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COMPROMISE AMENDMENTS

Draft report
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(PE746.732v01-00)

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

Proposal for a regulation
(COM(2022)0571 – C9-0371/2022 – 2022/0358(COD))

Compromise amendment 1 on Chapter I

Compromise amendment replacing all relevant amendments, including AM (19- 21, 131 - 138)

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.
2. This Regulation is without prejudice to:
 - (a) national, regional or local rules regulating access to, or the provision of, short-term accommodation rental services by hosts, unless otherwise specifically provided for under this Regulation;
 - (b) national, regional or local rules regulating the development or use of land, town and country planning or building standards, ***housing and tenancy***;
 - (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;

(da) Union or national law regulating the development, production and dissemination of European statistics or national official statistics.
3. This Regulation is without prejudice to the rules laid down by other Union legal acts regulating other aspects of the provision of services by online short-term rental platforms and the provision of short-term accommodation rental services, in particular:
 - (a) Regulation (EU) 2019/1150 of the European Parliament and of the Council¹;
 - (b) Regulation (EU) 2022/2065;

¹ 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).

- (c) Regulation (EU) 2022/1925 of the European Parliament and of the Council²;
- ~~(ca) Regulation (EU) 692/2011 of the European Parliament and of the Council³;~~
- (d) Directive 2000/31/EC;
- (e) Directive 2006/123/EC;
- (f) Directive (EU) 2015/1535 of the European Parliament and of the Council⁴;
- (g) Council Directive (EU) 2010/24/EU⁵; and
- (h) Council Directive (EU) 2011/16/EU⁶.

Recitals:

- (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, ~~*Stricter regulation and monitoring of the rental conditions at the local, regional, national and European levels would ensure the sustainable control of short-term rental accommodations in touristic areas, addressing any negative consequences, especially for vulnerable households, such as contributing to the decrease of available long-term housing and increase of rents and housing prices.*~~ *This Regulation sets a clear focus on one of the main challenges, which 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.*
- (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

² 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).

³ *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*

⁴ 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 (codification) (OJ L 241, 17.9.2015, p. 1).

⁵ 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).

⁶ 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).

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 ~~and the refusal by some platforms to comply with existing obligations for data sharing requirements, as well as orders for removal of illegal listings not leading to the desired outcome~~, 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 ~~in the context of realising public policy objectives such as ensuring access to decent and affordable housing, ensuring the liveability of neighbourhoods and promoting~~ a 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 ~~and a fair and transparent provision of short-term accommodation rental services~~ within the internal market, 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 to increase access to and quality of data for public authorities on the provision of short-term accommodation rental services, which in turn should enable them to design and implement policies on such services in an effective and proportionate manner, *in accordance with national and European law. This implies maintaining opportunities for platforms while respecting public policy objectives like available and affordable housing and protecting urban centres and rural areas, as well as lead to to a safer and more sustainable tourism ecosystem.*
- (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 ~~or restrictions by area or type of buildings~~, 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 Council⁷. *In this respect, the Court of Justice of the European Union has established that restrictive measures may be justified in certain cases in light of overriding reasons relating to public interest, while being*

⁷ 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).

proportionate to the objective pursued and non-discriminatory. 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.

- (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 national or Union law adopted pursuant to such competence for the access, sharing, and use of data in those areas. Therefore, possible future use of personal data processed pursuant to the Regulation for law enforcement or for taxation and customs purposes should be excluded.

Compromise amendment 2 on Chapter I

Compromise amendment replacing all relevant amendments, including AM (22-25, 139-160)

Article 3

Definitions

For the purpose of this Regulation, the following definitions shall apply:

- (1) ‘unit’ means a furnished accommodation located in the Union that is the subject of the provision of a short-term accommodation rental service. It does not include the following:
 - (a) hotels and similar accommodations including resort hotels, suite or apartment hotels, hostels and motels as described in NACE Rev. 2, group 55.1 (‘hotels and similar accommodation’) of Annex I to Regulation (EC) No 1893/2006 of the European Parliament and of the Council⁸;
 - (b) the provision of accommodation in camping grounds, recreational vehicle parks and trailer parks, as described in NACE Rev. 2 group 55.3 of Annex I to Regulation 1893/2006.
- (2) ‘host’ means a natural or legal person that provides, or intends to provide, on a professional or non-professional basis, ~~permanently or temporarily on a regular or on a temporary basis, directly or through an intermediary~~, a short-term accommodation rental service against remuneration through an online short-term rental platform;
- (3) ‘active hosts’ means hosts who have at least one unit listed during a period of 1 month on an online short-term rental platform;
- (4) ‘guest’ means a natural person who is hosted in a unit;
- (5) ‘short-term accommodation rental service’ means the short-term letting of a unit, against remuneration ~~of any form~~, whether on a professional or non-professional basis, as further defined by national law;
- (6) ‘online short-term rental platform’ means an online platform within the meaning of Article 3, point (i), of Regulation (EU) 2022/2065, that allows guests to conclude distance contracts with hosts for the provision of short-term accommodation rental services;
- (7) ‘registration number’ means a unique identifier issued by the competent **authority** ~~Member State~~, which identifies a unit in that Member State;
- (8) ‘registration procedure’ means any procedure by which hosts must provide specific information and documentation to the competent authorities **to obtain, automatically**

⁸ 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 393, 30.12.2006, p. 1).

and immediately, a registration number for ~~before they can start offering short-term accommodation rental services~~ ~~through an online short-term rental platform;~~

- (8a) **‘authorisation scheme’ means an authorisation scheme within the meaning of Article 4(6) of Directive 2006/123/EC;**
- (9) ‘listing’ means the reference to a unit offered for short-term accommodation rental services and published on an online short-term rental platform’s website;
- (10) ‘competent authority’ means a national, regional or local authority of a Member State that is competent to manage and enforce registration procedures, **ensure compliance with applicable rules**, and/or to collect data on short-term accommodation rental services;
- (11) ‘activity data’ means the number of nights for which a unit is rented and the number of guests that ~~stayed in~~ the unit **was rented for-to** per night, **and their country of residence, in accordance with (EU) Regulation 692/2011;**
- (12) ‘small or micro online short-term rental platform’ means an online short-term rental platform that qualifies as a small or micro enterprise within the meaning of Recommendation 2003/361/EC.

Recitals

- (6) This Regulation should apply to services consisting in the short-term letting of furnished accommodation, against remuneration, **including any sort of compensation**, whether on a professional or non-professional basis, **and as further defined under national law**. 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.
- (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 their services are already covered by existing transparency and reporting obligations, notably by Regulation (EU) No 692/2011 of the European Parliament and of the Council⁹. Accommodation provided on camping grounds, or in recreational vehicle parks and trailer parks, such as tents, caravans or recreational vehicles, should also 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

⁹ 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).

Parliament and the Council¹⁰, 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* 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 against remuneration are covered.~~

¹⁰ 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).

Compromise amendment 3 on Chapter II

Compromise amendment replacing all relevant amendments, including AM (26- 29, 161-195)

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.
2. Member States shall ensure that:
 - (a) registration procedures operate on the basis of declarations made by hosts;
 - (b) registration procedures ***are provided online, free of charge, and*** allow for the automatic and immediate issue of a registration number for a specific unit upon the submission by the host of the information referred to in Article 5(1) and, where appropriate, any supporting documentation required pursuant to Article 5(2);
 - (c) a unit is not subject to more than one registration procedure ***in the sense of this Regulation.***
 - (d) technical means are in place to allow for information and documentation to be updated by a host;
 - ~~(da) technical means are in place to exclude specific addresses or specific areas from the registration procedure due to applicable rules concerning the access to and provision of short-term accommodation rental services;~~
 - (e) technical means are in place to assess the validity of registration numbers;
 - (f) technical means are in place to allow a host to remove a unit from the registry referred to in paragraph 3;
 - (g) hosts are required, when offering their short-term accommodation rental services via an online short-term rental platform, to declare whether **where** the unit offered is located in an area where a registration procedure has been established or applies and, if so, to provide the registration number.
3. Member States shall ensure that hosts are able to request that the information or documentation provided pursuant to Article 5(1) and (2) can be re-used for the purposes of subsequent registrations.
~~3(a). Member States may limit the validity of the registration number and request active prolongation by the host.~~
4. 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.
4a. Member States shall ensure that hosts are able to submit all required documents as part of the registration process in a digital format. However, Member States may also maintain the possibility for hosts to submit all required documents offline.

