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## INFORMATION NOTE

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
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 - Outcome of the European Parliament's first reading (Strasbourg, 26 to 29 February 2024)

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## I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the Joint declaration on practical arrangements for the codecision procedure<sup>1</sup>, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this file at first reading.

In this context, the Chair of the Committee on the Internal Market and Consumer Protection (IMCO) Anna CAVAZZINI (Greens/EFA, DE) presented on behalf of IMCO a compromise amendment (amendment number 84) to the abovementioned proposal for a Regulation, for which Kim VAN SPARRENTAK (Greens/EFA, NL) had prepared a draft report. This amendment had been agreed during the informal contacts referred to above. No other amendments were tabled.

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<sup>1</sup> OJ C 145, 30.6.2007, p. 5.

## II. VOTE

When it voted on 29 February 2024, the plenary adopted the compromise amendment (amendment number 84) to the abovementioned proposal for a Regulation. The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto<sup>2</sup>.

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

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<sup>2</sup> The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics***. The symbol "■" indicates deleted text.

## **P9\_TA(2024)0112**

### **Data collection and sharing relating to short-term accommodation rental services**

**European Parliament legislative resolution of 29 February 2024 on 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 (COM(2022)0571 – C9-0371/2022 – 2022/0358(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0571),
  - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0371/2022),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 22 February 2023<sup>1</sup>,
  - having regard to the opinion of the Committee of the Regions of 15 March 2023<sup>2</sup>,
  - having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 6 December 2023 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the opinion of the Committee on Transport and Tourism,
  - having regard to the report of the Committee on the Internal Market and Consumer Protection (A9-0270/2023),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

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<sup>1</sup> OJ C 146, 27.4.2023, p. 29.

<sup>2</sup> OJ C 188, 30.5.2023, p. 19.

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

**Position of the European Parliament adopted at first reading on 29 February 2024 with a view to the adoption of Regulation (EU) 2024/... 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>,

Acting in accordance with the ordinary legislative procedure<sup>3</sup>,

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<sup>1</sup> OJ C 146, 27.4.2023, p. 29.

<sup>2</sup> OJ C 188, 30.5.2023, p. 19.

<sup>3</sup> Position of the European Parliament of 29 February 2024.

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 triggered concerns and challenges, in particular for local communities and public authorities, *such as their contribution to the decrease in the availability of long-term rental housing and the increase in rents and housing prices. This Regulation focuses on* one of the main challenges, *namely* 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. The lack of such information makes 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 *and data-sharing requirements*, the full realisation of the potential of short-term accommodation rental services is hampered, and the proper functioning of the internal market is negatively affected. In order to ■ ensure the fair, unambiguous and transparent provision of short-term accommodation rental services *within the internal market, as part of* a balanced tourism ecosystem *that provides opportunities for platforms while respecting public policies objectives*, 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 in order to improve access to, and the quality of, data for public authorities on the provision of short-term accommodation rental services, which in turn should enable public authorities 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 for data-sharing requirements concerning online short-term rental platforms, where Member States decide to put in place such schemes or requirements. To achieve effective harmonisation and to ensure the uniform application of those rules, Member States should 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 data-sharing requests without putting in place the necessary registration schemes, databases and single digital entry points and that they 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 rental services, combatting rental housing shortage has been recognised by the Court of Justice of the European Union (Court of Justice) as an overriding reason relating to the public interest, justifying the adoption of measures that are non-discriminatory and proportionate to the objective pursued.*** 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 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 Union or national law adopted pursuant to such competence concerning access to, or the sharing or use of, data in those areas. Therefore, possible future use of personal data processed pursuant to this Regulation, for law enforcement or for taxation and customs purposes, should be *in compliance with Union and national 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 *and as further defined under national law*. *Given the different approaches existing in Member States*, 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 should not be 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 those 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 likewise 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, should not be covered by these rules *unless, due to the specific way they are designed, they involve remuneration, including any form of economic compensation*.

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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 (Digital Services Act), (OJ L 277, 27.10.2022, p. 1).

