



2022/0358(COD)

4.5.2023

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DRAFT REPORT

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))

Committee on the Internal Market and Consumer Protection

Rapporteur: Kim Van Sparrentak

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	41
ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT	43

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

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 2023¹,
 - having regard to the opinion of the Committee of the Regions of 15 March 2023²,
 - 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 (A9-0000/2023),
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;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Not yet published in the Official Journal.

² Not yet published in the Official Journal.

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

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

Amendment

(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 **can** create opportunities for guests, hosts and the entire tourism ecosystem, their rapid growth has also triggered concerns and challenges, in particular for local communities and public authorities, **given that the expansive growth of short-term accommodation rental services is removing long-term housing from the market and driving up rents and housing prices and regularly has a negative impact on liveability in urban and tourist centres.** One of the main challenges is the lack of reliable information about short-term accommodation rental services, such as the identity of the host, the location where those services are being offered, and their duration, making it difficult for authorities to assess the impact of short-term accommodation rental services and develop and enforce **effective** policy responses.

Or. en

Amendment 2

Proposal for a regulation

Recital 2

Text proposed by the Commission

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

Amendment

(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 the internal market. ***A number of those platforms consistently refuse to comply with existing obligations for data sharing and suspending or withdrawing listings.*** In order to achieve ***a*** transparent provision of short-term accommodation rental services ***in the context of realising public policy objectives and meeting human rights obligations such as ensuring access to decent and affordable housing, ensuring the liveability of neighbourhoods and promoting a*** balanced tourism ecosystem within the internal market, a uniform and targeted set of rules should be established at Union level.

Or. en

Amendment 3

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Rules should be laid down to harmonise transparency requirements for

Amendment

(4) Rules should be laid down to harmonise transparency requirements for

the provision of short-term accommodation rental services through online short-term rental platforms in cases where Member States decide to impose such transparency requirements. Accordingly, harmonised rules should be provided for registration schemes and data-sharing requirements concerning online short-term rental platforms should Member States decide to put in place such schemes or requirements. To achieve effective harmonisation, and to ensure a uniform application of the rules, Member States will not be able to legislate on access to data from online short-term rental platforms outside the specific regime laid down in the present Regulation. That is in order to ensure that Member States do not regulate the requests in question without putting in place the necessary registration schemes, databases and single digital entry point and to facilitate proportionate, privacy-compliant and secure data sharing by online short-term rental platforms within the internal market. This Regulation does not affect Member States' competence to adopt and maintain market access requirements relating to the provision of short-term accommodation rental services by hosts, including health and safety requirements, minimum quality standards *or* quantitative restrictions, provided that such requirements are necessary and proportionate to protect public interest objectives, in accordance with the provisions of the Treaty on the Functioning of the European Union and Directive 2006/123/EC of the European Parliament and of the Council²⁵. The availability of reliable data on a uniform basis should support Member States' efforts in developing policies and regulations that comply with Union law. In fact, as the case-law of the Court of Justice of the European Union made clear, Member States are required to justify possible market access restrictions for hosts on the basis of data and evidence.

the provision of short-term accommodation rental services through online short-term rental platforms in cases where Member States decide to impose such transparency requirements. Accordingly, harmonised rules should be provided for registration schemes and data-sharing requirements concerning online short-term rental platforms should Member States decide to put in place such schemes or requirements. To achieve effective harmonisation, and to ensure a uniform application of the rules, Member States will not be able to legislate on access to data from online short-term rental platforms outside the specific regime laid down in the present Regulation. That is in order to ensure that Member States do not regulate the requests in question without putting in place the necessary registration schemes, databases and single digital entry point and to facilitate proportionate, privacy-compliant and secure data sharing by online short-term rental platforms within the internal market. This Regulation does not affect Member States' competence to adopt and maintain market access requirements relating to the provision of short-term accommodation rental services by hosts, including health and safety requirements, minimum quality standards, quantitative restrictions *or restrictions by area or type of building*, 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. *In this respect, the Court of Justice of the European Union has acknowledged that combatting housing shortage is an overriding reason of public interest justifying the setting up of authorisation schemes to provide short-term rental accommodation services.* Therefore, the availability of reliable data on a uniform basis should support Member States' efforts in developing policies and

regulations that comply with Union law. In fact, as the case-law of the Court of Justice of the European Union made clear, Member States are required to justify possible market access restrictions for hosts on the basis of data and evidence.

²⁵ 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).

²⁵ 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).

Or. en

Amendment 4

Proposal for a regulation Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The rules laid down in this Regulation are without prejudice to other reporting or registration obligations in accordance with Union law in the field of taxation, population registration or statistics amongst others and to applicable national rules under residency or tenancy law.

Or. en

Amendment 5

Proposal for a regulation Recital 6

Text proposed by the Commission

Amendment

(6) This Regulation should apply to services consisting in the short-term letting of furnished accommodation, against remuneration, whether on a professional or non-professional basis. Short-term

(6) This Regulation should apply to services consisting in the short-term letting of furnished accommodation, against remuneration, whether on a professional or non-professional basis. Short-term

accommodation rental services can concern, for example, a room in a host's primary residence with the host present, a host's primary or secondary residence rented out for a limited number of days per year, or one or more properties bought by the host as an investment to be rented out on a short-term basis, typically for less than a year throughout the year. The provision of furnished accommodation for more permanent use, typically for one year or more, should not be considered to be provided on short-term basis. Short-term accommodation rental services are not limited to units let for touristic or leisure purposes *but* should include short-term stays for other purposes, such as business or study.