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 the following information by way of declaration:
 - (a) for each unit:
 - (1) the ***detailed specific*** address of the unit ***including, where relevant, floor, apartment or mailbox number, cadastral reference, or any other type of information that allows its precise identification;***
 - (2) the type of unit;
 - (3) whether the unit is offered as a part or whole of the host's primary or secondary residence, or for other purposes;
 - (4) ~~*the number of rooms and bed places in the unit and*~~ the maximum number of guests that the unit can accommodate, ~~*by specifying the number of rooms and bed places in the unit;*~~
 - ~~*(4a) information concerning the accessibility of the unit for persons with disabilities in accordance with applicable requirements.*~~
 - ~~*(4aa) any additional services offered by the host in exchange for remuneration;*~~
 - ~~*(4b) where applicable, whether the host has obtained an authorisation, under an authorisation scheme, to offer short-term rental accommodation services from the relevant competent authority;*~~
 - (b) where the hosts are natural persons:
 - (1) their name;
 - (2) a national identification number or, if not available, other information allowing the identification of the person;
 - (3) their address;
 - (4) their contact telephone number;
 - (5) the electronic mail address that the competent authority can use for written communication;
 - (c) where the hosts are legal persons:
 - (1) their name;
 - (2) the national business registration number;
 - (3) the name of all its legal representatives;
 - (4) their registered address;
 - (5) a contact telephone number, of a representative of that legal person;
 - (6) an electronic mail address that the competent authority can use for written communication;
- ~~*(6a) where applicable, the website where the unit is listed*~~

2. Member States may require that the information submitted pursuant to paragraph 1 is accompanied by appropriate supporting documentation, *which may be provided in digital format. With respect to information referred to in point (4b) of paragraph 1, Member States may request a copy of, or reference to, the authorisation.*
3. Where a Member State requires hosts to submit further information and documentation, *including on compliance of the unit declared with accessibility requirements for persons with disabilities*, the submission of that information and documentation is without prejudice to the issuance of the registration number in accordance with Article 4(2), point (b). *Member States may also enable hosts to declare additional services, ancillary to the short-term 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 the information and documentation via the functionality referred to in Article 4(2), point (d).
5. Member States shall ensure that the information or documentation submitted pursuant to a registration procedure referred to in Article 4 is retained in a secure and confidential manner and only for a period which is necessary for the identification of the unit and for a maximum of *18 months* ~~± year~~ after the host has indicated via the functionality referred to in Article 4(2), point (f) that the unit should be removed from the registry. Member States shall ensure that the information and documentation provided by the host pursuant to paragraphs 1 and 2 is only processed for the purpose of issuing the registration number and ensuring compliance with the applicable rules of the Member State concerning the access to and provision of short-term accommodation rental services.
- ~~5a. *Access to the relevant information transmitted pursuant to Article 5(1a) shall be granted to authorities tasked with developing laws, regulations or administrative provisions 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 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 issuing a registration number, verify the declaration and any supporting documentation submitted by a host pursuant to Article 5(1) and 5(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 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 *reasonable* period *of time* to be specified by the competent authority.

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 **requiring** online short-term rental platforms to remove or 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 5(2), [~~or finds that the information given by the host pursuant to Article 5(1) conflicts with the offering of a specific unit to applicable rules, concerning the access to and the provision of short term accommodation rental services,~~] it shall have the power to suspend ~~or, where appropriate, withdraw~~ the validity of the affected registration numbers and to issue an order ~~requesting~~ **requiring** online short-term rental platforms to ~~to provide further information to verify the authenticity and validity of the affected registration number, as well as~~ or remove or disable access to any listing relating to the unit or units in question without undue delay.
 - 4a. ~~Where a competent authority, after verification pursuant to paragraph 1, finds that the information given by the host pursuant to Article 5(1) conflicts with the offering of a specific unit to applicable rules, concerning the access to and the provision of short term accommodation rental services, it shall have the power to withdraw the affected registration number and to issue an order requiring the online short term rental platform to remove any listing related to the unit in question.~~
5. Where a competent authority ~~intends to suspend~~ **suspends or withdraws** the validity of a registration number or numbers pursuant to paragraphs 3 or 4 or 4(a), 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**~~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~~ **decision** to suspend ~~or withdraw~~ 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.
 - 5a. **For cases where it is established by a competent authority that the host has failed, with wilful misconduct or gross negligence, to rectify the information requested according to paragraph 3 or provided unauthentic or invalid information according to paragraph 4, the competent authority may take appropriate further action to prevent the commercialisation of a unit. ~~can withdraw the registration number~~**
 - 5a. ~~The competent authority may, in the event of non-compliance with the orders issued pursuant to paragraphs 3, 4, 4(a) and 5, apply the penalty system laid down in their rules to online short-term rental platforms.~~
6. Orders issued pursuant to paragraphs 3, 4, ~~4(a)~~ and 10 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 uniform resource locators (URL) 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 available that may help identify the host and unit*,
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.
 8. The competent authority shall inform the hosts about the redress mechanisms available in relation to the steps taken pursuant to paragraphs 2 to 5 and 7.
 9. Where a Member State requires hosts to submit further information and documentation as referred to in Article 5(3), it may apply the provisions of this Article to such information or documentation, provided that the requirement in question is non-discriminatory, proportionate and complies with Union law.
 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*.

