Analytical paper on market access requirements in the short-term accommodation rental sector in Barcelona, Berlin and Amsterdam

Last Modified on 09/05/2017 8:22 am EDT

Date Published: June 2016
Research commissioned by: the European Commission (Internal Market, Industry, Entrepreneurship and SMEs of the European Commission)

Why did we select this research?

These series of analytical papers on market access requirements in the short-term accommodation rental sector can help city governments understand how EU law applies to the accommodation sharing sector.

Key findings

This paper explores rules and regulation on accommodation sharing in **Barcelona, Berlin, and Amsterdam**.

- Home swapping activities attract no interest from regulators in either city. Therefore, none has specific rules for home swapping. This seems to be in line with the Services Directive and ECJ case law on the freedom to provide services stating that 'services' are normally provided against remuneration.
- In all three cities, the touristic rental of private dwellings and/or private rooms has been regulated both by local zoning authorities and by tourism regulators. These regulations include several measures which may qualify as restrictions to the freedom to provide services within the internal market. Therefore, each such measure may need to be assessed under the necessity and proportionality tests established in the applicable EU case-law.

Reference

European Commission (2016). *Analytical paper on market access requirements in the short-term accommodation rental sector in Barcelona, Berlin and Amsterdam*. Retrieved from: http://ec.europa.eu/DocsRoom/documents/16948/attachments/1/translations