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STUDY ON SHORT-TERM ACCOMMODATION RENTALS (STARs) IN THE EU

Including

A DRAFT LEGAL PROPOSAL

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Explanatory memorandum

1. CONTEXT OF THE PROPOSAL

a. Reasons and objectives of the proposal

The rapid and uneven expansion of short-term accommodation rentals (STARs), facilitated by online platforms, has transformed housing in urban as well as rural areas, and tourism dynamics across the European Union. During 2023, guests spent 719 million nights in short-term rental accommodation in the EU booked via Airbnb, Booking, Expedia Group or TripAdvisor. This corresponds to a 20.5% increase compared with 2022 (596.5 million)¹. The data received from the platforms for Q3 2024, which is the most important quarter for tourism in the EU, shows continuing high growth rates for the number of nights spent in accommodation booked via online platforms².

While STARs bring flexibility, entrepreneurship opportunities, and tourism-related income to local communities, they also present considerable challenges to housing affordability, neighbourhood cohesion, and local governance. These include exacerbating the housing affordability crisis, disrupting local communities, and undermining traditional hospitality industries. Therefore, regulating STARs is not about stifling innovation but about ensuring a balanced approach that safeguards both economic interests and community well-being.

One of the primary concerns associated with STARs is their impact on long-term **housing availability and affordability**. The so-called ‘Airbnb effect’ has been linked to rising rental costs and the removal of housing stock from the traditional long-term rental market³.

Evidence from European cities highlights this issue. For example, in Florence, research indicates that one in five apartments in the historic centre is listed on Airbnb; all these apartments then disappear from the regular long-term market. In Madrid, the city centre has lost a staggering 15,000 residents since 2005, and the influx of tourists into famous neighbourhoods such as Lavapiés is transforming them. Lavapiés is a part of Madrid with a mix of cultures and ethnicities, poor and sometimes tough, but a place where residents created their own environment⁴.

Studies from multiple countries reinforce the connection between the growth of STARs and rising rental prices. Research in the US, Berlin, Sydney and Canada, all points to a significant reduction in housing stock for long-term residents due to STAR proliferation⁵.

A positive correlation was found between the rise in Airbnb density and the increase in average rental prices per bedroom in a neighbourhood, indicating that an increase in Airbnb supply is associated with higher rental prices. This correlation remains even after

¹ <https://ec.europa.eu/eurostat/web/products-eurostat-news/w/ddn-20240403-1>

² https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Short-stay_accommodation_offered_via_online_collaborative_economy_platforms_-_monthly_data

³ Corporate Europe Observatory (CEO), UnFairbnb, How online rental platforms use the EU to defeat cities’ affordable housing measures, 2018 p. 6, available at: <https://corporateeurope.org/sites/default/files/unfairbnb.pdf>.

⁴ T. Aguilera, F. Artioli, C. Colomb, Explaining the diversity of policy responses to platform-mediated short-term rentals in European cities: A comparison of Barcelona, Paris and Milan, Environment and Planning A, 2021, 53 (7), p. 12.

⁵ T. Aguilera, F. Artioli, C. Colomb, Explaining the diversity of policy responses to platform-mediated short-term rentals in European cities: A comparison of Barcelona, Paris and Milan, Environment and Planning A, 2021, 53 (7), p. 4.

controlling for unchanging neighbourhood characteristics, number of bedrooms, and type of rental property, as well as economic factors in the neighbourhood. However, no significant correlation was found between Airbnb density and house sale prices⁶.

During the COVID-19 pandemic, despite a decrease in Airbnb offerings and average rental prices, there was no significant correlation between these declines. The results indicate that while Airbnb's presence correlates with increased rental prices, the reduction in Airbnb listings during the pandemic did not have a significant lowering effect on rental prices. This lack of correlation could be due to a delay in the market's response or Airbnb hosts' expectations regarding the pandemic's duration⁷.

Beyond housing availability and affordability, unregulated STARS **alter the traditional character of cities and neighbourhoods**. The expansion of STARS has contributed to the **displacement of local residents**, particularly in high-demand urban centres. In cities already struggling with overtourism, such as Venice and Barcelona, the surge in STARS has exacerbated housing shortages, driving out local populations in favour of transient visitors. As property owners convert long-term rentals into more profitable short-term stays, low-income renters are increasingly forced out of central areas, leading to the erosion of historic and culturally rich neighbourhoods⁸.

The influx of short-term guests often leads to:

- Loss of social cohesion and displacement of local residents — sometimes termed 'Gentrification 2.0' — and the conversion of neighbourhoods into transient tourist zones⁹ that replace long-term community members.
- Increased noise levels and disturbances.
- Reduction in local services catering to permanent residents, as businesses shift focus to the tourism sector.
- Conversion of historic districts into 'tourist zones,' stripping them of their authenticity and local charm¹⁰.

Without effective regulation, cities risk losing their cultural identity, as local populations dwindle and once-thriving neighbourhoods become mere backdrops for tourism.

The current fragmented legal framework governing short-term accommodation rentals (STAR) within the European Union has led to significant legal uncertainty and inconsistency, creating challenges for both Member States and local authorities. This

⁶ Dr. Petrus te Braak, Prof. Pieter-Paul Verhaeghe, Policy Proposals for Regulating the Short-Term Rental Market: Towards a Balanced Housing Market in Brussels, 2024, Vrije Universiteit Brussel, p. 7.

⁷ Dr. Petrus te Braak, Prof. Pieter-Paul Verhaeghe, Policy Proposals for Regulating the Short-Term Rental Market: Towards a Balanced Housing Market in Brussels, 2024, Vrije Universiteit Brussel, p. 7.

⁸ T. Aguilera, F Artioli, C. Colomb, Explaining the diversity of policy responses to platform-mediated short-term rentals in European cities: A comparison of Barcelona, Paris and Milan, *Environment and Planning A*, 2021, 53 (7), p. 12.

⁹ T. Aguilera, F Artioli, C. Colomb, Explaining the diversity of policy responses to platform-mediated short-term rentals in European cities: A comparison of Barcelona, Paris and Milan, *Environment and Planning A*, 2021, 53 (7), p. 12.

¹⁰ Corporate Europe Observatory (CEO), UnFairbnb, How online rental platforms use the EU to defeat cities' affordable housing measures, 2018 p. 12, available at: <https://corporateeurope.org/sites/default/files/unfairbnb.pdf>.

disarray has hindered local authorities' ability to effectively enforce regulations, resulting in confusion over the scope of applicable rules and preventing the development of fair, clear, and proportionate policies. Moreover, the absence of a unified EU-wide approach has exacerbated regulatory fragmentation, undermining legal certainty and creating obstacles to the smooth functioning of the internal market.

Another critical issue within the STAR ecosystem is **discrimination** on peer-to-peer rental platforms. Research suggests that professional hosts are more likely to favour certain demographics over others when accepting booking requests, reinforcing biases and exacerbating **social inequalities**¹¹. Ensuring fair access to STARs, along with implementing anti-discrimination policies, is essential to fostering an inclusive and equitable rental market.

Detailed market data on short-term rental activity across the EU confirms that STAR activity does not operate uniformly across cities. For example, Paris reports over 90,000 and Rome over 35,000 active listings, while Athens and Amsterdam — also important cultural and tourist destinations — have far fewer, with approximately 14,600 and 10,000 listings respectively. This variance illustrates that different local housing and tourism dynamics lead to divergent levels of STR penetration, even among similarly significant European cities.

Initially conceived as part of the collaborative economy, **STARs have evolved into a highly commercialised industry dominated by professional hosts managing multiple properties**. In Lisbon, Porto, and Barcelona, over 70% of listings are 'multi-listings' — that is, offered by hosts managing multiple properties — while in Amsterdam and Paris, the majority of listings are associated with single-property hosts. This suggests a varying degree of commercialisation and concentration of STAR activity across cities, with implications for housing availability and market fairness. STARs are now increasingly dominated by commercial operators rather than occasional hosts, distorting the market and creating unfair competition for traditional hospitality providers.

The data also reveals high proportions of entire home/apartment listings in cities such as Athens (92.2%) and Porto (80.5%), underscoring the extent to which entire residential units are being diverted from the long-term market to serve tourism needs. In contrast, Barcelona and London exhibit significant shares of private room listings (over 35%), indicating more diversity in the type of STAR supply.

These patterns highlight the fragmented, heterogeneous nature of the STAR landscape across the EU, reinforcing the need for a harmonised but flexible regulatory framework that accounts for both the cross-border dimension of the platforms and the localised impacts of their use. Without common criteria and regulatory clarity, enforcement remains weak, competition becomes distorted, and Member States struggle to meet pressing public interest goals — particularly the protection of affordable housing and local community resilience. In Paris, more than 89% of STAR listings are entire homes/apartments, with over 81% used for short-term rentals. Nearly a third of listings are managed by multi-property hosts.

In light of these persistent regulatory asymmetries, the study puts forward a draft legislative proposal, anchored in the principles of subsidiarity and proportionality, to assess the feasibility of EU-level intervention in the STAR sector. Acknowledging legal diversity across Member States, the proposal delineates a set of differentiated policy

¹¹ Dr. Petrus te Braak, Prof. Pieter-Paul Verhaeghe, Policy Proposals for Regulating the Short-Term Rental Market: Towards a Balanced Housing Market in Brussels, 2024, Vrije Universiteit Brussel, p. 8.

options for the core elements of future regulation of the sector. These alternatives are designed not only to offer a structured basis for potential harmonisation under Article 114 TFEU, but also to serve as a legislative stimulus — intended to provoke informed discourse, mobilise institutional momentum, and pave the way for a coherent internal market framework that can reconcile economic freedoms with pressing social objectives. At the same time, the study explicitly acknowledges the status quo scenario — the ongoing, fragmented regulatory framework across the EU — as a potential baseline, against which the advantages and limitations of more cohesive EU-level action are assessed.

To address current divergent market dynamics, the study introduces a two-tier regulatory model based on a clear distinction between non-professional and professional hosts. This distinction is essential to ensure proportionality in obligations, protect small-scale providers from unnecessary burdens, and enable targeted regulation of more intensive commercial activity. Many cities already differentiate between peers and professionals based on criteria such as the number of nights, number of units, or whether the property is the host's primary residence. The proposed Directive aligns with this practice by setting a maximum day threshold and a maximum of two listings for non-professional status, while also allowing Member States to lower the maximum daily threshold if necessary. These figures offer a practical compromise that protects occasional hosts while enabling more robust oversight of professional operators.