Relevant recitals :

- (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 platforms can be properly attributed to hosts and units. It should therefore be for competent authorities, where they wish to receive data from providers of online short-term rental platforms, to put in place or maintain registration procedures for hosts and their units, either at national, regional or local level. ***Registration obligations, established under this Regulation should be without prejudice to other possible information obligations derived from Union or national law, for example in the fields of taxation, population census and statistics.***
- (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 *precise* 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 Council¹¹ to complete those registration procedures. **Registration should be free of charge and ensure that hosts can submit all required documentation digitally. However, an offline service should still be available to take into account the needs of less-digitally skilled or equipped users, especially the elderly.**

- (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 specific address of the unit**, the type (e.g. house, apartment, room, **shared room, or other relevant categories**) and characteristics of the unit. **To allow the precise identification of the unit, specific information should be required from the host such as apartment number, floor, mailbox number.** 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 **by specifying for instance the number of rooms and the number of bed places in the unit.**
- (11a) **This Regulation does not affect the possibility for Member States to adopt and maintain market access requirements relating to provision of short-term rental accommodation services in accordance with Directive 2006/123/EU. However, rules under this Regulation should clarify that the automatic issuance of a registration number is without prejudice to the assessment of compliance by the hosts with market access requirements that may apply. Where relevant, hosts can also be required to indicate whether they have obtained an authorisation to provide the service of short-term rental accommodation in accordance with Directive 2006/123/EU. Requirements to submit additional information and documentation should not be used to circumvent rules applicable under the Directive 2006/123/EU.**
- (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 may in particular, in order to ensure equal access and inclusion, require hosts to provide information concerning the accessibility for persons with disabilities of the units offered for short-term accommodation rental services in relation to national or local accessibility requirements. **Member States may also enable hosts to declare whether additional services are offered against 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. 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.

¹¹ 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).

- (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** ~~1 year~~ following the host's request for removal of a unit from the registry, in order to allow competent authorities to perform any relevant checks even after the removal of the unit from the registry.
- (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. 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. ***In case of wilful misconduct or gross negligence, competent authorities may also take further action to prevent the commercialisation of a unit.*** 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 Uniform Resource Locator (URL) of the listings.

Batch 4

Compromise amendment 4 on Article 7

Compromise amendment replacing all relevant amendments, including AM 39, 223, 224, 225, 226, 40, 227, 228, TRAN 53, 41, 229, 230, 231, 232, 233, TRAN 54, 42, 234, 235, TRAN 55, 236, TRAN 56, 237, 238, 239, 240, 43, 241, 242, 243, TRAN 57, 244, TRAN 58, 96, 97, 98, TRAN 12, 10, 99, 100, 101, 102, TRAN 13 and 11

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;
aa) upon receiving the information referred to in point (a) and prior to allowing the host concerned to use its services, online short-term rental platforms shall, through the lists made available pursuant to Article 13(1)(a) ~~and (aa) or, where necessary, through requests to the host to provide supporting documents from reliable sources,~~ make best efforts to assess whether the information referred to in paragraph (a) is reliable and complete. For the purpose of this Regulation, hosts shall be liable for the accuracy of the information provided.
 - (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. *Short-term rental platforms shall publish the registration number clearly next to the as part of the listing. and enables a check whether the registration number provided by the host is correct and valid;*
 - (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, and thereafter~~ make reasonable efforts to randomly check *on a regular basis, and at least quarterly, at least 25% 10% of the listings on the platform* 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 procedure exists, ~~check~~ 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.
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, **multiple use of a single registration number**, or invalid registration numbers.

