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NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee

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Subject: 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
- *Analysis of the final compromise text with a view to agreement*

I. INTRODUCTION

1. On 7 November 2022, the Commission submitted to the European Parliament and to the Council a proposal for a Regulation on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724, accompanied by an impact assessment¹.

¹ 14741/22 and 14741/22 ADD 4.

2. The proposal seeks to harmonise and streamline the framework for data generation and data sharing on short-term accommodation rental services across the EU. More specifically, the proposal seeks to establish:
 - a harmonised approach to registration schemes for hosts, with an obligation for public authorities to maintain appropriately designed registration schemes if they want to obtain data for policymaking and enforcement purposes;
 - obligations for online platforms to enable hosts to display registration numbers and to share specific data about hosts’ activities and their listings with public authorities, and
 - specific tools and procedures to ensure that data sharing is safe, compliant with the General Data Protection Regulation, and cost-effective for all parties involved.
3. The legal basis of the proposal is Article 114 of the Treaty on the Functioning of the European Union (TFEU), which allows the adoption of measures necessary for the approximation of the provisions laid down by law, regulation or administrative action in Member States that have as their object the establishment and functioning of the internal market.
4. The Opinion of the European Economic and Social Committee was delivered on 22 February 2023². The Opinion of the Committee of the Regions was delivered on 15.3.2023–16.3.2023³.
5. The Opinion of the European Data Protection Supervisor was delivered on 16 December 2022⁴.
6. The European Parliament’s Committee on the Internal Market and Consumer Protection (IMCO) appointed Ms Kim van Sparrentak (Greens/EFA, NL) as rapporteur for the proposal.
7. The IMCO Committee adopted its report on the proposal on 19 September 2023 and decided to open interinstitutional negotiations. The European Parliament confirmed this decision during its October I 2023 plenary session.

² OJ C 146, 27.4.2023, p. 29.

³ OJ C 188, 30.5.2023, p. 19.

⁴ 16200/22.

II. WORK WITHIN THE COUNCIL

8. The Working Party on Competitiveness and Growth (Tourism) started examining the proposal and its accompanying impact assessment under the Czech Presidency at its meetings on 11 November and 7 December 2022.
9. The work continued during the Swedish Presidency, with Working Party meetings held on 9 and 19 January and 2 and 13 February 2023. In addition, a presentation on the proposal took place at the Council's Working Party on Statistics on 18 January, where the Presidency took note of the views expressed by delegations on the correlation between the proposal and the Statistical Regulation (Regulation (EC) No 223/2009).
10. The Competitiveness Council reached an agreement on a General Approach at its meeting on 2 March 2023, thus providing the Council Presidency with a mandate for starting negotiations with the European Parliament.
11. The first trilogue meeting was held under the Spanish Presidency on 11 October 2023. At this meeting, the institutions recognised the importance of laying down rules for harmonizing and streamlining the legal framework for data generation and sharing on short-term accommodation across the EU and enhancing transparency in the sector. The co-legislators presented their views on the main political issues and gave a broad mandate to the subsequent technical meetings to identify areas of compromise.
12. The co-legislators reached a provisional agreement on a compromise text at the second trilogue meeting of 15 November 2023. The Presidency reported on the outcome of this meeting to the Permanent Representatives Committee on 17 November and to the Working Party on Competitiveness and Growth (Tourism) on 23 November.
13. The main elements of the compromise text are set out in Section III below. The Presidency believes that the overall compromise reached with the European Parliament is balanced.