This approach is further supported by observed data showing that cities where multi-listings dominate — such as Lisbon, Porto, and Barcelona — tend to experience more acute housing pressure and stronger market concentration. In contrast, Amsterdam and Paris display a higher prevalence of single-property hosts, indicating lower levels of professionalisation. Setting common thresholds allows Member States to tailor enforcement and policy tools to their local conditions, thus applying stricter controls where STAR impact is more significant.

The proposal also facilitates the use of registration systems, nightcaps, and licensing procedures already in place in many Member States. Cities such as Paris, Amsterdam, Berlin and Lisbon have long relied on nightcaps (ranging from 30 to 120 days) and individual-based licensing to preserve housing availability. These instruments are codified and clarified by this Directive, which ensures legal certainty and compliance with EU law.

The maximum day threshold reflects the Commission's 2016 Communication on the Collaborative Economy,¹² which encourages minimal intervention for peer-to-peer providers acting occasionally and without significant market impact. Occasional activity — especially the rental of a single room in a primary residence — has limited negative effects on housing markets and should remain lightly regulated. The proposed Directive respects this by allowing such activity to remain authorisation-free — either fully exempting non-professional hosts from authorisation requirements, or, under an alternative option, maintaining authorisation for those renting out secondary units that are not their primary residence.

At the same time, the proposed Directive addresses systemic concerns by permitting Member States to impose targeted restrictions on professional hosts, especially in areas suffering from overtourism or rental shortages. This includes zoning rules, offsetting obligations, and temporary bans under clearly defined conditions. As an alternative approach, the proposal also foresees the application of similar measures for non-

¹² European Commission, A European Agenda for the collaborative economy, COM(2016) 356.

professional hosts renting out units that are not their primary residence. This would ensure that such activities are subject to appropriate local regulations, balancing the needs of communities and the protection of housing markets without unduly burdening small-scale providers.

Importantly, the study also addresses issues of discrimination and access. Empirical studies and platform-level evidence show that digital discrimination affects the STAR sector. The use of ‘Instant Booking’ and guest anonymisation has been shown to reduce bias. For this reason, the proposed Directive allows Member States to make ‘Instant Booking’ mandatory for professional listings, while encouraging transparency and fairness in other cases.

In light of these developments, the objective of this proposal is to establish a clear, proportional, and harmonised EU-level framework to regulate the **downstream market of short-term rental activity — that is, the provision of rental services by users (hosts), not platforms**. The proposed Directive empowers national and local authorities to apply justified restrictions to STAR activity while providing legal certainty, consistency, and support for enforcement across Member States.

In addition to addressing market imbalances and legal fragmentation, the proposed Directive introduces minimum safety, security, and quality requirements for STARs. These requirements are proportionate and reflect best practices already followed by traditional accommodation providers, particularly in the hotel sector. Hotels across the EU are typically subject to fire safety rules (such as functioning smoke detectors and visible escape routes), sanitation standards, and structural integrity checks. In contrast, STARs are rarely held to the same level of scrutiny, which creates risks for consumers and undermines public confidence. The inclusion of such provisions aims to ensure a basic level of guest protection, public trust, and responsible conduct across the STAR market, without imposing excessive burdens on non-professional hosts.

The COVID-19 pandemic also highlighted this gap: many STARs lacked basic risk management, cleaning routines, or ventilation standards. The proposed Directive draws on non-binding guidance issued by the EU-OSHA¹³ and the ECDC¹⁴ during the COVID-19 pandemic, including cleaning protocols, time buffers between bookings, and the use of approved disinfectants. Such measures are crucial to restoring consumer confidence and enhancing the resilience of tourism services.

The proposed rules further empower Member States to enforce these standards in ways suited to their local context. For instance, Article 14 allows inspections to be delegated to public or private bodies, or to platforms that already conduct on-site checks. Member States may require platforms to make public the applicable safety and quality requirements, ensuring transparency for users and enforcement bodies alike. Another option of Article 14 strengthens enforcement by granting competent authorities powers to access documents, conduct inspections, and impose penalties for non-compliance.

¹³ European Agency for Safety and Health at Work (EU-OSHA), COVID-19: BACK TO THE WORKPLACE, Adapting workplaces and protecting workers, December 2020 update, available at: https://osha.europa.eu/sites/default/files/2021-11/EUguidance_covid19_backtowork_EN.pdf.

¹⁴ European Centre for Disease Prevention and Control (ECDC), TECHNICAL REPORT, Disinfection of environments in healthcare and non-healthcare settings potentially contaminated with SARS-CoV-2, March 2020, available at: https://www.ecdc.europa.eu/sites/default/files/documents/Environmental-persistence-of-SARS_CoV_2-virus-Options-for-cleaning2020-03-26_0.pdf.

Authorities can also initiate investigations independently and collaborate with other bodies or courts to ensure effective regulation across Member States.

b. Consistency with existing policy provisions in the same policy area

The existing EU legislative framework provides general rules for digital platforms and some downstream services, but it is inadequate for effectively regulating the offline, local impacts of STAR activity. The E-Commerce and Digital Services Acts focus on intermediary services and platform liability, without addressing the real-world economic and urban challenges posed by STAR users. The Services Directive governs service provision but imposes procedural and substantive hurdles for effective local control. The P2B Regulation¹⁵ focuses on fair platform-host relations but does not address urban policy concerns. The proposed directive therefore introduces a harmonised approach to the regulation of **STAR activity by users (hosts)**, without conflicting with existing EU laws. It complements, rather than duplicates or contradicts, existing legal instruments by focusing on **real world, offline STAR operations**, leaving the regulatory treatment of platforms unaffected.

In addition, the proposal is consistent with the broader EU consumer protection framework. In particular, it aligns with the objectives of the Proposal for a Directive amending Directive (EU) 2015/2302 on package travel and linked travel arrangements¹⁶. That initiative seeks to enhance the transparency, simplicity, and effectiveness of consumer rights in the travel sector, especially in light of increasing digitalisation and evolving booking models. The proposed Directive complements this by ensuring that short-term accommodation offered via digital platforms meets minimum standards of fairness, accountability, and regulatory clarity — thereby supporting more informed consumer choices and balanced market conditions.

More broadly, the Directive supports the objectives of EU consumer law by contributing to a transparent, safe, and predictable service environment in which consumers are adequately informed and protected, particularly where services are provided by non-professionals who might otherwise operate outside traditional consumer safeguards. By distinguishing between professional and non-professional hosts, the proposal ensures that obligations are proportional to the nature of the service, in line with general EU consumer protection principles. It thus enhances the coherence of EU rules governing platform-based services in the single market.

Below is a detailed mapping of the most relevant legislative instruments and the reasons why each is either insufficient or complementary to the proposed Directive.

1. The E-Commerce Directive (2000/31/EC)¹⁷

Scope & Function

¹⁵ 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](#)).

¹⁶ Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive (EU) 2015/2302 to make the protection of travellers more effective and to simplify and clarify certain aspects of the Directive, COM/2023/905 final.

¹⁷ 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](#)).

Adopted at a time when the internet was still in its infancy, the E-Commerce Directive is the main legal instrument covering such online services in the internal market¹⁸. The E-Commerce Directive was designed to facilitate the development of digital services by harmonising rules on online business activities across the European Union. It establishes the **principle of the internal market for online services**, meaning that service providers are regulated primarily by the Member State in which they are established. The Directive includes provisions on liability exemptions for intermediary service providers, particularly regarding hosting content uploaded by users.

European case law on the platform economy has primarily focused on whether online platforms fall within the scope of the E-Commerce Directive. In 2017, the ECJ ruled that Uber did not meet the criteria for classification under this framework¹⁹. In contrast, the Court recognised Airbnb's platform as an information society service falling within the Directive's scope²⁰.

Later, Airbnb faced regulatory challenges when the ECJ upheld the authority of France and the city of Paris to impose restrictions on short-term rentals in the Cali Apartments case²¹. **This case illustrates a key legal distinction: while Airbnb, as a provider of information society services, is primarily subject to regulation under the E-Commerce Directive (upstream²²), the short-term rental services facilitated through the platform (downstream²³) fall within the scope of the Services Directive and may be regulated by national and local authorities for overriding public interest reasons.**

Why it is insufficient for STARs:

- The directive contains two elements that could make it more difficult for cities to enforce rules on short-term rental accommodation.
- 1. Under the E-commerce Directive, **authorities are not allowed to impose a 'general obligation' to monitor activity on the website**. This could mean that the company can be asked to act on a specific suspicion of an illegal listing, but in principle, it cannot be asked to check systematically if listings are illegal. This means a housing unit rented through Airbnb is de facto unregulated²⁴.
- 2. Article 3(2) of the Directive is the so-called '**country of origin principle**', meaning that the rules and regulations of the Member State of establishment apply to the company in question, but everywhere else in the EU, nothing can be adopted that can be seen as an obstacle to the company's day-to-day business.²⁵

¹⁸ Dr Dion Kramer & Dr Martien Schaub, EU Law and the Public Procurement of the Platform Economy: The Case of the Short-Term Rental Market, 2022, Common Market Law Review 59(6), p. 9.

¹⁹ C-434/15, Uber Systems Spain.

²⁰ C-390/18, Airbnb Ireland.

²¹ Joined cases C-724/18 and C-727/18, Cali Apartments.

²² The upstream market refers to the online services offered by intermediary platforms like Airbnb.

²³ The downstream market refers to the underlying services in their 'real world' economic and societal context.

²⁴ Corporate Europe Observatory (CEO), UnFairbnb, How online rental platforms use the EU to defeat cities' affordable housing measures, 2018 p. 17, available at: <https://corporateeurope.org/sites/default/files/unfairbnb.pdf>.

²⁵ Corporate Europe Observatory (CEO), UnFairbnb, How online rental platforms use the EU to defeat cities' affordable housing measures, 2018 p. 17, available at: <https://corporateeurope.org/sites/default/files/unfairbnb.pdf>.

