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| From:           | General Secretariat of the Council   |
| To:             | Delegations  |
| No. prev. doc.: | 14741/22 - COM (2022) 571 final  |
| 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<br>- Opinion of the European Committee of the Regions |

Delegations will find attached copy of the above-mentioned opinion.

This opinion is available in all language versions on the following website:

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**European Committee  
of the Regions**

**NAT-VII/029**

**154th plenary session, 15-16 March 2023**

## **OPINION**

### **Short-term accommodation rental services: balancing the needs of local communities, entrepreneurs and travellers**

#### **THE EUROPEAN COMMITTEE OF THE REGIONS**

- Calls for a periodic evaluation of the Regulation, including any effects on providers of online short-term rental platforms and any effects of the increased availability, usability and quality of data. In order to obtain a broad view of developments in the sector, the evaluation should take into account the experiences of Member States competent authorities and relevant stakeholders;
- Requires that the Member States ensure that where an authorisation scheme applies, the issued registration number must not be used to offer a unit on an online rental platform until the authorisation procedure is finished;
- Requires that the online short-term rental platforms design, organise and constantly update their online interface in a way that entering a registration number is obligatory in cases where the address of a specific unit is located in an area where the registration procedure has been established or applies; the platform shall make reasonable efforts to randomly check at least 20% of the listing concerning the existence or not of a registration procedure and perform additional ad-hoc check at the request of competent authorities;
- Requests the data from online short-term rental platforms to be made available to local and regional authorities to inform policy-making and support planning, implementation and enforcement of local rules;
- Requests that the implementation report, 5 years after the date of application of the Regulation, is made to the European Committee of the Regions alongside the Parliament and Council and that it included an assessment of the impact on local and regional authorities and their ability to devise policies based on the data shared by the platforms with the competent authorities.

Rapporteur

Roberto CIAMBETTI (ECR/IT), President and member of the Veneto Regional Council

**Opinion of the European Committee of the Regions – Short-term accommodation rental services: balancing the needs of local communities, entrepreneurs and travellers**

**I. RECOMMENDATIONS FOR AMENDMENTS**

**Amendment 1**

**Recital 1**

| <i>Text proposed by the European Commission</i>   | <i>CoR amendment</i>   |
|---|--|
| 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 impact of short-term accommodation rental services and develop and enforce appropriate and proportionate policy responses. | 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. <b><i>Some platforms have been acting in the spirit of non-compliance and non-cooperation with laws and rules.</i></b> 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 impact of short-term accommodation rental services and develop and enforce appropriate and proportionate policy responses. |

**Amendment 2**

**Recital 3**

| <i>Text proposed by the European Commission</i>  | <i>CoR amendment</i>   |
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| 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 | 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 |

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| proportionate manner. | proportionate manner. <i>This implies maintaining opportunities for platforms while respecting public policy objectives like available and affordable housing and protecting urban centres, especially when economic conditions in Europe are deteriorating. Short-term accommodation rental services via platforms and their impact shall not undermine the high acceptance of tourism in Europe's regions and cities and degrade the liveability of neighbourhoods.</i> |
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### Amendment 3

#### Recital 5

| <i>Text proposed by the European Commission</i>   | <i>CoR amendment</i>   |
|---|--|
| 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 excluded. | 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 excluded. <i>In all areas of legislation and enforcement, the term "national" always includes the regional, and municipal and rural level as well.</i> |

### Amendment 4

#### Recital 9

| <i>Text proposed by the European Commission</i>  | <i>CoR amendment</i>   |
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| Registration 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 | Registration 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 |

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| authorities, where they wish to receive data from providers of online short-term rental platforms, to put in place or maintain registration procedures for hosts and their units, either at national, regional or local level. | authorities, where they wish to receive data from providers of online short-term rental platforms, to put in place or maintain registration procedures for hosts and their units, either at national, regional or local level. <b><i>The registration procedure under this regulation is without prejudice to possible other reporting obligations, for example in the fields of taxation, population registration and statistics.</i></b> |
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| <b><i>Reason</i></b>   |
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| Reporting obligations laid down on hosts and platforms based on other laws or rules – being in line with Union law – should not be touched by this regulation. |

**Amendment 5**  
**Recital 12**

| <b><i>Text proposed by the European Commission</i></b>  | <b><i>CoR amendment</i></b>   |
|---|---|
| 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. Member States may, 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. 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. 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. | 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 <b><i>tax</i></b> , health and safety and consumer protection requirements. Member States may, 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. 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. 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. |

**Amendment 6**  
**Recital 16**

| <i>Text proposed by the European Commission</i>   | <i>CoR amendment</i>  |
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| <p>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 <b><i>not amount to an obligation for</i></b> online short-term rental platforms <b><i>to generally monitor the services offered by hosts through their platform, nor</i></b> 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.</p> | <p>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 <b><i>oblige</i></b> online short-term rental platforms 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.</p> |

| <i>Reason</i>   |
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| Platforms should be obliged to check the accuracy of the registration number. |