- (9) 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 online short-term rental platforms can be properly attributed to hosts and units. ***That registration number should be included in a public and easily accessible registry and Member States should ensure that that registration number does not include personal data.*** The competent authorities ***in the Member States which have imposed a requirement on*** online short-term rental platforms ***to transmit data*** should therefore put in place or maintain registration procedures for hosts and their units. ***In order to avoid situations in which a unit is attributed more than one registration number for a listing, each unit should be subject to only one registration procedure in a Member State,*** at national, regional or local level. The ***registration obligations established under this Regulation should be without prejudice to other possible information obligations derived from Union or national law, arising from taxation, population censuses and the collection of statistics.***

- (10) In order to ensure that the competent authorities obtain the information and data they need, without imposing disproportionate burdens on online short-term rental 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 *precise* 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. *Registration should be where possible free of charge or at a reasonable and proportionate cost which should not exceed the cost of the administrative procedure in question. It should also be ensured that hosts are able to submit all required documentation digitally. However, an offline service should still be available to cater for the needs of less-digitally skilled or equipped users, especially the elderly.*

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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).

- (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 *specific address of the unit*, the type (e.g. house, apartment, room, *shared room, or another relevant category provided under national law*) and the characteristics of the unit. *To enable the unit to be identified precisely, specific information should be required from the host, such as the apartment and letterbox number, the floor that the unit is on, or the land registry reference. Where relevant, hosts can also be required to indicate whether they have obtained an authorisation to provide the service as referred to in Directive 2006/123/EC from the relevant authorities, provided that such an authorisation requirement is in line with Union law. Information on the applicability of an authorisation scheme, 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 in Directive 2006/123/EC.*

*This Regulation is without prejudice to market access requirements that could apply separately and affect the provision of short-term rental services. The automatic issuance of a registration number is without prejudice to the assessment of compliance by the hosts with market access requirements by competent authorities in line with Union law.*

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 and** guests that the unit is capable of accommodating.



- (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. Member States could, in particular, in order to ensure equal access and inclusion, ***which are essential to enable persons with disabilities to live independently and participate fully in all aspects of life,*** 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, regional or local accessibility requirements. ***Member States should be able to enable hosts to declare whether additional services are provided for remuneration.*** 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 **18 months** following the host's request for removal of a unit from the registry, in order to allow the competent authorities to *effectively* 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, and subject to data protection safeguards in line with Regulation (EU) 2016/679 of the European Parliament and of the Council*<sup>7</sup>.

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<sup>7</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).

- (14) The information and documentation provided by hosts via the registration procedure should be verified by the competent authorities only after the issuance of the registration number. It is appropriate to enable hosts, within a reasonable period of time *to be specified by competent authorities*, to rectify the information and documentation submitted which a competent authority considers to be incomplete or inaccurate. The competent authority should have the power to suspend the validity of the registration number in cases where it finds that there are manifest and serious doubts with regard to the authenticity and validity of the information or documentation provided by the host. In those cases, competent authorities should inform the hosts about their intention to suspend the validity of the registration number and the reasons for such suspension.

Where the host, *with wilful misconduct or gross negligence, has failed* to rectify the information *requested or has provided unauthentic or invalid information, it should also be possible for* the competent *authorities to withdraw the registration number or to take further action, such as to prevent the commercialisation of a unit, as laid down in national law*.. 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, *or where it has been withdrawn, the* competent authorities should have the power to issue an order requesting the online short-term rental platforms to remove, or to disable access to, the listing relating to the unit in question without undue delay. Those orders should include all necessary information to identify the listing, including the individual uniform resource locator (URL) of the listing.

- (15) Where a registration procedure applies, hosts should be required to provide online short-term rental platforms with their registration numbers, display each registration number in each corresponding listing and provide guests with the unit's registration number. Member States should ensure that, where a registration procedure applies, national law enables the competent authorities to order online short-term rental platforms to ***provide further information regarding a specific unit and to*** remove listings concerning units offered without a registration number or with an invalid registration number, ***or in cases involving misuse of a registration number . Misuse of a registration number can be understood as the improper use of a registration number, for example the use of a single number in relation to more than one unit.***