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Or. en

Amendment 6

Proposal for a regulation

Recital 8

Text proposed by the Commission

(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 Council²⁷, which allow guests to conclude distance contracts with hosts for the provision of short-term accommodation rental services. Therefore, webpages connecting 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 *payment* (for example, online platforms intermediating the exchange of dwellings) are not covered by these rules, *given that only short-term accommodation rental services provided*

Amendment

(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 Council²⁷, which allow guests to conclude distance contracts with hosts for the provision of short-term accommodation rental services. Therefore, webpages connecting 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.

against remuneration are covered.

²⁷ 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, 27.10.22, p. 1).

²⁷ 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, 27.10.22, p. 1).

Or. en

Amendment 7

Proposal for a regulation Recital 10

Text proposed by the Commission

(10) In order to ensure that competent authorities obtain the information and data they need, ***without imposing disproportionate burdens on online platforms and hosts***, it is necessary to lay out a common approach to registration procedures within Member States that is limited to basic information allowing the identification of the unit and the host. To that end, Member States should ensure that, upon the submission of all relevant information and documents, 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 Council²⁸ to complete those registration procedures.

²⁸ 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,

Amendment

(10) In order to ensure that competent authorities obtain the information and data they need, it is necessary to lay out a common approach to registration procedures within Member States that is limited to basic information allowing the identification of the unit and the host. To that end, Member States should ensure that, upon the submission of all relevant information and documents, 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 identification scheme pursuant to Regulation (EU) No 910/2014 of the European Parliament and of the Council²⁸ to complete those registration procedures.

²⁸ 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,

Amendment 8

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) Hosts should provide information regarding themselves, the units they offer for short-term accommodation rental services and other necessary information so that the competent authorities know the identity of the host and their contact details, as well as the location, the type (e.g. house, apartment, room) and characteristics of the unit. **Such** information **is** needed to ensure traceability of hosts and units offered. 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 guests that the unit is capable of accommodating.

Amendment

(11) Hosts should provide information regarding themselves, the units they offer for short-term accommodation rental services and other necessary information so that the competent authorities know the identity of the host and their contact details, as well as the location **and the exact address of the unit, including flat number, cadastral reference or any other tool that enables it to be identified, the** type (e.g. house, apartment, room) and characteristics of the unit. **Where applicable, the hosts can also be required to indicate if they have obtained an authorisation to provide the short-term accommodation rental services within the framework of authorisation schemes established in accordance with Article 9 of Directive 2006/123/EC. Information on the rights and obligations of the hosts should be easily available to hosts as provided for under Directive 2006/123/EC. All this information is** needed to ensure traceability of hosts and units offered. 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 guests that the unit is capable of accommodating, **i.e. by indicating the number of bed places available.**

Amendment 9

Proposal for a regulation

Recital 14

Text proposed by the Commission

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

Amendment

(14) The information and documentation provided by hosts via the registration procedure should be verified by competent authorities only after the issuance of the registration number. It is appropriate to enable hosts, within a reasonable period of time **to be specified by competent authorities**, to rectify the information and documentation submitted which a competent authority considers to be incomplete or inaccurate. **During this period, competent authorities should be able to suspend the registration number and, where needed, issue orders to stop the listing of the unit on a short-term rental platform.** Where the host fails to rectify the information and documentation within the period indicated, the competent authority should have the power to **withdraw** the validity of the registration number. The competent authority should have the power to **withdraw** the validity of the registration number also in cases where it finds that there are manifest and serious doubts as regards the authenticity and validity of the information or documentation provided by the host. **In cases of suspension or withdrawal of** the validity of the registration number, **competent authorities should inform the hosts of their decision and state** the reasons for it. Hosts should have the possibility to be heard and, where appropriate, to rectify the information and documentation provided within a reasonable period of time. Where the validity of the registration number has been suspended **or withdrawn**, competent

Uniform Resource Locator (URL) of the listings.

authorities should have the power to issue an order requesting the online short-term rental platforms to remove or disable access to the listing relating to the unit in question without undue delay. Those orders should include all necessary information to identify the listing, including the individual Uniform Resource Locator (URL) of the listings.

Or. en

Amendment 10

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) Where a registration procedure applies, hosts should be required to provide online short-term rental platforms with their registration numbers, display them in each respective unit listing and provide guests with the unit's registration number. Member States should ensure that, where a registration procedure applies, national law enables competent authorities to order online short-term rental platforms to remove listings related to units offered without a registration number or offered with an invalid registration number.

Amendment

(15) Where a registration procedure applies, hosts should be required to provide online short-term rental platforms with their registration numbers, display them in each respective unit listing and provide guests with the unit's registration number. Member States should ensure that, where a registration procedure applies, national law enables competent authorities to order online short-term rental platforms to ***provide information regarding a specific unit, as well as to order online short-term rental platforms to*** remove listings related to units offered without a registration number or offered with an invalid registration number. ***Where a registration procedure applies, hosts should not be allowed to list a unit without a valid registration number. Where it finds that the registration number is not valid or missing, or, where appropriate, that the authorisation has not been granted, the competent authority can require the online short-term rental platforms to remove access to the illegal listing without undue delay.***

Or. en

Amendment 11

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) Article 31 of the Regulation (EU) 2022/2065 **lays** down certain due diligence requirements for providers of online platforms allowing consumers to conclude distance contracts with traders. Those requirements apply to online short-term rental platforms with respect to short-term accommodation rental services offered by hosts that qualify as traders. However, the short-term accommodation rental sector is characterised by the fact that hosts **are often** private individuals offering short-term accommodation rental services on an occasional peer-to-peer basis, who do not necessarily meet the conditions to be categorised as ‘traders’ under Union law. Therefore, in line with the concept and objective of ‘compliance by design’ under Article 31 of Regulation (EU) 2022/2065, and in order to enable competent authorities to verify whether applicable registration obligations are complied with, it is appropriate to apply specific conditions for compliance by design in the context of short-term accommodation rental services, including those offered by hosts that do not qualify as traders pursuant to Union law. Online short-term rental platforms should ensure that services are not offered where no registration number has been provided, **in cases where a host declares that such a registration number applies**. This should not amount to an obligation for online short-term rental platforms to generally monitor the services offered by hosts through their platform, nor to a general fact-finding obligation aimed at assessing the accuracy of the registration number prior to the publication of the offer of short-term accommodation rental