**Amendment 7**  
**Recital 18**

| <i>Text proposed by the European Commission</i>  | <i>CoR amendment</i>   |
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| Competent authorities that wish to receive from online short-term rental platforms information 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 that <i>stayed in</i> the unit per night, the registration number <i>and</i> the URL of the listing of the unit, which is needed in order to facilitate the identification of the host and the unit offered for short-term accommodation rental services in cases where the registration number is missing or incorrect. 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 that stayed in the unit per night. 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. | Competent authorities that wish to receive from online short-term rental platforms information 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 that the unit <i>was rented for</i> per night, the registration number and the URL of the listing of the unit. <b><i>In case the registration number is missing or incorrect, the data should also include the address</i></b> of the unit <b><i>including the exact flat number</i></b> , which is needed in order to <i>enable</i> the identification of the host and the unit offered for short-term accommodation rental services. 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 that stayed in the unit per night. 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. |

| <i>Reason</i>  |
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| In cases where the registration number is missing or incorrect, the URL does not help in order to identify the host and the unit. The exact address including the flat number is needed. |

**Amendment 8**  
**Recital 23**

| <i>Text proposed by the European Commission</i> | <i>CoR amendment</i> |
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| <p>The Single Digital Entry Points should facilitate the ability of online short-term rental platforms to <b>randomly</b> 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 connected to the Single Digital Entry Point or manually, for example, by entering a registration number in an online interface and receiving a confirmation on its validity. 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.</p> | <p>The Single Digital Entry Points should facilitate the ability of online short-term rental platforms to 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 connected to the Single Digital Entry Point or manually, for example, by entering a registration number in an online interface and receiving a confirmation on its validity. 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.</p> |
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| <b><i>Reason</i></b>   |
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| Random checks are not enough. The registration numbers have a given format; they can be checked automatically, therefore reducing burdens. |

## **Amendment 9**

### **Recital 26**

| <b><i>Text proposed by the European Commission</i></b>  | <b><i>CoR amendment</i></b>   |
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| <p>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. 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</p> | <p>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. 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</p> |

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| <p>monitoring compliance with registration procedures or implementing 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 are non-discriminatory, proportionate, and comply with Union law, including the rules on free movement of services, freedom of establishment, and the rules in Directive 2006/123.</p> <p>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. Activity data, not including personal 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. 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.</p> | <p>monitoring compliance with registration procedures or implementing 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 are non-discriminatory, proportionate, and comply with Union law, including the rules on free movement of services, freedom of establishment, and the rules in Directive 2006/123. <b><i>A violation of these provisions can only be assumed if this violation has been conclusively established before a court.</i></b></p> <p>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. Activity data, not including personal 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. 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.</p> |
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**Amendment 10**  
**Recital 34**

| <b><i>Text proposed by the European Commission</i></b>  | <b><i>CoR amendment</i></b>  |
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| <p>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 and any effects of the increased availability <b><i>of data on the content and proportionality of national, regional and local rules relating to the provision of short-term</i></b></p> | <p>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 and any effects of the increased availability, <b><i>usability</i></b> and <b><i>quality</i></b> of <b><i>data</i></b>. In order to obtain a broad view of developments in the sector, the evaluation</p> |

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| <i>accommodation rental services</i> . 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. | should take into account the experiences of Member States <i>competent authorities</i> and relevant stakeholders. |
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| <i>Reason</i>  |
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| The proportionality of rules is guaranteed through the notification procedure of national, regional and local rules in line with the Services Directive. |

## Amendment 11

### Article 2

| <i>Text proposed by the European Commission</i>  | <i>CoR amendment</i>   |
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| 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. 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, 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 <i>or</i> 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. 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 [37]; (b)Regulation (EU) 2022/2065; (c)Regulation (EU) 2022/1925 of the European Parliament and of the Council [38]; (d)Directive 2000/31/EC; (e)Directive 2006/123/EC; (f)Directive (EU) 2015/1535 of the European Parliament and of | 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. 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, 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, building standards <i>or residential law</i> ; (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. 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; (b)Regulation (EU) 2022/2065; (c)Regulation (EU) 2022/1925 of the European Parliament and of the Council; (d)Directive 2000/31/EC; (e)Directive 2006/123/EC; (f)Directive (EU) 2015/1535 of the European |

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| the Council [39]; (g)Council Directive (EU) 2010/24/EU [40]; <b>and</b> (h)Council Directive (EU) 2011/16/EU [41]. | Parliament and of the Council; (g)Council Directive (EU) 2010/24/EU; (h)Council Directive (EU) 2011/16/EU; <b>and (i) Regulation (EU) 692/2011.</b> |
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| <b>Reason</b>   |
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| Laws regulating housing are missing here, e.g. Tenancy Law, Social Tenancy Law as well as an important EU Regulation with detailed rules on statistics. |

## Amendment 12

### Article 3

| <b><i>Text proposed by the European Commission</i></b>  | <b><i>CoR amendment</i></b>  |
|---|--|
| 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, hostels and motels as described in NACE Rev. 2, group 55.1 (‘hotels and similar accommodation’) of Annex I to Regulation (EC) No 1893/2006 of the European Parliament and of the Council 42; (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. (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 against remuneration through an online short-term rental platform; (3)‘active hosts’ means hosts who have at least one unit listed during a period of 1 month on an online short-term rental platform; (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, against 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) | 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, hostels and motels as described in NACE Rev. 2, group 55.1 (‘hotels and similar accommodation’) of Annex I to Regulation (EC) No 1893/2006 of the European Parliament and of the Council 42; (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. (2)‘host’ means a natural or legal person that provides, or intends to provide, on a professional or non-professional, <b><i>permanent or temporary</i></b> basis, <b><i>and regardless of whether such rental service is provided directly or through a tourist management or marketing company or similar,</i></b> a short-term accommodation rental service against remuneration through an online short-term rental platform; (3)‘active hosts’ means hosts who have at least one unit listed during a period of 1 month on an online short-term rental platform; (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, against remuneration , whether on a professional or non-professional |