The EU legislator therefore decided to allocate the primary responsibility for the supervision of information society services to the competent authorities of the Member State of establishment, who should provide such protection, not only for the citizens of its own country but for all community citizens'²⁶. According to the same logic, the Directive also subjects information society services in principle to the law of the Member State of establishment.²⁷

According to article 3(4)(b), 'host' Member States should first ask the Member State of establishment to take adequate measures. If no such measures are taken, the host Member State must notify the European Commission and the Member State(s) of establishment of its intention to take those measures, enabling them to ensure that the measures are necessary in furtherance of overriding reasons in the general interest.²⁸

It limits Member States' ability to impose specific regulatory obligations on platforms, making it challenging to enforce local rules on housing and urban planning.

3. The Directive primarily covers **online intermediary services** but does not regulate offline economic activities facilitated through digital platforms, such as short-term rental services.²⁹
 - The Directive does not provide sufficient enforcement mechanisms for local authorities to ensure compliance by online platforms and hosts. The E-Commerce Directive primarily deals with **online intermediary liability** and **platform accountability**, and its **liability exemptions** often prevent authorities from holding platforms responsible for ensuring compliance with local short-term rental regulations.³⁰

Why it does not conflict with the proposed STAR Directive:

- The E-Commerce Directive does not regulate the underlying rental transactions themselves (downstream market), allowing space for a sector-specific regulatory framework addressing short-term rentals.
- The E-Commerce Directive applies to online intermediary services, not to the actual provision of short-term accommodation by hosts. Since the proposed directive regulates **users of the platforms**, not the platforms themselves, it falls entirely outside the E-Commerce Directive's regulatory scope.

²⁶ Recital 22 Directive 2000/31.

²⁷ Recital 22, articles 3(1), 3(2) and 4 Directive 2000/31. Dr Dion Kramer & Dr Martien Schaub, EU Law and the Public Procurement of the Platform Economy: The Case of the Short-Term Rental Market, 2022, Common Market Law Review 59(6), p. 11.

²⁸ See also C-390/18, Airbnb Ireland.

²⁹ Recitals 18, 21 of the Directive 2000/31 and Article 2(h)(ii) Directive 2000/31.

³⁰ Dr Dion Kramer & Dr Martien Schaub, EU Law and the Public Procurement of the Platform Economy: The Case of the Short-Term Rental Market, 2022, Common Market Law Review 59(6), p. 23-24 ("safe harbour provisions").

2. The Services Directive (2006/123/EC)³¹

Scope & Function

The Services Directive aims to facilitate the free movement of services within the internal market while allowing for justified restrictions based on overriding reasons of public interest, such as consumer protection and urban planning. The Directive regulates the downstream market, which consists of the underlying services that are offered via the online platform.

CJEU case law, such as **Cali Apartments (Joined Cases C-724/18 and C-727/18)**, regarding the downstream activities of the users of Airbnb, has confirmed that an activity consisting in the repeated short-term letting, for remuneration, whether on a professional or non-professional basis, of furnished accommodation to a transient clientele which does not take up residence there is covered by the concept of 'service' within the meaning of the Services Directive.³² In the same ruling, the ECJ has clarified that Member States can impose **market access restrictions on short-term rental services to protect public interest objectives, including housing affordability. However, these restrictions must be justified, proportionate, and non-discriminatory.**

Many European cities make use of **authorisation schemes** to regulate the downstream activities in the short-term rental market. Articles 9-13 of the Services Directive seek to prohibit Member States from operating authorisation schemes that are discriminatory or create unjustifiable obstacles for the provision of services. Article 9 targets authorisation schemes as a whole, stipulating that they may not be discriminatory, should be justified by an overriding reason relating to the public interest and meet the proportionality test. Authorisation schemes must be reported to the Commission³³. Article 10 subsequently targets the specific conditions or criteria for granting individual authorisations by requiring that these are non-discriminatory, justifiable and proportionate, and meet a number of requirements related to principles of good administration.

Why it is insufficient for STARs:

- While the Directive allows regulation of services, it imposes a **proportionality test** that makes it difficult for cities to impose stringent restrictions on short-term rentals without facing legal challenges.
- 1. **Under the Services Directive, many conditions have to be fulfilled if the authorities are to require permits, licenses, or authorisation.** Under the Directive all categories of requirements must be necessary, proportionate, and non-discriminatory. The 'recipients', which in this case can be both the hosts and the users, cannot be met with a demand 'to obtain authorisation or to make a declaration' to the competent authorities, in fact it is outright forbidden.³⁴

³¹ 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](#)).

³² Joined cases C-724/18 and C-727/18, *Cali Apartments*, para 33-36.

³³ Article 9(2) in conjunction with article 39(1) Directive 2006/123/EC.

³⁴ Corporate Europe Observatory (CEO), *UnFairbnb*, How online rental platforms use the EU to defeat cities' affordable housing measures, 2018 p. 17, available at: <https://corporateeurope.org/sites/default/files/unfairbnb.pdf>.

2. **The obstacles to authorisation and licensing schemes become bigger when the prohibition against ‘quantitative restrictions’ is taken into account.**
 - It was designed for traditional service provision rather than addressing digital platforms that facilitate peer-to-peer transactions.

Why it does not conflict with the proposed STAR Directive:

- The proposed Directive builds upon the Services Directive by clarifying the conditions under which STAR activities by users can be subject to local rules, ensuring legal certainty and proportionality. It does not introduce new restrictions on service providers beyond those justified under the Services Directive.

3. The Digital Services Act (DSA) (Regulation (EU) 2022/2065)³⁵

Scope & Function

The aim of the Digital Services Act is to ensure a safe, predictable and trustworthy online environment by updating the E-Commerce Directive to match the development of online platforms and their role in society. The Regulation introduces obligations for online intermediaries and platforms regarding transparency, content moderation, and liability for illegal content. It applies only to intermediary services and does not affect requirements set out in the EU or national law relating to products or services intermediated through intermediary services, including in situations where the intermediary service constitutes an integral part of another service which is not an intermediary service as recognised in the case-law of the Court of Justice of the European Union³⁶.

Why it is insufficient for STARs:

- The DSA enhances platform accountability but **explicitly does not regulate the downstream services** offered by users of those platforms. It does not provide Member States with the tools to monitor or regulate the provision of short-term rentals by individual hosts.

Why it does not conflict with the proposed STAR Directive:

- The DSA governs the conduct and obligations of digital platforms. The proposed STAR Directive operates entirely **outside that framework**, as it governs the offline provision of accommodation services by users. There is no regulatory overlap.

4. The Platform to Business Regulation (Regulation (EU) 2019/1150)³⁷

Scope & Function

³⁵ 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, 27.10.2022, p. 1](#)).

³⁶ Recital 6 DSA.

³⁷ 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](#)).

The Platform to Business (P2B) Regulation aims to ensure fairness and transparency in the relationships between online platforms and business users. The P2B Regulation applies to providers of 'online search engines' and 'online intermediation services' that enable businesses to sell goods or services to consumers located in the EU, regardless of where that business is based³⁸.

Why it is insufficient for STARs:

- The regulation focuses on contractual fairness and dispute resolution rather than public policy concerns such as housing availability and affordability.
- It does not grant enforcement powers to local governments to impose rental caps or zoning restrictions.
- While it ensures that hosts receive fair treatment from platforms, it does not address the broader societal impacts of short-term rentals on local communities.

Why it does not conflict with the proposed STAR Directive:

- The P2B Regulation ensures transparency and fairness in platform-host relations. The proposed Directive does not affect or alter those relationships but instead addresses the broader **public interest implications** of STAR activity at the **local level**, particularly by regulating host conduct.

5. Regulation (EU) 2024/1028 of the European Parliament and of the Council of 11 April 2024 on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724 (STR Transparency Regulation)³⁹

Scope & Function

This regulation was introduced to address one specific regulatory gap: the lack of structured and reliable data on short-term accommodation rental activity across the EU. Its primary aim is to **facilitate data exchange between online platforms and public authorities**, in order to support evidence-based policymaking and the enforcement of existing rules at the local level. The regulation introduces **obligations for platforms** to collect and transmit certain standardised data (e.g., host identity, number of nights booked, location of listing) to public authorities, while also laying out conditions for registration schemes at national or local levels.

It creates a common framework for **data interoperability**, platform cooperation, and the identification of STR activity, but **does not itself regulate the conduct of STAR users (hosts)**, nor does it impose substantive rules on STR services or their socio-economic impacts.

Why it is insufficient for STARs:

³⁸ Article 1(2) P2B.

³⁹ Regulation (EU) 2024/1028 of the European Parliament and of the Council of 11 April 2024 on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724 (OJ L, 2024/1028, 29.4.2024).

- **It is a procedural regulation**, establishing mechanisms for **data access and exchange**, not substantive regulation of rental activity.
- It **does not create harmonised rules** for hosts or STAR service providers regarding zoning, rental caps, or authorisation schemes.
- **It leaves the content and enforcement of local rules entirely to Member States**, which can result in continued legal fragmentation and uncertainty across the EU.
- It addresses transparency but **does not create tools to manage the societal effects** of STARs on housing affordability, urban congestion, or neighbourhood dynamics.

Why it does not conflict with the proposed STAR Directive:

- The regulation is complementary, as it focuses solely on enabling **better data flow** from platforms to authorities — a necessary precondition for **enforcing rules on users**.
- The proposed STAR Directive, by contrast, aims to **substantively regulate user behaviour and STAR activity**, especially in the downstream market.
- The two frameworks are therefore **mutually reinforcing**: the data-sharing regulation facilitates the enforcement of the rules that the new Directive would introduce.
- No overlap exists, as the data-sharing regulation **neither limits nor determines** the substantive content of STAR rules.

6. Digital Markets Act (DMA) (Regulation (EU) 2022/1925)⁴⁰

Scope & Function

The **Digital Markets Act** (DMA) is a competition-focused regulation aimed at **very large online platforms** that act as ‘gatekeepers’ in the digital economy. Its purpose is to prevent anti-competitive behaviour by these dominant platforms and ensure fair conditions for business users and end users. The DMA imposes ex-ante obligations on gatekeepers regarding data use, platform self-preferencing, interoperability, and switching costs, among other areas.

While certain STR platforms may be covered by the DMA if designated as gatekeepers (e.g., large multinational booking platforms), the regulation is **not tailored to STAR activity**, and it does **not regulate hosts or the services provided via the platforms**.

Why it is insufficient for STARs:

- The DMA targets only **a small subset of platforms** (those designated as gatekeepers), and **does not address downstream STAR activity**.
- Even for covered platforms, the obligations are focused on **competition**, not **public interest** concerns such as housing supply or urban planning.