Amendment

(16) Article **30 and** 31 of the Regulation (EU) 2022/2065 **lay** down certain **know your business customer and** due diligence requirements for providers of online platforms allowing consumers to conclude distance contracts with traders. Those requirements apply to online short-term rental platforms with respect to short-term accommodation rental services offered by hosts that qualify as traders. However, the short-term accommodation rental sector is characterised by the fact that **many** hosts **structurally or professionally offer short-term accommodation rental services for purposes relating to their trade, business, craft or profession and meet the conditions to be categorised as ‘traders’ under Union law, while hosts can also be** 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 **through the design of their interfaces** that services are not offered where no registration number has been provided **taking into account the information on applicability of** registration

services.

procedures in Member States.

Furthermore, online short-term rental platforms should make reasonable efforts to carry out random checks on a regular basis. This should not amount to an obligation for online short-term rental platforms to generally monitor the services offered by hosts through their platform, nor to a general fact-finding obligation aimed at assessing the accuracy of the registration number prior to the publication of the offer of short-term accommodation rental services.

Or. en

Amendment 12

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) Competent authorities that wish to receive from online short-term rental platforms information about hosts' activities and have registration systems in place should be able to obtain activity data from online platforms on a regular basis. The type of data that may be obtained should be fully harmonised and include information on the number of nights for which a registered unit has been rented, the number of guests that stayed in the unit per night, the registration number and the URL of the listing of the unit, which is needed in order to *facilitate* the identification of the host and the unit offered for short-term accommodation rental services in cases where the registration number is missing or incorrect. Only online platforms that have effectively facilitated the conclusion of direct transactions between hosts and guests are covered by the obligation to provide the activity data, the registration number and the URL of the listing of the unit, as only those platforms are in a

Amendment

(18) Competent authorities that wish to receive from online short-term rental platforms information about hosts' activities and have registration systems in place should be able to obtain activity data from online platforms on a regular basis. The type of data that may be obtained should be fully harmonised and include information on the number of nights for which a registered unit has been rented, the number of guests that stayed in the unit per night, the *detailed address of the unit, the* registration number and the URL of the listing of the unit, which is needed in order to *allow* the identification of the host and the unit offered for short-term accommodation rental services in cases where the registration number is missing or incorrect. Only online platforms that have effectively facilitated the conclusion of direct transactions between hosts and guests are covered by the obligation to provide the activity data, the registration number and the URL of the listing of the

position to collect data, such as on the number of nights for which a unit is rented and the number of guests that stayed in the unit per night. Member States should not maintain or introduce measures that require platforms to report on short-term accommodation rental service providers and their activities diverging from those laid down in this Regulation, unless otherwise provided under Union law.

unit, as only those platforms are in a position to collect data, such as on the number of nights for which a unit is rented and the number of guests that stayed in the unit per night. Member States should not maintain or introduce measures that require platforms to report on short-term accommodation rental service providers and their activities diverging from those laid down in this Regulation, unless otherwise provided under Union law.

Or. en

Amendment 13

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) The Single Digital Entry Points should facilitate the ability of online short-term rental platforms to **randomly** check the validity of a registration number **or the accuracy of self-declarations**, in order to reduce errors and inconsistencies as regards data transmission and to ease their compliance burden. The Single Digital Entry Point should, while not requiring the actual storage of the registration number, allow the performance of random checks either automatically by means of Application Programming Interface allowing the verification of a registration number against the given entries in the registry of the individual registration procedures in a Member State connected to the Single Digital Entry Point or manually, for example, by entering a registration number in an online interface and receiving a confirmation on its validity. Online short-term rental platforms should be free to perform additional checks through the Single Digital Entry Point. Member States should continue enforcing registration obligations using the tools already

Amendment

(23) The Single Digital Entry Points should facilitate the ability of online short-term rental platforms to check the validity of a registration number, in order to reduce errors and inconsistencies as regards data transmission and to ease their compliance burden. The Single Digital Entry Point should, while not requiring the actual storage of the registration number, allow the performance of random checks either automatically by means of Application Programming Interface allowing the verification of a registration number against the given entries in the registry of the individual registration procedures in a Member State connected to the Single Digital Entry Point or manually, for example, by entering a registration number in an online interface and receiving a confirmation on its validity. Online short-term rental platforms should be free to perform additional checks through the Single Digital Entry Point. Member States should continue enforcing registration obligations using the tools already

available to them.

available to them.

Or. en

Amendment 14

Proposal for a regulation Recital 26

Text proposed by the Commission

(26) A proportionate, limited and predictable framework at Union level is necessary for the transparent sharing of activity data and registration numbers, in compliance with the requirements of the Regulation (EU) 2016/679 of the European Parliament and of the Council³¹. To achieve this, Member States should list the competent authorities at national, regional and local level that have established or maintain a registration procedure to request activity data for units located on their territory. Such data should only be processed for purposes of monitoring compliance with registration procedures or implementing rules concerning access to and provision of short-term accommodation rental services. ***In the latter case, such processing should only be permitted if the rules in question are non-discriminatory, proportionate, and comply with Union law, including the rules on free movement of services, freedom of establishment, and the rules in Directive 2006/123.*** For purposes of complying with Union law on data protection, any rules concerning access to and provision of short-term accommodation rental services should set out the purpose of processing the data in accordance with the requirements of Regulation 2016/679. Activity data, not including personal data, is also essential for authorities that are developing such rules as part of efforts to promote a balanced tourism ecosystem, including effective and