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| <p>2022/2065, that allows guests to conclude distance contracts with hosts for the provision of short-term accommodation rental services; (7)‘registration number’ means a unique identifier issued by the competent Member State, 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; (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 and enforce registration procedures, and/or to collect data on 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 stayed in the unit <i>per night</i>; (12)‘small or micro online short-term rental platform’ means an online short-term rental platform that qualifies as a small or micro enterprise within the meaning of Recommendation 2003/361/EC.</p> | <p>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; (7)‘registration number’ means a unique identifier issued by the competent Member State, 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; (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 and enforce registration procedures, and/or to collect data on short-term accommodation rental services <i>and/or authorities responsible for verifying compliance with national provisions regarding ‘units’ and ‘hosts’ e.g. country planning or building standards</i>; (11)‘activity data’ means the number of nights for which a unit is rented and the number of guests <i>per night</i> that stayed in the unit; (12)‘small or micro online short-term rental platform’ means an online short-term rental platform that qualifies as a small or micro enterprise within the meaning of Recommendation 2003/361/EC.</p> |
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| <i>Reason</i>  |
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| Under Article 4(1) of Directive 2006/123 the concept of ‘service’ means any self-employed economic activity, normally provided for remuneration. Short- term rental services are ‘services’ within the meaning of the Services Directive and are therefore covered by its scope. |

### Amendment 13

#### Article 4

| <i>Text proposed by the European Commission</i> | <i>CoR amendment</i>                        |
|---|---|
| Registration procedures 1. Any registration     | Registration procedures 1. Any registration |



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| <p>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.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 3; (g) hosts are required, when offering their short-term accommodation rental services via an online short-term rental platform, to declare whether the unit offered is located in an area where a registration procedure has been established or applies and, if so, to provide the registration number. 3. 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. 4. Member States shall ensure that registration numbers are included in a registry. The competent authority issuing the registration number shall be responsible for establishing and maintaining the registry.</p> | <p>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.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 <b><i>in the meaning of this regulation. This is without prejudice to possible other reporting obligations in compliance with Union law, for example in the fields of taxation, population registration and statistics.</i></b> (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, <b><i>for the purpose of which a common structure of the registration numbers shall be established, as provided for in Article 11;</i></b> (f) technical means are in place to allow a host to remove a unit from the registry referred to in paragraph 3; (g) hosts are required, when offering their short-term accommodation rental services via an online short-term rental platform, to declare whether the unit offered is located in an area where a registration procedure has been established or applies and, if so, to provide the registration number. 3. 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. 4. Member States shall ensure that registration numbers are included in a registry. The competent authority issuing the registration number shall be responsible for establishing and maintaining the registry. <b><i>5. Where an authorisation scheme applies (list in Art. 13.1 c), the issued registration number must not be used to offer a unit on an online rental platform until the</i></b></p> |
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|  | <i>authorisation procedure is finished and the host has been authorised by the competent authority to offer short term rental.</i> |
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**Amendment 14**  
**Article 5**

| <i>Text proposed by the European Commission</i>   | <i>Amendment</i>  |
|---|---|
| <p>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) the 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 guests that the unit can accommodate; (b) where the hosts are natural persons: (1) their name; (2) a national identification number or, if not available, other information allowing the identification of the person; (3) their address; (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 all its legal representatives; (4) their registered address; (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 paragraph 1 is accompanied by appropriate supporting documentation. 3. Where a Member State requires hosts to submit further information and documentation, 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, hosts shall 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</p> | <p>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) the 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 guests that the unit can accommodate; (5) <b><i>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;</i></b> (b) where the hosts are natural persons: (1) their name; (2) a national identification number or, if not available, other information allowing the identification of the person; (3) their address; (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 all its legal representatives; (4) their registered address; (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 <b><i>to paragraph points 1 to 4 of subparagraph (a) and in subparagraphs (b) and (c) of paragraph 1</i></b> is accompanied by appropriate supporting documentation. <b><i>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</i></b></p> |

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| <p>Article 4 is retained in a secure and confidential 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.</p> | <p><i>States may request a copy of, or reference to, the authorisation.</i> 3.Where a Member State requires hosts to submit further information and documentation, 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, hosts shall 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 and confidential 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.</p> |
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| Reason  |
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| It should be illegal to place an offer before the authorization is completed. Otherwise the mere purpose of authorisation schemes would be undermined. In areas where an authorisation scheme is in place a copy of or reference to the authorisation may be requested. |

**Amendment 15**  
**Article 6 new paragraph 5**

| <i>Text proposed by the European Commission</i>                         | <i>CoR amendment</i>  |
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| <i>Verification by competent authorities</i> 1. [...] 2. [...] 4. [...] | <i>5. Where a competent authority, after verification pursuant to paragraph 1, finds that</i> |



