



Public consultation on the regulatory and administrative framework affecting tourism

1. INTRODUCTION

The consultation was carried out between 12 December 2013 and 21 March 2014. The objective was to identify EU, national, regional and local policy initiatives (legislative or not) and administrative practices, where there may still be scope for further reduction of the burden for SMEs, and in particular for micro businesses, as well as for EU tourism destinations, public administrations and tourists visiting EU Member States from within or outside Europe. It equally aimed at identifying good practices and success stories at all administrative levels.

It is important to underline that the consultation was not part of the Commission's formal Regulatory Fitness (REFIT) exercise. Its questions were concerning general regulatory and administrative areas without referring to specific measures or practices. This was necessary in order to be able to incorporate various regulatory and administrative levels (i.e. EU, national, regional and local) in its scope.

The consultation pointed out to 12 policy areas, each of which divided in sub-areas. The complete list is provided in Annex 1. For each sub-area, respondents were asked to indicate the nature of the burden (at EU, national, regional and local) picking among the different options (Too costly – Unnecessary - Too restrictive - Too excessive - Too complex - Lacks transparency - Lacks protection – Others).

The analysis of the outcome of this consultation is intended to remain factual and to provide general information to the Commission as well as to public and private stakeholders, without any concrete follow-up measure in sight for the time being.

2. OVERVIEW ON THE RESPONDENTS

The consultation received altogether 89 responses.

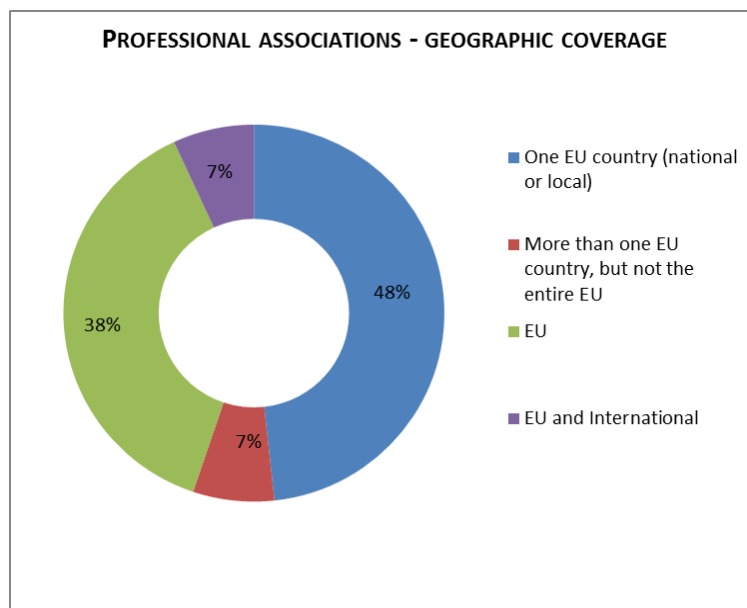
The biggest number of responses (27 in total and 30% of all respondents), was received from professional associations/federations. Slightly less (23 responses, representing 26 % of all responses), were sent by businesses. One-fifth of the respondents (18 responses and 20% of all responses) were from public administrations at national, regional or local level. While individuals (with 11 responses), and "other" type of respondents (with 10 responses), each made up just above 10% of all the respondents.

Respondents by category	Answers	Ratio
Professional Association/Federation	27	30%
Enterprise	23	26%
Public administration	18	20%
Individual	11	13%
Other	10	11%
TOTAL	89	100%

2.1 Professional associations / federations

Out of the 27 professional associations/federations, 23 (85%) declared to be "active in the field of tourism". The remaining 4 are active in the fields of fire safety, transport enterprises, salaried workers and trade unions.

As from their geographical coverage, 11 declared to be active all over the EU, 2 to work in the EU and internationally, 13 were national associations (2 working in more than one Member States) and 1 was a local association.



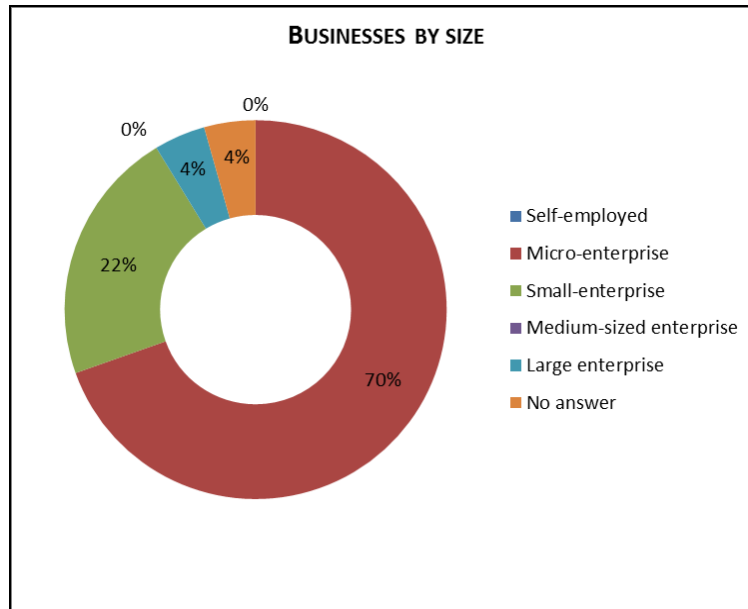
When replying to the question if they have "carried out any exercise aiming at the reduction of regulatory / administrative burden on enterprises", 12 replied they have done it in the past or that it is part of their normal activities, 1 was currently in the progress of such exercise, 4 were planning one in the future. However, 8 stated that they have never done such analysis and were not planning to do so either.

It is noteworthy that professional associations and federations' responses represent the collective voice of numerous organisations, businesses and also of the trade unions.

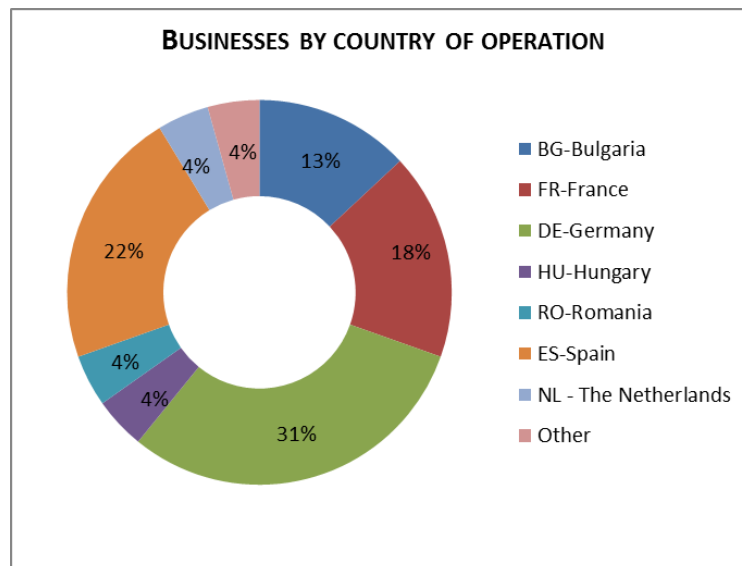
2.2 Enterprises

All the respondent 23 enterprises were tourism enterprises. 10 of them declared to work in the field of accommodation, 7 work as tour operators or travel agents, the others are active in the field of consultancy, destination management, cruises or yacht charters, and cultural, and gastronomy tourism or as sustainability advisor.