- (16) *Currently online short-term rental platforms constitute the main channel for offering short-term accommodation rental services and there is a need to ensure a safe, predictable and trustworthy online environment, as well as to contribute to the prevention of illegal offers of such services to protect consumers, to ensure fair competition, and to contribute, where appropriate, to the fight against corresponding fraud.* Article 31 of Regulation (EU) 2022/2065 lays down certain due diligence requirements that providers of online platforms allowing consumers to conclude distance contracts with traders are to ensure. Those requirements apply to online short-term rental platforms in respect of 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, *and that, where a registration number has been provided, that registration number is displayed*. That 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. *In that context, taking into account that, where applicable, registration obligations should be complied with by the host before the unit is offered on online short-term rental platforms, and to complement the framework laid down in this Regulation for the avoidance of listings that are not compatible with the applicable Union and national law, it is appropriate to apply specific additional requirements in the context of short-term accommodation rental services. Online short-term rental platforms should, upon receiving the self-declaration of the hosts concerning whether the unit offered for short-term accommodation rental services is located in an area where a registration procedure has been established or applies, and prior to allowing the host concerned to use its services, through the lists made available by Member States and the single digital entry points, make best efforts to assess whether the self-declaration, for the accuracy of which hosts are responsible for the purposes of this Regulation, is complete, provided that the assessment can be carried out in a proportionate manner by automated tools.*

- (17) The 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 short-term rental 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 to whom *the unit was rented* per night, *the guests' countries of residence, taking into consideration eventual changes to the original booking, the specific address* of the unit, *the registration number and the URL* of the *listing of* the unit, *in order to allow the identification of the host*. Only online short-term rental 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 **■** to whom the unit *was rented* per night. *In the event of a technical problem affecting the transmission of data by the online short-term rental platforms, the competent authority should have the right to request that the online short-term rental platform resubmits the data in its possession.*



Member States should not maintain or introduce measures that require online short-term rental 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. *That information should reflect the in-fact situation in the reference period, taking into account eventual changes to the original booking. In case one unit is offered on 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 online short-term rental platforms. Without prejudice to the exemption from liability, laid down in Regulation (EU) 2022/2065, online short-term rental platforms should ensure the completeness and accuracy of the datasets transmitted to competent authorities pursuant to this Regulation. In doing so, they should base themselves on the information provided by the host when offering the unit on those online short-term rental platforms. While it is essential to ensure that online short-term rental platforms design their interfaces in a way to facilitate submission of information so as to ensure that hosts can provide all the relevant information prior to listing, at the same time, hosts should remain responsible for the compliance of their activity with applicable rules.*

- (18) *In accordance with Regulation (EU) 2016/679*, 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 and on units, given that such information is already collected by competent authorities through the registration procedures applicable to hosts.
- (19) Online short-term rental platforms that qualify as small or micro enterprises within the meaning of *Commission Recommendation 2003/361/EC*<sup>8</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 **4 250 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 the 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* that reach or exceed that threshold should already have in place systems that allow compliance with machine-to-machine transmission requirements.

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<sup>8</sup> Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (notified under document number *C(2003) 1422 (2003/361/EC)* (OJ L 124, 20.5.2003, p. 36).

- (20) Online short-term rental platforms should be required to fulfil the reporting obligations in respect of 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 that information is necessary to enable the 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.
- (21) 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.

- (22) 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 an 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 assessments and ex post checks, extended on a voluntary basis to all listings, could be presumed to comply with the obligation of the online short-term rental platform to perform assessments and 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. *Member States that have not established a registration procedure and/or imposed a requirement on online short-term rental platforms to transmit data to the competent authorities upon the entry into force of this Regulation can do so at a later stage, provided they establish a single digital entry point in accordance with this Regulation.*

- (23) 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>9</sup>. ***It is of particular importance that, where relevant, the Commission carry out appropriate consultations on specific points during its preparatory work as part of the work to be done within the framework of the single digital entry points coordination group.***
- (24) 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.

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<sup>9</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) 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 Regulation (EU) 2016/679. To achieve that, 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 of implementing *and ensuring compliance with* rules concerning access to, and the 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 if such rules as long as they comply with Union law, including the rules on free movement of services, freedom of establishment, and the rules established in Directive 2006/123/EC, *as interpreted by the Court of Justice*. For the purpose of complying with Union law on data protection, any rules concerning access to, and the provision of, short-term accommodation rental services should set out the purpose of processing the relevant data in accordance with *Regulation (EU) 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 concerning access to, and the provision of, short-term accommodation rental services. *Nevertheless, in specific cases and to enable authorities to effectively fulfil their tasks, justified by public interest objectives, namely to allow for evidence-based assessments for the development of laws, regulations or administrative provisions concerning access to, and the provision of, short-term accommodation rental services, it is appropriate to provide such authorities with certain relevant information provided by the host, which could include personal data, subject to appropriate safeguards for data protection and in accordance with Regulation (EU) 2016/679.* A retention period of a maximum of *18 months* should allow the competent authorities to *effectively* ensure compliance with the 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, and subject to data protection safeguards in line with Regulation (EU) 2016/679.*

- (26) ■ Activity data ■ is also 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, and where relevant, regional statistical offices and *to* Eurostat every month for the purpose of compiling statistics in line with the requirements applicable to other service providers in the accommodation sector as laid in Regulation (EU) No 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, *specific addresses* and URLs, with entities and persons when this is needed to carry out scientific research or analytical activities, or to produce new business models and services. Under the same conditions, activity data could be made available via sectorial data spaces, when established.