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|  | <i>applicable rules of the Member State concerning the access to an provision of short-term accommodation stand against the offering of short term accommodation in a specific unit, 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.</i> |
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| <i>Reason</i>   |
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| Measures should also be possible in cases where violations against national regulations are identified. |

**Amendment 16**  
**Article 7**

| <i>Text proposed by the European Commission</i>   | <i>CoR amendment</i>  |
|---|---|
| Compliance by design 1. Online short-term rental platforms shall: (a) design <b>and</b> organise their online interface in a way that <b>requires hosts to self-declare whether</b> the unit <b>offered for short-term accommodation rental services</b> 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 <b>the declaration</b> of the <b>hosts</b> 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, including through the use of the functionalities offered by the Single Digital Entry Points | Compliance by design 1. Online short-term rental platforms shall: (a) design, organise <b>and constantly update</b> their online interface in a way that <b>entering the registration number is obligatory in cases where</b> the <b>address of a specific</b> unit is located in an area where a registration procedure has been established or applies ( <b>list in Article 13</b> ); (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 <b>makes it mandatory to</b> 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 <b>at least 20% of the listings on the platform</b> 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, including through the use of the |

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| <p>referred to in Article 10(2), point (b), after allowing the offering of the short-term accommodation rental services by the host.</p> <p>2. Online short-term rental platforms shall inform without 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.</p> <p>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).</p> | <p>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; <b><i>the platforms should also perform additional ad hoc checks at the request of competent authorities.</i></b></p> <p>2. Online short-term rental platforms shall inform without delay the competent authorities, <b><i>the authority referred to in Article 14</i></b>, 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 <b><i>and also including the number of correct listings.</i></b></p> <p>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 Articles <b><i>13 (1), 13 (2) and 17(1).</i></b></p> |
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**Amendment 17**  
**Article 9**

| <b><i>Text proposed by the European Commission</i></b>   | <b><i>CoR amendment</i></b>   |
|--|---|
| <p>Obligation on online short-term rental platforms to transmit activity data and registration numbers</p> <p>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 and the URL of the listing. That transmission shall take place by machine-to-machine communication means.</p> <p>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 active hosts shall transmit the activity data per unit, together with the corresponding registration number and the URL of the listing, at the end of the quarter, by machine- to- machine communication means or</p> | <p>Obligation on online short-term rental platforms to transmit activity data and registration numbers</p> <p>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 <b><i>address of the unit including the exact flat number</i></b>, corresponding registration number as provided by the host and the URL of the listing. That transmission shall take place by machine-to-machine communication means.</p> <p>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 active hosts shall transmit the activity data per unit, together with the corresponding registration number and the URL of the listing, at the end of the quarter, by</p> |

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| manually, to the Single Digital Entry Point of the Member State where the unit is located. | machine- to- machine communication means or manually, to the Single Digital Entry Point of the Member State where the unit is located. <b>3. <i>Where a competent authority, after verification finds that there are manifest and serious doubts as regards the correctness and completeness of the transmitted datasets it shall have the power to issue an order requesting online short- term rental platforms to rectify the dataset within a reasonable period to be specified by the competent authority.</i></b> |
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## Amendment 18

### Article 12

| <i>Text proposed by the European Commission</i>   | <i>Amendment</i>   |
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| 4) Member States shall aggregate the activity data obtained pursuant to Article 9 and transmit it on a monthly basis to national statistical offices and Eurostat for the purposes of compiling statistics in accordance with Regulation (EC) No 223/2009 of the European Parliament and of the Council[1]. Activity data shall be aggregated at national, regional and municipal level, and shall include information on the total number of units and on the maximum number of guests that the unit can accommodate in each geographical subdivision. Those data shall be broken down by the type of unit as described in Article 5(1), point (a), of this Regulation. Member States shall designate the national entity responsible for aggregating activity data and transmitting it to national statistical offices and Eurostat. [1] 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). | 4) Member States shall aggregate the activity data obtained pursuant to Article 9 and transmit it on a monthly basis to national <b><i>and where appropriate regional</i></b> statistical offices and Eurostat for the purposes of compiling statistics in accordance with Regulation (EC) No 223/2009 of the European Parliament and of the Council[1]. Activity data shall be aggregated at national, regional and municipal level, and shall include information on the total number of units and on the maximum number of guests that the unit can accommodate in each geographical subdivision. Those data shall be broken down by the type of unit as described in Article 5(1), point (a), of this Regulation. <b><i>The data should be made available to local and regional authorities to inform policy-making and support planning, implementation and enforcement of local rules.</i></b> Member States shall designate the national entity responsible for aggregating activity data and transmitting it to national statistical offices and Eurostat. [1] 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 |

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|  | Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164). |
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| Reason   |
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| It is important to include a reference to regional statistics and also to insist that LRAs need to see the data too. |