Amendment

(26) A proportionate, limited and predictable framework at Union level is necessary ***for ensuring hosts are informed about applicable rules and procedures*** and for the transparent sharing of activity data and registration numbers, in compliance with the requirements of the Regulation (EU) 2016/679 of the European Parliament and of the Council. To achieve this, Member States should list the competent authorities at national, regional and local level that have established or maintain a registration procedure to request activity data for units located on their territory, ***the areas where an authorisation scheme applies in their territory and the areas where offering short-term accommodation rental services is not permitted in their territory.*** Such data should only be processed for purposes of monitoring compliance with registration procedures or implementing rules concerning access to and provision of short-term accommodation rental services. For purposes of complying with Union law on data protection, any rules concerning access to and provision of short-term accommodation rental services should set out the purpose of processing the data in accordance with the requirements of Regulation (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 for the

proportionate rules for the access to, and the provision of, short-term accommodation rental services. A retention period of maximum *1* year should allow competent authorities to ensure compliance with rules and regulations applicable to hosts or concerning units rented and for policy development.

³¹ 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).

access to, and the provision of, short-term accommodation rental services. A retention period of maximum *2* year should allow competent authorities to ensure compliance with rules and regulations applicable to hosts or concerning units rented and for policy development.

³¹ 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).

Or. en

Amendment 15

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) Member States should ensure an effective enforcement of this Regulation as regards the provisions of this Regulation **concerning** the results of the random checks, the obligation to include a reference to the information to be made available by Member States on rules governing the provision of short-term accommodation rental services and the data sharing obligations of short-term rental platforms. Due to the specific nature of those obligations, it should be for authorities designated by the Member State of the Single Digital Entry Point, in which the relevant unit is located, to enforce them. Member States should also lay down rules setting out penalties for the infringement of these provisions of this Regulation that apply to online short-term

Amendment

(31) Member States should ensure an effective enforcement of this Regulation as regards the provisions of this Regulation. ***This concerns verification by competent authorities***, the results of the random checks, the obligation to include a reference to the information to be made available by Member States on rules governing the provision of short-term accommodation rental services and the data sharing obligations of short-term rental platforms. Due to the specific nature of those obligations, it should be for authorities designated by the Member State of the Single Digital Entry Point, in which the relevant unit is located, to enforce them. Member States should also lay down rules setting out penalties for the infringement of these provisions of this

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 Council³². Such penalties should be effective, proportionate and dissuasive. These penalties should ensure an effective enforcement of this Regulation, notably as regards data sharing obligations.

³² 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).

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. Such penalties should be effective, proportionate and dissuasive. These penalties should ensure an effective enforcement of this Regulation, notably as regards data sharing obligations.

³² 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).

Or. en

Amendment 16

Proposal for a regulation Recital 31 a (new)

Text proposed by the Commission

Amendment

(31a) It is essential that Member States ensure that competent authorities have the necessary resources, including financial means and human resources, to carry out their tasks under this Regulation in an efficient manner.

Or. en

Amendment 17

Proposal for a regulation Recital 34

Text proposed by the Commission

(34) The Commission should periodically evaluate this Regulation and monitor its effects on the provision of short-term accommodation rental services offered through online short-term rental platforms in the Union. That evaluation should include any effects on providers of online short-term rental platforms and any effects of ***the increased availability of data*** 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.

Amendment

(34) The Commission should periodically evaluate this Regulation and monitor its effects on the provision of short-term accommodation rental services offered through online short-term rental platforms in the Union. That evaluation should include ***aspects related to the availability and quality of the data shared by online short-term rental platforms, the extent to which online short-term rental platforms cooperate and comply with the obligations laid down under this Regulation, as well as*** any effects on providers of online short-term rental platforms and any effects of ***those data, based on their degree of usability,*** on the content of national, regional and local rules relating to the provision of short-term accommodation rental services ***and the contribution to the effective enforcement of those rules.*** In order to obtain a broad view of developments in the sector, the evaluation should take into account the experiences of Member States, ***competent authorities,*** and relevant stakeholders, ***especially on the effectiveness of cross-border cooperation and enforcement mechanisms.***

Or. en

Amendment 18

Proposal for a regulation
Recital 37

Text proposed by the Commission

(37) The fundamental right to the protection of personal data is safeguarded in particular by Regulation (EU) 2016/679. That Regulation provides the basis for rules and requirements of personal data processing, including where datasets

Amendment

(37) The fundamental right to the protection of personal data is safeguarded in particular by Regulation (EU) 2016/679. That Regulation provides the basis for rules and requirements of personal data processing, including where datasets

include a mix of personal and non-personal data and such data are inextricably linked. Any personal data processing under the present Regulation must comply with Regulation (EU) 2016/679. ***Therefore the data protection supervisory authorities are responsible for the supervision of the processing of personal data carried out in the context of this Regulation.***

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.

Or. en

Amendment 19

Proposal for a regulation

Article 2 – paragraph 2 – point a

Text proposed by the Commission

(a) national, regional or local rules regulating access to, or the provision of, short-term accommodation rental services by hosts, ***unless otherwise specifically provided for under this Regulation;***

Amendment

(a) national, regional or local rules regulating access to, or the provision of, short-term accommodation rental services by hosts;

Or. en

Amendment 20

Proposal for a regulation

Article 2 – paragraph 2 – point b

Text proposed by the Commission

(b) national, regional or local rules regulating the development or use of land, town and country planning or building standards;

Amendment

(b) national, regional or local rules regulating the development or use of land, town and country planning or building standards, ***as well as residential law and tenancy law;***

Or. en

Amendment 21

Proposal for a regulation

Article 2 – paragraph 3 – point ca (new)

Text proposed by the Commission

Amendment

(ca) Regulation (EU) 692/2011 of the European Parliament and of the Council;^{1a}

^{1a} 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/E.