⁴⁰ 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](#)).

- The DMA does not enable local or national authorities to control STR growth or its neighbourhood-level effects.
- There are **no provisions for regulating hosts**, rental conditions, or the broader societal implications of STAR activity.

Why it does not conflict with the proposed STAR Directive:

- The DMA operates in the **upstream digital market** to correct market power imbalances; it does not apply to individual STAR users or the content of STAR regulation.
- The proposed STR directive would intervene in the **downstream market**, setting rules for how accommodation services are offered by users.
- No legal or functional overlap exists — the two regulations **address fundamentally different issues** and **different actors**.
- The proposed Directive is compatible with, and even complementary to, the DMA's goals of fair and transparent digital markets.

7. The safety and hygiene-related provisions of the proposed Directive are consistent with still applicable guidance issued by EU institutions during the COVID-19 pandemic, including from the European Agency for Safety and Health at Work (EU-OSHA)⁴¹ and the European Centre for Disease Prevention and Control (ECDC)⁴². These guidelines, originally targeting hotels and workplaces, aim to be adapted for STARs in a proportionate way. Furthermore, the requirements reflect the risk-based and flexible approach promoted under the Construction Products Regulation (EU) 305/2011⁴³ and the Low Voltage Directive (EU) 2014/35⁴⁴, which already apply to accommodation infrastructures. This consistency ensures that STARs operate with comparable safeguards to hotels, while taking into account their different nature.

c. Consistency with other EU policies

The proposal supports the European Pillar of Social Rights, particularly Principle 19 on housing and assistance for the homeless, by promoting access to affordable, adequate, and sustainable housing. It contributes to the Urban Agenda for the EU by addressing the urban dimension of EU policy making and supporting cities in tackling housing pressures intensified by the expansion of STARs. In the context of the European Green Deal, the proposed Directive encourages sustainable tourism and the efficient use of existing housing infrastructure, thereby supporting climate and environmental objectives. Furthermore, it aligns with the EU's strategy for the collaborative economy, as outlined in

⁴¹ European Agency for Safety and Health at Work (EU-OSHA), COVID-19: BACK TO THE WORKPLACE, Adapting workplaces and protecting workers, December 2020 update, available at: https://osha.europa.eu/sites/default/files/2021-11/EUGuidance_covid19_backtowork_EN.pdf.

⁴² European Centre for Disease Prevention and Control (ECDC), TECHNICAL REPORT, Disinfection of environments in healthcare and non-healthcare settings potentially contaminated with SARS-CoV-2, March 2020, available at: https://www.ecdc.europa.eu/sites/default/files/documents/Environmental-persistence-of-SARS_CoV_2-virus-Options-for-cleaning2020-03-26_0.pdf.

⁴³ Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC Text with EEA relevance (OJ L 88, 4.4.2011, p. 5–43).

⁴⁴ Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits (recast) (OJ L 96, 29.3.2014, p. 357–374).

the Commission's 2016 Communication⁴⁵, by calling for differentiated, proportionate regulation that distinguishes between occasional peer providers and professional service providers. This approach ensures that innovation and new business models are not stifled, while mitigating negative social impacts.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

a. Legal basis

The proposal is based on Article 114 TFEU, as it aims to improve the functioning of the internal market by clarifying host obligations, reducing regulatory fragmentation, and supporting cross-border enforcement of STAR rules.

b. Subsidiarity

While STAR challenges often manifest at the local level, the cross-border dimension of digital platforms and the fragmented regulatory responses across Member States necessitate a coordinated EU approach. The principle of subsidiarity, enshrined in Article 5(3) of the TEU, is particularly relevant here: the EU should act only when objectives cannot be sufficiently achieved by the Member States acting alone and can be better achieved at EU level. In the case of STARs, Member States have developed highly diverse regulatory approaches — ranging from nightcaps and licensing schemes to zoning restrictions and partial bans — which, although responding to local realities, have led to significant legal fragmentation. This patchwork of rules erodes legal certainty for local authorities as well as for service providers and impedes enforcement for local authorities, especially when STAR activity is facilitated by cross-border platforms.

The study addresses this through its draft proposal, which establishes harmonised minimum standards — such as definitions of professional and non-professional hosts, proportionality principles, and enforcement tools. These measures aim to eliminate obstacles to the internal market while still allowing Member States to regulate the sector in line with their local context. It ensures added value at an EU level by improving regulatory coherence and enabling effective cooperation through shared data infrastructures (as introduced by Regulation 2024/1028). At the same time, the Directive fully respects national and local autonomy in defining public interest objectives, such as housing availability or urban planning, and explicitly allows Member States to adopt stricter or more targeted rules, provided they comply with the principles of justification, necessity, and proportionality under EU law.

c. Proportionality

The study through its draft proposal respects the principle of proportionality by:

- Allowing differentiated treatment between occasional and professional hosts. This reflects legal and economic reality, as professional STAR providers are more likely to contribute to housing pressures and are typically engaged in commercial activity. It also aligns with the Commission's 2016 Communication on the Collaborative Economy⁴⁶ and ECJ case law (e.g., Kamenova, C-105/17), which emphasise the need to distinguish between private individuals and traders.

⁴⁵ European Commission, A European Agenda for the collaborative economy, COM (2016) 356.

⁴⁶ European Commission, A European Agenda for the collaborative economy, COM(2016) 356.

- Avoiding direct regulation of platforms. The proposed Directive does not interfere with existing EU rules on intermediary liability or platform governance under the E-Commerce Directive or Digital Services Act. Instead, **it targets the downstream activity of hosts**, ensuring compatibility with horizontal digital legislation.
- Supporting a toolbox of regulatory options (e.g., registration, nightcaps, licensing), already used in multiple Member States. These tools have been validated in case law (e.g., Cali Apartments) as permissible under the Services Directive when they serve overriding reasons of general interest. The proposed Directive codifies these tools to enhance legal certainty and encourage their proportionate use.
- Enabling Member States to justify more stringent measures where necessary, (consistent with Services Directive case law). In particular, the proposed Directive builds upon the legal framework established by Articles 9–13 of Directive 2006/123/EC⁴⁷, which set out the conditions under which Member States may impose authorisation schemes and other restrictions. These provisions require that any such restrictions be non-discriminatory, justified by an overriding reason of general interest (such as housing affordability or urban planning), and are proportionate. The proposal therefore codifies and clarifies the application of these principles in the STR context, drawing on established case law, including Cali Apartments (C-724/18 and C-727/18), which confirmed that Member States may restrict access to the STR market when justified by pressing public needs. By aligning with this jurisprudence, the proposed Directive offers legal certainty for both authorities and service providers while preserving the autonomy of Member States to respond to local housing challenges.

d. Choice of the instrument

A Directive is the appropriate legal instrument, as it allows flexibility for Member States to adapt implementation to national and local contexts while ensuring common principles are upheld. This is particularly relevant in the case of housing, where Member States have retained strong discretion and competences, as housing policy is not an area of exclusive EU competence. According to Article 4(2)(b) TFEU, the EU shares competence with the Member States in the area of the internal market, while respecting the principles of subsidiarity and proportionality (Articles 5(3) and 5(4) TEU). Given the localised nature of housing markets and the variation in urban pressures across the EU, a Directive allows Member States to implement proportionate and context-sensitive measures, rather than a one-size-fits-all approach that a Regulation would impose. Thus, the use of a Directive respects national autonomy while ensuring minimum harmonisation and consistency across the internal market.

3. RESULTS OF STUDIES IN THE STR SECTOR AND IMPACT ASSESSMENT

a. Impact assessment (no) - Studies commissioned by the Commission - Independent studies (in accordance with Kali apartments)

⁴⁷ 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](#)).

No formal impact assessment has been carried out. However, the proposal builds on:

- ECJ jurisprudence (e.g., Cali Apartments, C-724/18 and C-727/18), confirming the validity of local STAR restrictions when justified.
- The 2016 Communication on the Collaborative Economy⁴⁸ and the Commission's 2017 workshops on the collaborative economy⁴⁹.
- Independent research from cities such as Brussels⁵⁰, Berlin⁵¹, Porto, Lisbon⁵², Barcelona, Paris and Milan⁵³, where STARs have significantly impacted housing supply.

b. Codification of core results

Key regulatory options tested at local level include:

- **Registration systems:** Implemented in cities like Berlin, Amsterdam, and New York. These are the cornerstone of enforceability.
- **Nightcaps:** Cities such as Amsterdam (30 nights/year), Paris (120), and Berlin (90–182) use annual rental limits to protect long-term housing.
- **Authorisation schemes:** Cities like Lisbon and Porto require permits tied to individuals, not properties. The CJEU (Cali Apartments) has upheld such schemes if based on public interest needs.
- **Restrictions on professionalisation:** Policies like the 'One Host, One Home' rule target commercial operators in the USA (New York, San Francisco, and Chicago), aiming to restore housing availability and reduce inequality.
- **Targeted bans or zoning:** Partial STAR bans have been applied in central districts of Amsterdam, Barcelona, and the Balearic Islands, always subject to proportionality.

⁴⁸ European Commission, A European Agenda for the collaborative economy, COM(2016) 356.

⁴⁹ European Commission, Collaborative Short Term Accommodation Services, Policy Principles & Good Practices, Ref. Ares(2018)5381503 - 19/10/2018.

⁵⁰ Dr. Petrus te Braak, Prof. Pieter-Paul Verhaeghe, Policy Proposals for Regulating the Short-Term Rental Market: Towards a Balanced Housing Market in Brussels, 2024, Vrije Universiteit Brussel.

⁵¹ Duso, T., Michelsen, C., Schäfer, M., & Ducbao Tran, K. (2020). Airbnb and Rents: Evidence from Berlin. In Deutsches Institut für Wirtschaftsforschung. <http://hdl.handle.net/10419/222939> (Research mentioned in “Dr. Petrus te Braak, Prof. Pieter-Paul Verhaeghe, Policy Proposals for Regulating the Short-Term Rental Market: Towards a Balanced Housing Market in Brussels, 2024, Vrije Universiteit Brussel”, p. 10)

⁵² S. Franco, C. Carlos, The impact of Airbnb on residential property values and rents: Evidence from Portugal, 2021, <https://www.sciencedirect.com/science/article/abs/pii/S0166046221000272> (Research mentioned in “Dr. Petrus te Braak, Prof. Pieter-Paul Verhaeghe, Policy Proposals for Regulating the Short-Term Rental Market: Towards a Balanced Housing Market in Brussels, 2024, Vrije Universiteit Brussel”, p. 10).

