enterprises within the meaning of [Recommendation 2003/361/EC](#) and that reach or exceed this threshold should already have in place systems that allow to comply with machine-to-machine transmission requirements.
- (21) Online short-term rental platforms should be required to fulfil the reporting obligations with respect to the short-term accommodation rental services that they intermediate for units located in an area where a registration procedure has been established, and provided that the Single Digital Entry Point has been established by the Member State. Collecting and sharing this information is necessary to enable competent authorities to monitor compliance with the registration procedures applicable to hosts and to enable Member States to develop and enforce appropriate and proportionate policies in the area of short-term accommodation rental services. Information about the guest's country of residence is valuable for statistical reasons and policy development.
- (22) To avoid online short-term rental platforms being confronted with diverging technical requirements and a variety of access points for sharing data within a Member State, a national Single Digital Entry Point should be established as a gateway for the electronic transmission of data between online short-term rental platforms and competent authorities, ensuring timely, reliable and efficient data sharing processes.

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<sup>7</sup> Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).



- (23) The Single Digital Entry Points should facilitate the ability of online short-term rental platforms to randomly check the validity of a registration number or the accuracy of self-declarations, in order to reduce errors and inconsistencies as regards data transmission and to ease their compliance burden. The Single Digital Entry Point should, while not requiring the actual storage of the registration number, allow the performance of random checks either automatically by means of Application Programming Interface allowing the verification of a registration number against the given entries in the registry of the individual registration procedures in a Member State or manually. In particular, where a Member State grants access to a centralised, free of charge, system allowing for the automated verification of the areas covered by a registration procedure or of the validity of registration numbers, the regular interconnection to and use of such functionalities for ex post checks, extended on a voluntary basis to all listings, could be presumed to comply with the obligation of the platform to perform random checks pursuant to this Regulation. Online short-term rental platforms should be free to perform additional checks through the Single Digital Entry Point. Member States should continue enforcing registration obligations using the tools already available to them.
- (24) In order to ensure uniform conditions for the implementation of the technical solutions supporting the exchange of data and to promote the interoperability of the national Single Digital Entry Points, implementing powers should be conferred on the Commission to lay down, where necessary, the applicable standards and interoperability requirements. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>8</sup>.

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<sup>8</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (25) Alignment should be ensured between the various registries in a Member State as well as their interoperability with the Single Digital Entry Point in order to remove semantic and technical barriers to data sharing and to ensure more effective and efficient administrative procedures. The entities in charge of creating the Single Digital Entry Points at national level and the Commission should facilitate implementation at national level and cooperation between Member States.
- (26) A proportionate, limited and predictable framework at Union level is necessary for the transparent sharing of activity data and registration numbers, in compliance with the requirements of the Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>9</sup>. To achieve this, Member States should list the competent authorities at national, regional and local level that have established or maintain a registration procedure to request activity data for units located on their territory. Such data should only be processed for purposes of monitoring compliance with registration procedures, or implementing and ensuring compliance with rules concerning access to and provision of short-term accommodation rental services. In the latter case, such processing should only be permitted if the rules in question do not violate the principles of non-discrimination and proportionality as laid down in Union law and comply with Union law, including the rules on free movement of services, freedom of establishment, and the rules in Directive 2006/123, established in case law by the Court of Justice of the European Union. For purposes of complying with Union law on data protection, any rules concerning access to and provision of short-term accommodation rental services should set out the purpose of processing the data in accordance with the requirements of Regulation 2016/679 of the European Parliament and of the Council. Activity data is also essential for authorities that are developing such rules as part of efforts to promote a balanced tourism ecosystem, including effective and proportionate rules for the access to, and the provision of, short-term accommodation rental services.

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<sup>9</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

A retention period of maximum 1 year should allow competent authorities to ensure compliance with rules and regulations applicable to hosts or concerning units rented and for policy development, unless that activity data is necessary for other purposes, as required by law, such as pending legal proceedings.