3. Online short-term rental platforms shall ~~include in a specific section of the online interface that is directly and easily accessible, a reference to the information~~ **regularly and adequately inform and update hosts of the applicability in a given area of registration procedures or data sharing obligations, or authorisation schemes, taking into consideration the lists provided pursuant to Article 13 of this Regulation, and the information** to be made available by Member States pursuant to Article 17(1), paragraph 1.

Relevant recitals:

- (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 further information regarding a specific unit and** remove listings related to units offered without a registration number or offered with an invalid registration number (TL96, S&D98).
- (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. **Furthermore, online short-term rental platforms should comply with Regulation (EU) 2022/2065 and 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, **but should lead to short-term rental online platforms making every possible effort to assess whether the unit offered for is located in an**

area where a registration procedure has been established, for example, by using the list provided pursuant to Article 13(1)(a).

Compromise amendment 5 on Chapter III

Compromise amendment replacing all relevant amendments, including AM (44-45, 245-254)

Article 8

Registration procedures for data reporting

Member States shall ensure that a registration procedure is established or maintained for units located in an area included in the list referred to in Article 13(1), point (b).

Article 9

Obligation on 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, *the specific detailed address of the unit, , the 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.*
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 detailed specific address of the unit, 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.*
- 2a Online short-term rental platforms shall be responsible for the completeness and accuracy of the datasets they transmit to competent authorities pursuant to this Article. For cases where there are manifest and serious doubts about the completeness and accuracy of the data transmitted, a competent authority may request an online short-term rental platform to rectify the dataset within a reasonable period of time and shall inform the monitoring authority referred to in Article 14.*

Relevant recitals:

- (17) Where competent authorities wish to receive from online short-term rental platforms information about hosts' activities, they should be required to establish or maintain registration procedure.
- (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 ***was rented to*** per night, ***the specific address of the unit***, the registration number and the URL of the listing of the unit, which is needed in order to ~~facilitate~~ ***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 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. ***Online short-term rental platforms should ensure the completeness and accuracy, based on the information provided by the host when offering the unit on a short-term rental accommodation platform, of the datasets transmitted to competent authorities pursuant to this Regulation, without prejudice to the exemption from liability, laid down in Regulation (EU) 2022/2065.***

- (19) ***In accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council***, 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 this information is already collected by competent authorities through the registration procedures applicable to hosts.
- (20) Online short-term rental platforms that qualify as small or micro enterprises within the meaning of Commission Recommendation 2003/361/EC¹² should ~~not be expected~~ ***be able not*** to use machine-to-machine communication means of data-sharing, provided that they did not, in the previous quarter, reach a monthly average of minimum 2 500 active hosts 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 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 and that reach or exceed this threshold should already have in place systems that allow to comply with machine-to-machine transmission requirements

¹² Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

Compromise amendment 6 on Chapter III

Compromise amendment replacing all relevant amendments, including AM (46-52, 255-286)

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 8, that Member State shall establish a Single Digital Entry Point for the receipt and forwarding of activity data, the relevant registration number, ***the detailed specific 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.
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 URL of the listings. ***The technical interface shall be designed on the grounds of the common specifications referred to in paragraph 5 of this Article;***
 - (b) facilitate random checks by online short-term rental platforms pursuant to Article 7(1), point ***(b) and*** (c) of the validity of registration numbers provided by hosts;
 - (c) provide a technical interface for the competent authorities referred to in Article 12 to receive activity data, the relevant registration number, ***the detailed-specific 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.
(ca) 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(3);
 - (b) the possibility to re-use 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(3) within the same Member State;
 - (c) confidentiality, integrity and security of the processing of the activity data, ~~and~~ registration numbers, ***the detailed specific address of the unit***, and the URL of the listing transmitted by online short-term rental platforms in accordance with Article 9.
4. The Single Digital Entry Point referred to in paragraph 1 shall not store information containing personal data. It 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,

~~detailed-specific address of the unit~~, and URL of listings provided by online short-term rental platforms.