⁵³ T. Aguilera, F Artioli, C. Colomb, Explaining the diversity of policy responses to platform-mediated short-term rentals in European cities: A comparison of Barcelona, Paris and Milan, Environment and Planning A, 2021, 53 (7).

- **Security, safety and quality requirements:** Several Member States and local authorities have introduced basic safety requirements for STARs — such as smoke detectors, fire extinguishers, and occupancy caps — often drawing from general housing or fire safety rules. While security and quality obligations are more consistently applied in the hotel sector, some jurisdictions have begun extending these to STARs.

c. Regulatory fitness and simplification

In the policy debate on the Regulation 2024/1028⁵⁴, it was often emphasised that a distinction must be made between peers and professionals in the design of the regulatory measures. In this sense, the European Commission's Communication on the Collaborative Economy⁵⁵ underlines that 'an important element to assess whether a market access requirement is necessary, justified and proportionate, can be whether the services are offered by professional providers or rather by private individuals on an occasional basis'. Similarly, the summary of the follow-up workshops organised in 2017 by the European Commission⁵⁶ emphasises that 'a differentiated policy between peers and providers acting in a regular or professional capacity can be useful to ensure that policy measures addressing accommodation providers are both effective and proportionate'.⁵⁷

The practical implementation of this principle has often proved difficult in the past. First, EU legislation does not establish expressly at what point a 'peer' turns into a professional service provider in the STAR sector. Similarly, in the context of consumer law, the CJEU has also not yet provided a clear criterion for determining when a consumer acting as a 'prosumer' turns into a trader. Instead, a case-by-case assessment is necessary based on a bundle of indicia. Second, differentiating between peers and professionals has been further complicated in the past by the fact that public authorities often did not have the necessary data about the extent of the rental activity. Registration obligations for accommodation providers and data sharing with online platforms did not offer a viable solution for this problem as hosts often registered a STAR unit with multiple platforms. Such multi-homing practices made it difficult to obtain a clear picture of the extent of the rental activity, as it was difficult to merge the activity data from different sources without a reliable method of identification.⁵⁸

The proposed Directive avoids duplication and complements Regulation (EU) 2024/1028⁵⁹ by defining regulatory content rather than procedures. It also enables lighter

⁵⁴ Regulation (EU) 2024/1028 of the European Parliament and of the Council of 11 April 2024 on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724 (OJ L, 2024/1028, 29.4.2024).

⁵⁵ European Commission, A European Agenda for the collaborative economy, COM(2016) 356.

⁵⁶ European Commission, Collaborative Short Term Accommodation Services, Policy Principles & Good Practices, Ref. Ares(2018)5381503 - 19/10/2018.

⁵⁷ C. Busch, Regulating Short-Term Rentals: Towards Data-Driven Policymaking?, 2023, EU travel tech, p. 23, available at: <https://eutravelttech.eu/regulating-short-term-rentals-towards-data-driven-policymaking/>.

⁵⁸ C. Busch, Regulating Short-Term Rentals: Towards Data-Driven Policymaking?, 2023, EU travel tech, p. 23, available at: <https://eutravelttech.eu/regulating-short-term-rentals-towards-data-driven-policymaking/>.

⁵⁹ Regulation (EU) 2024/1028 of the European Parliament and of the Council of 11 April 2024 on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724 (OJ L, 2024/1028, 29.4.2024).

rules for occasional STAR providers, consistent with the collaborative economy model, and supports more precise enforcement against large-scale commercial actors.

d. Fundamental rights

The proposed Directive balances:

- Right to property and freedom to conduct a business (Article 17, 16 Charter of the Fundamental Rights of the EU - EUCFR).
- With access to housing, urban social cohesion, and consumer protection.
- It promotes transparency, proportionality, and anti-discrimination. For example, studies show that mandatory "Instant Booking" and anonymous booking interfaces as measures, can reduce digital discrimination on platforms.
- The inclusion of minimum safety, quality, and insurance requirements reinforces the protection of consumer rights under Article 38 of the EUCFR, while also safeguarding the right to health (Article 35) and property (Article 17). By distinguishing between professional and non-professional hosts, the proposed Directive ensures that regulatory burdens are proportionate and targeted, in line with the principle of proportionality (Article 52(1) CFR) and the EU's commitment to support small entrepreneurship and social inclusion.

4. BUDGETARY OBLIGATIONS

The proposal has no budgetary implications for the EU.

5. OTHER ELEMENTS

a. Implementation plans and monitoring, evaluation and reporting arrangements

n/a

b. Explanatory documents (for directives)

n/a

c. Detailed explanation of the specific provisions of the proposal

6. BRIEF DESCRIPTION OF THE ARTICLES

Article 1 defines the subject matter of the Directive by stating that it applies to both non-professional and professional hosts of short-term accommodation rentals (STAR) but excluding platforms from its provisions.

Article 2 outlines the scope of application of the Directive by setting out its main objective of clearly distinguishing between non-professional and professional hosts and defining the corresponding rights and obligations for each category. It lists the EU legislative instruments that remain unaffected by its application.

Article 3 - option 1 provides definitions, complementing those already included in Regulation (EU) 2024/1028⁶⁰. Most importantly, it defines **non-professional hosts** as natural persons who rent out up to two STARs for no more than 90 days per year. On the other hand, **professional hosts** are defined as legal persons who rent out any number of STARs for any duration as part of their commercial activities, or natural persons who rent out more than two STARs or exceed the 90-day limit per year per unit.

Article 3 - option 2 provides definitions, complementing those already included in Regulation (EU) 2024/1028. Most importantly, it defines **non-professional hosts** as natural persons who rent up to two STARs for a maximum period of 60 days per unit per calendar year. On the other hand, **professional hosts** are defined as legal persons, who rent out any number of STARs for any duration as part of their commercial activities, or natural persons who rent out more than two STARs or exceed the 60-day limit per calendar year per unit.

Article 4 - option 1 ensures that non-professional hosts retain a general right to provide STARs, while allowing Member States to reduce the day limit (which may not fall below 60 days) in specific localities where such limitations are justified by local housing needs. Temporary bans may be imposed under exceptional conditions. Non-professionals are explicitly exempt from any obligations related to offsetting.

Article 4 - option 2 ensures that non-professional hosts can list their properties for short-term rentals but must follow EU rules and national regulations. Platforms may be required to enforce limits on the number of rental days. Hosts renting out properties that are not their main residence could face additional obligations, such as stricter limits or other requirements based on local housing conditions. Temporary bans may be imposed under exceptional conditions.

Article 5 - option 1 foresees that non-professional hosts may only be subject to the registration requirements of Regulation (EU) 2024/1028⁶¹, but no prior authorisation scheme. It also prohibits excessive administrative burdens such as separate accounting obligations.

Article 5 - option 2 foresees that non-professional hosts may be subject to the registration requirements of Regulation (EU) 2024/1028 and to the restrictions stemming from general urban and rural development plans. Moreover, non-professional hosts that rent out a unit, which is not their primary residence, may be subject to authorisation schemes and offsetting rules.

Article 6 establishes the general principle that professional hosts may operate STARs, while allowing Member States to impose restrictions based on overriding reasons of general interest. Total bans are permitted only as a last resort and must comply with strict criteria (e.g. temporary, proportionate, evidence-based).

⁶⁰ Regulation (EU) 2024/1028 of the European Parliament and of the Council of 11 April 2024 on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724 (OJ L, 2024/1028, 29.4.2024).

⁶¹ Regulation (EU) 2024/1028 of the European Parliament and of the Council of 11 April 2024 on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724 (OJ L, 2024/1028, 29.4.2024).

Article 7 provides that professional hosts may be subject to a prior authorisation requirement and sets the conditions for such authorisation to be delivered in accordance with the Services Directive (2006/123/EC)⁶².

Article 8 affirms that general urban planning rules apply to professional hosts and introduces the possibility of special zoning restrictions for STARs in designated areas, subject to review every two years and must be based on data and objective evidence.

Article 9 - option 1 requires Member States to ensure tax and levy treatment of professional hosts is no more burdensome than that applied to comparable accommodation providers.

Article 9 - option 2 stipulates that Member States should not subject professional hosts to a VAT tax rate that is lower than that of accommodation professionals, however it does not include a tax limitation as option 1.

Article 10 permits Member States to impose further restrictions on professional hosts provided these measures are justified, proportionate, and non-discriminatory. Such measures must be based on reliable data and notified to the Commission.

Article 11 empowers Member States to establish basic safety and security requirements for all STARs, preferably by using norms, principles and techniques developed by hard or soft EU law instruments.

Article 12 extends the same framework to quality and hygiene requirements for all STARs.

Article 13 permits Member States to impose mandatory insurance requirements on all hosts, ensuring that coverage is tailored to the risks inherent in the hosting activity. The insurance obligations must be proportionate to the nature and scale of the activity.

Article 14 - option 1 sets out the rules for the proper implementation and enforcement of the conditions outlined in Articles 11 to 13 of this Directive.

Article 14 (a) and 14 (b) - option 2 sets out the rules for the proper implementation and enforcement of this Directive by granting competent authorities powers to access documents, conduct inspections, and impose penalties for non-compliance. Authorities can also initiate investigations independently and collaborate with other bodies or courts to ensure effective regulation across Member States.

Article 15 clarifies obligations of hosts under pre-existing EU legislation, such as the GDPR⁶³, the P2B Regulation⁶⁴, the DSA⁶⁵ and DMA⁶⁶ and the STR Transparency

⁶² 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](#)).

⁶³ 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. 1–88](#)).

⁶⁴ 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](#)).

⁶⁵ 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, 27.10.2022, p. 1](#)).

⁶⁶ 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](#)).

Regulation⁶⁷, and stipulates that these obligations must be applied in a proportionate manner depending on whether the host is professional or non-professional.

Article 16 addresses discrimination within the STAR sector, requiring hosts to treat all guests equally. It also mandates measures to mitigate digital discrimination, such as mandatory Instant Booking for professionals and anonymisation of guest data for non-professional listings.

Article 17 mandates that guests have access to effective complaint-handling systems and encourages Member States to promote alternative dispute resolution procedures in line with Directive 2013/11/EU.