- (27) Activity data would also be important for the compilation of official statistics. Those data, together with information provided by hosts pursuant to a registration procedure along with the registration number, should be transmitted to national statistical offices and to Eurostat every month for the purposes of compiling statistics in line with the requirements applicable to other service providers in the accommodation sector as laid in Regulation 692/2011 of the European Parliament and of the Council<sup>10</sup> concerning European statistics on tourism. Member States should designate the national entity responsible for transmitting the data. Competent authorities should also be able to share activity data, without any data that could enable the identification of individual units or hosts, such as registration numbers, detailed addresses and URLs, with entities and persons when this is needed to carry out scientific research or analytical activities as well as to produce new business models and services. Under the same conditions, activity data could be made available via sectorial data spaces, when established.
- (28) Member States should provide the necessary information to allow public authorities, online short-term rental platforms, hosts and citizens to understand the laws, procedures and requirements relating to the provision of short-term accommodation rental services within their territory. Those include registration procedures as well as any requirements concerning access to, and provision of, short-term rental accommodation rental services.
- (29) In order to facilitate the implementation of this Regulation, each Member State should designate an authority that should monitor its implementation and report to the Commission every two years.

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<sup>10</sup> Regulation (EU) No 692/2011 of the European Parliament and of the Council of 6 July 2011 concerning European statistics on tourism and repealing Council Directive 95/57/EC (OJ L 192, 22.7.2011, p. 17).

- (30) Member States should ensure an effective enforcement of this Regulation. The authorities entrusted with the enforcement of Regulation (EU) 2022/2065 should ensure that the obligations laid down in this Regulation for providers of online short-term rental platforms concerning the design of the interface of online short-term rental platforms with regard to the registration number of any host, as defined in this Regulation, are complied with in accordance with the powers and procedures laid down in Chapter IV of Regulation (EU) 2022/2065. In accordance with Regulation (EU) 2022/2065, therefore, the competent DSC or the Commission should be empowered to enforce the compliance by design obligation laid down in this Regulation in accordance with the allocation of competences laid down in Chapter IV of Regulation (EU) 2022/2065. Consequently, the Commission should be empowered to adopt direct enforcement measures only with regard to very large online platforms designated pursuant to the Regulation (EU) 2022/2065.
- (31) Member States should ensure an effective enforcement of this Regulation as regards the provisions of this Regulation concerning the verification by the competent authorities, the results of the random checks, the obligation to include a reference to the information to be made available by Member States on rules governing the provision of short-term accommodation rental services and the data sharing obligations of short-term rental platforms. Due to the specific nature of those obligations, it should be for authorities designated by the Member State of the Single Digital Entry Point, in which the relevant unit is located, to enforce them. Member States should also lay down rules setting out penalties for the infringement of these provisions of this Regulation that apply to online short-term rental platforms and should ensure that such penalties are implemented and notified in accordance with Directive 2000/31/EC of the European Parliament and of the Council<sup>11</sup>. Such penalties should be effective, proportionate and dissuasive.

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<sup>11</sup> Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).

These penalties should ensure an effective enforcement of this Regulation, notably as regards data sharing obligations. Where a registration procedure applies, Member States should ensure that national law enables competent authorities to order providers of online short-term rental platforms to remove listings related to units offered without a registration number or offered with an invalid registration number. Member States should be able to lay down rules on respective penalties.

- (32) In order to allow citizens and businesses to directly enjoy the benefits of the internal market without incurring an unnecessary additional administrative burden, Regulation (EU) 2018/1724 of the European Parliament and the Council<sup>12</sup>, which established the Single Digital Gateway, provides for general rules for the online provision of information, procedures and assistance services relevant for the functioning of the internal market. The information requirements and procedures covered by this Regulation should comply with the requirements of Regulation (EU) 2018/1724. In particular, the procedures concerning the registration by hosts and the issue of the registration number referred to in this Regulation, should be included in Annex II of Regulation (EU) 2018/1724 so as to ensure that any host can benefit from fully online procedures. Regulation (EU) 2018/1724 should therefore be amended accordingly.
- (33) In addition, in accordance with the once-only principle, hosts with units in one or more Member States should be allowed to re-use data and evidence they have already submitted for the purpose of a first registration, thereby reducing the compliance burden for hosts. That functionality could be provided by using the infrastructure of the Once Only Technical System as established by Commission Implementing Regulation (EU) 2022/1463.<sup>13</sup>

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<sup>12</sup> Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1).

<sup>13</sup> Commission Implementing Regulation (EU) 2022/1463 of 5 August 2022 setting out technical and operational specifications of the technical system for the cross-border automated exchange of evidence and application of the ‘once-only’ principle in accordance with Regulation (EU) 2018/1724 of the European Parliament and of the Council C/2022/5628 (OJ L 231, 6.9.2022, p. 1.)