**Amendment 19**  
**Article 13**

| <i>Text proposed by the European Commission</i>  | <i>CoR amendment</i>  |
|--|---|
| <p>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:</p> <p>(a) monitoring compliance with the registration procedures referred to in Article 8;</p> <p>(b) implementing rules governing the access to and the provision of short-term accommodation rental services, <i>provided that those rules are non-discriminatory, proportionate and comply with Union law</i>;</p> <p>.</p> | <p>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:</p> <p>(a) monitoring compliance with the registration procedures referred to in Article 8;</p> <p>(b) implementing rules governing the access to and the provision of short-term accommodation rental services; (c) <i>for use in verifying compliance with other national regulations and to the extent necessary, in complete, non-anonymous form to the respective authorities responsible for the enforcement of those regulations (e.g. country planning or building standards).</i></p> |

| Reason   |
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| (b) See amendment to Recital 26. (c) According to Article 12(3) the data can only be passed on to other authorities without the possibility of identifying individual units and hosts. For enforcement individual data are needed. |

**Amendment 20**  
**Article 13(1)**

| <i>Text proposed by the European Commission</i>  | <i>CoR Amendment</i>  |
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| <p>1. Member States shall draw up and make available, free of charge, the following lists:</p> <p>(a) list of areas where a registration procedure applies in their territory; (b) list of areas for which competent authorities have requested data from providers of online short-term rental platforms.</p> | <p>1. Member States shall draw up and make available, free of charge, the following lists:</p> <p>(a) list of areas where a registration procedure applies in their territory; (b) list of areas for which competent authorities have requested data from providers of online short-term rental platforms; (c) <i>list of areas where an authorisation scheme applies in their territory.</i></p> |

| <b>Reason</b>   |
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| It is possible to have an authorization scheme applying in a territory. Such a list of areas is easy to draw up by the Member States and gives useful information especially to hosts. it is also useful to avoid illegal offers. |

## **Amendment 21**

### **Article 15(3)**

| <b><i>Text proposed by the European Commission</i></b>   | <b><i>Amendment</i></b>   |
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| 3.Member States shall lay down rules on penalties applicable to infringements by online short-term rental platforms of Articles 7(2), 7(3) and 9. Member States shall ensure that those penalties are effective, proportionate and dissuasive. | 3.Member States shall lay down rules on penalties applicable to infringements by online short-term rental platforms <b>and by hosts</b> of Articles <b>6, 7(1)</b> , 7(2), 7(3) and 9. Member States shall ensure that those penalties are effective, proportionate and dissuasive. |

| <b>Reason</b>  |
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| Infringements can also be committed by hosts. Articles with obligations should be sanctioned. The impact assessment and explanatory memorandum underline the lack of an effective and enforceable framework. |

## **Amendment 22**

### **Article 16**

| <b><i>Text proposed by the European Commission</i></b>  | <b><i>CoR amendment</i></b>   |
|---|---|
| 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 <b>4</b> of Regulation (EU) No 182/2011 shall apply. | 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 <b>5</b> of Regulation (EU) No 182/2011 shall apply. |

| <b><i>Reason</i></b>   |
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| Due to the important decisions taken the examination procedure should apply for implementing acts. |

## **Amendment 23**

### **Article 18**

| <b><i>Text proposed by the European Commission</i></b>  | <b><i>Amendment</i></b>   |
|---|---|
| 1. No later than 5 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 | 1. No later than 5 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 |

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| <p>Parliament, the Council and to the European Economic and Social Committee. This report shall be based on the evaluations submitted by national supervisory authorities pursuant to Article 14. 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.</p> | <p>Parliament, the Council, <i>the European Committee of the Regions</i> and to the European Economic and Social Committee. This report shall be based on the evaluations submitted by national supervisory authorities pursuant to Article 14. 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 <i>cross-border; and (d) an assessment of the impact on local and regional authorities and their ability to devise policies based on the data shared by the platforms with the competent authorities. Also the availability, quality and usability of data as well as the functioning of cross-border - enforcement and administrative cooperation should be included.</i></p> |
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| Reason  |
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| Inclusion of reference to European Committee of the Regions is self-evident and the addition of the last part is to ensure consistency with paragraph 56. |

## II. POLICY RECOMMENDATIONS

### THE EUROPEAN COMMITTEE OF THE REGIONS

1. welcomes the publication of the 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 and its primary objective, which is "to harmonise and streamline the framework for data generation and data sharing" and to make the sector more transparent, ensuring better tracking and accountability;
2. endorses the proposal, which aims to bolster transparency by means of data collection and sharing, while the EU Member States will retain responsibility for regulating the short-term rental sector, including health and safety standards, housing policy and tax issues;



3. underscores the importance of a properly functioning single market, including its digital dimension, and considers that this is the cornerstone of growth in the EU and a prerequisite for a flourishing European tourism sector; reiterates the Council conclusions of May 2019 (9707/19) calling for "more clarity regarding the rules applicable to new business models, including with respect to short-term accommodation rental services in the EU";
4. considers that local authorities' right to regulate public interest objectives in sectors for which they have responsibility (such as housing and town planning) is key for delivering cohesion and is integral to subsidiarity;
5. considers that the European legal framework is compatible with respect for local and regional characteristics;
6. expects the regulation to provide for a series of standards and clear obligations at European level, and ensure that a series of tools and options are made available for towns and regions to monitor the situation on the ground and select the policies best suited to their specific needs.