Article 18 establishes a stakeholder consultation process through a dedicated expert group and mandates the Commission to conduct an evaluation three years after the Directive's entry into force, including a report to the European Parliament and Council.

Article 19 obliges Member States to transpose the Directive into national law by a specified date and to communicate adopted measures to the Commission.

Article 20 defines the entry into force of the Directive as the day following its publication in the Official Journal of the European Union.

Article 21 identifies the addressees of the Directive as the Member States.

⁶⁷ Regulation (EU) 2024/1028 of the European Parliament and of the Council of 11 April 2024 on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724 (OJ L, 2024/1028, 29.4.2024).

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on minimum rules for Short-Term Accommodation Rentals (STAR)

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 Committee,

Having regard to the opinion of the European Committee of the Regions,

Acting in accordance with the ordinary legislative procedure,

WHEREAS:

(1) Article 3(3) of the Treaty on European Union (TEU) states that the Union shall work for a highly competitive social market economy, aiming at full employment and social progress. The Union shall also combat social exclusion and discrimination and promote social justice and protection.

(2) In accordance with Article 153 of the Treaty on the Functioning of the European Union (TFEU), the Union supports and complements the activities of the Member States i.e. in combating social exclusion.

(3) Article 34(3) of the Charter of Fundamental Rights of the European Union (EUCFR) affirms the right to housing assistance for those in need, in order to ensure a decent existence for all those who lack sufficient resources. This principle is reinforced by the Court of Justice of the European Union in its judgment in Case C-571/10 Cambaraj, confirming that access to housing may be subject to specific public interest objectives, including the protection of local communities and vulnerable populations.

(4) The European Pillar of Social Rights, particularly Principle 19, underlines that access to social housing or housing assistance of good quality shall be provided for those in need. This principle has inspired actions like the EU's Affordable Housing Initiative (2021) and funding through the European Regional Development Fund (ERDF) for social housing projects.

(5) Short-term accommodation rentals (STAR) have experienced rapid growth across the EU, providing flexible accommodation solutions and fostering entrepreneurship. However, their unregulated or insufficiently regulated expansion has resulted in challenges regarding housing affordability, urban cohesion, public safety, and fair competition in the accommodation sector.

(6) In many urban and tourism-intensive regions, the high concentration of STAR activity, particularly by professional operators, has been linked to the withdrawal of residential housing from the long-term rental market, contributing to upward pressure on rents and displacing long-term residents. It has also led to neighbourhood disruption and increased demand for enforcement mechanisms.

(7) The current fragmented legal framework governing short-term accommodation rentals (STAR) within the European Union has led to legal uncertainty and inconsistency for Member States and local authorities. This has created challenges for local authorities in effectively enforcing regulations, causing confusion regarding the scope of applicable rules, and hindering the development of clear, fair, and proportionate policies. Moreover,

the absence of a cohesive EU-wide approach has contributed to regulatory fragmentation, which undermines legal certainty and the fair functioning of the internal market. Therefore, it is necessary to establish a clear and consistent set of minimum rules that balance the need for effective regulation with respect for the autonomy of Member States and local authorities to address specific challenges in their territories.

(8) In addition, the heterogeneity of local and national rules governing STARs has resulted in significant regulatory fragmentation, legal uncertainty for hosts, and enforcement difficulties for authorities, especially when activity is facilitated by cross-border platforms.

(9) Regulation (EU) 2024/1028⁶⁸ establishes a data-sharing framework to support the registration and monitoring of STARs. However, the Regulation does not address the substantive rules applicable to hosts, including those related to the conditions of provision of STR services, safety or consumer protection.

(10) This Directive complements existing legal instruments by establishing minimum rules applicable to STAR activity. It aims to harmonise certain core aspects, while respecting the autonomy of Member States and local authorities to impose proportionate and justified restrictions based on public interest concerns, such as urban planning, housing policy, and public health.

(11) In view of the rapid growth of short-term accommodation rentals and their increasing impact on local housing markets and fair competition, this Directive lays down a clear and enforceable distinction between non-professional and professional hosts. Non-professional hosts are understood to be natural persons who engage in small-scale, occasional rental activity, limited to a maximum number of units and rental days per year, with a defined exception for part of their primary residence. Any natural person exceeding these thresholds, or any legal person providing such services, shall be considered a professional host.

These criteria are designed to ensure a fair and proportionate regulatory approach that reflects the actual scale and nature of the activity, enables competent authorities to apply rules consistently, and helps address broader societal concerns related to affordability, liveability, and social equity in urban and rural areas alike.

(12) In order to ensure clarity and legal certainty, it is necessary to define the concept of "legal person" in the context of short-term accommodation rental services. The term "legal person" should be understood in a broad sense, encompassing all forms of organisational entities, irrespective of their legal structure or classification under national law. This includes, but is not limited to, companies, partnerships, associations, foundations, and trusts, as well as any other entities recognised as having legal personality under applicable national law.

(13) Member States may impose restrictions on short-term accommodation rentals (STAR) where necessary to safeguard public interests such as urban planning, housing affordability, public health, and environmental sustainability. These restrictions must be justified, proportionate, and non-discriminatory, striking the right balance between facilitating the market and addressing local needs.

⁶⁸ Regulation (EU) 2024/1028 of the European Parliament and of the Council of 11 April 2024 on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724 (OJ L, 2024/1028, 29.4.2024).

For instance, zoning may limit the concentration of STARs in residential areas, while differentiating between non-professional and professional hosts can help mitigate housing shortages. Health and safety measures, such as mandatory insurance and safety certifications, should be proportionate to the scale of the activity.

Environmental and public health concerns may also warrant further restrictions, but these must be grounded in objective evidence and regularly reviewed to ensure they remain relevant and effective. Above all, restrictions must respect the principles of flexibility and adaptability, ensuring that they are tailored to local conditions and comply with the broader framework of EU law, notably the Services Directive (2006/123/EC).

(14 option 1) Non-professional hosts, typically offering accommodation on an occasional and small scale, should be able to engage in STAR activity with minimal regulatory burdens. In contrast, professional hosts may be subject to registration, authorisation, or licensing procedures, where justified.

(14 option 2) Non-professional hosts, typically offering accommodation on an occasional and small-scale basis, should be able to engage in STAR activity with more flexible regulatory requirements. However, non-professional hosts who rent out units that are not their main residence, and professional hosts may be subject to registration, authorisation, or licensing procedures, where justified, and depending on the scale and nature of their activities.

(15) Member States should retain the flexibility to impose stricter rules on STARs in response to their specific housing and tourism challenges, provided that these rules comply with EU law, including the principles of non-discrimination, necessity and proportionality, as laid down in the Services Directive (2006/123/EC)⁶⁹.

(16) In order to ensure a fair balance between the growth of short-term rental services and the protection of housing availability for local communities, Member States may, where appropriate, link the granting of authorisations for professional hosts to offsetting obligations. These may include proportionate contributions to affordable housing schemes, support for community-based housing projects, or other locally relevant compensatory measures. Such obligations should be transparent, clearly defined, and grounded in objective assessments of local housing needs. To preserve equal access to the market and legal certainty for service providers, Member States should regularly review such obligations, ensuring that they remain appropriate, proportionate, and aligned with overarching public interest goals.

(16 - option 2): In order to ensure a fair balance between the growth of short-term rental services and the protection of housing availability for local communities, Member States may, where appropriate, link the granting of authorisations for professional hosts, or non-professional hosts who rent the units which are not their main residency, to offsetting obligations. These may include proportionate contributions to affordable housing schemes, support for community-based housing projects, or other locally relevant compensatory measures. Such obligations should be transparent, clearly defined, and grounded in objective assessments of local housing needs. To preserve equal access to the market and legal certainty for service providers, Member States should regularly review such obligations, ensuring that they remain appropriate, proportionate, and aligned with overarching public interest goals.

⁶⁹ 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](#)).

(17) In order to ensure that national and local measures regulating short-term rentals remain consistent with the principles of the internal market, Member States should be able to justify such measures within the framework of Directive 2006/123/EC of the European Parliament and of the Council. The notification of new restrictions to the Commission contributes to legal certainty and transparency, while safeguarding the capacity of public authorities to take action in response to pressing challenges such as housing affordability, social cohesion, and the sustainable development of local communities. It is essential that Member States retain the ability, based on available data, to implement proportionate and non-discriminatory policies grounded in the general interest, including those arising from local socioeconomic and territorial challenges, and responsive to the specific circumstances and needs of residents.

(18) Unlike the hotel sector, which is subject to a range of safety, hygiene, and quality standards and procedures at national and EU level, the short-term rental sector currently lacks harmonised baseline requirements. This Directive enables Member States to introduce minimum safety, security, and quality requirements which should apply to STAR hosts in proportion to the scale and nature of their activity. Where such standards are adopted, they should reflect best practices within the accommodation sector as well as existing hard and soft requirements, such as those provided by EU-OSHA⁷⁰ and ECDC⁷¹ during the COVID-19 pandemic (which remain applicable) and Council Recommendation 86/666/EEC on fire safety in hotels⁷². These standards ensure a baseline of consumer protection and public health safeguards, while avoiding the imposition of disproportionate obligations, particularly on non-professional hosts.

(19) Whereas, for the purposes of this Directive, ‘other accommodation providers’ refers to entities or individuals offering accommodation services to the public, including but not limited to hotels, bed and breakfasts, hostels, guesthouses, and similar establishments, as well as other forms of commercial accommodation that provide overnight stays, irrespective of the size or duration of the services offered, and which are subject to the relevant national or EU regulations governing accommodation standards, safety, and hygiene requirements.

(20) Professional hosts should comply with applicable EU legislation, including obligations stemming from the DSA⁷³, the P2B Regulation⁷⁴, and the DMA⁷⁵, as applicable. Non-professional hosts are subject to other applicable obligations under EU and national laws,

⁷⁰ European Agency for Safety and Health at Work (EU-OSHA), COVID-19: BACK TO THE WORKPLACE, Adapting workplaces and protecting workers, December 2020 update, available at: https://osha.europa.eu/sites/default/files/2021-11/EUguidance_covid19_backtowork_EN.pdf.

⁷¹ European Centre for Disease Prevention and Control (ECDC), TECHNICAL REPORT, Disinfection of environments in healthcare and non-healthcare settings potentially contaminated with SARS-CoV-2, March 2020, available at: https://www.ecdc.europa.eu/sites/default/files/documents/Environmental-persistence-of-SARS_CoV_2-virus-Options-for-cleaning2020-03-26_0.pdf.