Or. en

Amendment 22

Proposal for a regulation

Article 3 – paragraph 1 – point 7

Text proposed by the Commission

Amendment

(7) ‘registration number’ means a unique identifier issued by **the** competent **Member State**, which identifies a unit in **that Member State**;

(7) ‘registration number’ means a unique identifier issued by **a** competent **authority**, which identifies a unit in **its jurisdiction**;

Or. en

Amendment 23

Proposal for a regulation

Article 3 – paragraph 1 – point 8

Text proposed by the Commission

Amendment

(8) ‘registration procedure’ means any procedure by which hosts must provide specific information and documentation to the competent authorities **before they can start** offering short-term accommodation

(8) ‘registration procedure’ means any procedure by which hosts must provide specific information and documentation to the competent authorities **to obtain a registration number for** offering short-

rental services;

term accommodation rental services;

Or. en

Amendment 24

Proposal for a regulation

Article 3 – paragraph 1 – point 10

Text proposed by the Commission

(10) ‘competent authority’ means a national, regional or local authority of a Member State that is competent to manage and enforce registration procedures, and/or to collect data on short-term accommodation rental services;

Amendment

(10) ‘competent authority’ means a national, regional or local authority of a Member State that is competent to manage and enforce registration procedures, ***issue orders to remove access to illegal listing, to ensure compliance with applicable rules*** or to collect data on short-term accommodation rental services;

Or. en

Amendment 25

Proposal for a regulation

Article 3 – paragraph 1 – point 11

Text proposed by the Commission

(11) ‘activity data’ means the number of nights for which a unit is rented and the number of guests that ***stayed in*** the unit per night;

Amendment

(11) ‘activity data’ means the number of nights for which a unit is rented and the number of guests that the unit ***was rented for*** per night;

Or. en

Amendment 26

Proposal for a regulation

Article 4 – paragraph 2 – point da (new)

Text proposed by the Commission

Amendment

(da) technical means are in place to exclude specific addresses or specific areas from the registration procedure due to applicable rules;

Or. en

Amendment 27

Proposal for a regulation Article 4 – paragraph 2a (new)

Text proposed by the Commission

Amendment

2a. Member States shall take appropriate measures to ensure that, where an authorisation scheme applies, the issued registration number is not used to offer a unit on an online short-term rental platform until the authorisation procedure is completed.

Or. en

Amendment 28

Proposal for a regulation Article 5 – paragraph 1 – point a – point 1

Text proposed by the Commission

Amendment

(1) the address of the unit;

(1) the ***detailed*** address of the unit, ***including floor, apartment or mailbox number, cadastral reference or any other type of information that allows its precise identification;***

Or. en

Amendment 29

Proposal for a regulation

Article 5 – paragraph 1 – point a – point 4 a (new)

Text proposed by the Commission

Amendment

(4a) where applicable, whether an authorisation has been granted to offer short-term accommodation rental services;

Or. en

Amendment 30

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. Where a competent authority, after verification pursuant to paragraph 1, finds that the information or documentation submitted pursuant to Article 5(1) and 5(2) is incomplete or incorrect, that competent authority shall have the power to ask the host to rectify the information and documentation provided via the functionality referred to in Article 4(2), point (d), within a period to be specified by the competent authority.

2. Where a competent authority, after verification pursuant to paragraph 1, finds that the information or documentation submitted pursuant to Article 5(1) and 5(2) is incomplete or incorrect, that competent authority shall have the power to **suspend the validity of the registration number and** ask the host to rectify the information and documentation provided via the functionality referred to in Article 4(2), point (d), within a period to be specified by the competent authority.

Or. en

Amendment 31

Proposal for a regulation

Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. Where a host fails to rectify the requested information pursuant to

3. Where a host fails to rectify the requested information pursuant to

paragraph 2, the competent authority shall have the power to **suspend** the validity of the affected registration numbers and to issue an order requesting online short-term rental platforms to remove or disable access to any listing relating to the unit or units in question without undue delay.

paragraph 2, the competent authority shall have the power to **withdraw** the validity of the affected registration numbers and to issue an order requesting online short-term rental platforms to remove or disable access to any listing relating to the unit or units in question without undue delay.

Or. en

Amendment 32

Proposal for a regulation Article 6 – paragraph 4

Text proposed by the Commission

4. Where a competent authority, after verification pursuant to paragraph 1, finds that there are manifest and serious doubts as regards the authenticity and validity of the information or documentation submitted pursuant to Article 5(1) and 5(2), it shall have the power to **suspend** the validity of the affected registration numbers and to issue an order requesting online short-term rental platforms to remove or disable access to any listing relating to the unit or units in question without undue delay.

Amendment

4. Where a competent authority, after verification pursuant to paragraph 1, finds that there are manifest and serious doubts as regards the authenticity and validity of the information or documentation submitted pursuant to Article 5(1) and 5(2), it shall have the power to **withdraw** the validity of the affected registration numbers and to issue an order requesting online short-term rental platforms to **provide further information to verify the authenticity and validity of the affected registration number, as well as** remove or disable access to any listing relating to the unit or units in question without undue delay.

Or. en

Amendment 33

Proposal for a regulation Article 6 – paragraph 5

Text proposed by the Commission

5. Where a competent authority **intends to suspend** the validity of a

Amendment

5. Where a competent authority **suspends or withdraws** the validity of a

registration number or numbers pursuant to paragraphs 3 or 4, it shall notify the host in writing stating the reasons for that **intention**. The host shall be given the opportunity to be heard and, where appropriate, to rectify the information or documentation in question within a reasonable period to be specified by the competent authority. Where, after having heard the host, the competent authority confirms **its intention to suspend** the validity of a registration number or numbers, it shall notify the host in writing of that decision, **accompanied by a copy of the order referred to in paragraphs 3 or 4**.

registration number or numbers pursuant to paragraphs 2, 3 or 4, it shall notify the host in writing stating the reasons for that **decision and provide a copy of the orders issued in accordance with this Article**. The host shall be given the opportunity to be heard and, where appropriate, to rectify the information or documentation in question within a reasonable period to be specified by the competent authority. Where, after having heard the host, the competent authority confirms **or annuls its decision for suspension or withdrawal of** the validity of a registration number or numbers, it shall notify the host in writing of that decision.