- (34) The Commission should periodically evaluate this Regulation and monitor its effects on the provision of short-term accommodation rental services offered through online short-term rental platforms in the Union. That evaluation should include any effects on providers of online short-term rental platforms on the availability, quality and usability of data relating to the provision of short-term accommodation rental services and on the content and proportionality of national, regional and local rules relating to the provision of short-term accommodation rental services. In order to obtain a broad view of developments in the sector, the evaluation should take into account the experiences of Member States and relevant stakeholders.
- (35) In order to allow sufficient time for Member States to establish registration procedures, adapt existing registration procedures to the provisions of this Regulation and to establish Single Digital Entry Points, and to enable platforms and hosts to adapt to the new requirements, the application of this Regulation should be deferred. Member States that have not established a registration procedure and/or imposed a requirement on online short-term rental platforms to transmit data to competent authorities upon the entry into force of this Regulation can do so at a later stage.
- (36) Since the objectives of this Regulation, namely contributing to the proper functioning of the internal market in relation to the provision of services provided by online short-term rental platforms cannot be sufficiently achieved by the Member States and can therefore be better achieved at Union level, the Union may adopt this Regulation, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

- (37) The fundamental right to the protection of personal data is safeguarded in particular by Regulation (EU) 2016/679. That Regulation provides the basis for rules and requirements of personal data processing, including where datasets include a mix of personal and non-personal data and such data are inextricably linked. Any personal data processing under the present Regulation must comply with Regulation (EU) 2016/679.
- (38) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>14</sup> and delivered an opinion on 16 December 2022<sup>15</sup>,

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<sup>14</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (Text with EEA relevance.), (OJ L 295, 21.11.2018, p. 39–98).

<sup>15</sup> [OP: Footnote once available].

HAVE ADOPTED THIS REGULATION:

## CHAPTER I

### General provisions

#### *Article 1*

##### **Subject matter**

This Regulation lays down rules for data collection by competent authorities and providers of online short-term rental platforms and data sharing from online short-term rental platforms to competent authorities relating to the provision of short-term accommodation rental services offered by hosts through online short-term rental platforms.

#### *Article 2*

##### **Scope**

1. This Regulation applies to providers of online short-term rental platforms that offer services to hosts providing short-term accommodation rental services in the Union, irrespective of their place of establishment, and to hosts providing short-term accommodation rental services.
2. This Regulation is without prejudice to:
  - (a) national, regional or local rules regulating access to, or the provision of, short-term accommodation rental services by hosts, in compliance with Union law, unless otherwise specifically provided for under this Regulation;



- (b) national, regional or local rules regulating the development or use of land, town and country planning or building standards;
- (c) Union or national law regulating the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties;
- (d) Union or national law regulating the administration, collection, enforcement and recovery of taxes, customs and other duties;
- (e) Union or national law regulating the development, production and dissemination of European statistics or national official statistics.

3. This Regulation is without prejudice to the rules laid down by other Union legal acts regulating other aspects of the provision of services by online short-term rental platforms and the provision of short-term accommodation rental services, in particular:

- (a) Regulation (EU) 2019/1150 of the European Parliament and of the Council<sup>16</sup>;
- (b) Regulation (EU) 2022/2065;
- (c) Regulation (EU) 2022/1925 of the European Parliament and of the Council<sup>17</sup>;
- (d) Directive 2000/31/EC;
- (e) Directive 2006/123/EC;

<sup>16</sup> Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57).

<sup>17</sup> Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (OJ L 265, 12.10.2022, p. 1).

- (f) Directive (EU) 2015/1535 of the European Parliament and of the Council<sup>18</sup>;
- (g) Council Directive (EU) 2010/24/EU<sup>19</sup>; and
- (h) Council Directive (EU) 2011/16/EU<sup>20</sup>.

### *Article 3*

#### **Definitions**

For the purpose of this Regulation, the following definitions shall apply:

- (1) ‘unit’ means a furnished accommodation, located in the Union that is the subject of the provision of a short-term accommodation rental service. It does not include the following:
  - (a) hotels and similar accommodations including resort hotels, suite or apartment hotels and motels as described in NACE Rev. 2, group 55.1 (‘hotels and similar accommodation’) and hostels as described in NACE Rev. 2, group 55.2 (‘holiday and other short-stay accommodation’) of Annex I to Regulation (EC) No 1893/2006 of the European Parliament and of the Council<sup>21</sup>;
  - (b) the provision of accommodation in camping grounds, recreational vehicle parks and trailer parks, as described in NACE Rev. 2 group 55.3 of Annex I to Regulation 1893/2006.