III. GLOBAL COMPROMISE

a) Definitions

14. The definition of “active hosts” in Article 3 was deleted since it appears as less burdensome for small online short-term rental platforms and easier to apply. This definition has an impact in Article 9(2), where it is deemed more appropriate to use the parameter of “listings” instead of “active hosts”. Consequently, the threshold for exempting small and micro online short-term rental platforms to transmit the monthly data was set at the equivalent of 4 250 listings in Article 9(2), instead of 2 500 active hosts, following the translation of “active hosts” into “listings”.

b) Registration procedures

15. It was specified, in Article 4, that the registration procedures are to be provided online, where possible free of charge or at a reasonable and proportionate cost.
16. Some explanatory recitals were included, as well as a specific provision to clarify that registration procedures are subject to effective appeal mechanisms at national level (Article 4(2), point (ba)).

c) Information by hosts

17. In Article 5(5), the word “confidential” related to the information retained by the Member States on the registration procedure, was deleted, and the period of retention of information extended to 18 months.

d) Verification by competent authorities

18. In the context of an order issued by public authorities in Article 6(4), an extra step was added on the provision to provide, when needed, further information to enable competent authorities to verify the authenticity and validity of registration numbers. For cases when the host has not rectified invalid information, it will be kept the possibility of withdrawal of the registration number.

19. In Article 6(5), it will be made clear that the process leading to the suspension of the validity of a registration number by public authorities must respect the right of the hosts to be heard before the order of the suspension is enacted.

e) Compliance by design

20. A new Article 7(1) was added, with its corresponding recital, on the reinforced responsibility of online platforms for carrying out “best efforts” to assess self-declarations from hosts on whether the unit offered is in an area where a registration procedure exists. It has also been clarified that these assessments cannot lead to any general monitoring obligation.

21. Additional assurances were inserted to guarantee that the Regulation remains in line with the Digital Services Act, and assessments to be operated by platforms should only be done through the Single Digital Entry Points in an automated way.

f) Single Digital Entry Points

22. For the future 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, the Commission will have the possibility to adopt an implementing act under the examination procedure.

23. Moreover, in order to ensure interoperability, a technical interface for online short-term rental platforms enabling the machine-to-machine and manual transmission of activity data shall be implemented using an Application Programming Interface based on technical requirements defined by the Commission.

24. However, it was not possible to maintain, as foreseen in the Council’s general approach, a status of “observers” within the coordination group for the Single Digital Entry Points, in order to be in line with the procedural rules of Commission experts’ groups.

25. The Commission evaluation will include, together with other aspects, the need to create in the future a centralised Single Digital Entry Point.

g) Monitoring and implementation of the Regulation

26. Concerning the period for the monitoring of the implementation of the Regulation, in Article 14, the designated authorities in each Member State will report on this implementation every two years to the Commission. And no later than 5 years after the date of application of the Regulation, the Commission will submit a report on its main findings. Finally, the Regulation will be applicable 24 months after its entry into force.

IV. CONCLUSIONS

27. In light of the above, the Permanent Representatives Committee is invited to:

- approve the compromise text set out in the Annex, and
- instruct the Presidency to send a letter to the Chair of the IMCO Committee of the European Parliament confirming that, should the latter adopt its position at first reading, in accordance with Article 294(3) TFEU and in the exact form set out in the Annex — subject to legal-linguistic finalisation — the Council would approve, in accordance with Article 294(4) TFEU, the position of the European Parliament and the act would be adopted in the wording corresponding to the position of the European Parliament.

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**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee⁵,

Having regard to the opinion of the Committee of the Regions⁶,

Having regard to the opinion of the European Data Protection Supervisor⁷,

⁵ OJ C , , p. .

⁶ OJ C , , p. .

⁷ OJ C , , p. .

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (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, ***such as contributing to the decrease of available long-term housing and increase of rents and housing prices. This Regulation focuses 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 ***actual*** 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 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 data sharing requirements**, the full realisation of short-term accommodation rental services potential is hampered, and the proper functioning of the internal market is negatively affected. In order to ensure a fair, unambiguous and transparent provision of short-term accommodation rental services ***within the internal market, as part of a balanced tourism ecosystem that provides both opportunities for platforms while respecting public policies objectives***, 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.