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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).*



- (27) Member States should provide the information necessary 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, including registration procedures as well as any requirements concerning access to, and the provision of, short-term ■ accommodation rental services.
- (28) In order to facilitate the implementation of this Regulation, each Member State should designate an authority to be responsible for monitoring its implementation. That authority should report to the Commission every two years.

- (29) Member States should ensure the 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 ***digital services coordinator or other competent authorities*** 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 Regulation (EU) 2022/2065.

- (30) Member States should ensure the effective enforcement of this Regulation with regard to the *verification by the competent authorities of 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 online 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 those 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. Those penalties should ensure the effective enforcement of this Regulation, in particular with regard to data-sharing obligations.

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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).

- (31) 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 establishes 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 to Regulation (EU) 2018/1724 in order to ensure that any host can benefit from fully online procedures. Regulation (EU) 2018/1724 should therefore be amended accordingly.

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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).

- (32) In addition, in accordance with the once-only principle, hosts with units in one or more Member States should be allowed to reuse data and evidence they have already submitted for the purposes 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>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.)

- (33) 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, any effects of the increased availability *and usability* of data *relating to the provision of short-term accommodation rental services and, specifically, the degree to which that data can be accessed and used for policy making and enforcement purposes, as well as any effects* 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, *including the effectiveness of cross-border cooperation and enforcement mechanisms*.
- (34) In order to allow sufficient time for Member States to establish registration procedures, adapt existing registration procedures to this Regulation and 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 *24 months from the date of entry into force*.

- (35) Since the objective of this Regulation, namely to contribute 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, *but can rather, by reason of its scale and effects*, be better achieved at Union level, the Union may adopt measures, ■ 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 that objective.
- (36) 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. Therefore, the data protection supervisory authorities should be responsible for the supervision of the processing of personal data carried out in the context of this Regulation.

- (37) 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>,

HAVE ADOPTED THIS REGULATION:

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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).

<sup>15</sup> OJ C 60, 17.2.2023, p. 14.



## 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, building standards, *housing and tenancies*;
- (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. In addition, 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;

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<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 2010/24/EU<sup>19</sup>; and
- (h) Council Directive 2011/16/EU<sup>20</sup>.

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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 (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).

## Article 3

### Definitions

For the purposes of this Regulation, the following definitions 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 **accommodation**, 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 (EC) No 1893/2006.

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<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 L 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, *on a regular or on a temporary basis*, a short-term accommodation rental service *provided for* remuneration, through an online short-term rental platform;
- I**
- (3) ‘guest’ means a natural person who is hosted in a unit;
- (4) ‘short-term accommodation rental service’ means the short-term letting of a unit, *provided for* remuneration, whether on a professional or non-professional basis, *on a regular or on a temporary basis*, as further defined by national law;
- (5) ‘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;
- (6) ‘*small or micro online short-term rental platform*’ means an online short-term rental platform 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 ***in order to obtain a registration number enabling them to offer*** short-term accommodation rental services ***through online short-term rental platforms***;
- (9) ‘**authorisation scheme**’ means an ‘**authorisation scheme**’ as defined in Article 4, point 6, of Directive 2006/123/EC;
- (10) ‘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;
- (11) ‘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 access to, and the provision of,*** short-term accommodation rental services;

- (12) ‘activity data’ means the number of nights for which a unit is rented and the number of guests to whom *the unit is rented* per night *along with the country of residence of each guest, in accordance with Regulation (EU) No 692/2011*;

- (13) ‘municipality’ means a ‘local administrative unit (LAU)’ within the meaning of Article 4 of Regulation (EC) No 1059/2003 of the European Parliament and of the Council<sup>22</sup>.

## CHAPTER II

### Registration

#### Article 4

#### Registration procedures

1. 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.