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<sup>18</sup> Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification) (OJ L 241, 17.9.2015, p. 1).

<sup>19</sup> Council Directive 2010/24/EU of 16 March 2010 concerning mutual assistance for the recovery of claims relating to taxes, duties and other measures, (OJ L 84, 31.3.2010, p. 1).

<sup>20</sup> Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC (OJ L 64, 11.3.2011, p. 1).

<sup>21</sup> Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (OJ 393, 30.12.2006, p. 1).

- (2) ‘host’ means a natural or legal person that provides, or intends to provide, on a professional or non-professional basis, a short-term accommodation rental service provided for remuneration through an online short-term rental platform;
- (3) *[deleted]*
- (4) ‘guest’ means a natural person who is hosted in a unit;
- (5) ‘short-term accommodation rental service’ means the short-term letting of a unit, provided for remuneration, whether on a professional or non-professional basis, as further defined by national law;
- (6) ‘online short-term rental platform’ means an online platform within the meaning of Article 3, point (i), of Regulation (EU) 2022/2065, that allows guests to conclude distance contracts with hosts for the provision of short-term accommodation rental services;
- (6a) ‘small or micro online short-term rental platform’ means an online short-term rental platform, as defined in point (6) of this Article, which qualifies as a small or micro enterprise within the meaning of Recommendation 2003/361/EC;
- (7) ‘registration number’ means a unique identifier issued by the competent authority, which identifies a unit in that Member State;
- (8) ‘registration procedure’ means any procedure by which hosts must provide specific information and documentation to the competent authorities before they can start offering short-term accommodation rental services through online short-term rental platforms;
- (8a) ‘Authorisation scheme’ means the authorisation scheme within the meaning of Article 4 (6) of Directive 2006/123/EC;
- (9) ‘listing’ means the reference to a unit offered for short-term accommodation rental services and published on an online short-term rental platform’s website;

- (10) ‘competent authority’ means a national, regional or local authority of a Member State that is competent to manage or enforce registration procedures, or to collect data on short-term accommodation rental services, or is responsible for ensuring compliance with the applicable rules of the Member States concerning the access to and provision of short-term accommodation rental services;
- (11) ‘activity data’ means the number of nights for which a unit is rented and the number of guests that the unit was rented for per night, and, in accordance with (EU) Regulation 692/2011, their country of residence;
- (12) ‘municipality’ means the local administrative unit (LAU) within the meaning of Article 4 of Regulation (EC) No 1059/2003 on the establishment of a common classification of territorial units for statistics (NUTS);

## **CHAPTER II**

### **Registration**

#### *Article 4*

#### **Registration procedures**

0. Any registration procedure established by a Member State, at national, regional or local level, for units located in its territory, shall comply with the provisions of this Chapter.
1. Member States that impose a requirement on online short-term rental platforms to transmit data to competent authorities in accordance with this Regulation shall establish or maintain a registration procedure for units located in an area included in the list referred to in Article 13(1), point (b).

2. Member States shall ensure that:
  - (a) registration procedures operate on the basis of declarations made by hosts;
  - (b) registration procedures allow for the automatic and immediate issue of a registration number for a specific unit upon the submission by the host of the information referred to in Article 5(1) and, where appropriate, any supporting documentation required pursuant to Article 5(2);
  - (c) a unit is not subject to more than one registration procedure;
  - (d) technical means are in place to allow for information and documentation to be updated by a host;
  - (e) technical means are in place to assess the validity of registration numbers;
  - (f) technical means are in place to allow a host to remove a unit from the registry referred to in paragraph 4;
3. Member States shall ensure that hosts are required, when offering their short-term accommodation rental services via an online short-term rental platform, to declare to the online short-term rental platform whether the unit offered is subject to a registration procedure and, if so, to provide the registration number.
4. Member States shall ensure that hosts are able to request that the information or documentation provided pursuant to Article 5(1) and (2) can be re-used for the purposes of subsequent registrations.
5. Member States shall ensure that a registry is established and that registration numbers are included in this registry. The competent authority issuing the registration number shall be responsible for maintaining the registry.