- (4) Rules should be laid down to harmonise transparency requirements for the provision of short-term accommodation rental services through online short-term rental platforms in cases where Member States decide to impose such transparency requirements.
- Accordingly, harmonised rules should be provided for registration schemes and data-sharing requirements concerning online short-term rental platforms should Member States decide to put in place such schemes or requirements. To achieve effective harmonisation, and to ensure a uniform application of the rules, Member States will not be able to legislate on access to data from online short-term rental platforms outside the specific regime laid down in the present Regulation. That is in order to ensure that Member States do not regulate the requests in question without putting in place the necessary registration schemes, databases and single digital entry point and to facilitate proportionate, privacy-compliant and secure data sharing by online short-term rental platforms within the internal market. This Regulation does not affect Member States' competence to adopt and maintain market access requirements relating to the provision of short-term accommodation rental services by hosts, including health and safety requirements, minimum quality standards or quantitative restrictions, provided that such requirements are necessary and proportionate to protect public interest objectives, in accordance with the provisions of the Treaty on the Functioning of the European Union and Directive 2006/123/EC of the European Parliament and of the Council⁸. ***In the context of short-term accommodation rentals, combatting the rental housing shortage has been recognised by the Court of Justice as an overriding reason relating to the public interest, justifying the adoption of measures that are non-discriminatory and proportionate to the objective pursued.*** 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.

⁸ 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).

- (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 ***in compliance with national and Union law***.
- (6) This Regulation should apply to services consisting in the short-term letting of furnished accommodation, ***provided for*** remuneration, whether on a professional or non-professional basis ***and as further defined under national law***. ***Given the different approaches existing in the Member States***, short-term accommodation rental services can concern, for example, a room in a host's primary ***or secondary*** residence, ***or an entire dwelling either on land or on water***, 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 ***data for these types of accommodation are usually available and well-documented***. 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 Parliament and the Council⁹, which allow guests to conclude distance contracts with hosts for the provision of short-term accommodation rental services. Therefore, webpages **or other electronic means which connect** hosts with guests without any further role in the conclusion of direct transactions should be excluded from the scope of this Regulation. Online platforms intermediating the provision of short-term accommodation rental services without **remuneration** (for example, online platforms intermediating the exchange of dwellings) are not covered by these rules **unless, due to the specific way they are designed, they involve remuneration, including any form of economic compensation.**
- (9) Registration procedures enable competent authorities to collect information on hosts and units relating to short-term accommodation rental services. **This registration number relating to the unit will be included in a public and easily accessible registry, and therefore Member States should ensure that that registration number does not include personal data.** 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, **in Member States which have imposed a requirement on** online short-term rental platforms **to transmit data**, to put in place or maintain registration procedures for hosts and their units. **In order to avoid that a unit is attributed more than one registration number for listing, each unit should be subject to only one registration procedure in a Member State**, 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, arising from taxation, population censuses and the collection of statistics.**

⁹ 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).

- (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 *documentation*, 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 Council¹ to complete those registration procedures.
- Registration should be where possible free of charge or at a reasonable and proportionate cost which should not exceed the cost of the administrative procedure in question. It should also be ensured that hosts can submit all required documentation digitally. However, an offline service should still be available to cater for 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 *specific address of the unit*, the type (e.g. house, apartment, room, *shared room, or other relevant categories*) *provided under national law* and characteristics of the unit. *To enable the unit to be identified precisely, specific information should be required from the host, such as the apartment and mailbox number, the floor that the unit is on, or land registry reference. Where relevant, hosts can also be required to indicate whether they have obtained an authorisation to provide the service as referred to in Directive 2006/123/EC from the relevant authorities, provided that such authorisation requirement is in line with Union law.* Information *on applicability of an authorisation scheme, on the rights of the hosts as far as the authorisation scheme is concerned, and in particular the means of redress available in the event of dispute, should be easily available to hosts as provided for by Directive 2006/123/EC. This Regulation is without prejudice to market access requirements that may apply separately and affect the provision of short-term rental services. The automatic issuance of a registration number is without prejudice to the assessment of compliance by the hosts with market access requirements by competent authorities in line with Union law.* 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 *bed places and* guests that the unit is capable of accommodating.