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<sup>22</sup> Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).



2. *A Member State that imposes 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 areas of its territory where such data transmission requirement applies.*
3. Member States shall ensure that:
- (a) registration procedures operate on the basis of declarations made by hosts;
  - (b) registration procedures *are provided online, and free of charge, where possible, or at a reasonable and proportionate cost, and* allow for the automatic and immediate issue of a registration number, *that shall not include personal data*, 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) *registration procedures are subject to effective appeal mechanisms within the Member State;*
  - (d) a unit is not subject to more than one registration procedure;

- (e) technical means are in place to enable a host to update information and documentation;
- (f) technical means are in place to assess the validity of registration numbers;
- (g) technical means are in place to enable a host to remove a unit from the registry referred to in paragraph 5; and
- (h) 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 it is, 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) be reused for the purposes of subsequent registrations.

5. Member States shall ensure that registration numbers are included in a ***public and easily accessible*** registry. The competent authority issuing the registration number shall be responsible for establishing and maintaining the registry, ***in accordance with Regulation (EU) 2016/679***.
6. ***Member States shall ensure that hosts are able to submit all documents required as part of the registration process in a digital format.***

## 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 a declaration containing the following information:
  - (a) for each unit:
    - (i) the ***specific*** address of the unit ***including, where applicable, its number, letterbox number, if different, the floor that the unit is on, the land registry reference or any other type of information that enables it to be precisely identified;***

- (ii) the type of unit;
  - (iii) whether the unit is offered as a part or whole of the host's primary or secondary residence, or for other purposes;
  - (iv) the maximum number of *available bed places and of* guests that the unit *accommodates*;
  - (v) *where applicable, whether the unit is subject to an authorisation scheme under which the host is required to obtain authorisation to offer short-term rental accommodation services from the relevant competent authority , and if so, whether the host has obtained such authorisation*;
- (b) where a host is a natural person, that person's:
- (i) name;
  - (ii) national identification number or ■ other information allowing the identification of the *person*;

- (iii) *address*;
- (iv) contact telephone number;
- (v) electronic mail address for the competent authority to use for written communication;
- (c) where a host is a legal person :
  - (i) its name;
  - (ii) the national business registration number;
  - (iii) the name of *a* legal *representative*;
  - (iv) *its* registered address;
  - (v) the contact telephone number *of at least one* representative of *that* legal *person*;
  - (vi) 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. *With regard to the information referred to in paragraph 1, point (a)(v), 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 a clear reference to, the authorisation.*
3. Where a Member State requires hosts to submit further information and documentation, *including information and documentation about compliance with the rules referred to in Article 2(2), point (a), the submission of that information and documentation is without prejudice to the issuance of the registration number, in accordance with Article 4(3), point (b). Where appropriate, Member States may also enable hosts to declare additional services that are ancillary to the short-term accommodation rental services.*

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 that information and documentation *and Member States shall ensure that such update is done* via the functionality referred to in Article 4(3), point (e).
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 **18 months** after the host has indicated, via the functionality referred to in Article 4(3), point (g), 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 access to, and the provision of, short-term accommodation rental services.
6. Hosts shall be responsible for the accuracy of the information that they provide to the 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 (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 (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(3), point (e), within a *reasonable* period to be specified by the competent authority.
3. Where a host fails to rectify the requested information or documentation pursuant to paragraph 2, the competent authority shall have the power to suspend the validity of the affected registration number or numbers and to issue an order requesting online short-term rental platforms to remove, or to 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 (2), it shall have the power to suspend the validity of the affected registration number or numbers and to issue an order requesting online short-term rental platforms to ***provide further information to enable the competent authorities to verify the authenticity and validity of the affected registration number or numbers, or to*** remove, or to disable access to, any listing relating to the unit or units in question without undue delay.
5. Where a competent authority intends to suspend the validity of a registration number or numbers pursuant to paragraphs 3 or 4, ***or withdraw the number or numbers pursuant to paragraph 6***, 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 hearing the host, the competent authority confirms its intention to suspend, or withdraw, the validity of a registration number or numbers, it shall notify the host in writing of the decision ***to suspend the validity of a registration number or numbers***, accompanied by a copy of the order referred to in paragraphs 3 or 4, ***or of that the decision to withdraw the registration number or numbers, accompanied by a copy of the order in accordance with paragraph 6.***