## *Article 5*

### **Information to be provided by hosts**

1. When registering pursuant to a registration procedure referred to in Article 4, a host shall submit the following information by way of declaration:
  - (a) for each unit:
    - (1) a detailed address of the unit;
    - (2) the type of unit;
    - (3) whether the unit is offered as a part or whole of the host's primary or secondary residence, or for other purposes;
    - (4) the maximum number of available bed places that the unit accommodates;
    - (5) whether the unit is subject to, and if so, whether the host has obtained an authorisation to offer short-term rental accommodation services from the relevant authorities, where such authorisation requirement is in line with Union law;
  - (b) where the hosts are natural persons:
    - (1) their name;
    - (2) a national identification number or other information allowing the identification of the person(s);
    - (3) their address(es);
    - (4) their contact telephone number;
    - (5) the electronic mail address that the competent authority can use for written communication;

(c) where the hosts are legal persons:

- (1) their name;
- (2) the national business registration number;
- (3) the name of a legal representative;
- (4) the registered address of the host that is a legal person;
- (5) a contact telephone number of a representative of that legal person;
- (6) an electronic mail address that the competent authority can use for written communication.

2. Member States may require that the information submitted pursuant to points 1 to 4 of subparagraph (a) and in subparagraphs (b) and (c) of paragraph 1 is accompanied by appropriate supporting documentation. With respect to the information referred to in point 5 of subparagraph (a) of paragraph 1, where the host declares that the unit is subject to authorisation, or where the other information referred to in paragraph 1 allows an automatic determination that an authorisation requirement applies, Member States may request a copy of, or reference to, the authorisation.
3. Where a Member State requires hosts to submit further information and documentation, including information and documentation about the compliance with national, regional or local rules referred to in Article 2.2(a), the submission of that information and documentation is without prejudice to the issuance of the registration number in accordance with Article 4(2), point (b).
4. Without prejudice to Article 6, where there is a material change in the situation substantiated by the information and documentation provided pursuant to paragraphs 1 and 2, Member States shall ensure that hosts can update the information and documentation via the functionality referred to in Article 4(2), point (d).

5. Member States shall ensure that the information or documentation submitted pursuant to a registration procedure referred to in Article 4 is retained in a secure manner and only for a period which is necessary for the identification of the unit and for a maximum of 1 year after the host has indicated via the functionality referred to in Article 4(2), point (f) that the unit should be removed from the registry. Member States shall ensure that the information and documentation provided by the host pursuant to paragraphs 1 and 2 is only processed for the purpose of issuing the registration number and ensuring compliance with the applicable rules of the Member State concerning the access to and provision of short-term accommodation rental services.
6. Hosts shall be responsible for the accuracy of the information that they provide to competent authorities pursuant to this Article, and of the information that they provide to online short-term rental platforms pursuant to Article 7 of this Regulation.

## *Article 6*

### **Verification by competent authorities**

1. Competent authorities may, at any time after the registration number has been issued, verify the declaration and any supporting documentation submitted by a host pursuant to Article 5(1) and 5(2).
2. Where a competent authority, after verification pursuant to paragraph 1, finds that the information or documentation submitted pursuant to Article 5(1) and 5(2) is incomplete or incorrect, the competent authority shall have the power to ask the host to rectify the information and documentation provided via the functionality referred to in Article 4(2), point (d), within a period to be specified by the competent authority.
3. Where a host fails to rectify the requested information pursuant to paragraph 2, the competent authority shall have the power to suspend the validity of the affected registration numbers and to issue an order requesting online short-term rental platforms to remove or disable access to any listing relating to the unit or units in question without undue delay.



4. Where a competent authority, after verification pursuant to paragraph 1, finds that there are manifest and serious doubts as regards the authenticity and validity of the information or documentation submitted pursuant to Article 5(1) and 5(2), it shall have the power to suspend the validity of the affected registration numbers and to issue an order requesting online short-term rental platforms to remove or disable access to any listing relating to the unit or units in question without undue delay.
- 4a. Without prejudice to paragraph 5, in the event that the host has failed, with wilful misconduct or gross negligence, to rectify the information requested according to paragraph 3 or provided unauthentic or invalid information according to paragraph 4, the competent authorities can withdraw the registration number.
5. Where a competent authority intends to suspend the validity of a registration number or numbers pursuant to paragraphs 3 or 4, it shall notify the host in writing stating the reasons for that intention. The host shall be given the opportunity to be heard and, where appropriate, to rectify the information or documentation in question within a reasonable period to be specified by the competent authority. Where, after having heard the host, the competent authority confirms its intention to suspend the validity of a registration number or numbers it shall notify the host in writing of that decision, accompanied by a copy of the order referred to in paragraphs 3 or 4.
6. Orders issued pursuant to paragraphs 3, 4, 4a and 10 shall contain at least the following information:
  - (a) a statement of reasons;
  - (b) clear information enabling the provider of the online short-term rental platform to identify and locate the listing or listings concerned, such as the registration number to be suspended or withdrawn, one or more exact uniform resource locators (URL) and the identity of the competent authority;
  - (c) the identity of the host and of the unit offered for short-term accommodation rental services.