- (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, ***which are essential to enable persons with disabilities to live independently and participate fully in all aspects of life***, 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 should be able to enable hosts to declare whether additional services are offered in return for 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. The requirement to submit additional information and documentation should not be used to circumvent the rules applicable to authorisation schemes under 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.

- (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** following the host's request for removal of a unit from the registry, in order to allow competent authorities to *effectively* perform any relevant checks even after the removal of the unit from the registry, *unless that information or documentation is necessary for other purposes, as required by law, such as pending legal proceedings, and subject to data protection safeguards in line with Regulation 2016/679/EU.*

- (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 ***has failed, with wilful misconduct or gross negligence***, to rectify the information ***requested or provided unauthentic or invalid information, it should also be possible for competent authorities to withdraw the registration number or to take further action, such as to prevent the commercialisation of a unit, as laid down in national law***. 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. ***Where this is established that the host has acted with wilful misconduct or gross negligence, or where the host has failed to rectify the incorrect information, it should also be possible for competent authorities to take further action to prevent the commercialisation of a unit, such as withdrawal of the registration number***. Hosts should have the possibility to be heard and, where appropriate, to rectify the information and documentation provided within a reasonable period of time. Where the validity of the registration number has been suspended, ***or where it has been withdrawn***, 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.

- (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 to*** remove listings related to units offered without a registration number or offered with an invalid registration number, ***or in case of misuse of a registration number. Misuse can be understood as the improper use of a registration number, for example the use of a single number in relation to more than one unit.***

- (16) *Currently online short-term rental platforms constitute the main channel for offering short-term accommodation rental services and there is a need to ensure a safe, predictable and trustworthy online environment, as well as to contribute to the prevention of illegal offers of such services to protect consumers, to ensure fair competition, and to contribute, where appropriate to the fight against corresponding fraud.* 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 *and that, where a registration number has been provided, that registration number is displayed.*

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. ***In that context, taking into account that, where applicable, registration obligations should be complied with by the host before the unit is offered on short-term rental platforms, and to complement the framework laid down in this Regulation for the avoidance of listings that are not compatible with the applicable Union and national law, it is appropriate to apply specific additional requirements in the context of short-term accommodation rental services. Online short-term rental platforms should, upon receiving the self-declaration of the hosts concerning whether the unit offered for short-term accommodation rental services is located in an area where a registration procedure has been established or applies, and prior to allowing the host concerned to use its services, through the lists made available by Member States and the Single Digital Entry Points, make best efforts to assess whether the self-declaration, for the accuracy of which hosts are responsible for the purposes of this Regulation, is complete, provided that the assessment can be carried out in a proportionate manner by automated tools.***

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- (18) Competent authorities *in Member States which have imposed a requirement on* online short-term rental platforms *to transmit data* 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 *the unit was rented to* per night, *their country of residence, taking into consideration eventual changes to the original booking, the specific address* of the unit, *the registration number and the URL of the listing of the unit, in order to allow the identification of the host*, 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 **█** in the unit *was rented to* per night. *In the event of a technical problem affecting the transmission of data by the online short-term rental platforms, the competent authority should have the right to request that the online short-term rental platform resubmits the data in its possession.* 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. *This information should reflect the in-fact situation in the reference period, taking into account eventual changes to the original booking. In case one unit is offered in various online short-term rental platforms, only the online short-term rental platform on which the contract is concluded with the host should be obliged to provide the aforementioned information in order to avoid multiple transmissions of the same information from different platforms. Without prejudice to the exemption from liability, laid down in Regulation (EU) 2022/2065, online short-term rental platforms should ensure the completeness and accuracy of the datasets transmitted to competent authorities pursuant to this Regulation. In doing so, they should base themselves on the information provided by the host when offering the unit on that online short-term rental platform.*

While it is essential to ensure that online short-term rental platforms design their interfaces in a way to facilitate submission of information so as to ensure that hosts can provide all the relevant information prior to listing, at the same time, hosts should remain responsible for compliance of their activity with applicable rules.