As for their size, one was a large enterprise, 5 were small and 16 were micro. One did not declare its size.



As for the geographical coverage, 7 were from Germany, 5 from Spain, 4 from France, 3 from Bulgaria.



2.3 Public administrations

Out of the 18 public administrations who replied to the consultation, 9 were local (50%), 5 were regional (28%) and 4 were national (23%)¹. Among the latter, 3 were in charge of tourism and 1 in charge of product and consumer safety and market surveillance.

When replying to the question if they have "carried out any exercise aiming at the reduction of regulatory / administrative burden on enterprises in their country / region / local area ", 10 (56%) claimed to have done it, 2 were already in the progress, 4 were planning to do so in the future. Only 2 said they have not done so and were not planning either to carry out such exercise.

2.4 Individuals and Other type of respondents

Most of the 11 individuals responding to the consultation were Italian (3 responses), as well as British and Spanish (2 responses each). The remaining four were from Cyprus, Greece, the Netherlands and Romania.

The 11 respondents of the "Other" category encompassed mostly trade unions, standards bodies, consumer organisations, NGOs and organisations representing a specific interest group indirectly related to tourism (e.g. disabled people, mountain municipalities, environmental protection and cultural and historical heritage, research institutes, boating activities).

It should be noted that, similarly to the professional associations / federations, one collective contribution by organisations under this category, such as consumer organisations, may represent a large number of stakeholders' views.

3. OVERVIEW OF THE REGULATORY / ADMINISTRATIVE FRAMEWORK

The consultation aimed at identifying what sorts of difficulties (if any) were encountered by stakeholders when complying with the regulatory framework or administrative practices and at what level: EU, national, regional or local².

The analysis below uses the same terms with respect to the regulatory and administrative areas as well as the type of difficulties encountered as the consultation questionnaire, unless specific measures and administrative practices were referred to in stakeholders' views or difficulties were specified and elaborated on.

¹ It is to be noted that one national administration wrongly submitted the reply for the category "Other" and from the statistical point of view, it has been considered as such in this document.

² However, it is to be noted that most of the respondents indicated difficulties at all administrative levels while a few indicated only specific ones. Such diverse interpretation of the questionnaire may result in a statistical distortion of the outcome of the replies analysis which is done through a factual approach. Furthermore, some of the responses, which were sent by e-mail did not follow the questionnaire, and therefore cannot be considered from the statistics point of view.

3.1 EU level regulatory and administrative framework

This section provides a factual overview on the replies on the regulatory and administrative framework at EU level, first with reference to the most signalled difficulties for all categories of respondents altogether and secondly with a focus on the views of the different categories.

Difficulties signalled by all categories altogether

Burden	answers	Ratio
Too complex	621	24%
Lacks protection	388	15%
Too costly	371	14%
Lacks transparency	315	12%
Too excessive	269	10%
Too restrictive	165	6%
Unnecessary	163	6%
Other	327	12%
Total	2619	

In general, **the most signalled difficulty was “complexity of legislation and administrative practices”**, followed by **"lack of protection"** and **"costliness"**.

Complexity was particularly pointed out in case of: public procurement rules and practices, data protection, access to finance, settlement of consumer disputes, rules/practices related to work contracts and unemployment, and the provision of services across borders.

Lack of protection was earmarked by 15 % of the responses, pointing to the area of online commerce of tourism services (e.g. booking, reservations, etc.), and, to a more moderate extent, to the area of safe and reliable exchange of tourism services (distance selling, advertising, unfair commercial practices, timeshare of holiday properties, travel packages, etc.), as well as to the areas of social security and taxation, climate change and chemicals.

The most signalled areas for their **costliness** were: energy supply, energy efficiency and renewable energy, VAT, transport of passengers, environmental certification, social security and taxation.

Lack of transparency was signalled for safe and reliable exchange of tourism services and, to a lesser extent, in case of food safety (hygiene, labelling, etc.) and public procurement rules and practices.

The following table provides an overview of the responses by category of stakeholders (number of replies and percentages):

Difficulties signalled by category

	<i>Enterprise</i>		<i>Association Federation</i>		<i>Public administration</i>		<i>Individual</i>		<i>Other</i>	
Too costly	191	20%	54	11%	41	8%	32	8%	53	18%
Unnecessary	77	8%	38	7%	26	5%	13	3%	9	3%
Too restrictive	73	8%	38	7%	27	6%	13	3%	14	5%
Too excessive	139	15%	62	12%	26	5%	32	8%	10	3%
Too complex	285	30%	92	18%	118	24%	90	23%	36	12%
Lacks transparency	54	6%	85	17%	73	15%	55	14%	48	16%
Lacks protection	59	6%	59	12%	92	19%	131	34%	47	16%
Other	59	6%	83	16%	83	17%	22	6%	80	27%
TOTAL	937		511		486		388		297	

Among the three main respondent groups, **professional associations** signalled **complexity and lack of transparency** as the most signalled difficulties to approximately the same extent.

Complexity is signalled in particular for quality certification procedure and then for data protection, access to finance and energy efficiency regulations.

Lack of transparency is signalled mainly for recognition of professional qualifications and online commerce of tourism service but also for safe and reliable exchange of tourism services, safety of tourism services and other regulations in the field of consumer protection.

Public administrations mostly found the EU level framework **too complex** (VAT, quality certification procedures) and **lacking protection** (environment-related regulatory framework, use of standards for product requirements as well as tourism services and, to a lesser extent, consumer redress, social security and work contracts).

Among **enterprises**, about one-third signalled the **complexity** of EU regulatory and administrative framework. This was particularly indicated in the areas of: access to finance, settlement of consumer disputes, public procurement rules, as well as intellectual property rules related to work contracts, and combined transport.

3.2 National regulatory and administrative framework

This section provides a factual overview on the replies on the regulatory and administrative framework at National level, first with reference to the most signalled difficulties for all categories of respondents altogether, and secondly with a focus on the views of the different categories.

Difficulties signalled by all categories altogether

Burden	answers	Ratio
Too complex	534	20%
Too costly	455	17%
Lacks protection	442	16%
Too excessive	309	11%
Lacks transparency	301	11%
Too restrictive	197	7%
Unnecessary	163	6%
Other	294	11%
TOTAL	2695	

The three most often flagged difficulties were **complexity, costliness and the lack of protection**. Nevertheless, figures related to these problems are not higher than 20% of the responses.