Or. en

Amendment 34

Proposal for a regulation

Article 6 – paragraph 6 – introductory part

Text proposed by the Commission

6. Orders issued pursuant to paragraphs 3, 4 and 10 shall contain at least the following information:

Amendment

6. Orders issued pursuant to paragraphs 2, 3, 4, 10 and 11 shall contain at least the following information:

Or. en

Amendment 35

Proposal for a regulation

Article 6 – paragraph 6 – point c

Text proposed by the Commission

(c) **the identity of the host and of the unit offered for short-term accommodation rental services.**

Amendment

deleted

Or. en

Amendment 36

Proposal for a regulation Article 6 – paragraph 7

Text proposed by the Commission

7. The validity of a registration number shall remain suspended until the host has rectified the relevant information and documentation with the competent authorities. Upon reception, via the functionality referred to in Article 4(2), point (d), and verification of the accuracy, completeness and correctness of the information and documentation provided by the host, the competent authorities shall reinstate the registration number.

Amendment

7. The validity of a registration number shall remain suspended **or withdrawn** until the host has rectified the relevant information and documentation with the competent authorities. Upon reception, via the functionality referred to in Article 4(2), point (d), and verification of the accuracy, completeness and correctness of the information and documentation provided by the host, the competent authorities shall reinstate the registration number.

Or. en

Amendment 37

Proposal for a regulation Article 6 – paragraph 10

Text proposed by the Commission

10. Where a registration procedure applies, Member States shall ensure that national law enables competent authorities to order providers of online short-term rental platforms to remove listings related to units offered without a registration number **or** offered with an invalid registration number.

Amendment

10. Where a registration procedure applies, Member States shall ensure that national law enables competent authorities to order providers of online short-term rental platforms to **provide requested information and** remove listings related to units offered without a registration number, **or** offered with an invalid registration number, **or related to units in respect of which misuse of a registration number, such as multiple listings with the same single registration number, has occurred.**

Or. en

Amendment 38

Proposal for a regulation Article 6 – paragraph 10a (new)

Text proposed by the Commission

Amendment

10a. Where an authorisation procedure or other applicable rules apply, Member States shall ensure that national law enables competent authorities to order providers of online short-term rental platforms to provide information and, where appropriate, remove listings related to units offered without authorisation.

Or. en

Amendment 39

Proposal for a regulation Article 7 – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

(-a) inform the hosts of the applicable registration procedures, authorisation schemes and zone bans in the territory where the unit that they are offering, or intend to offer, for short-term accommodation rental services is located, taking into consideration the list provided pursuant to Article 13 of this Regulation.

Or. en

Amendment 40

Proposal for a regulation Article 7 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) design and organise their online interface in a way that requires hosts to

(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;

provide a valid registration number when the unit offered for short-term accommodation rental services is located in an area where a registration procedure has been established or applies *taking into account the list made available pursuant to Article 13(1)(a) and (aa)*;

Or. en

Amendment 41

Proposal for a regulation Article 7 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) where the host declares that the unit offered for short-term accommodation rental services is located in an area where a registration procedure has been established or applies, design and organise their online interface in a way that enables hosts to let users identify the unit through a registration number, and to ensure that hosts have provided a registration number prior to allowing the offering of the short-term accommodation rental services with respect to that unit;

deleted

Or. en

Amendment 42

Proposal for a regulation Article 7 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) make reasonable efforts to randomly check the declaration 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

(c) prevent the listing of a unit located in an area where a registration procedure has been established or applies without a valid registration number, taking into account the list made available pursuant to Article 13(1), point (a), and, where such a

procedure exists, the validity of the registration number provided by the host, including through the use of the functionalities offered by the Single Digital Entry Points referred to in Article 10(2), point (b), after allowing the offering of the short-term accommodation rental services by the host.

procedure exists, ***make reasonable efforts on a regular basis to randomly check, at least quarterly***, the validity of the registration number provided by the host, including 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.

Or. en

Amendment 43

Proposal for a regulation Article 7 – paragraph 2

Text proposed by the Commission

2. Online short-term rental platforms shall inform without delay the competent authorities and the hosts of the results of the random checks referred to in paragraph 1, point (c), concerning incorrect declarations of hosts or invalid registration numbers.

Amendment

2. Online short-term rental platforms shall inform without delay the competent authorities and the hosts of the results of the random checks referred to in paragraph 1, point (c), concerning incorrect declarations of hosts, ***multiple use of a single registration number*** or invalid registration numbers.

Or. en

Amendment 44

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

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

Amendment

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 ***the detailed***

is located, activity data per unit, together with the corresponding registration number as provided by the host and the URL of the listing. That transmission shall take place by machine-to-machine communication means.

address of the unit, activity data per unit together with the corresponding registration number as provided by the host and the URL of the listing. That transmission shall take place by machine-to-machine communication means.

Or. en

Amendment 45

Proposal for a regulation Article 9 – paragraph 2

Text proposed by the Commission

2. By way of derogation from paragraph 1, small or micro online short-term rental platforms that did not, in the previous quarter, reach a monthly average of 2 500 or more active hosts shall transmit the activity data per unit, together with the corresponding registration number and the URL of the listing, at the end of the quarter, by machine-to-machine communication means or manually, to the Single Digital Entry Point of the Member State where the unit is located.