- (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/EC¹⁰ should not be expected 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 **4250 listings** 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.

¹⁰ Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

- (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.
- (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 *or manually. In particular, where a Member State grants access to a centralised, free of charge, system allowing for the automated verification of the areas covered by a registration procedure or of the validity of registration numbers, the regular interconnection to and use of such functionalities for assessments and ex post checks, extended on a voluntary basis to all listings, could be presumed to comply with the obligation of the platform to perform assessments and random checks pursuant to this Regulation.* 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. *Member States that have not established a registration procedure and/or imposed a requirement on online short-term rental platforms to transmit data to competent authorities upon the entry into force of this Regulation can do so at a later stage, as long as they establish a Single Digital Entry Point according to this Regulation.*

- (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 Council¹¹. ***It is of particular importance that, where relevant, the Commission carries out appropriate consultations on specific points during its preparatory work as part of the work to be done within the framework of the Single Digital Entry Point Coordination Group.***
- (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.

¹¹ 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 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 Council¹². 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 ***and ensuring compliance with*** 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 ***do not violate the principles of non-discrimination and proportionality as laid down in Union law***, and comply with Union law, including the rules on free movement of services, freedom of establishment, and the rules in Directive ***2006/123/EC, as interpreted by the Court of Justice of the European Union***. 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. ***Nevertheless, in specific cases and to enable authorities to effectively fulfil their tasks, justified by in public interest objectives, namely to allow for evidence-based assessments for the development of laws, regulations or administrative concerning access to and provision of short-term accommodation rental services, it is appropriate to provide such authorities with certain relevant information provided by the host, which could include personal data, subject to appropriate safeguards for data protection and in accordance with Regulation (EU) 2016/679.***

¹² 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).

A retention period of maximum **18 months** should allow competent authorities to **effectively** ensure compliance with rules and regulations applicable to hosts or concerning units rented and for policy development, **unless that activity data is necessary for other purposes, as required by law, such as pending legal proceedings, and subject to data protection safeguards in line with Regulation 2016/679/EU.**

- (27) ■ Activity data ■ would also be important for the compilation of official statistics. Those data, together with information **provided by hosts pursuant to a registration procedure along with the registration number**, should be transmitted to national statistical offices and **to** 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 692/2011 **of the European Parliament and of the Council**¹³ concerning European statistics on tourism. Member States should designate the national entity responsible for **transmitting the data**. 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, **specific addresses** 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.
- (28) Member States should provide the necessary information 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 ■ rental **accommodation** services.
- (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 two years.

¹³ **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).**

- (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 coordinator or other competent authorities**, or the Commission should be empowered to enforce the compliance by design obligation laid down in **■** 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 of 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 Council¹⁴. Such penalties should be effective, proportionate and dissuasive. These penalties should ensure an effective enforcement of this Regulation, notably as regards data sharing obligations.

¹⁴ 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).

- (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 Council¹⁵, which established the Single Digital Gateway, provides for general rules for the online provision of 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 ■ 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) 2022/1463¹⁶.

¹⁵ 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).

¹⁶ 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.)

- (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, any effects of the increased availability *and usability* of data *relating to the provision of short-term accommodation rental services and, specifically, 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 *24 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 services provided by online short-term rental platforms cannot be sufficiently achieved by the Member States, *but can rather, by reason of scale and effects*, 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. Therefore the data protection supervisory authorities are responsible for the supervision of the processing of personal data carried out in the context of this Regulation.
- (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 Council¹⁷ and delivered an opinion on *16 December 2022*¹⁸,

¹⁷ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (Text with EEA relevance.), (OJ L 295, 21.11.2018, p. 39–98).

¹⁸ [OP: Footnote once available].