5. The Commission ~~may~~ **shall** 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 ***through common specifications to establish a the standardised structure of the registration numbers and to develop an Application Programming Interface for platforms to connect with in order to share data with national Single Digital Entry Points and ensure full interoperability.*** Those implementing acts shall be adopted in accordance with the advisory 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. ***Where relevant, the coordination group may 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 the coordination of the 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 ~~and automated checks~~ for the functioning of the Single Digital Entry Points and the exchange of data;
 - (c) assist the Commission in developing a common approach to message format for the transmission of activity data and registration numbers and 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 8.
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 8;
 - (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~~ ***in line*** with Union law.
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 ~~18 12 years~~ ***months*** 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, and ***relevant information transmitted pursuant to Article 5(1a) and Article 5(1a)***, including registration numbers and URLs, in particular with the following:
 - (a) authorities tasked with developing laws, regulations or administrative provisions concerning access to and 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 purpose of those activities.
4. Member States shall ***transmit*** aggregated ~~the~~ activity data obtained pursuant to Article 9 and transmit it on a monthly basis to national, ***and where relevant, to regional*** statistical offices and Eurostat for the purposes of compiling statistics in accordance with Regulation (EC) No 223/2009 of the European Parliament and of the Council¹³. Activity data shall be aggregated at national, regional and municipal level, and shall include information on the total number of units and on the maximum number of guests that the unit can accommodate in each geographical subdivision. Those data shall be broken down by the type of unit as described in Article 5(1), point (a), of this Regulation ***and their transmission shall be in line with Union law on protection of personal data***. Member States shall designate the national entity responsible for aggregating activity data and transmitting it to national ***or regional*** statistical offices and Eurostat.

Relevant recitals:

¹³ 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).

- (21) Online short-term rental platforms should be required to fulfil the reporting obligations with respect to 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 this information is necessary to enable 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. ***It is essential to ensure that online short-term rental platforms design their interfaces in a way to facilitate submission of information and so as to ensure that hosts have can provided all the relevant information prior to listing. At the same time, hosts should remain primarily responsible for compliance of their activity with applicable rules.***
- (22) 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.
- (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 available to them.
- (24) 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 Council¹⁴. ***It is of particular importance that the Commission carry out appropriate consultations during its preparatory work with all relevant stakeholders.***
- (25) 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.

¹⁴ 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).

- (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 Council¹⁵. 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 (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 access to, and the provision of, short-term accommodation rental services. A retention period of maximum ~~1-year~~ **18 months** should allow competent authorities to ensure compliance with rules and regulations applicable to hosts or concerning units rented and for policy development.
- (27) Aggregated data sets based on the available activity data, would also be important for the compilation of official statistics. Those data, together with information on the total number of units and on the maximum number of guests that the unit can accommodate in each geographical subdivision, should be transmitted to national statistical offices and Eurostat every month for the purposes of compiling statistics in line with the requirements applicable to other service providers in the accommodation sector as laid in Regulation (EU) 692/2011 concerning European statistics on tourism. Member States should designate the national entity responsible for aggregating data and transmitting it. 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 and URLs, with entities and persons when this is needed to carry out scientific research or analytical activities as well as to produce new business models and services. Under the same conditions, activity data could be made available via sectorial data spaces, when established.

¹⁵ 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).

Compromise amendment 7 on Chapter IV

Compromise amendment replacing all relevant amendments, including AM (53- 57, 287-299)

Article 13

Information obligations

1. Member States shall draw up and make **publicly** available, free of charge, **and regularly update** the following lists:
 - (a) list of areas where a registration procedure applies in their territory;
~~(aa) list of areas where an authorisation scheme applies in their territory;~~
~~(ab) list of areas where a ban on short-term accommodation rental services applies in their territory;~~
 - (b) list of areas for which competent authorities have requested data from providers of online short-term rental platforms.
2. Competent authorities shall promote awareness of the rights and obligations under this Regulation in their respective territories **and shall provide the necessary information to allow public authorities, online short-term rental platforms and hosts, citizens and other relevant stakeholders to understand rules, procedures and requirements relating to the provision of short-term accommodation rental services within their territories in the context of this Regulation. This shall require regular updates of the information available on the Single Digital Gateway, especially when authorization schemes apply.**

Article 14

Monitoring

Each Member State shall designate an authority, which shall monitor the implementation of the obligations laid down by this Regulation on their territory and report on this implementation every **18 months** ~~two years~~ to the Commission.