6. *Without prejudice to paragraph 5, where the host has failed, through wilful misconduct or gross negligence, to rectify the information requested in accordance with paragraph 3, or has provided unauthentic or invalid information in accordance with paragraph 4, the competent authorities shall have the power to withdraw the registration number or numbers and issue an order requesting online short-term rental platforms to remove, or to disable access to, any listing relating to the unit or units in question without undue delay.*
7. Orders issued pursuant to paragraphs 3, 4, 6 and 11 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 one or more exact URLs and the identity of the competent authority;
  - (c) *where available*, the identity of the host and *the registration number* of the unit offered for short-term accommodation rental services, *or, where applicable, any other information that may help identify the host and the unit.*

8. 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(3), point (e), 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.
9. The competent authority shall inform the hosts about the mechanisms for redress available in relation to the steps taken pursuant to paragraphs 2 to 6 and 8.
10. Where a Member State requires hosts to submit further information and documentation as referred to in Article 5(3), ***and where the competent authority finds that there are serious doubts regarding the compliance with national, regional or local rules referred to in Article 2(2), point (a)***, it may apply the provisions of this Article to such information or documentation ■ provided that the requirement in question is non-discriminatory and proportionate, and complies with Union law.

11. Where a registration procedure applies, Member States shall ensure that national law enables *the* competent authorities to order providers of online short-term rental platforms to *provide the requested information and to* remove listings concerning units offered without a registration number or with an invalid *registration number, or in cases involving the misuse of a* 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) design and organise their online interface in a way that, when hosts declare that a unit offered for short-term accommodation rental services is located in an area where a registration procedure has been established or applies, users are able to identify the unit through a registration number; and ensure that hosts have provided a registration number prior to allowing the offering of the short-term accommodation rental services in respect of that unit, *and that hosts display that registration number clearly as part of their listing*;
- (c) make reasonable efforts to randomly check *on a regular basis, 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, *the misuse of a registration number*, or invalid registration numbers.
3. Online short-term rental platforms shall *inform hosts adequately of the applicability in a given area of registration procedures, taking into consideration the lists referred to in Article 13, and* the information referred to in the second column, row “N. Services”, point 4, of Annex I to Regulation (EU) 2018/1724, to be made available by Member States .

## *Article 8*

### *Other obligations for online short-term rental platforms*

*Online short-term rental platforms shall, upon receiving the information referred to in Article 7(1), point (a,) and prior to allowing the host concerned to use its services, make best efforts using the lists made available pursuant to Article 13(1), point (a), to assess whether the self-declaration referred to in Article 7(1), point (a), for the accuracy of which hosts are solely responsible for the purposes of this Regulation, is complete, provided that the assessment can be carried out in a proportionate manner by automated tools as provided for in Article 10. The application of this Article shall not give rise to any general monitoring obligation.*

## CHAPTER III

### Data reporting

I

#### Article 9

##### Obligation for 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 specific address of the unit* and the URL of the listing. That transmission shall take place by machine-to-machine communication means.
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 **4250** or more *listings* shall transmit the activity data per unit, together with the corresponding registration number, *the specific 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.



3. *Online short-term rental platforms shall, based on the information provided by the hosts, ensure that the datasets they transmit to the competent authorities pursuant to this Article are complete and accurate.*

## Article 10

### 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 specific address of the unit* and the URLs of the listings provided by online short-term rental platforms pursuant to Article 9. That Member State shall designate the authority which is to 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 and the URLs of the listings, which, *in order to ensure interoperability, is to be implemented using an application programming interface that is based on technical requirements defined by the Commission;*
  - (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 specific address of the unit* and the URLs of the listings, transmitted by online short-term rental platforms, only for the purposes listed in Article 12(2) for units in their territory;
  - (d) *facilitate the sharing of the information referred to in Article 13.*

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(5);
  - (b) *a freely accessible and machine-readable online database or online interface for the checks referred to in Article 7(1), point (c), and for the assessment referred to in Article 8;*
  - (c) the possibility to reuse 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(5) within the same Member State;
  - (d) confidentiality, integrity and security of the processing of the activity data, registration numbers, *the specific addresses of the units*, and the URLs of the listings 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 specific addresses of the units* and the URLs of the 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 *common specifications to establish a standardised* structure of 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. Each Member State 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 for each Member State shall be responsible for contacts with the Commission in respect of all matters relating to the single digital entry point. Each Member State 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 the national coordinator from each Member State 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. *The coordination group may, where appropriate, consult relevant stakeholders with regard to specific points, including the harmonised format of data sharing.*

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 coordinating 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, 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 the 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 access to, and the provision of, short-term accommodation rental services *in accordance* with Union law.