HAVE ADOPTED THIS REGULATION:

CHAPTER I

General provisions

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, ***and to hosts providing short-term accommodation rental services.***
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, ***in compliance with Union law,*** 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 tenancies;***

- (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 Council¹⁹;
- (b) Regulation (EU) 2022/2065;
- (c) Regulation (EU) 2022/1925 of the European Parliament and of the Council²⁰;
- (d) Directive 2000/31/EC;
- (e) Directive 2006/123/EC;
- (f) Directive (EU) 2015/1535 of the European Parliament and of the Council²¹;

¹⁹ 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).

²⁰ 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).

²¹ 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).

- (g) Council Directive (EU) 2010/24/EU²²; and
- (h) Council Directive (EU) 2011/16/EU²³.

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 **accommodation** including resort hotels, suite or apartment hotels ■ and motels as described in NACE Rev. 2, group 55.1 (‘hotels and similar accommodation’) **and hostels as described in NACE Rev. 2, group 55.2 (‘holiday and other short-stay accommodation’)** of Annex I to Regulation (EC) No 1893/2006 of the European Parliament and of the Council²⁴;
 - (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.

²² 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).

²³ 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).

²⁴ 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).

(2) ‘host’ means a natural or legal person that provides, or intends to provide, on a professional or non-professional basis, *on a regular or on a temporary basis*, a short-term accommodation rental service *provided for* remuneration through 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, *provided for* remuneration, whether on a professional or non-professional basis, *on a regular or on a temporary 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;

(6a) ‘small or micro online short-term rental platform’ means an online short-term rental platform, as defined in point (6) of this Article, which qualifies as a small or micro enterprise within the meaning of Recommendation 2003/361/EC;

(7) ‘registration number’ means a unique identifier issued by the competent *authority* 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 *in order to obtain a registration number enabling them to offer* short-term accommodation rental services *through online short-term rental platforms*;

(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 *or* enforce registration procedures, *or* to collect data on *short-term accommodation rental services, or is responsible for ensuring compliance with the applicable rules of the Member States concerning the access to and provision of* 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 *the unit was rented to* per night, *and their country of residence, in accordance with Regulation (EU) 692/2011*;
- (12) ‘municipality’ means the local administrative unit (LAU) within the meaning of *Article 4 of Regulation (EC) No 1059/2003 on the establishment of a common classification of territorial units for statistics (NUTS)*.

CHAPTER II

Registration

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.*
- 1. A Member State that imposes a requirement on online short-term rental platforms to transmit data to competent authorities in accordance with this Regulation shall establish or maintain a registration procedure for units located in areas of its territory, where such data transmission requirement applies.*

2. Member States shall ensure that:
- (a) registration procedures operate on the basis of declarations made by hosts;
 - (b) registration procedures *are provided online, where possible free of charge or at a reasonable and proportionate cost, and* allow for the automatic and immediate issue of a registration number, *that shall not include personal data*, 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);
 - (ba) registration procedures are subject to effective appeal mechanisms at national level;**
 - (c) a unit is not subject to more than one registration procedure;
 - (d) technical means are in place to allow for information and documentation to be updated by a host;
 - (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 4;
 - (g) hosts are required, when offering their short-term accommodation rental services via an online short-term rental platform, to declare *to the online short-term rental platform* whether the unit offered is *subject to* a registration procedure ■ 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.

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, ***in compliance with Regulation (EU) 2016/679***.
- 4a. ***Member States shall ensure that hosts are able to submit all required documents as part of the registration process in a digital format.***

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 ***specific*** address of the unit ***including, where applicable the apartment number, mailbox number, the floor that the unit is on, land registry reference or any other type of information that enables it to be precisely identified;***
 - (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 maximum number of ***available bed places and of*** guests that the unit ***accommodates;***
- (4a) where applicable, whether the unit is subject to authorisation, under an authorisation scheme, to offer short-term rental accommodation services from the relevant competent authority, and if so, whether the host has obtained such authorisation;***

- (b) where the hosts are natural persons:
 - (1) their name;
 - (2) a national identification number or **■** other information allowing the identification of the *persons*;
 - (3) their *addresses*;
 - (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 *a* legal *representative*;
 - (4) *the* registered address *of any hosts that are legal persons*;
 - (5) a contact telephone number *of at least one* representative of *those* legal *persons*;
 - (6) an electronic mail address that the competent authority can use for written communication.