The most frequently signalled policy areas for their **complexity** were: redress and settlements of consumer disputes, access to finance, regulations/ rules or administrative practices related to construction (e.g. registration, permits, etc.) and those related to unemployment.

For their **costliness**, the following policy areas were marked at the highest proportion: energy supply, VAT and transport of passengers.

Finally, the following areas were indicated as **lacking protection**: safety of tourism services, nature and biodiversity and the safe and reliable exchange of tourism services (distance selling, advertising, unfair commercial practices, timeshare of holiday properties, travel packages, etc.).

The following table provides an overview of the responses by category of stakeholders (number of replies and percentages):

Difficulties signalled by category

	Enterprise		Association Federation		Public administration		Individual		Other	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Too costly	193	20%	81	16%	60	11%	56	15%	65	21%
Unnecessary	75	8%	43	9%	23	4%	13	3%	9	3%
Too restrictive	59	6%	54	11%	46	8%	18	5%	20	6%
Too excessive	147	16%	81	16%	38	7%	32	8%	11	4%
Too complex	254	27%	95	19%	99	18%	56	15%	30	10%
Lacks transparency	74	8%	30	6%	81	15%	61	16%	55	18%
Lacks protection	95	10%	58	12%	113	20%	130	34%	46	15%
Other	49	5%	57	11%	93	17%	18	5%	77	25%
TOTAL	946		499		553		384		313	

Lack of sufficient/effective protection in the field of safety of tourism services and in the one of consumer protection, and **complexity** (for public procurement, company laws, product requirements information obligation, recognition of professional qualifications, statistics and rules related to construction) seem to be the two major difficulties signalled by **public administrations**. At the same time, **complexity** was the main concern of **professional associations** (19%), in particular for rules related to construction and for data protection and consumer redress.

Complexity at national level was also signalled by almost one in 3 **enterprises** responding to the consultation. This was particularly the case for: access to finance, online commerce of tourism services and, to a lesser extent, consumer redress and rules related to work contracts.

Over one-third of **individuals** marked the **lack of sufficient/effective protection** particularly in the areas of rules/practices related to unemployment, safe and reliable exchange of tourism services and, to a lesser extent, recognition of professional qualifications in tourism, environmental regulatory framework on water as well as rules/practices related to work contracts, organisation of working time, health and safety at work, safety of tourism services and food safety / hygiene.

3.3 Regional level regulatory and administrative framework

This section provides a factual overview on the replies on the regulatory and administrative framework at Regional level, first with reference to the most signalled difficulties for all categories of respondents altogether, and secondly with a focus on the views of the different categories.

Difficulties signalled by all categories altogether

Burden	answers	Ratio
Too complex	451	18%
Lacks protection	432	17%
Too costly	391	16%
Lacks transparency	318	13%
Too excessive	257	10%
Unnecessary	209	8%
Too restrictive	150	6%
Other	297	12%
TOTAL	2505	

The two major concerns signalled were **complexity and lack of protection**. **Costliness** was also marked at a slightly lesser extent.

Complexity was signalled in particular in case of: redress and settlement of disputes, rules/practices related to unemployment, regulations/ rules or administrative practices related to construction, and more moderately, in case: of public procurement rules and practices as well as intellectual and industrial property.

Lack of protection at regional level was indicated for the regulatory and administrative framework related to safety of tourism services, nature and biodiversity and data protection.

Finally, regulatory and administrative framework related to energy supply, VAT, energy efficiency / renewable energy, transport of passengers and social security and taxation were considered **too costly** at the highest extent.

The following table provides an overview of the responses by category of stakeholders (number of replies and percentages):

Difficulties signalled by category

	Enterprise		Association Federation		Public administration		Individual		Other	
Too costly	178	19%	53	14%	62	12%	48	13%	50	17%
Unnecessary	88	10%	55	14%	40	8%	11	3%	15	5%
Too restrictive	46	5%	32	8%	39	7%	22	6%	11	4%
Too excessive	145	16%	51	13%	28	5%	27	7%	6	2%
Too complex	223	24%	73	19%	81	15%	44	12%	30	10%
Lacks transparency	90	10%	25	6%	75	14%	69	18%	59	20%
Lacks protection	93	10%	46	12%	107	20%	137	36%	49	16%
Other	56	6%	52	13%	93	18%	19	5%	77	26%
TOTAL	919		387		525		377		297	

Professional associations signalled **complexity at regional level** (in particular in relation to public procurement, construction and products' conformity assessment) at highest extent (19%). Roughly the same percentage of **public administrations** marked **lack of protection** as main issue (in particular in relation to animal and plant health, health and safety at work, nature and biodiversity as well as data protection).

Similarly to national level results, **complexity** (in particular in relation to intellectual and industrial property and work contracts practices/policies) received the highest number of replies by **enterprises** . **Costliness** (e.g. energy supply) and **too excessive regulatory framework** (e.g. health and safety at work) were also signalled but more moderately.

Also reflecting national level results, **individual respondents** found that certain regulatory and administrative areas at regional level were **lacking protection**. This was particularly the case for rules and practices related to unemployment, safe and reliable exchange of tourism services and animal and plant health.

3.4 Local level regulatory and administrative framework

This section provides a factual overview on the replies on the regulatory and administrative framework at regional level, first with reference to the most signalled difficulties for all categories of respondents altogether, and secondly with a focus on the views of the different categories.

Difficulties signalled by all categories altogether

Burden	answers	Ratio
Lacks protection	440	18%
Too complex	433	17%
Too costly	395	16%
Lacks transparency	334	13%
Unnecessary	242	10%
Too excessive	224	9%
Too restrictive	139	6%
Other	302	12%
TOTAL	2509	

At **local level**, **lack of protection** (e.g. safety of tourism services and nature and biodiversity), **complexity** (e.g. consumer redress and settlement of disputes, rules/practices related to unemployment, intellectual and industrial property) and **costliness** were the most frequently highlighted difficulties.

The following table provides an overview of the responses by category of stakeholders (number of replies and percentages):

Difficulties signalled by category

	Enterprise		Association Federation		Public administration		Individual		Other	
	Answers	Ratio	Answers	Ratio	Answers	Ratio	Answers	Ratio	Answers	Ratio
Too costly	160	18%	52	14%	74	13%	57	16%	52	18%
Unnecessary	104	12%	58	16%	50	9%	11	3%	19	6%
Too restrictive	44	5%	29	8%	43	7%	16	4%	7	2%
Too excessive	126	14%	40	11%	35	6%	17	5%	6	2%
Too complex	219	24%	63	17%	83	14%	39	11%	29	10%
Lacks transparency	96	11%	31	8%	89	15%	69	19%	49	17%
Lacks protection	91	10%	42	11%	113	20%	137	37%	57	19%
Other	62	7%	53	14%	92	16%	20	5%	75	26%
TOTAL	902		368		579		366		294	

At local level, **enterprises** highlighted **complexity** as number one concern, amongst others in relation to intellectual property, work contracts rules, as well as unemployment, online commerce of tourism services and transport. **Complexity** was also highlighted by 17% of **professional associations**, in particular in relation to the areas of construction, public procurement as well as consumer redress and settling of disputes for professional associations.