7. The validity of a registration number shall remain suspended until the host has rectified the relevant information and documentation with the competent authorities. Upon reception, via the functionality referred to in Article 4(2), point (d), and verification of the accuracy, completeness and correctness of the information and documentation provided by the host, the competent authorities shall reinstate the registration number.
8. The competent authority shall inform the hosts about the redress mechanisms available in relation to the steps taken pursuant to paragraphs 2 to 5 and 7.
9. Where a Member State requires hosts to submit further information and documentation as referred to in Article 5(3), the competent authority finds that there are serious doubts as regards the compliance with national, regional or local rules as referred to in Article 2.2(a), it may apply the provisions of this Article to such information or documentation provided that the requirement in question is non-discriminatory, proportionate and complies with Union law.
10. Where a registration procedure applies, Member States shall ensure that national law enables competent authorities to order providers of online short-term rental platforms to remove listings related to units offered without a registration number or offered with an invalid registration number.

### *Article 7*

#### **Compliance by design**

1. Online short-term rental platforms shall:
  - (a) design and organise their online interface in a way that requires hosts to self-declare whether the unit offered for short-term accommodation rental services is located in an area where a registration procedure has been established or applies;

- (b) where the host declares that the unit offered for short-term accommodation rental services is located in an area where a registration procedure has been established or applies, design and organise their online interface in a way that enables hosts to let users identify the unit through a registration number, and to ensure that hosts have provided a registration number prior to allowing the offering of the short-term accommodation rental services with respect to that unit;
  - (c) make reasonable efforts to randomly check, including with reasonable regularity, declarations of the hosts concerning the existence or not of a registration procedure, taking into account the list made available pursuant to Article 13(1), point (a), and, where such a procedure exists, the validity of the registration number provided by the host, through the use of the functionalities offered by the Single Digital Entry Points referred to in Article 10(2), point (b), after allowing the offering of the short-term accommodation rental services by the host.
- 2. Online short-term rental platforms shall inform without undue delay the competent authorities and the hosts of the results of the random checks referred to in paragraph 1, point (c), concerning incorrect declarations of hosts or invalid registration numbers.
  - 3. Online short-term rental platforms shall include, in a specific section of the online interface that is directly and easily accessible, a reference to the information to be made available by Member States pursuant to Article 17(1).

## CHAPTER III

### Data reporting

*[Article 8 – Registration procedures for data reporting]*

*[deleted]*

*Article 9*

#### **Obligation on online short-term rental platforms to transmit activity data and registration numbers**

1. When a listing concerns a unit located in an area included in the list referred to in Article 13(1), point (b), providers of online short-term rental platforms shall collect and, on a monthly basis, transmit to the Single Digital Entry Point of the Member State where the unit is located, activity data per unit, together with the corresponding registration number as provided by the host, the detailed address of the unit and the URL of the listing. That transmission shall take place by machine-to-machine communication means. In case of a technical problem affecting the transmission of data by the online short-term rental platforms, the competent authority shall be able to request the online short-term rental platform to resubmit the data in its possession.
2. By way of derogation from paragraph 1, small or micro online short-term rental platforms that did not, in the previous quarter, reach a monthly average of 2 500 or more listings shall transmit the activity data per unit, together with the corresponding registration number, the detailed address of the unit and the URL of the listing, at the end of the quarter, by machine-to-machine communication means or manually in accordance with national law, to the Single Digital Entry Point of the Member State where the unit is located.