2. Member States may require that the information submitted pursuant to paragraph 1 is accompanied by appropriate supporting documentation. ***With respect to the information referred to in paragraph 1(a), point 4a of this Article, where the host declares that the unit is subject to authorisation, or where the other information referred to in paragraph 1 allows an automatic determination that an authorisation requirement applies, Member States may request a copy of, or a clear reference to, the authorisation.***

3. Where a Member State requires hosts to submit further information and documentation, ***including information and documentation about the compliance with rules referred to in Article 2(2)(a)***, 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). ***Where appropriate, 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 ***and Member States shall ensure that this is done*** 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 **■** manner and only for a period which is necessary for the identification of the unit and for a maximum of ***18 months*** 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.
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 ***the*** registration number ***has been issued***, 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, *the* 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 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 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), it shall have the power to suspend the validity of the affected registration numbers and to issue an order requesting online short-term rental platforms to *provide further information to enable competent authorities to verify the authenticity and validity of the affected registration number, or to* remove or disable access to any listing relating to the unit or units in question without undue delay.
5. Where a competent authority intends to suspend the validity of a registration number or numbers pursuant to paragraphs 3 or 4, *or withdraw the number or numbers pursuant to paragraph 5a*, it shall notify the host in writing stating the reasons for that intention. The host shall be given the opportunity to be heard and, where appropriate, to rectify the information or documentation in question within a reasonable period to be specified by the competent authority. Where, after having heard the host, the competent authority confirms its intention to suspend the validity of a registration number or numbers ■ it shall notify the host in writing of that decision, accompanied by a copy of the order referred to in paragraphs 3 or 4.

- 5a.** *Without prejudice to paragraph 5, in the event 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 authorities may withdraw the registration number and issue an order requesting online short-term rental platforms to remove or disable access to any listing relating to the unit or units in question without undue delay.*
6. Orders issued pursuant to paragraphs 3, 4, **5a** 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 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), **and where the competent authority finds that there are serious doubts as regards the compliance with national, regional or local rules as referred to in Article 2(2)(a)**, 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 the requested information and to** remove listings related to units offered without a registration number, offered with an invalid **registration number, or in the case of misuse of a** registration number.

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;
 - (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, **and display that registration number clearly as part of the listing**;

- (c) make reasonable efforts to randomly check ***on a regular basis, declarations*** 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, the validity of the registration number provided by the host, 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, ***the misuse of a registration number***, or invalid registration numbers.
3. Online short-term rental platforms shall ***adequately inform hosts of the applicability in a given area of registration procedures, taking into consideration the lists provided pursuant to Article 13, and*** the information to be made available by Member States pursuant to Article 17(1), ***point 1***.

Article 7a

Other obligations for short-term rental platforms

Online short-term rental platforms shall upon receiving the information referred to in Article 7(1), point (a) and prior to allowing the host concerned to use its services, through the lists made available pursuant to Article 13(1), point (a) make best efforts to assess whether the self-declaration referred to in Article 7(1), point (a), for the accuracy of which hosts are solely responsible for the purposes of this Regulation, is complete, provided that the assessment can be carried out in a proportionate manner by automated tools as foreseen in Article 10. The application of this Article shall not lead to any general monitoring obligation.

CHAPTER III

Data reporting

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, activity data per unit, together with the corresponding registration number as provided by the host, *the specific address of the unit* 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 **4 250** or more *listings* shall transmit the activity data per unit, together with the corresponding registration number, *the specific address of the unit* and the URL of the listing, at the end of the quarter, by machine-to-machine communication means or manually *in accordance with national law*, to the Single Digital Entry Point of the Member State where the unit is located.