One in five **public administrations** signalled **lack of protection at local level** (e.g. animal and plant health and nature and biodiversity).

Individuals strongly highlighted the **lack of protection as well**, underlining policy areas such as rules and practices related to unemployment, safe and reliable exchange of tourism services, animal and plant health, organisation of working time and quality certification in tourism.

4. FOCUS ON THE TOURISM-SPECIFIC REGULATORY AND ADMINISTRATIVE FRAMEWORK FOR SELECTED AREAS

A) This section focuses on some **selected areas of the regulatory/administrative framework which have a direct impact on the tourism-sector**, with particular emphasis on the comments on the EU regulatory and administrative framework.

1. Safe and reliable exchange of tourism services (distance selling, advertising, unfair commercial practices, timeshare of holiday properties, travel packages, etc.)

Associations representing the industry consider that EU rules/practices lack transparency with particular reference to some new online websites which use unfair commercial practices towards hotels /restaurants that are complying with all regulations (HOTREC). Sometimes, they fail creating a level playing field (ECTAA), (i.e. the Package Travel Directive (ECTAA, ABTA, ETOA). Most of these associations claim that revision of this directive should close existing gaps in consumer protection which confuse consumers and result in an uneven regulatory environment for businesses operating within the same marketplace. They also as that the revised Directive does not burden protected businesses with high costs of compliance, pushing customers through price incentives towards the unprotected and unregulated sector..

There was also a call that the needs of persons with disabilities be better taken into account (EDF).

For an association representing micro-enterprises (EUROGITÉS), the rules for micro enterprises were considered as excessive. One enterprise considered that many EU legislative initiatives leave space for interpretation at national level and as a consequence rules are different from one Member States to another. This results in a particularly complex regulatory environment to navigate for the tourism sector which is inherently cross-border, particularly for SMEs, making it difficult for small independent travel agencies to be able to inform their customers on the rules that will apply abroad.

2. Online commerce of tourism services (e.g. booking, reservations, etc.)

All respondents considered that the main burdens are the lack of protection and complexity at all levels, in particular for enterprises. Lack of transparency is also particularly pointed out for the EU and national levels by professional associations.

The industry underlined that ensuring fair competition in online distribution is key to enhance the competitiveness of the companies in the tourism sector (HOTREC). Associations representing the industry called for a better level playing field, where intermediaries not be subject to more stringent rules than the provider of the services (ECTAA). Associations (VVV Zuid-Limburg) also called for better protection for those accommodations who are obliged to adhere to the rules of online booking websites (and its commission percentages) or risk losing a substantial amount of customers. A request to clarify responsibility and liability in case of click-through booking so to ensure protections in case services are not fulfilled was tabled by a tour operator (TOURCOM(FR)).

3. Consumers redress and settlement of disputes

Different views are expressed with regards to the Alternative Dispute Resolution (ADR) Directive with some representatives of the NGOs and the industry stating that it can improve protection in this area (European Disability Forum) and that it allows for an effective and low cost settlement procedure (ECTAA) while others said that increases complaint management costs (Deutscher ReiseVerband). Other associations said that there are while EU rules lack protection, there are no clear national or regional legislations for dispute settlement (European Federation of Tourist Guide Associations).

For other representatives of the European stakeholders, the EU rules are either excessive (HOTREC), or too restrictive (EUFED) or lack protection (IRU).

4. Safety of tourism services (e.g. hotel fire safety, safety of diving equipment, etc.)

With regards to rules on safety, some representatives of the industry consider that rules are too complex, in particular for establishments (HOTREC), while others praise the existing regulatory framework as it increases consumer confidence (ABTA). Incoming operators consider that minimum acceptable standards should be established to provide transparency for buyers of a service (ETOA).

For the trade unions, given the importance of safety and security, it is important to guarantee that rules are consistent and a level playing field is set.

Other associations and networks (EFTG, IRU, European fire sprinkler network) and NGO (European disability) call for rules which ensure better protection and consistency among MS.

For respondents of all categories, there is too much diversity among rules at national level. According to a national standard body, regulations in this field should be promoted, rather than standards (uk national standards body).

5. Use of standards in tourism

Concerning product standardisation, European associations representing the industry are generally against standards which are not developed by the industry (HOTREC). They are rather supporting voluntary schemes based on market, self-control, and transparency (EUROGITES) and would not welcome use of standards as a replacement for regulations (the particular case of the area of tourism accommodation safety is mentioned – ABTA). One stakeholder underlined that the CEN process is slow and is influenced by producer interests, with end-users rarely involved and no possibility for public comment (European Fire Sprinkler Network).

On the other hand, there is also one response praising the importance of quality standards on accessibility in tourism (European Disability Forum).

One respondent (European Fire Sprinkler Network) underlined that the CEN process is slow and is influenced by producer interests, with end-users rarely involved and no possibility for public comment.

One local administration (Administration of Plunge district municipality (LT)) wanted to stress that standardisation may be harmful for heritage products.

As for the use of standards in the area of tourism services, some associations praised the existing standardisation framework in particular in the field of accessible services

(European Disability Forum), safety (European boating industry) and core competences, equipment and premises (ANEC). Other associations (ECTAA, HOTREC, ETOA) pointed out that standards are too costly and useless if not backed by the industry and incongruous in the context of such a fast-evolving industry, in particular in the field of tour guiding (ETOA). They all support only standards which are industry-driven. However, there was a request (IRU) to the Commission to support their implementation. may be harmful for heritage products.

National associations also expressed their negative opinion on standardisation. One (Deutscher ReiseVerband e.V.) underlined how service standards in tourism are mostly unfit for the business and how it is often those players that own and certify tourism standards that make a profit with them while they have no advantage and do not improve the competitiveness of the industry itself.

6. Quality certification procedures

Trade Unions (ETLC) have underlined that in a labour intensive and guest-orientated sector as tourism, working conditions and social security of employees have an impact on the quality of services, therefore quality labels should incorporate social criteria.

European Associations seem to be critical on the effectiveness of quality schemes. According to one association (IAAPA) national schemes have failed with the exception of certain schemes that targets very specific groups, for example disabled guests. Another one (EUROGITES) considers that systems at national or regional level are mostly business for certification companies, not based neither on needs of clients nor any kind of market research that would justify them. In their opinion private initiatives or online evaluation portals are a lot more effective and reliable for the visitor. On the other hand, they suggest that EU general guidelines would be useful to give a homogeneous image of the services.