#### **The role of sharing economy platforms in the tourism sector**

7. points out that tourism is a strategic sector, a tool for integration and a key driver of social and economic recovery: it comprises over 10% of the EU's gross domestic product, provides jobs for 26 million people and makes up 6% of total EU exports;
8. notes that tourism was hit very hard by the COVID-19 pandemic and that the sector has not yet gotten back to pre-2020 levels, although 2022 data show that it is recovering and that Europeans are keen to visit other countries;
9. acknowledges that short-term accommodation rental services make up a significant part of the EU's tourism ecosystem; this is clear from the fact that 29% of overnight stays are currently booked through these platforms, and this figure is rising;
10. acknowledges that, in many cases, short-term rentals are a positive driver for the renewal and redevelopment of properties in cities and suburbs, from a sustainability point of view as well. Short-term rentals are bringing back into use a large portion of accommodation that would otherwise not have been available on the market, and properties that would have remained in disuse;
11. points out that in 2019, over 512 million overnight stays in the EU were booked through one of the four main platforms active in this sector, or an average of 1.4 million guests each day. This means that about 90 stays were booked every minute, and about 130 000 were booked every day<sup>1</sup>;
12. notes that the platforms do not have the same impact across EU regions;

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<sup>1</sup> [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Short-stay\\_accommodation\\_offered\\_via\\_online\\_collaborative\\_economy\\_platforms](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Short-stay_accommodation_offered_via_online_collaborative_economy_platforms)

13. points to the outflow of added value since many platforms have their headquarters outside the EU;
14. Taking into consideration, that in the less-developed regions short-term accommodation services are mainly specific to rural areas the EU should ensure support for short-term accommodation traders, in sense of developing their digital capacities, foreign language skills and other skills related to tourism for the benefit of cooperation with local authorities. In this regard local authorities should be supported to enhance the capacity building of short-term accommodation traders, to strengthen the trust between them, and by this means contributing to the strengthening of rural tourism, which after the COVID-19 is an added value to local and regional economic development.
15. flags up that in 2019, before the pandemic, 42 EU cities recorded over one million overnight stays; Paris, Barcelona, Lisbon and Rome each recorded over 10 million. In fact, urban tourism and visits to historical cities were those hit hardest by COVID-19 in 2020 and 2021, along with tourism in sun and sea holiday destinations;
16. considers that it is a good thing that travellers have turned to smaller towns and rural communities, and is pleased that visitors are increasingly getting off the beaten paths; in this respect, strongly supports the objective of the EU smart mobility strategy<sup>2</sup> to double high-speed rail traffic across Europe; firmly believes that modern, sustainable models for travel will give a further boost to rural tourism;
17. emphasises that, while the EU portrays itself as the world's number one tourism destination, in the last two years EU tourism has recovered largely thanks to domestic and European tourists. With a view to assisting Europeans travelling in the EU, the CoR calls for further efforts to improve existing cross-border rail links (149 of the 265 links are not operational<sup>3</sup>). This will promote zero-emission transport, spur on the development of the EU's rail network and make it fit for the challenges of the 21st century by making the best possible use of cutting-edge rail technologies.

### **Impact on the housing sector**

18. acknowledges that the big European cities in particular are faced with a growing demand for affordable housing for people wanting to study, work and live there. Ensuring affordable housing is in the public interest: it is up to the local authorities to manage this issue by identifying the best possible solutions that are able to avoid clashing with people engaged in renting accommodation to tourists;
19. points out that short-term rentals (STRs) combine two separate markets: residential housing and tourism. Consequently, financial or tax incentives for renovating buildings can encourage

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<sup>2</sup> [https://transport.ec.europa.eu/transport-themes/mobility-strategy\\_en](https://transport.ec.europa.eu/transport-themes/mobility-strategy_en)

<sup>3</sup> [https://ec.europa.eu/regional\\_policy/en/information/publications/reports/2018/comprehensive-analysis-of-the-existing-cross-border-rail-transport-connections-and-missing-links-on-the-internal-eu-borders](https://ec.europa.eu/regional_policy/en/information/publications/reports/2018/comprehensive-analysis-of-the-existing-cross-border-rail-transport-connections-and-missing-links-on-the-internal-eu-borders)



people to convert them from residential properties to tourist facilities. Operating such accommodation for commercial purposes can harm residents, students and workers;

20. each competent authority should decide if short term accommodation rental should take place in buildings of social housing;
21. points out that in areas where online platforms are very active, the impact on the real estate market is considerable<sup>4</sup>; house rentals and house prices go up, consequently leaving fewer properties available for locals.
22. emphasises that, while granting opportunities for platforms, it is central to respect public policy objectives like available and affordable housing and protecting urban centres, especially when economic conditions in Europe are deteriorating. Short-term accommodation rental services via platforms and their impact shall not undermine the high acceptance of tourism in Europe's regions and cities and degrade the liveability of neighbourhoods;