**Establishment and functionalities of Single Digital Entry Points**

1. Where a Member State has established one or more registration procedures pursuant to Article 4(1), that Member State shall establish a Single Digital Entry Point for the receipt and forwarding of activity data, the relevant registration number, the detailed address of the unit and the URL of the listings provided by online short-term rental platforms pursuant to Article 9. That Member State shall designate the authority which will be responsible for the operation of the Single Digital Entry Point.
2. The Single Digital Entry Point referred to in paragraph 1 shall:
  - (a) provide a technical interface for online short-term rental platforms enabling the machine-to-machine and manual transmission of activity data, the relevant registration number, the detailed address of the unit and the URL of the listings;
  - (b) facilitate random checks by online short-term rental platforms pursuant to Article 7(1), point (c);
  - (c) provide a technical interface for the competent authorities referred to in Article 12 to receive activity data, the relevant registration number, the detailed address of the unit and the URL of listings transmitted by online short-term rental platforms only for the purposes identified in Article 12(2) for units in their territory.
3. Member States shall ensure that the Single Digital Entry Point referred to in paragraph 1 provides for:
  - (a) interoperability with the registries referred to in Article 4(3);
  - (aa) freely accessible and machine-readable online database or online interface for the checks referred to Article 7(1)c;

- (b) the possibility to re-use the information or documentation to be provided by hosts pursuant to Article 5, if the same information or documentation is requested by multiple registries referred to in Article 4(3) within the same Member State;
  - (c) confidentiality, integrity and security of the processing of the activity data and registration numbers, the detailed address of the unit and the URL of the listing transmitted by online short-term rental platforms in accordance with Article 9.
4. The Single Digital Entry Point referred to in paragraph 1 shall ensure the automatic, intermediate and transient processing of personal data that is strictly necessary for the purpose of giving access to the authorities referred to in Article 12 to activity data, registration numbers, the detailed address of the unit and URL of listings provided by online short-term rental platforms.
5. The Commission may adopt implementing acts laying down common technical specifications and procedures to ensure interoperability of solutions for the functioning of the Single Digital Entry Points and the seamless exchange of data, including the structure of the registration numbers. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 16(2).

### *Article 11*

#### **Coordination of Single Digital Entry Points**

1. Member States that establish or maintain a registration procedure in accordance with Article 4 and impose a requirement on online short-term rental platforms to transmit data to competent authorities shall appoint a national coordinator. Those national coordinators shall act as contact points for their respective administrations for all matters relating to the Single Digital Entry Point.

The national coordinator shall be responsible for contacts with the Commission in respect of all matters relating to the Single Digital Entry Point. Member States shall inform the other Member States and the Commission of the name and contact details of its national coordinator. The Commission shall keep and maintain a list of the national coordinators and their contact details.

2. The Single Digital Entry Points coordination group ('the coordination group') is hereby established. The coordination group shall be composed of national coordinators and shall be chaired by the Commission. The coordination group shall adopt its rules of procedure. The Commission shall support the functioning of the coordination group. Those Member States that have not appointed a national coordinator in accordance with paragraph 1, shall be allowed to appoint an observer to the coordination group.
3. The coordination group shall support the implementation of the provisions of this Regulation concerning the Single Digital Entry Points. In particular, the coordination group shall perform the following tasks:
  - (a) facilitate the exchange of best practices on matters related to the coordination of the implementation at national level, in particular as regards the provisions set out in Article 10;
  - (b) assist the Commission in promoting the use of interoperability solutions for the functioning of the Single Digital Entry Points and the exchange of data, and automated checks, including checks of all listings and registration numbers;
  - (c) assist the Commission in developing a common approach to message format for the transmission of activity data and registration numbers and, if appropriate, a common structure of the registration numbers.

## *Article 12*

### **Access to data**

1. Member States shall establish a list of the competent authorities responsible for areas where a registration procedure applies pursuant to Article 4.
2. Access to the information transmitted pursuant to Article 9 shall be granted to the competent authority only where the intended purpose of the processing is one of the following:
  - (a) monitoring compliance with the registration procedures referred to in Article 4;
  - (b) implementing and ensuring compliance with rules governing the access to and the provision of short-term accommodation rental services, provided that those rules do not violate the principles of non-discrimination and proportionality and comply with Union law.
3. Competent authorities listed pursuant to paragraph 1 shall retain activity data in a secure manner as long as necessary for the purposes referred to in paragraph 2 and no longer than 1 year after their receipt. Those competent authorities may, in accordance with the laws of the Member State, share activity data in particular with the following:
  - (a) authorities tasked with developing laws, regulations or administrative provisions concerning access to and provision of short-term accommodation rental services;
  - (b) entities or persons carrying out scientific research, analytical activities or developing new business models, where this is necessary for the purpose of those activities.

Those competent authorities shall not share any data that can identify individual unit or hosts, including registration numbers, the URL of the listings and the detailed address. By way of derogation, those competent authorities may share with authorities referred to in (a) the information contained in Article 5(1) (a) points 1-4, in accordance with the laws of the Member State and subject to appropriate safeguards for data protection.