In the view of a national association (Deutscher ReiseVerband e.V. (DRV) (DE)) the tourism offer is so wide reaching and differentiated that there often is no common ground for a standard or a quality label. The development of such schemes should therefore be completely left to the industry. On the other hand, another national association underlined the benefits of promoting the qualified and certified products and services in tourism to create brand names and quality badges.

A network of small independent travel agencies national tour operator (TOURCOM(FR) said that the use of quality certification and other standards (hotel starring system, green tourism, etc.) is so different from one Member States to another that it makes it difficult for travel agencies to build consistent package travels or advise their clients on specific activities or accommodation in another Member States. The process to define these standards and certify service providers should be clarified and harmonised as much as possible at EU level. Furthermore, the application of ISO standards is proving very difficult for SMEs, in comparison to the benefits it could provide to their customers.

Finally, one individual's concern is that EU is constantly decreasing quality requirements in certifications, while another considers certifications meaningless if not binding.

7. Provision of services across borders

Concerns are expressed by the European and national industry with regards to disparity in the field of taxation among collective passenger transport modes (IRU) or among different professions, in particular with reference to the obligations that tourist guides must comply with (ETOA, eftga, federation nationale des guides interprètes et conférenciers), and level and quality of the protection provided by the proposal for the revision of the Package Travel Directive (ABTA).

Two national authorities consider the current level of regulation appropriate.

8. Recognition of professional qualifications in tourism

Concerns are expressed by the industry associations (ECTAA - ABTA) and national associations (Deutscher ReiseVerband e.V. and Panhellenic Tourist Guide Federation) with regards to incorrect implementation of EU rules with regards to the free movement of tourist guides and accompanying staff when accompanying a group of tourists in another EU Member State, despite of the latest regulatory improvements. Another association of incoming tour operator (ETOA) considers that EU rules/practices are unnecessary and Members States should remain free to regulate as they wish, thus ensuring a more vigorously pro-market regime which would support the provision of cross-border services.

Complexity of the EU Directives of Professional Qualifications and Services does not allow the national authorities to implement them correctly (European Federation of Tourist Guide Associations). Adoption of a standard system for vocational driving licences (Confederation of Passenger Transport) and efforts for the recognition of, driver training (IRU), qualifications for ski instructors (ABTA) and for skippers (sea tech = business) are requested.

According to the Trade Unions transparency and recognition of professional qualifications and competences is particularly important in tourism where the cross-border mobility of workers is comparatively high, and where many companies experience a high level of staff turnover and a shortage of skilled workers.

9. Direct taxes related to tourism (e.g. city tax)

There is some opposition by European stakeholders to the city taxes which are seen as creating uneven playing level field (being imposed differently according to the category of the accommodation (HOTREC, ETOA) and not used to provide better services to tourists or to fund local tourism projects (HOTREC, eota).

Representatives of the industry also think that the proliferation of taxes on tourism services at national / regional / local level that, put all together, make European products very expensive and thus destination Europe unattractive (ECTAA),

It was underlined by several stakeholders that taxation and compliance with taxation rules result in elevated cost for transport services (e.g. city entry taxes on touring coaches – IRU, increasing number of traffic restrictions - Confederation of Passenger Transport).

At the same time, direct taxes related to tourism were commented on by some stakeholders as positive regional and local level if spent to better the tourism offer (EUROGITIS, ministry of sport and tourism of Poland).

10. Transport of Passengers

While welcoming the proposal revising the Regulation 261/2004 on the Air passenger rights, representatives of the tour operators (ECTAA) fear that current discussion at the EP might weaken its potential to ensure better enforcement of the passenger rights and application of the rights to a wider spectrum of travel disruptions. At the same time, direct.

Some commented on the restrictiveness of the 12-day rule related to maximum driving hours (eota, IRU) and the need for harmonising rules on number of hours drivers can work under the Working Time Directive and the Drivers Hours Regulations (Confederation of Passenger Transport). It was also stressed that there is no "one-stop-shop" where all information on coach travel regulation in Europe could be found (e.g. seat-belt requirements, driving hours, emergency equipment, speed limits, etc.). This makes cross-border itineraries hard to manage and complicates due diligence processes required to ensure suppliers meet host country regulations (ETOA).

Representatives of the micro-sized accommodations (EUROGITES) claimed that transport services directly related to the service (i.e. pick-up service from bus/rail station) should be liberalized.

On one hand, a national association believes that the EU has raised the obligations of organizers and travel agents making the transport offer more expensive. On the other hand, NGOs consider that passenger rights legislation should be strengthened, especially on EU level. Implementation should be better monitored and enforcement improved, being transport an important part of the tourism chain (European Disability Forum).

11. Other regulation in the field of tourism services

When asked to comment on the other regulation in the field of tourism services, the main European association have not submitted comments apart the representative of the micro enterprises (EUROGITES) which said that "Initial threshold to operate legally is too demanding in several countries that have no tradition of micro-and small-scale services"

- B) The following section deals with some **additional areas** of the EU regulatory/administrative framework **which have received a particular high number of comments** by the respondents.

In the area of business environment, repetitive comments referred to **data protection** regulations, pointing out that they are important, but should not impose extra burden for SMEs (ABTA, ECTAA). It was also highlighted that regulation in data protection should strike a right balance between protecting individual's personal data and the competitiveness of the European businesses, especially SMEs (HOTREC, EUROGITES). It was suggested to apply more flexibility for or exemption from certain rules particularly for SMEs (ECTAA).

When pointing to other regulation in the field of consumer protection, one association of tour operators (ABTA) raised the issue of the lack of protection for consumers in the event of **airline insolvency**. National bodies also claimed that the regulatory framework lack transparency (Panhellenic Tourist Guide Federation, The Danish

Chamber of Commerce): there was a suggestion for a revision of guidelines for consumer reviews to be put in place at EU level.

In the area of **Customs and border control**, while some stakeholders welcomed the gradual relaxation in the carriage of liquids in hand baggage on board aircraft, it was also pointed out that there is a need for consistency across all EU airports to avoid consumer confusion (ABTA),

Several stakeholders recognised the need for certain border controls, such as ID verification, but it was also mentioned that controls need to be proportioned (ABTA, EUROGITÉS, European Federation of Tourist Guides, ETOA) and that it is strongly in Europe's interests to improve the quality of its welcome at the points of entry to Europe, especially for long-haul visitors (ETOA). It was also underlined that the differences in safety and customs requirements when crossing borders, particularly in airports, makes it difficult for travel agencies to adequately advise their customers on customs and border controls (TOURCOMFR). Some stakeholders (ABTA, ECTAA) underlined that the rules on the **transfer of passenger name record (PNR)** data to third countries are unclear / contradictory and that any transfer of PNR data to third countries should be in conformity with EU data protection legislation. Equally it is requested that where individuals Member States require carriers to provide **Advance Passenger Information (API)** they are consistent in the data requested and it is limited to data available in the Machine Readable Zone of passports so that it may be easily scanned, thus avoiding a proliferation of different requirements (ABTA, ECTAA).

