

ANEC recommendations to EU co-legislators on Data Collection and Sharing relating to Short-Term Accommodation Rental Services

EP IMCO COMMITTEE REPORT AMENDMENTS

- a. Clarified scope, excluding local residential and tenancy law.
- b. Use of weaker language against the proliferation of STRs.
- c. Requirement of an online, free of charge procedure.
- d. Registration numbers should be public and verifiable in a public registry.
- e. More precise identification of units in the registration procedure. Information regarding accessibility requirements is not mandated.
- f. Member States must make publicly available a list of areas where registration procedures apply. Under the new amendments, citizens and other stakeholders are not to be mandatorily informed.
- g. Evaluations on the Regulation's effectiveness now include the extent to which online platforms comply with the obligations laid out in the Regulation.
- h. Reduced time for the Regulation to become applicable from 2 years to 1.

HOW HAS ANEC'S INPUT BEEN ADDRESSED SO FAR?

ANEC'S PREFERENCE FOR FULL HARMONIZATION

ANEC welcomes the Regulation's attempt to create a standardized procedure for short-term rental registration. However, it's essential to note that the Regulation grants Member States considerable discretion in enforcing registration procedures. ANEC's opinion is that the opt-in approach still introduces uncertainty for consumers. We advocate for a full harmonization model, where every short-term rental in the Union must be registered, ensuring consumer confidence in the verifiability and compliance with local laws.

ANEC'S PREFERENCE FOR CLEARER INFORMATION REQUIREMENTS & HOSTS' LIABILITY

Regarding host responsibilities for establishing contractual relationships and the evolving aspect of host liability, Article 7 of the compromise agreement relieves platforms of liability. Platforms are now expected only to make reasonable efforts to check the legality of the information published on listings. Instead, hosts are granted the ability to self-declare this information.

ANEC emphasizes the need for clearer information requirements.

ANEC's position is that hosts should be obligated to transparently specify the type of contractual relationship users enter when renting an STR. This clarification would distinctly outline whether it's a Consumer-to-Consumer (C2C) or Business-to-Consumer (B2C) arrangement, empowering consumers with a better understanding of their rights.

Additionally, ANEC advocates for hosts to disclose additional parameters, including compliance with health and safety standards. This approach ensures that consumers have the information needed to make well-informed decisions when selecting rentals.

ANEC'S VIEWPOINT ON THE 'CALI' JUDGMENT & DATA COLLECTION INTEROPERABILITY

ANEC welcomes the Council of the European Union's amendments, in line with the Cali Apartments judgment (C-724/18 and C-727/18), as it recognizes how important addressing the impact short-term rentals have on the rental housing shortage.

The Council also underlined that Member States can only justify

restricting market access of short-term rentals based on data and evidence.

The Regulation makes an indirect reference to this market access in Recitals 4 and 12 but it still misses an opportunity by ignoring the interoperability of data collection.

By collecting data on health and safety measures it would have been possible to assess the success of these regulatory measures and introduce additional ones—unfortunately, the Regulation does not provide for this.

ANEC'S PREFERENCES ON SANCTIONS AND LACK OF CONSUMER PROTECTION AND QUALITY STANDARDS

According to the compromise agreement, competent authorities now have the power to temporarily suspend the authorisation of an accommodation until it complies with relevant laws. If the host continues to violate national and/or local regulations the authorities can also take further measures.

ANEC observes that the Regulation, while addressing enforcement measures, falls short of incorporating consumer standards. Instead, it primarily focuses on data collection and an authorization scheme, which ANEC sees as a missed opportunity to safeguard consumer interests.

NEXT STEPS

On September 19, 2023, the Internal Market and Consumer Protection Committee adopted its position with **31 votes in favour**, none against, and one abstention.

Following the confirmation of the adopted negotiating mandate by the Parliament plenary of 2-5 October, the negotiations with the Council are now ongoing.



ANEC is the European consumer voice in standardisation, defending consumer interests in the processes of technical standardisation and conformity assessment, as well as related legislation and public policies.

ANEC was established in 1995 as an international non-profit association under Belgian law and is open to the representation of national consumer organisations in 34 countries.

ANEC is funded by the European Union and EFTA, with national consumer organisations contributing in kind. Its Secretariat is based in Brussels.

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