- 2a. ***Online short-term rental platforms shall ensure that, based on the information provided by the hosts, the datasets they transmit to competent authorities pursuant to this Article are complete and accurate.***

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 4(1), that Member State shall establish a Single Digital Entry Point for the receipt and forwarding of activity data, the relevant registration number, ***the 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. ***In order to ensure interoperability, this technical interface shall be implemented using an Application Programming Interface based on technical requirements, defined by the Commission.***
 - (b) facilitate random checks by online short-term rental platforms pursuant to Article 7(1), point (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 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);
 - (aa) *freely accessible and machine-readable online database or online interface for the checks referred to in Article 7(1)(c) and for the assessment, referred to in Article 7a;*
 - (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, registration numbers, *the 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 ■ 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, *the specific address of the unit* and URL of listings provided by online short-term rental platforms.

5. The Commission may 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 **common specifications to establish a standardised** structure of ■ registration numbers ■ Those implementing acts shall be adopted in accordance with the **examination** 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. ***The coordination group may, where relevant, 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 for the functioning of the Single Digital Entry Points and the exchange of data, **and automated checks, including checks of all listings and registration numbers**;
 - (c) assist the Commission in developing a common approach to message format for the transmission of activity data and registration numbers and, **if appropriate**, 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 4.
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 4;
 - (b) implementing **and ensuring compliance with** rules governing the access to and the provision of short-term accommodation rental services **in line** with Union law.

3. Competent authorities listed pursuant to paragraph 1 shall retain activity data in a secure manner as long as necessary for the purposes referred to in paragraph 2 and no longer than **18 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, including registration numbers and URLs ***of the listings and the relevant information transmitted pursuant to Article 5(1), point (a) (1) to (4)***, 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.

This notwithstanding, those competent authorities may share with authorities referred to in (a) the information contained in Article 5(1) point (a) (1) to (4), in accordance with the laws of the Member State and subject to appropriate safeguards for data protection, including, where applicable, Article 6(4) of Regulation (EU) 679/2016.

4. Member States shall *designate the national entity responsible for transmitting, for each unit, the activity data and the registration numbers obtained pursuant to Articles 5 and 9, the municipality where the unit is located and the maximum number of available bed places that the unit accommodates, on a monthly basis to national, and where relevant, regional statistical offices and make available to Eurostat for the purposes of compiling statistics in accordance with Regulation (EC) No 223/2009 of the European Parliament and of the Council²⁵. Access to the data referred to above by the national or regional statistical offices shall be subject to appropriate safeguards for data protection.*

CHAPTER IV

Information, supervision and enforcement

Article 13

Information obligations

1. Member States shall draw up and make available *through the Single Digital Entry Point and regularly update* the following lists:
- (a) list of areas where a registration procedure applies in their territory, *for the purpose of Article 7(1)(c) and Article 7a;*
 - (b) list of areas for which competent authorities have requested data from providers of online short-term rental platforms, *for the purpose of Article 9(1).*

²⁵ *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).*

2. Competent authorities shall promote awareness of the rights and obligations under this Regulation in their respective territories.
- 2a. *Member States shall also make public, free of charge the lists referred in paragraph 1.*

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 two years to the Commission.

Article 15

Enforcement

1. For the purpose of the enforcement of *Articles 7(1) and 7a* 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 *Articles 7(1) and 7a* 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, where appropriate by hosts* of Articles **6**, 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 3 and shall notify the Commission thereof without delay.

CHAPTER V

Final provisions

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 5 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 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, to the European Economic and Social Committee *and to the European Committee of the Regions*. This report shall be based on the *report* submitted by *Member States* pursuant to Article 14 *and, where relevant, 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 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 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 the content, **enforcement**, and proportionality of national legislative, regulatory or administrative measures relating to access to and the provision of short-term accommodation rental services;
- (ca) to the extent possible, the impact of this Regulation on the effectiveness of enforcement and cooperation between competent authorities at cross-border level where short-term accommodation rental services are provided cross-border*
- (cb) the need to establish a centralised Single Digital Entry Point at Union 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 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