In the area of **employment and social issues**, trade unions (ETLC) consider that EU legal framework is a solid one covering the maximum number of risks with the minimum number of regulations. They call for a set of minimum standards for working time and reject any attempt to weaken rules or deregulate, which would harm the improvement of working conditions and the creation of better jobs. Some industry representatives believe that lack of harmonisation on health and safety rules is too complex for those tourism professionals who work cross borders (TOURCOM FR). Lack of harmonization for the driving times is also recalled again by a number of comments (ECTAA, Confederation of Passenger Transport, IRU, Deutscher ReiseVerband e.V.). More flexibility was asked for certain professions, i.e. tour guides and more in general seasonal workers (ETOA, IAAPA). Representatives of the workers, on the other hand, claimed that more and more companies ask their employees to work more hours for less payment or for reduced hours to reduce the costs.

In the area of **tackling climate change**, some stakeholders signalled that current rules on aviation emission trading and sulphur content in maritime fuels hamper the competitiveness of the industry compared to third country transport undertakings (ECTAA, Deutscher ReiseVerband e.V.). It was suggested that international instruments replace the current EU legislation to create level playing field (ECTAA). Calls for the establishment of an EU framework for city access restrictions and LEZs in Europe as a priority were made (Confederation of Passenger Transport and IRU) which include as a minimum standardised road signage, environmental standards and standards for pollutants below which restrictions for public transport cannot be implemented.

Comments were made on the **rules on noise** as too restrictive (IAAPA, EUFED, Deutscher ReiseVerband e.V.) for accommodations, attractions and night flights. It was suggested to establish a global agreement through ICAO to replace the current EU framework on noise regulation, which puts European air carriers at a competitive disadvantage (ABTA).

Rule on **statistics collection and reporting obligation** are considered either complex, or inappropriate for lack of common methodology or too burdensome by almost all stakeholders (all associations). One respondent called for the availability of tourism satellite accounts (HOTREC).

In the area of **taxation**, the representatives of the European tour operators (ECTAA, ETOA, ABTA) strongly underlined the dire need of revision of the **Special VAT scheme for travel agents (TOMS)** to adapt to the new market environment and avoid distorting competition in favour of non-EU destinations. Flexibility of Member States to apply reduced **VAT rates** for hospitality services was welcome by part of the hospitality sector (HOTREC) while other organisations plead for harmonisation to ensure fair competition (EUROGITES, European Federation of Touris Guides, Panhellenic Tourist Guide Federation (POXEN)). Request for simplification in the VAT system for transport businesses were also tabled. It was also underlined that the proliferation of taxes at all levels is detrimental for the competitiveness of the European tourism offer (Deutscher ReiseVerband e.V., TOURCOM FR).

- C) This section reflects the final part of the questionnaire where respondents were asked to indicate **additional areas of the regulatory/administrative that they consider burdensome, which areas are in general the most burdensome for them and give examples of regulations, rules or administrative practices which have been successfully revised.**

One respondent (ECTAA) pointed to the **revision of the Insurance Mediation Directive**, notably the deletion of exemption for travel agents mediating travel insurance from the scope of this directive as it imposes unnecessary burden and costs. It should be mentioned that the same Directive was also mentioned by other stakeholders among the successful revisions.

The application procedure of the **Visa Code** were also considered as time-consuming, burdensome and costly and representing a barrier for potential travellers to Europe (ECTAA, EUROGITES, ETOA). However, the visa policy was signalled as one of the most obvious areas for opportunity for Europe to be competitive internationally (ETOA) and several stakeholders welcome the revision of the Visa Code with the aim of facilitating and simplifying the visa procedure aiming at enhancing the flow of tourists from major source markets such as India, China, etc. It should be noted that it was mentioned among the successful revisions by other stakeholders. Finally, it was also recommended to collect data on the deterrent effect of visas (ETOA).

It was also stressed that there are still gaps in the EU **legislation affecting tourism regarding persons with disabilities** (European Disability Forum). In particular, the need for more regulations on accessibility of online information, including social media and mobile web technologies is signalled as well as the one for legislation which covers accessibility of all services and the entire tourism chain. It should be up to the EU to create incentives for businesses and to improve accessibility via legal measures and financing tools, especially to SMEs.

As for the most burdensome rules and practices, the following were referred to: the **Package Travel Directive** (ECTAA), the **red tapes related to VAT requirements** (EUROGITES, IRU, ministry of sport and tourism poland), the **regulations on driving and rest time for coach drivers** (IRU, Confederation of Passenger Transport). Also complexity of **access to finance** and **public procurement rules** were signalled (ministry of sport and tourism poland).

The responses provided on regulatory or administrative measures which have been successfully revised thus resulting less burdensome are listed in Annex 2. Unfortunately, not all examples were accompanied with an explanation of effects.

5. ADDITIONAL COMMENTS

Respondents were given the possibility to submit open comments both in addition to the multiple-choice questions as well as at the end of the questionnaire. Also, several organisations sent their reply in the form of a position paper by email, instead of using or in addition to the online form. This section summarises these inputs.

General comments on the methodology

Many respondents welcomed the consultation on the subject and found it important to have the possibility to express their position on the tourism regulatory framework at all levels as well as to raise awareness on its regulatory impacts and take a constructive part in regulatory work affecting tourism (ETOA).

Several comments were received concerning the complexity of the consultation and the fact that the questionnaire only allowed for one choice of difficulty for each policy area, where several would have been applicable. Unfortunately, giving combinations of answers was technically not possible in the online system. However, each question was followed by a text box for free text. Many stakeholders used these boxes to submit additional comments.

Finally, some respondents (mainly representing trade unions and individuals) pointed out that the wording of the questions was not neutral and the choice of answers was biased, as well as that the consultation was negatively oriented towards regulatory and administrative provisions. It was also judged to drive the outcome in a specific direction through an unjustified selection of legislation and regulations. The questionnaire included an open text box asking about additional regulatory or administrative areas that were not specifically mentioned among the questions, as well as about successful revisions and their effects on the respondent. Again, numerous stakeholders provided additional information on these points, as described in the next two sections of this report.

General comments on the regulatory and administrative framework

It was underlined that it is very difficult to assess regulatory and administrative areas from an EU perspective, due to possible country-specific differences that may occur in case of partial harmonisation of certain type of legislation (IAAPA).

Several stakeholders underlined that the EU legislative initiatives leave space for interpretation at national level, which results in a complex regulatory environment for the tourism sector, particularly for SMEs, with a serious impact on consumers. Further

harmonisation across the single market would therefore lead to more legal certainty in terms of responsibility, consumer rights, liability, etc.