4. Member States shall designate the national entity responsible for transmitting, for each unit, the activity data and the registration numbers obtained pursuant to Articles 5 and 9, the municipality where the unit is located and the maximum number of available bed places that the unit accommodates, on a monthly basis to national, and where relevant, regional statistical offices and make available to Eurostat for the purposes of compiling statistics in accordance with Regulation (EC) No 223/2009 of the European Parliament and of the Council<sup>22</sup>. Access to the data referred to above by the national or regional statistical offices shall be subject to appropriate safeguards for data protection.

## CHAPTER IV

### Information, supervision and enforcement

#### *Article 13*

##### Information obligations

1. Member States shall draw up and make available through the Single Digital Entry Point the following lists:
  - (a) list of areas where a registration procedure applies in their territory, for the purpose of Article 7.1(c);

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<sup>22</sup> Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).

- (b) list of areas for which competent authorities have requested data from providers of online short-term rental platforms, for the purpose of Article 9.1.
- 2. Competent authorities shall promote awareness of the rights and obligations under this Regulation in their respective territories.

#### *Article 14*

### **Monitoring**

Each Member State shall designate an authority, which shall monitor the implementation of the obligations laid down by this Regulation on their territory and report on this implementation every two years to the Commission.

#### *Article 15*

### **Enforcement**

1. For the purpose of the enforcement of Article 7(1) of this Regulation, Chapter IV of Regulation (EU) 2022/2065 shall apply, and any references therein to compliance with the relevant provisions of Regulation (EU) 2022/2065 shall be deemed to include Article 7(1) of this Regulation. To the extent that powers are conferred upon the Commission under Chapter IV of Regulation (EU) 2022/2065, they shall also cover the application of Article 7(1) of this Regulation.
2. Authorities designated by the Member State of the relevant Single Digital Entry Point shall be competent to enforce Articles 6(3), 6(4), 6(4a), 7(2), 7(3) and 9 of this Regulation.
3. Member States shall lay down rules on penalties applicable to infringements by online short-term rental platforms and to hosts of Articles 6(3), 6(4), 6(4a), 7(2), 7(3) and 9. Member States shall ensure that those penalties are effective, proportionate and dissuasive.

4. Member States shall by [date of application of the Regulation] adopt and publish the laws, regulations and administrative provisions necessary to comply with paragraph 3 and shall notify the Commission thereof without delay.

## **CHAPTER V**

### **Final provisions**

#### *Article 16*

##### **Committee**

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

#### *Article 17*

##### **Amendment to Regulation (EU) 2018/1724**

Regulation (EU) 2018/1724 is amended as follows:

1. in Annex I, in the second column, in the row ‘N.Services’, the following point 4 is added:  
  
‘4. information on rules governing the provision of short-term accommodation rental services, including the lists referred to in Article 13 of Regulation of the European Parliament and of the Council [.../...] [on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724]’.

2. Annex II is amended as follows:

- (a) in the second column, in the row ‘Starting, running and closing a business’, the following is added as a new row:

‘Declarations by hosts for registration procedures in relation to short-term accommodation rental services’;

- (b) in the third column, in the row ‘Starting, running and closing a business’, the following is added as a new row:

‘Issuance of a registration number’.

### *Article 18*

#### **Evaluation and review**

1. No later than 4 years after the date of application of this Regulation, the Commission shall evaluate this Regulation and submit a report on its main findings to the European Parliament, the Council, to the European Economic and Social Committee and to the European Committee of the Regions. This report shall be based on the report submitted by Member States pursuant to Article 14 and, where relevant, the data transmitted to Eurostat according to Article 12(4).
2. The evaluation made pursuant to paragraph 1 shall assess in particular:
  - (a) the impact of this Regulation on the obligations imposed on online short-term rental platforms;
  - (b) the impact of this Regulation on the availability of data relating to the provision of short-term accommodation rental services offered in the Union by hosts through online short-term rental platforms; and

- (c) to the extent possible, the impact of this Regulation on the content and proportionality of national legislative, regulatory or administrative measures relating to access to and the provision of short-term accommodation rental services, including where such services are provided cross-border.

## *Article 19*

### **Entry into force and application**

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

It shall apply from *[OP please insert date = 24 months after the date of entry into force of this Regulation]*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the European Parliament*

*The President*

*For the Council*

*The President*

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