Amendment

2. By way of derogation from paragraph 1, small or micro online short-term rental platforms that did not, in the previous quarter, reach a monthly average of 2 500 or more active hosts shall transmit the activity data per unit, together with the corresponding registration number and ***detailed address of the unit and*** the URL of the listing, at the end of the quarter, by machine-to-machine communication means or manually, to the Single Digital Entry Point of the Member State where the unit is located.

Or. en

Amendment 46

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

1. Where a Member State has established one or more registration procedures pursuant to Article 8, that Member State shall establish a Single Digital Entry Point for the receipt and forwarding of activity data, the relevant

Amendment

1. Where a Member State has established one or more registration procedures pursuant to Article 8, that Member State shall establish a Single Digital Entry Point for the receipt and forwarding of activity data, the relevant

registration number and the URL of the listings provided by online short-term rental platforms pursuant to Article 9. That Member State shall designate the authority which will be responsible for the operation of the Single Digital Entry Point.

registration number, *the detailed address of the unit* and the URL of the listings provided by online short-term rental platforms pursuant to Article 9. That Member State shall designate the authority which will be responsible for the operation of the Single Digital Entry Point.

Or. en

Amendment 47

Proposal for a regulation

Article 10 – paragraph 2 – point a

Text proposed by the Commission

(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 URL of the listings;

Amendment

(a) provide a technical interface for online short-term rental platforms enabling the machine-to-machine and manual transmission of activity data, the relevant registration number, *the detailed address of the unit* and the URL of the listings;

Or. en

Amendment 48

Proposal for a regulation

Article 10 – paragraph 2 – point c

Text proposed by the Commission

(c) provide a technical interface for the competent authorities referred to in Article 12 to receive activity data, the relevant registration number and the URL of listings transmitted by online short-term rental platforms only for the purposes identified in Article 12(2) for units in their territory.

Amendment

(c) provide a technical interface for the competent authorities referred to in Article 12 to receive activity data, the relevant registration number, *the detailed address of the unit* and the URL of listings transmitted by online short-term rental platforms only for the purposes identified in Article 12(2) for units in their territory.

Or. en

Amendment 49

Proposal for a regulation

Article 10 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) *facilitate the sharing of the information referred to in Article 13.*

Or. en

Amendment 50

Proposal for a regulation

Article 10 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) confidentiality, integrity and security of the processing of the activity data **and** registration numbers and the URL of the listing transmitted by online short-term rental platforms in accordance with Article 9.

(c) confidentiality, integrity and security of the processing of the activity data, registration numbers, **the detailed address of the unit** and the URL of the listing transmitted by online short-term rental platforms in accordance with Article 9.

Or. en

Amendment 51

Proposal for a regulation

Article 12 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) implementing rules governing the access to and the provision of short-term accommodation rental services, **provided that those rules are non-discriminatory, proportionate and comply with Union law.**

(b) implementing rules governing the access to and the provision of short-term accommodation rental services.

Or. en

Amendment 52

Proposal for a regulation

Article 12 – paragraph 3 – introductory part

Text proposed by the Commission

3. Competent authorities listed pursuant to paragraph 1 shall retain activity data in a secure and confidential manner as long as necessary for the purposes referred to in paragraph 2 and no longer than **1 year** after their receipt. Those competent authorities may, in accordance with the laws of the Member State, share activity data without any data that can identify individual units or hosts, including registration numbers and URLs, in particular with the following:

Amendment

3. Competent authorities listed pursuant to paragraph 1 shall retain activity data in a secure and confidential manner as long as necessary for the purposes referred to in paragraph 2 and no longer than **2 years** after their receipt. Those competent authorities may, in accordance with the laws of the Member State, share activity data without any data that can identify individual units or hosts, including registration numbers and URLs, in particular with the following:

Or. en

Amendment 53

Proposal for a regulation

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall draw up and make available, free of charge, the following lists:

Amendment

1. Member States shall draw up and make **publicly** available, free of charge, **and make available to online short-term rental platforms through the Single Digital Entry Point**, the following lists:

Or. en

Amendment 54

Proposal for a regulation

Article 13 – paragraph 1 – point aa (new)

Text proposed by the Commission

Amendment

(aa) list of areas where an

authorisation scheme applies in their territory;

Or. en

Amendment 55

Proposal for a regulation Article 13 – paragraph 1 – point ab (new)

Text proposed by the Commission

Amendment

(ab) list of areas where offering short-term accommodation rental services is not permitted in their territory;

Or. en

Amendment 56

Proposal for a regulation Article 15 – paragraph 2

Text proposed by the Commission

Amendment

2. Authorities designated by the Member State of the relevant Single Digital Entry Point shall be competent to enforce Articles 7(2), 7(3) and 9 of this Regulation.

2. Authorities designated by the Member State of the relevant Single Digital Entry Point shall be competent to enforce Articles 6, 7 and 9 of this Regulation.

Or. en

Amendment 57

Proposal for a regulation Article 15 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall lay down rules on penalties applicable to infringements by online short-term rental platforms of

3. Member States shall lay down rules on penalties applicable to infringements by online short-term rental platforms of

Articles 7(2), 7(3) and 9. Member States shall ensure that those penalties are effective, proportionate and dissuasive.

Articles 6, 7 and 9. Member States shall ensure that those penalties are effective, proportionate and dissuasive.

Or. en

Amendment 58

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

1. No later than 5 years after the date of application of this Regulation, the Commission shall evaluate this Regulation and submit a report on its main findings to the European Parliament, the Council **and to** the European Economic and Social Committee. This report shall be based on the evaluations submitted by national supervisory authorities pursuant to Article 14.

