

# Description of the Regulatory Environment Surrounding the Collaborative Economy in Tourism Accommodation

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Study on the Assessment of the Regulatory Aspects Affecting the Collaborative Economy in the Tourism Accommodation Sector in the 28 EU Member States

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## Why did we select this research?

The main focus is on short term rentals of touristic dwellings, their market access requirements, liability, and taxation rules overview of the regulatory environment in the EU surrounding the collaborative economy in the tourism accommodation sector.

## Key findings

Market access requirements for collaborative economy providers are illustrated:

a) in most member states there *are* authorisation/licencing and/or registration (or other) requirements applicable to collaborative economy short term rental service providers

b) grouped the member states into three different groups:

1. member states where authorisation licenses schemes in place relating to and aimed at collaborative economy in particular or stemming from the

accommodation tourism sector

2. member states where there are registration schemes relating to/aimed at collaborative economy in particular or stemming from the accommodation tourism

3. member states where the legal framework includes general requirements related to business/economic activity

It is still not very clear in most circumstances whether a regulation is applicable to the collaborative economy either the regulations addressed at traditional providers apply or the collaborative economy is left completely unregulated there are no total bans on provision of short term accommodation - certain rules are restrictive tho.

Main restrictions discussed regarding sub letting without the landlords consent - usually from landlord and tenant law, not just collaborative economy, restrictions on number of days for which a property can be used for collaborative economic rentals, max number of hosts in an area, the number of properties restricted per provider, number of beds per property, min size, situation of property, hygiene, furnishing, internet etc

None of the member states has legislation in place regulating which assets specifically can be used for collaborative economy purposes - rules determining which assets can be used in collaborative econ were determined by traditional reg - mostly there is reg on what assets can be rented out though

#### MARKET ACCESS REQUIREMENTS FOR COLLABORATIVE ECONOMY PLATFORMS

- Notable absence of specific regulatory regimes addressing online collaborative platforms in the accommodation sector. no authorization or registration requirements for platforms.

- May need to submit to certain laws if classified within the generally broad definition of travel agency/tourist agency

- Need to be clarified whether or not online collaborative platforms n accommodation services satisfy conditions of the legislation to be deemed travel agencies/tourist agencies

#### REGULATORY ENVIRONMENT FOR LIABILITY ISSUES FOR PROVIDERS OF ACCOMMODATION SERVICES IN THE COLLABORATIVE ECONOMY, AND

## COLLABORATIVE PLATFORMS PROVIDING INTERMEDIATION SERVICES

Generally no specific national rules addressing contractual or extra contractual liability in the collaborative economy. There is no distinction between peer and professional in a collaborative economy sense - only traditional distinction with fixed vs non-fixed participant. There is also no specific insurance obligations on providers - where there are insurance obligations they are related to civil liability insurance for damage caused by the provider or insurance for occupational injuries. There are no obligations placed on collaborative economy platforms, although consumer law would naturally apply to the extent that they conclude contracts with consumers

### Reference

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