3. The 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 **18 months** after their receipt. Those competent authorities may, in accordance with the laws of the Member State concerned, share activity data without any data that can identify individual units or hosts, including registration numbers and URLs *of the listings and the relevant information transmitted pursuant to Article 5(1)(a), points (i) to (iv)*, in particular with the following:

- (a) authorities tasked with developing laws, regulations or administrative provisions concerning access to, and the 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 purposes of those activities.

*This notwithstanding, those competent authorities may share with the authorities referred to in point (a) the information contained in Article 5(1)(a), points (i) to (iv), in accordance with the laws of the Member State and subject to appropriate safeguards for data protection, including, where applicable, Article 6(4) of Regulation (EU) 2016/679.*



- 4. Member States shall designate the national entity responsible for transmitting, for each unit, the activity data and the registration number 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 such data available to Eurostat for the purpose of compiling statistics in accordance with Regulation (EC) No 223/2009 of the European Parliament and of the Council<sup>23</sup>. Access to that data by the national or regional statistical offices shall be subject to appropriate safeguards for data protection.**

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<sup>23</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).**

CHAPTER IV  
Information, monitoring and enforcement

Article 13  
Information obligations

1. Member States shall draw up, make available *through the single digital entry point and regularly update* the following lists:
  - (a) the list of areas where a registration procedure applies in their territory, *for the purposes of Article 7(1), point (c), and Article 8;*
  - (b) the list of areas for which competent authorities have requested data from providers of online short-term rental platforms, *for the purposes of Article 9(1).*
2. The competent authorities shall promote awareness of the rights and obligations under this Regulation in their respective territories.
3. *Member States shall also make public, free of charge, the lists referred in paragraph 1.*

## Article 14

### Monitoring

Each Member State shall designate an authority to be responsible for monitoring the implementation of the obligations laid down in this Regulation on their territory. That authority shall report to the Commission on the implementation of those obligations every two years.

## Article 15

### Enforcement

1. For the purposes of the enforcement of **Article 7(1) and Article 8** 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) and Article 8 of this Regulation. To the extent that powers are conferred upon the Commission under Chapter IV of Regulation (EU) 2022/2065, those powers shall also cover the application of **Article 7(1) and Article 8** of this Regulation.
2. The authorities designated by the Member State of the relevant single digital entry point shall be competent to enforce Article 6, **Article 7(2) and (3)** and Article 9 of this Regulation.

3. Member States shall lay down rules on penalties applicable to infringements, by online short-term rental platforms *and, where appropriate by hosts*, of Articles 6, 7(2), 7(3) and 9. Member States shall ensure that those penalties are effective, proportionate and dissuasive.
4. Member States shall by ... [24 months from the date of entry into force of this 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  
Amendments 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 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 (EU) [.../...] of the European Parliament and of the Council\*.

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\* Regulation (EU) .../... of the European Parliament and of the Council of ... on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724 (OJ L ..., ELI: ...\_);

- (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 ... [seven years from the date of entry into force of this Regulation], the Commission shall evaluate this Regulation and submit a report on its main findings to the European Parliament, the Council, the European Economic and Social Committee *and the Committee of the Regions*. That report shall be based on the *report* submitted by *Member States* pursuant to Article 14 *and, where relevant, the data transmitted to Eurostat in accordance with 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;
- (c) *the extent to which online short-term rental platforms comply with the obligations laid down under this Regulation, taking into consideration reporting by the competent authorities;*
- (d) to the extent possible, the impact of this Regulation on the content, **enforcement** and proportionality of national legislative, regulatory or administrative provisions relating to access to, and the provision of, short-term accommodation rental services;
- (e) *to the extent possible, the impact of this Regulation on the effectiveness of enforcement and cooperation between the competent authorities at cross-border level, where short-term accommodation rental services are provided on a cross-border basis; and*
- (f) *the need to establish a centralised single digital entry point at Union level in order to provide for a unique interface for online short-term rental platforms and ease the sharing of activity data.*

## 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 ... [24 months from 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 ...,

*For the European Parliament*

*For the Council*

*The President*

*The President*

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