Amendment

1. No later than 3 years after the date of application of this Regulation, the Commission shall evaluate this Regulation and submit a report on its main findings to the European Parliament, the Council, the European Economic and Social Committee **and the Committee of the Regions**. This report shall be based on the evaluations submitted by national supervisory authorities pursuant to Article 14.

Or. en

Amendment 59

Proposal for a regulation Article 18 – paragraph 2 – point a

Text proposed by the Commission

(a) the impact of this Regulation on **the obligations imposed on online** short-term rental **platforms**;

Amendment

(a) the impact of this Regulation on **how effective sharing of data, in terms of quality, usability and quantity has helped enforce national, regional or local rules regulating access to, or the provision of, short-term accommodation rental services by hosts**;

Or. en

Amendment 60

Proposal for a regulation

Article 18 – paragraph 2 – point b

Text proposed by the Commission

(b) the impact of this Regulation on the availability of data relating to the provision of short-term accommodation rental services offered in the Union by hosts through online short-term rental platforms; and

Amendment

(b) the impact of this Regulation on the availability **and quality** of data relating to the provision of short-term accommodation rental services offered in the Union by hosts through online short-term rental platforms; and

Or. en

Amendment 61

Proposal for a regulation

Article 18 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the extent to which online short-term rental platforms cooperate and comply with the obligations laid down under this Regulation;

Or. en

Amendment 62

Proposal for a regulation

Article 18 – paragraph 2 – point c

Text proposed by the Commission

Amendment

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

(c) the effectiveness of enforcement and cooperation at cross-border level;

Amendment 63

Proposal for a regulation Article 19 – paragraph 2

Text proposed by the Commission

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

Amendment

It shall apply from [OP please insert date = **12** months after the date of entry into force of this Regulation].

EXPLANATORY STATEMENT

I. Introduction

The recent growth of online short-term rental accommodation services has impacted society in many aspects: positively from a tourism development perspective with more variety in offers, but also negatively by extracting long-term housing from the market in popular tourist destinations, increased housing prices, and a loss of grip on where tourism activity takes place, with impact on the liveability of some areas with noise disturbances or closure of convenience stores.

This growing phenomenon has led several cities and regions to adopt local rules to restrict market access to the provision of short-term rental accommodations services in accordance with the Services Directive for numerous reasons. It should be noted that, in this context, the Cali Apartments case (cases C-724/18 and C-727/18) the Court explicitly recognised that combating the long-term rental housing shortage constitutes an overriding reason relating to the public interest under the Services Directive. This means that local authorisation schemes can be justified for this reason under the Services Directive.

However, despite local rules to combat these problems, enforcement of those is nearly impossible without cooperation of the online short-term holiday rental platforms. Competent authorities need access to relevant data to enforce local rules and currently rely on the good will of online short-term rental platforms to share those.

The Rapporteur welcomes therefore the Commission proposal; this being a long-standing call from the Parliament in its Resolution on access to decent and affordable housing for all, as well as from alliance of cities impacted by the growth of the sector and various stakeholders within the sector. The draft report intends however to clarify few points and reinforce obligations on the platforms to ensure compliance with the provisions laid down under this Regulation, in particular with regard to the issue of illegal listings.

- On registration procedures: Any registration procedure established in a Member State must comply with the requirements set under this Regulation and provide for the automatic issuance of a registration number - while for some existing procedures, this is currently done *ex-ante*. In view of clarifying how such registration procedure is interlinked with authorization schemes when they are in place, the Rapporteur proposes amendments to Article 4 and Article 5. Furthermore, when it comes to information to be provided by hosts as part of the registration procedures, she recommends to expand the list of information that allow the precise identification of a unit.
- Verification by competent authorities: this is the view of the Rapporteur that to counterbalance the automatic issuance of a registration number that greater powers should be given to competent authorities in case of incorrect information or serious doubts about validity of a registration number, such as granting them possibility to suspend or withdraw the validity of such number, as well as possibility to request online short-term rental platforms to provide further information and remove access to the illegal listings.

- Compliance by design: this point is key to ensure that hosts and platforms comply with the provisions under this Regulation. Building on the information submitted by Member States under Article 13, platforms should design their online interface in a way that requires hosts to provide a registration number for areas where such a procedure exists, and not only self-declare. Furthermore, random checks are crucial to detect illegal listings and should be performed on a regular basis.
- The Rapporteur agrees with the Commission's approach that this Proposal does not regulate the adoption of local rules by competent authorities under the Services Directive and proposes some improvements in this respect: adoption of such rules by competent authorities are done under the Services Directive and notified in this respect. We should avoid creating confusion on this particular point.
- Evaluation: the Rapporteur introduces some modifications with regard to the evaluation by shortening the period from 5 to 3 years to assess how effective this Regulation has been in helping competent authorities to enforce rules regulating market access for short-term rental accommodation services due to the quality and availability of data submitted by online platforms, but also to evaluate the extent to which online platforms cooperate in this respect.
- Date of application: In order not to delay further the implementation of this long-awaited Proposal, the date of application is shortened from 24 to 12 months.

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPOREUR HAS RECEIVED INPUT**

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the [draft report / report, until the adoption thereof in committee]:

Entity or persons
European Cities Alliance on Short Term Rental
City of Amsterdam
Zita Pels, Deputy-Mayor for housing, Amsterdam
City of Barcelona
Janet Sanz Cid, Deputy Mayor for Ecology, Urbanism, Infrastructure and Mobility, Barcelona
City of Paris
City of Vienna
City of Berlin
City of Prague
Eurocities
FEANTSA
Fondation Abbé Pierre
Balearic Islands Region
Inside Airbnb
Housing Europe
International Tenants Union
HOTREC
Airbnb
Expedia
Ministry of Interior Affairs, the Netherlands
Ministry of Economic Affairs, the Netherlands
Trust Tester Solutions