### **Data sharing**

23. therefore considers that, with due regard for the rules on data protection, platforms in the STR market should be required to abide by the rules on information sharing, as the authorities need access to this information in order to ensure the availability of affordable housing;
24. is concerned that the platforms are finding it difficult to share critical information with the authorities, despite signs that they are willing to help local and regional governmental bodies to take informed policy decisions and to simplify the enforcement and understanding of local rules;
25. points out that the authorities have to deal with a significant administrative burden: they must cope with an increasing number of complaints from local residents, and have to investigate reports of illegal STR activity in order to impose penalties; deplores the fact that local and regional authorities must counter illegal activities in court to enforce compliance with existing rules;
26. refers to judgement C-674/20<sup>5</sup> of the Court of Justice of the European Union, which ruled that imposing an obligation on providers of property intermediation services, and managers of an electronic accommodation platform in particular, to provide the competent tax authorities with data on transactions relating to tourist accommodation does not contravene EU law;
27. points out that the EU legislation on electronic commerce (Directive 2000/31)<sup>6</sup>, upholding the right of platforms to provide bulk services, does not exempt them from local and regional rules on the collection of tax data;

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<sup>4</sup> <https://www.sciencedirect.com/science/article/pii/S0094119020300498>

<sup>5</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62020CN0674>

<sup>6</sup> <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32000L0031>

28. would, however, refer to CJEU judgement (C-390/18<sup>7</sup>), which classifies platforms as intermediation service providers rather than accommodation providers, and cautions that they cannot be treated as online real estate agents;
29. stresses that as of 1 January 2023, platforms must start communicating information to the tax authorities on income earned by people renting out property through the platforms in question (Directive 2021/514)<sup>8</sup>. It is expected that this requirement will increase compliance with tax obligations and enable the public authorities to tackle illegal operators more effectively; underlines in this respect the importance of consistency between the different pieces of legislation;
30. hopes that the rules laid down in the proposal for a regulation are also applied to short-term rental services not provided via online platforms, so as to prevent potential unequal treatment between hosts. This is bearing in mind that short-term rental services provided without the use of such platforms are not subject to registration obligations and there is a risk of them falling under the public authorities' radar;
31. expects that the platforms, in agreement with the national, regional and local authorities, will initiate procedures to remove illegal listings from their sites;
32. For the benefit of cooperation with local authorities stresses the need of ensuring support for capacity building, development of digital competencies and possibilities for short-term accommodation traders from rural areas and less developed regions;
33. is concerned that the maximum period for retaining data, as defined by Article 12(3) of the proposal for a regulation and set at "no longer than 1 year", could prove to be inadequate, and calls for an extension to a minimum of two years.

## Local and regional solutions

34. points out that a significant number of EU cities and regions have implemented individual measures to monitor and limit the activity of STR services in their various neighbourhoods; these include putting a cap on the number of days that a given property can be rented out, tax collection, banning STRs in some specific types of buildings or specific areas;
35. stresses the need to provide national, regional and local authorities with ample leeway to define appropriate rules for hospitality services; these include mandatory registration, a limit on permits, specific zoning policies, a limit on the timeframe in which STRs may be active, and rules to prevent town and city centres becoming overrun by tourists, with residents paying the price in terms of declining quality of life;

7 <https://curia.europa.eu/juris/liste.jsf?nat=or&mat=or&pcs=Oor&jur=C%2CT%2CF&num=C-390%252F18&for=&jge=&dates=&language=en&pro=&cit=none%252CC%252CCJ%252CR%252C2008E%252C%252C%252C%252C%252C%252C%252C%252C%252Ctrue%252Cfalse%252Cfalse&oqp=&td=%3BALL&avg=&lgrc=en&lg=&page=1&cid=3649>

<sup>8</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021L0514>.

36. warns that any measures taken must not distort the market or favour one type of accommodation over another; they must allow for the diversity of tourist accommodation markets and not focus solely on towns and cities, given that platforms are also active in rural areas and in sun and sea holiday destinations;

### **The rules on STRs**

37. considers that the rules applicable to STR providers and local and regional authorities are not clear; therefore welcomes the proposal for a regulation which aims to improve the collection and sharing of information between the platforms and the authorities;
38. notes that before this proposal was presented, various towns, cities, regions and Member States endeavoured to regulate this new sector by means of various requirements, such as limits on the number of overnight stays, registration and authorisation schemes, zoning requirements and permits;
39. emphasises that these measures have enjoyed limited success, as the sharing economy platforms have refused to cooperate and share the information requested by the public authorities; therefore feels that a regulation is a suitable legal instrument that would boost transparency and streamline data flows;
40. deplores the European Commission's dismissal of local and regional registration schemes and rules as "burdensome" and "inefficient and diverging";
41. points out that 22 Member States have established registration schemes; these schemes vary in scope, procedures, requirements and application, including the degree to which platforms are asked to cooperate;
42. recalls that it is up to the Member States and the responsible authorities to decide on setting up a registration scheme in line with the proposal for a regulation; if they do so they get access to the data;
43. supports the European Commission proposal to support the development of similar and interoperable registration schemes across the EU so as to ensure that hosts and platforms throughout the EU comply with consistent standards on registration; this may also lower the administrative costs for authorities; believes that compliance by design can be built into the registration process;
44. assumes that thanks to the regulation, public authorities will be able to devise better STR management policies, with more targeted, appropriate rules which can be enforced more effectively;
45. is however concerned about the anticipated administrative costs to be borne by the public authorities when setting up registration schemes and Single Digital Gateways;;