Too much red tape and restrictive procedures were recurring general comments (EUROGITES). However, it was also said that the reduction of regulatory burden will not lead automatically to an improvement in the quality of the legislation. The focus should be on stimulating tourism in the EU by opening up borders, exchanging knowledge and facilitating cross border tourism with excellent mobile data accessibility, good infrastructure, better links between means of transport, etc.

Trade Unions also pointed out that it is rather the absence of regulations or poor compliance with the existing ones that create problem.

An industrial association (ETOA) called on the European Institutions to make an effort to coordinate the interests of the tourism sector as it is affected by non-sector-specific regulation.

The same association (ETOA) underline that it is a mistake to see consumer' and industry's interests as opposed. The suggestion was made to see the Europe's tourism economy in the context of a global market: the consumers Europe need to attract in greater numbers come from outside the EU, and care should be taken to ensure regulation does not hinder the EU's appeal or competitiveness in this respect.

6. CONCLUSIONS

It can be concluded that stakeholders' views about the existing regulatory and administrative framework show great variety, depending on their general interests, but also on the administrative level under examination (EU, national, regional or local).

The results of the consultation provide a wide overview of the most important areas in terms of regulatory framework or administrative practices at EU, national, regional and local levels for public and private tourism stakeholders and individuals.

From some responses, it appeared clear that knowledge about the appropriate level of regulation can be more difficult for those stakeholders who are less aware of the EU regulatory environment (e.g. citizens and some individual businesses). These stakeholders being the "end users" of the regulatory framework and administrative practices form their perception on the basis of their direct experiences at local level, thus providing an opportunity to obtain some interesting views on how EU or other level legislation affect the smaller players of the tourism value chain. For example, individuals' responses consistently signalled "lack of protection" at all regulatory levels. However, it is regrettable that the number of respondents for these categories is low, as well as it is the case for the category "public administrations". On the other hand, all the most important European associations and federation representing the industry and the trade unions at European level submitted their replies and/or position papers. It is interesting that, in many cases, the respondents did not necessarily see the existing regulatory framework as a burden, but rather highlighted problems in the non-compliance with existing rules or in the lack of clarity and duplication of existing rules, as well as in the potential diverse interpretation at lower regulatory levels. Nevertheless, it is important to note that it was especially for SMEs that many of the regulatory and administrative areas are signalled as too burdensome to comply with or impractical.

In case of several areas, many stakeholders called for harmonisation of the rules at EU level to facilitate compliance in a cross-border context or requested guidance on the implementation of certain existing rules. On the other hand, however, other stakeholder groups requested the absence of public intervention in certain specific policy areas.

As for the selected tourism-specific regulatory areas complexity and lack of protection seemed to be the main issues signalled at all regulatory levels. In this specific focus group of regulatory areas, redress and settlement of consumer disputes seemed to be the most marked for its complexity at all levels.

It is important to underline that this consultation was of a rather general nature and did not refer to specific pieces of legislation or administrative practices under the selected regulatory areas, leaving it open to the respondents to specify these if they wished so.

It is interesting to note that the parallel consultation on the "European Tourism of the Future" gave the possibility to tourism stakeholders to express their views, among others, on the EU regulatory environment. A question of the consultation referred to the possible priorities to support competitiveness of the European industry, listing 5 different options: investment, support to promotion and development of tourism products, better knowledge of the evolution of the sector, better governance, and regulatory environment.

This latter was ranked as the less important priority. Nevertheless, some interesting comments were made, which reflect the outcomes of the present consultation. Namely, there were calls to set quality standards on accessibility and to ensure minimum and consistent level of safety. The need for an effective implementation of the Visa Code was raised while requesting to ensure a right balance between security issues and exploitation of the economic potential of increased tourism flows. In the field of taxation, harmonization in the VAT system or application of reduced rate of VAT for certain services was suggested.

ANNEX 1 - STRUCTURE OF THE QUESTIONNAIRE

- 1. Business environment**
 - a. Public procurement rules / practices**
 - b. Company laws / regulations / practices**
 - c. Intellectual and industrial property**
 - d. Data protection**
 - e. Access to finance**
 - f. Other regulation in the field of Business environment**
- 2. Consumer protection**
 - a. Safe and reliable exchange of tourism services (distance selling, advertising, unfair commercial practices, timeshare of holiday properties, travel packages, etc)**
 - b. Online commerce of tourism services (e.g. booking, reservations, etc.)**
 - c. Redress and settlement of disputes**
 - d. Safety of tourism services (e.g. hotel fire safety, safety of diving equipment, etc.)**
 - e. Food Safety (hygiene, labelling, etc.)**
 - f. Animal and plant health**
 - g. Other regulation in the field of consumer protection**
- 3. Customs and border control (if relevant)**
 - a. Customs and border controls and formalities**
 - b. Customs / entry tariffs**
 - c. Other regulation in the field of customs and border control**
- 4. Employment and social issues**
 - a. Health & safety at work**
 - b. Organisation of working time**
 - c. Social security and taxation**
 - d. Rules/practices related to work contracts**
 - e. Rules/practices related to unemployment**
 - f. Other regulation in the field of Employment and social issues**
- 5. Energy**
 - a. Energy supply**
 - b. Energy efficiency / renewable energy**
 - c. Other regulation in the field of energy**
- 6. Environment**
 - a. Tackling climate change**
 - b. Environmental certification / audit**
 - c. Air (air quality, air pollutants, etc.)**
 - d. Nature and biodiversity**
 - e. Chemicals**
 - f. Noise**
 - g. Waste**
 - h. Water**

- i. Other regulation in the field of environment**
- 7. Products requirements**
 - a. Use of standards**
 - b. Conformity declaration and assessment procedures**
 - c. Controls / Inspections**
 - d. Information obligations (i.e. language requirements, instructions for use/safety)**
 - e. Labelling obligations**
 - f. Other regulation in the field of product requirements**
- 8. Tourism services**
 - a. Use of standards**
 - b. Quality certification procedures**
 - c. Provision of services across borders**
 - d. Recognition of professional qualifications**
 - e. Other regulation in the field of tourism services**
- 9. Statistics**
 - a. Collection and reporting obligations of statistical data**
 - b. Other regulation in the field of statistics**
- 10. Taxation**
 - a. VAT**
 - b. Direct taxes related to tourism (e.g. city tax)**
 - c. Indirect taxes impacting tourism (e.g. taxes on related products or services)**
 - d. Other regulation in the field of taxes**
- 11. Transport**
 - a. Transport of goods**
 - b. Transport of passengers**
 - c. Road transport**
 - d. Maritime / Inland waterway transport**
 - e. Combined transport**
 - f. Other modes of transport**
- 12. Construction**
 - a. Regulations/ rules or administrative practices related to construction (e.g. registration, permits, etc)**
 - b. Regulations/ rules or administrative practices related to construction (e.g. registration, permits, etc)**
 - c. Other regulation in the field of construction**