⁷² 86/666/EEC: Council Recommendation of 22 December 1986 on fire safety in existing hotels ([OJ L 384, 31.12.1986, p. 60](#)).

⁷³ 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, 27.10.2022, p. 1](#)).

⁷⁴ 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](#)).

⁷⁵ 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](#)).

such as those concerning consumer protection, hygiene and safety, provided these obligations are proportionate to the scale of their activity.

(21) In line with the EU's fundamental values of equality, dignity and non-discrimination, measures should be introduced to address the growing risks of digital discrimination in the provision of short-term rental services. Algorithms, user interface design, and host discretion can enable or reinforce exclusionary practices based on protected characteristics such as nationality, racial or ethnic origin, religion or belief, disability, age, or sexual orientation. Member States are therefore encouraged to adopt proportionate safeguards, particularly in non-commercial contexts, such as requiring neutral booking criteria and enabling guest anonymisation features. Moreover, platforms have a role to play in ensuring that digital tools uphold fair treatment and do not compromise the principles of equal access. Tackling digital discrimination is essential not only for protecting individual rights, but also for maintaining public trust in the fairness and legitimacy of the digital single market. Mechanisms such as "Instant Booking" or guest anonymisation may help reduce discriminatory outcomes and should be encouraged or mandated where appropriate.

(22) In line with the EU's commitment to high standards of consumer protection and access to justice, it is essential that guests using short-term rental services have access to effective and accessible complaint-handling procedures. Whether disputes arise during booking, the stay itself, or post-stay interactions, resolution mechanisms should be fair, transparent and user-friendly.

To this end, Member States should be encouraged to promote the use of alternative and out-of-court dispute resolution mechanisms, in accordance with Directive 2013/11/EU, especially in cases involving cross-border bookings or digital platform intermediaries. Ensuring accessible remedies fosters trust in the short-term rental market and strengthens the enforceability of rights within the digital and collaborative economy.

(23) This Directive fully respects and promotes the fundamental rights enshrined in the EUCFR, including the right to human dignity (Article 1), the right to respect for private and family life, including in one's home (Article 7), the freedom to conduct a business (Article 16), the right to property (Article 17), the right to housing assistance (Article 34) and the right to equality and non-discrimination (Articles 21 and 23).

HAVE ADOPTED THE FOLLOWING DIRECTIVE:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

1. This Directive lays down rules for short-term accommodation rentals (STAR), by facilitating the activity of non-professional hosts, framing national authorities' freedom to regulate professional hosts and setting minimum safety, security and quality standards for all.
2. It does not apply to intermediation platforms, nor does it affect the relevant legislation, as it only addresses the underlying accommodation service.

Article 2

Scope

1. This Directive applies to hosts providing short-term accommodation rental services within the EU territory. It sets a clear distinction between non-professional and professional hosts and secures the unfettered right of the former, while setting the conditions of exercise by the latter, for renting out their units. It also sets basic rules on safety, security and quality of short-term accommodation rentals.

2. This Directive is without prejudice to:

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

(b) EU or national law regulating the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties;

(c) EU or national law regulating the administration, collection, enforcement and recovery of taxes, customs and other duties;

3. In addition, this Directive is without prejudice to the rules laid down by other EU 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) 2019/1150⁷⁶;

(b) Regulation (EU) 2022/2065⁷⁷;

(c) Regulation (EU) 2022/1925⁷⁸;

(d) Regulation (EU) 2017/2394⁷⁹;

(e) Directive 2000/31/EC⁸⁰;

(f) Directive 2006/123/EC⁸¹;

⁷⁶ 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](#)).

⁷⁷ 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, 27.10.2022, p. 1](#)).

⁷⁸ 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](#)).

⁷⁹ Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 ([OJ L 345, 27.12.2017, p. 1–26](#)).

⁸⁰ 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](#)).

⁸¹ 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](#)).

(g) Directive (EU) 2015/1535⁸²;

(h) Directive (EU) 2019/2161⁸³;

(g) Council Directive 2010/24/EU⁸⁴;

(h) Council Directive 2011/16/EU⁸⁵;

(i) Council Directive 2000/43/EC⁸⁶;

(j) Council Directive 2004/113/EC⁸⁷;

Article 3 - Option 1

Definitions

For the purposes of this Directive, the relevant definitions of Regulation (EU) 2024/1028⁸⁸ apply. Additionally, the following definitions shall apply:

1. “Non-professional host” means a natural person who provides, or intends to provide, short-term accommodation rental services for remuneration, through an online short-term rental platform, on a non-professional basis, where:
 - i. The service is offered for no more than 90 days per calendar year per unit,
 - ii. The host does not provide more than two separate rental units in total, and
 - iii. The host only provides accommodation services, to the exclusion of other ancillary tourist services
2. “Professional host” means:
 - (a) Any natural person who:
 - i. Provides, or intends to provide, short-term accommodation rental services for remuneration through an online short-term rental platform, and

⁸² 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 ([OJ L 241, 17.9.2015, p. 1](#)).

⁸³ Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules ([OJ L 328, 18.12.2019, p. 7–28](#)).

⁸⁴ 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](#)).

⁸⁵ 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](#)).

⁸⁶ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ([OJ L 180, 19.7.2000, p. 22–26](#)).

⁸⁷ Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services ([OJ L 373, 21.12.2004, p. 37–43](#)).

⁸⁸ Regulation (EU) 2024/1028 of the European Parliament and of the Council of 11 April 2024 on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724 (OJ L, 2024/1028, 29.4.2024).

- ii. Exceeds the 90 day per year limit, or
 - iii. Provides more than two rental units, regardless of duration;
- or
- (b) Any legal person who provides, or intends to provide, short-term accommodation rental services for remuneration, regardless of the number of units or the duration of use.
3. Offsetting obligations means any obligation to transform a professional space into accommodation and put into the market, in exchange for any space which becomes a listing.
4. Commercial listings means all listings which are offered as STAR for more than 90 days a year.

Article 3 - option 2

Definitions

For the purposes of this Directive, the relevant definitions of Regulation (EU) 2024/1028⁸⁹ apply. Additionally, the following definitions shall apply:

1. “Non-professional host” means a natural person who, acting outside the scope of a commercial or business activity, provides or intends to provide, short-term accommodation rental services for remuneration, through an online short-term rental platform, subject to the following cumulative conditions:
 - i. The service is provided for no more than 60 days per calendar year per rental unit,
 - ii. The host does not provide more than two separate rental units in total, regardless of their location and
 - iii. The host only provides accommodation services, excluding any other ancillary tourist services
2. “Professional host” means:
 - (a) Any natural person who provides, or intends to provide, short-term accommodation rental services for remuneration through an online short-term rental platform, and who
 - i. Exceeds the limit of 60 days per rental unit per calendar year,or
 - ii. Provides more than two separate rental units, irrespective of the number of days rented;
 - or
 - (b) Any legal person, who provides, or intends to provide, short-term accommodation rental services for remuneration, irrespective of the number of rental units or the duration of the rental period.

⁸⁹ Regulation (EU) 2024/1028 of the European Parliament and of the Council of 11 April 2024 on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724 (OJ L, 2024/1028, 29.4.2024).

5. Offsetting obligations means any obligation to transform a designated professional space into accommodation and make it available in the market, in exchange for any space, which becomes a listing.
6. Commercial listings means all listings, which are offered as STAR for more than 60 days a year.

CHAPTER II

NON-PROFESSIONAL HOSTS

Article 4 - Option 1

Principle of Free Enterprise

1. Non-professional hosts shall have the right to list their units for the purpose of short-term rental, subject to the limitations and conditions laid down in the present Directive and relevant national measures adopted in accordance therewith.
2. Member States may restrict non-professional hosts' listings to less days than those foreseen under Article 3, but not less than 60 days per year, where this is objectively justified by the needs of the local housing market.

The decision to limit the rental days shall be geographically circumscribed, duly motivated and based on studies or other objective analyses as well as on the data stemming from Regulation (EU)2024/1028⁹⁰. It shall be revised on a yearly basis.

Under exceptional and unforeseen circumstances that directly disrupt the operation of short-term rental activity, Member States may, where absolutely necessary, impose a complete temporary ban on the activity of non-professional hosts. These circumstances must be clearly substantiated with evidence directly related to the disruption of the short-term rental market (e.g. health emergencies, severe infrastructure failure, or large-scale civil disturbances). The duration of such a ban shall be limited to the period during which these circumstances prevail and shall be subject to periodic review.

3. Where restrictions under the previous paragraphs are imposed through generally applicable regulatory acts, Member States shall ensure that non-professional hosts enjoy legal standing to bring annulment proceedings before the competent courts or tribunals.
4. No offsetting obligations may be imposed on non-professional hosts for their listings.

Article 4 - option 2

Principle of Free Enterprise

1. Non-professional hosts shall have the right to list their units for the purpose of short-term rental, subject to the limitations and conditions laid down in the present Directive and relevant national measures adopted in accordance therewith.
2. Member States may, in accordance with local housing needs, further limit the maximum days for non-professional hosts renting their main residence. For non-professional hosts renting out units, which are not their main residence, Member States may impose stricter limitations on the number of rental days, where such restrictions are objectively justified by local housing market conditions.

The decision to limit the rental days shall be geographically circumscribed, duly motivated and based on available studies or other objective analyses as well as on

⁹⁰ Regulation (EU) 2024/1028 of the European Parliament and of the Council of 11 April 2024 on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724 (OJ L, 2024/1028, 29.4.2024).

the data stemming from Regulation (EU)2024/1028⁹¹. It shall be subject to annual review.

Under exceptional and unforeseen circumstances that directly disrupt the operation of short-term rental activity, Member States may, where absolutely necessary, impose a complete temporary ban on the activity of non-professional hosts. These circumstances must be clearly substantiated with evidence directly related to the disruption of the short-term rental market (e.g. health emergencies, severe infrastructure failure, or large-scale civil disturbances). The duration of such a ban shall be limited to the period during which these circumstances prevail and shall be subject to periodic review.

3. Where restrictions under the previous paragraphs are imposed through generally applicable regulatory acts, Member States shall ensure that non-professional hosts enjoy legal standing to bring annulment proceedings before the competent courts or tribunals.
4. Member States may require platforms to enforce the daily limitations for non-professional hosts.