Article 15

Enforcement

1. For the purpose of the enforcement of Article 7(1) 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) of this Regulation. To the extent that powers are conferred upon the Commission under Chapter IV of Regulation (EU) 2022/2065, they shall also cover the application of Article 7(1) 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(2), 7(3) and 9 of this Regulation.
3. Member States shall lay down rules on penalties applicable to infringements by online short-term rental platforms **and hosts** of Articles ~~5~~, **6(10)**, **7(1)**, 7(2), 7(3) and 9.

Member States shall ensure that those penalties are effective, proportionate and dissuasive.

4. Member States shall by [date of application of the Regulation] adopt and publish the laws, regulations and administrative provisions necessary to comply with paragraph 2 and shall notify the Commission thereof without delay.

Relevant recitals :

- (28) Member States should provide the necessary information ***in a clear manner*** 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. Those include registration procedures as well as any requirements concerning access to, and the provision of, short-term accommodation rental services. ***This information should also allow better enforcement of the Regulation by the Commission.***
- (29) In order to facilitate the implementation of this Regulation, each Member State should designate an authority that should monitor its implementation and report to the Commission every ***18 months*** ~~two years~~.
- (30) Member States should ensure an 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 coordinators*** ~~DSC~~ or the Commission should be empowered to enforce the compliance by design obligation laid down in ~~Article 7(1)~~ ~~of~~ 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 the Regulation (EU) 2022/2065.
31. Member States should ensure an effective enforcement of this Regulation as regards the provisions of this Regulation concerning ***the verification by the 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 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 Council¹⁶. Such penalties should be effective, proportionate and dissuasive. These penalties should ensure an effective enforcement of this Regulation, notably as regards data sharing obligations.

¹⁶ 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).

Compromise amendment 8 on Chapter V

Compromise amendment replacing all relevant amendments, including AM (58-63,300-314)

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 4 of Regulation (EU) No 182/2011 shall apply.

Article 17

Amendment 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 4 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 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]’.
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 ~~5~~³—4 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 Committee of the Regions*** 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 ***and the data transmitted to Eurostat according to 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, ~~quality and~~ 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
- (ba) *the extent to which online short-term rental platforms cooperate and comply with the obligations laid down under this Regulation taking into consideration reporting by competent authorities; and***
- (c) to the extent possible, the impact of this Regulation on ~~how effective sharing of data has helped to the design, and enforcement,~~ the content and proportionality of national legislative, regulatory or administrative measures relating to access to and the provision of short-term accommodation rental services; ~~and including where such services are provided cross-border.~~
- (ca) *the effectiveness of enforcement and cooperation at cross-border level*** where short-term accommodation rental services are provided cross-border;
- (cb) *the need to establish a centralised Single Digital Entry Points at EU level in order to provide for a unique interface for 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 [OP please insert date = **24 18** months after 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 Brussels,

For the European Parliament
The President

For the Council
The President

Relevant recitals (32-37) :

- (32) 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 Council¹⁷, which established the Single Digital Gateway, provides for general rules for the online provision of

¹⁷ 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).

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 Article 4 of this Regulation, should be included in Annex II of Regulation (EU) 2018/1724 so as to ensure that any host can benefit from fully online procedures. Regulation (EU) 2018/1724 should therefore be amended accordingly.

- (33) In addition, in accordance with the once-only principle, hosts with units in one or more Member States should be allowed to re-use data and evidence they have already submitted for the purpose 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) 2022/1463.¹⁸
- (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 *and usability* of data *relating to the provision of short-term accommodation rental services and, namely as regards the degree to which data can be accessed and used for policy making and enforcement purposes, as well as* 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*
- (35) In order to allow sufficient time for Member States to establish registration procedures, adapt existing registration procedures to the provisions of this Regulation and to 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 *18 months from the date of entry into force*.
- (36) Since the objectives of this Regulation, namely contributing to the proper functioning of the internal market in relation to the provision of *short-term accommodation rental* services provided by online short-term rental platforms cannot be sufficiently achieved by the Member States and can therefore be better achieved at Union level, the Union may adopt this Regulation, 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 those objectives.
- (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.

¹⁸ 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.)

Therefore the data protection supervisory authorities are *playing a key role in being* responsible for the supervision of the processing of personal data carried out in the context of this Regulation.

- (38) 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 35 and delivered an opinion on [XX XX 2022] ³⁶