ANNEX 2 – GOOD REGULATORY AND ADMINISTRATIVE PRACTICES AND SUCCESSFUL REVISIONS’ EXAMPLES

Revised measure	Effect
Continued rationalisation of the visa regime	Visa issuance for certain non-EU countries results in in more cruise ships in the Mediterranean departing from non-EU ports. This has led to more tourists in Greek islands that tend to spend more than EU citizens.
Regulation (EC) 852/2004 on the hygiene of foodstuffs	Allows Member States to exercise flexibility and provide certain derogations for small businesses. In Belgium since last year these derogations are allowed for B2C.
Fixed tariffs on certain services as a minimum fee or price	Facilitated comparison of prices of products / services.
Reduction of regulations covering the services of tourist guides and tour leaders, travel agents and tourist accommodations	The duration of the certificate for tour operators and travel agents became perpetual (before it was valid for 1 year). The licences for the activities of tourism guide as well as for the services of tourist camp, bed and breakfast countryside tourism were abolished.
Service-level Agreement between the EU Confederation of Passenger Transport (CPT) and the Vehicle and Operator Services Agency (VOSA) on levels of service at compliance and enforcement inspections at the roadside and or at premises	Sets standards for drivers, vehicles and records and covers general principles, communication, targeting sanctions, delays and information and interpretation. The agreement ensures high standards of roadworthiness and road safety for the benefits of the road transport industry and the general public.
Simpler regulations for NGOs and local tourist organisations that apply for public funds and grants for tourist activities	Declarations instead of certifications, 10% in shifting costs is accepted, reserve lists in care there are still free additional funds, no need to make new call for proposals on the same year.
Spain–Revised law 2/2012 of 14 June 2012 of the Regional Government (Generalitat Valenciana) on measures to support entrepreneurship, micro, small and medium enterprises in the Region of Valencia	Improved flexibility and simplification of procedures, exemption from administrative taxes, measures of support, information, coordination and funding targeted at entrepreneurs as well as tax exemptions and benefits to finance acquisitions of workplaces for young entrepreneurs.
Spain, Canary Islands-1999-2000 Regional framework about new beds in hotels and extra-hotel buildings called Moratoria	This led to the building of 8 new hotels in Lanzarote.
Spain, Balearics-Abolition of construction	http://www.raco.cat/index.php/Territoris/artic

constrains	<p>le/viewFile/122710/169851</p> <p>http://www.uaemex.mx/plin/psus/periplo18/articulo_03.pdf</p> <p>http://www.ecologiapolitica.info/ep/35.pdf</p>
Bulgaria–revision of the tax regulation for the local authorities	Lower tax rates led to individual tax policy and even competition between municipalities. Transferring patent taxes to municipalities and introduction of tourist tax are small steps towards decentralisation, which influence positively the business environment.
Bulgaria-local public administrative practice revision	Change from registration into a notification practice for commercial sites on the territory of the municipality poses less administrative burden on enterprises.
Lithuania-Revision of law on territorial planning	Much easier to change territorial purpose, shorter time of necessary documentation at state and local level.
Lithuania–Revision of the Tourism law in 2011	Duration of the certificate for tour operators and travel agents became perpetual (before it was valid for 1 year), the licences for the activities of tour guides were refused, licences for the services of tourist camps, B&B and countryside tourism were refused.
Hotel Stars Union	Adopted by some EU Member States for the common private categorisation and certification of hotels.
Insurance Mediation Directive (IMD 2)	Not explained
Portugal-RJET-Regional Decree Law no 7/2012/A–legislation regarding the installation, management and functioning of tourist accommodation	Not explained
France- récupération de a TIPP, suppression de la taxe professionnelle, mise en place du CISE.	Not explained
France-Micro-BIC	Not explained

ANNEX 3 – LIST OF RESPONDENTS

PROFESSIONAL ASSOCIATION/FEDERATION

ABTA - The Travel Association

CEAV

CGTP-IN

Confederation of Danish Industry

Confederation of Passenger Transport

Deutscher ReiseVerband e.V. (DRV)

ECTAA

ETLC (European Trade Union Liaison Committee on Tourism)

EUROGITES - European Federation of Rural Tourism

European Federation of Tourist Guide Associations (FEG)

European Fire Sprinkler Network

European Tour Operators Association (ETOA)

European Union Federation of Youth Hostel Associations (EUFED)

EUTC - European Trade Union

FDECRAIL

FNGIC federation nationale des guides interprètes et conférenciers

FNTV-Fédération Nationale des Transports de Voyageurs

HOTREC

International Association of Amusement Parks and Attractions (IAAPA), European Office

International Road Transport Union (IRU)

Oberösterreich Tourismus (Upper Austrian Tourist Board)

Panhellenic Tourist Guide Federation (POXEN)

The Association of Danish Travel Agents and Tour Operators

The Danish Chamber of Commerce / Dansk Erhverv

Tourism Destination Management Association

VISZ - Trade Union of Hotel Catering and Tourism

VVV Zuid-Limburg

PUBLIC ADMINISTRATIONS

Administration of Plunge district municipality (Lithuania)

Agència Valenciana del Turisme (Valencia)

Cconseil Régional Martinique (France)

Danish Ministry of Business and Growth (Denmark)

Dolna Mitropolia Municipality (Bulgaria)

Elena Municipality (Bulgaria)

Ivanovo Municipality (Bulgaria)

Joniskis tourism and business information centre (Lithuania)

Klaipeda District Municipality Administration (Lithuania)

Kubrat Municipality (Bulgaria)

Maltese Ministry for Tourism and aviation (Malta)

Ministry of Employment and the Economy (Finland)

Ministry of Sport and Tourism (Poland)

Regional Government of the Azores (Portugal)

Stadt Rudesheim am Rhein (Germany)

Vetovo Municipality (Bulgaria)

Zavet Municipality (Bulgaria)

ENTERPRISES

Accord Birou de Turism

Agenzia di Viaggi I FARI DEL SUD

Ambienta 45

BIDAI TRAVEL SL

Bringóhintó Ltd

Dunav Tours AD
Happy Days Golfo di Gallipoli sas
Il sorriso degli ulivi
Instituto Tecnológico Hotelero (ITH)
ITALA spa
La Vecchia Corte
Lilia Travel Ltd.
Magdeburg Marketing Kongress und Tourismus GmbH
Natuurcamping "Fazantenhof
Nicolaus Tour
Pandion Wild Tours Ltd
Parvotsvet OOD
Sea Teach S.L.
Tenuta Chianchizza
Tenuta La Murra di Ciccarese Giulia
TourCom

OTHERS

ANEC - European Consumer Organisation
Association for Development of Mountain Municipalities in the Republic of Bulgaria
BSI - UK National Standards Body
European Boating Association
European Disability Forum (EDF)
Ministry of Economy
National Research Council of Italy
NGO Tutrakan Tourism Development Organisation
Sociedad Atlantica de Oceanografos