46. warns that the costs for the registration scheme and the links to the national Single Digital Gateway will be incurred by the competent local authorities in each region and stresses that the adaptation to the new system may require more time;
47. emphasizes the fact that it remains up to the Member States (national, regional or local) to set the rules concerning the access to and the provision of short-term accommodation. Setting up authorization schemes concerning the access to and the provision of short-term accommodation is still possible;

### **Market shares and hosts**

48. calls for further investigation into the definitions, and a series of criteria to distinguish between the various types of owners (professional or occasional hosts or owners whose properties are managed by property managers) so as to guarantee proper access to the market and remove unnecessary obstacles, particularly for small operators;
49. stresses that the proposal of the European Commission is fully in line with the principles of subsidiarity and proportionality; it opens up different possibilities for the competent authorities, confers the decision to set up a registration scheme to them and does not interfere with other regulations in the public interest;
50. calls for a market evaluation to be carried out in order to estimate the degree of "professionalisation" of the host community;
51. hopes that the single registration number will suffice to evaluate the number of properties/units managed by each physical or legal person;
52. asks the European Commission to work with the Member States to publish a report describing the market and giving estimates of the market shares of the various operators; it should include specific sectors such as professional and occasional hosts, hosts in rural areas or small towns as opposed to tourist centres, and operators and intermediaries providing cross-border services as opposed to local ones and to update the information of the impact assessment;
53. agrees that more stringent rules should apply to professional managers of buildings available for short-term rentals ("traders") than to occasional ones;

### **Registration**

54. calls for clarification as to whether the decision to set up a registration scheme (along with the Single Digital Gateway) should be exclusively a national competence, or whether the local and regional governments of the Member State in question could decide should they so wish;
55. is pleased that the proposal identifies a common approach for registration procedures, whereby each single unit is issued a single national registration number so as to ensure greater transparency and traceability;

56. is concerned that the rules proposed stipulate that hosts are automatically and immediately issued a registration number and allowed to start operating; understands that registration does not imply verification but does expect more details on how the competent authorities can limit the issuing of registration numbers in areas or units covered by local rules and regulations forbidding STR activities; at least a proof of the right to dispose of the unit should be demanded already when registering;
57. expects greater clarity in Article 6 as regards penalties should the platforms fail to comply with the suspension or removal of illegal listings. Considers that the regulation should explicitly state that the competent authorities in each Member State have the power to penalise platforms who do not comply with the applicable rules;

### **Checking and evaluation**

58. calls for further clarification regarding Article 7(1)(c), requiring platforms to "make reasonable efforts to randomly check the declaration of the hosts"; considers that terms such as "reasonable efforts" and "randomly check" could prove to be overly vague and open to interpretation; similarly, believes that such tasks relating to random verification and notifying results to the competent authorities should be carried out at least on a quarterly basis;
59. emphasises that the registration procedure under this regulation is without prejudice to possible other reporting obligations, for example in the fields of taxation, population registration and statistics.
60. considers that the evaluation, to take place three years after the regulation comes into effect, should include an assessment of the impact on local and regional authorities and their ability to devise policies based on the data shared by the platforms with the competent authorities. Also the availability, quality and usability of data as well as the functioning of cross-border-enforcement and administrative cooperation should be included;
61. considers that in Article 7 of the Regulation on compliance by design, the interface design should ensure that a mandatory box to indicate the unit's registration number in short-term rental announcements on platforms is generated, and takes the view that this mandatory box should be generated automatically when a host attempts to publish a listing in a region with a registration procedure rather than this being done on the basis of voluntary self-declaration by the host. In turn, notes that, given that Article 13(1)(a) obliges the Member States to maintain up-to-date lists of regions where a registration procedure is applied, platforms will have the technical means to carry out this verification automatically without this entailing significant costs;
62. doubts that an indication by the hosts themselves whether the unit offered for short-term rental is located in an area where a registration procedure has been established or is applied is sufficient. Instead suggests that the interface must be designed in such a way that the entry of the registration number is mandatory in such a case;

Brussels, 15 March 2023

The President  
of the European Committee of the Regions

Vasco Alves Cordeiro

The Secretary-General  
of the European Committee of the Regions

Petr Bližkovský

### III. PROCEDURE

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| <b>Title</b>   | Short-term accommodation rental services: balancing the needs of local communities, entrepreneurs and travellers |
| <b>Reference(s)</b>  |  |
| <b>Legal basis</b>   | Article 307(1) TFEU  |
| <b>Procedural basis</b>  | Rule 41(a) of the RP   |
| <b>Date of Council / EP referral / Date of Commission letter</b> |  |
| <b>Date of Bureau/President's decision</b>                       |  |
| <b>Commission responsible</b>                                    | Natural Resources (NAT)  |
| <b>Rapporteur</b>  | Roberto CIAMBETTI (ECR/IT), President and member of the Veneto Regional Council                                  |
| <b>Analysis</b>  | December 2022  |
| <b>Discussed in commission</b>                                   | 31 January 2023  |
| <b>Date adopted by commission</b>                                | 31 January 2023  |
| <b>Result of the vote in commission (majority, unanimity)</b>    | Majority   |
| <b>Date adopted in plenary</b>                                   | 15 March 2023  |
| <b>Previous Committee opinions</b>                               |  |
| <b>Date of subsidiarity monitoring consultation</b>              |  |