Article 5

Registration - Other Formalities

1. Non-professional hosts may only be required to register in accordance with Chapter II of Regulation (EU)2024/1028⁹². They may not be subject to a prior authorisation scheme.
2. Non-professional hosts may be required to declare income generated from their STAR activities to the competent tax authorities in their Member State, in accordance with applicable tax laws. However, they may not be required to maintain separate accounting records, nor comply with additional administrative or reporting formalities solely due to engaging in short-term rental activity.

Article 5 - option 2

Registration and other Administrative Requirements for Non-Professional Hosts

1. Non-professional hosts may be required to register in accordance with Chapter II of Regulation (EU) 2024/1028⁹³.
2. Non-professional hosts who rent the units, which are not their main residence, may be subject to an authorisation scheme. In this regard, the provisions of Article 7 of this Directive shall apply accordingly.

⁹¹ Regulation (EU) 2024/1028 of the European Parliament and of the Council of 11 April 2024 on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724 (OJ L, 2024/1028, 29.4.2024).

⁹² Regulation (EU) 2024/1028 of the European Parliament and of the Council of 11 April 2024 on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724 (OJ L, 2024/1028, 29.4.2024).

⁹³ Regulation (EU) 2024/1028 of the European Parliament and of the Council of 11 April 2024 on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724 (OJ L, 2024/1028, 29.4.2024).

3. Non-professional hosts may be subject to restrictions stemming from general urban and rural development plans that apply to all economic activities. In this regard, the provisions of Article 8 of this Directive shall apply accordingly.
4. Offsetting obligations may be imposed on non-professional hosts, who list units that are not their main residence.
5. Non-professional hosts may be required to declare income generated from their STAR activities to the competent tax authorities in their Member State, in accordance with applicable tax laws.

CHAPTER III

PROPORTIONALITY CRITERIA FOR IMPOSING RESTRICTIONS TO PROFESSIONAL HOSTS

Article 6

General Rule

1. Professional hosts shall be free to offer their services, subject only to restrictions justified by overriding reasons of general interest. Any such restriction shall be applied in a non-discriminatory manner and shall respect the principle of proportionality as further set below.
2. Total bans to the activity of professional hosts in specific urban or rural areas shall only be imposed as a measure of last resort, when no less restrictive measures are available to achieve the overriding reason of general interest. Such bans shall be strictly temporary in nature, shall clearly define their territorial scope of application and shall be reviewed by the competent authorities of the Member States at least once per year, based on available and objectively verifiable data, including those obtained through Regulation (EU) 2024/1028⁹⁴ and other independent studies. Any decision imposing a total ban should be duly motivated and should be communicated to the Commission without undue delay.
3. Where restrictions under the previous paragraphs are imposed through generally applicable regulatory acts, Member States shall ensure that professional hosts enjoy legal standing to bring annulment proceedings before the competent courts or tribunals.

Article 7

Registration or Authorisation

1. Professional hosts may be required to register in accordance with Chapter II of Regulation (EU) 2024/1028⁹⁵. Member States may opt for a system of prior authorisation, where this is non-discriminatory, justified by an overriding reason of public interest, and proportionate.

⁹⁴ Regulation (EU) 2024/1028 of the European Parliament and of the Council of 11 April 2024 on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724 (OJ L, 2024/1028, 29.4.2024).

⁹⁵ Regulation (EU) 2024/1028 of the European Parliament and of the Council of 11 April 2024 on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724 (OJ L, 2024/1028, 29.4.2024).

2. Any system of authorisation shall comply with Articles 10 to 13 of Directive 2006/123/EC⁹⁶. In particular, the Member State authority responsible for delivering the authorisation shall, in its own website or portal, fully and clearly explain the criteria for delivery, set the requirements in detail, have the necessary documents and/or electronic forms available online and allow for the online completion of the whole procedure. Professional hosts may be required to comply in particular with criteria justified by the aim of securing high quality, secure accommodation services for guests, social policy and public housing policy, as well as the protection of the urban environment.
3. Where the authorisation is delivered on a ‘first come first served’ basis, the competent authority should make public the number of authorisations already delivered and, where applicable, the total number of authorisations to be delivered. The number of authorisations per professional host may be capped, in order to secure equal treatment and non-discrimination between professional hosts. Where the authorisation is based on specific criteria, such criteria and their relative weighing, if applicable, should also be made public. The applicable timeframes should always be clearly indicated.
4. Where the number of authorisations to be delivered is limited, then the duration of authorisations should not exceed three years, renewable according to criteria securing equal treatment and non-discrimination of all professional hosts.
5. Where the delivery of an authorisation is conditional upon offsetting obligations, such obligations should be clearly described and made public by the authority issuing the authorisation. Such conditions should be reasonable and should be regularly revised in order to reflect the housing market conditions, both in terms of demand for STARs and of the availability of spaces, which may be used for offsetting.
6. Authorisations should be delivered within a maximum period of two months, which constitutes the “reasonable period” in the sense of Article 13 of Directive 2006/123/EC⁹⁷. This period may be extended once, for another month, in accordance with paragraph 3 of Article 13. Failing a response within the time period set or extended in accordance with the previous sentence, authorisation shall be deemed to have been granted, in pursuance of paragraph 4 of Article 13 of Directive 2006/123/EC⁹⁸. In such circumstances, a registration number should be immediately provided by the competent authority upon the applicant’s request.
7. Authorisations may be revoked where they were obtained through the use of false or misleading information, fraud, or where the objective conditions or legal requirements on which the authorisation was granted are no longer fulfilled.

Article 8

⁹⁶ 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](#)).

⁹⁷ 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](#)).

⁹⁸ 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](#)).

Zoning

1. Restrictions stemming from general urban and rural development plans that apply to all economic activities shall also apply to professional hosts.
2. In addition to general zoning restrictions, specific measures may be imposed on short-term accommodation rentals (STAR) located within designated geographical areas. These restrictions are to be guided by available studies or other objective analyses demonstrating their necessity for achieving overriding reasons of general interest.
3. Such restrictions shall be re-evaluated every two years, taking into account information from Regulation (EU) 2024/1028⁹⁹ and other relevant data sources.
4. The geographical areas subject to zoning restrictions shall be clearly distinguishable from adjacent areas and defined to avoid any discriminatory treatment of professional hosts.

Article 9

Tax and other fees

1. Professional hosts shall be subject to the same VAT obligations as other accommodation professionals.
2. The burden of other taxes, levies and fees imposed on professional hosts shall not exceed that imposed on other accommodation professionals and hotels.

Article 9 - option 2

Taxation

1. Member States shall not subject professional hosts to a VAT tax rate that is lower than that of other accommodation professionals.

Article 10

Other restrictions

1. Member States may adopt other measures restricting the activity of professional hosts, provided they are justified by overriding reasons of general interest, proportionate and non-discriminatory. Such measures shall be based on data provided under Regulation 2024/1028 and any other reliable data at the disposal of Member States.
2. Such measures, as well as the grounds for their adoption, shall be notified without undue delay to the Commission.

⁹⁹ Regulation (EU) 2024/1028 of the European Parliament and of the Council of 11 April 2024 on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724 (OJ L, 2024/1028, 29.4.2024).

CHAPTER IV
**SAFETY, SECURITY AND QUALITY REQUIREMENTS FOR SHORT-TERM
ACCOMMODATION RENTALS**

Article 11

Safety and Security Requirements

1. While taking into account the scale and nature of STAR activities, Member States may require hosts to comply with minimum safety and security requirements applicable in the accommodation sector, in at least the following areas:
 - a. Basic fire safety measures (e.g. functioning smoke detectors, fire extinguishers, escape route visibility), in line with Council Recommendation 86/666/EEC¹⁰⁰;
 - b. Structural safety of the building or unit, including compliance with national rules on building integrity and equipment maintenance;
 - c. Adequate ventilation and heating/cooling systems;
 - d. Safe electrical installations, in line with national transpositions of Directive 2014/35/EU (Low Voltage Directive)¹⁰¹;
 - e. Use of CE-marked materials where applicable, in particular in accordance with the Construction Products Regulation (EU) No 305/2011¹⁰²;
 - f. Emergency procedures including clear instructions for guests on evacuation routes, emergency contact numbers, and host obligations in case of incidents, in line with sectoral best practices and voluntary schemes such as ISO 22483:2020 on tourism accommodation services and the European Hospitality Quality (EHQ) scheme;
 - g. Guest identification, registration, or other traceability measures where required under national public security rules, provided such measures comply with EU data protection law;
 - h. Adherence to local or national water quality and plumbing standards.

Article 12

Quality and Hygiene Requirements

1. STAR hosts shall maintain minimum quality and hygiene standards, aligned with those applicable to other accommodation providers, applied in a proportionate manner, taking into account the scale and nature of the hosting activity.
2. Member States which set rules or standards to this effect, may take into account existing rules, standards and protocols, such as:

¹⁰⁰ 86/666/EEC: Council Recommendation of 22 December 1986 on fire safety in existing hotels ([OJ L 384, 31.12.1986, p. 60](#)).

¹⁰¹ Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits (recast) ([OJ L 96, 29.3.2014, p. 357–374](#)).

¹⁰² Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC Text with EEA relevance ([OJ L 88, 4.4.2011, p. 5–43](#)).

- a. In the field of health and cleanliness, the guidance by the ECDC¹⁰³ and EU-OSHA,¹⁰⁴ developed during the COVID-19 pandemic, where such measures remain relevant.
- b. In the field of linen washing procedures, the guidance by the ECDC¹⁰⁵ and EU-OSHA.¹⁰⁶
- c. These protocols may include, inter alia:
 - i. Regular disinfection of frequently touched surfaces;
 - ii. Adequate time between guest stays to ensure cleaning;
 - iii. Use of approved disinfectants and provision of sanitation materials to guests;
3. Member States may also encourage hosts to clearly communicate quality and hygiene standards to prospective guests, in line with EU consumer protection rules.
4. Member States may promote voluntary certification schemes (e.g. based on the European Hospitality Quality (EHQ) Scheme or ISO 22483:2020).
5. Local authorities may reference such schemes when evaluating authorisation requests from professional hosts.
6. Member States may communicate, at any time, to the Commission the need for the adoption of European standards for the STAR sector.

Article 13

Insurance and Liability

1. Member States may require all hosts to subscribe to insurance policies specifically tailored to the risks associated with their STAR activity.
2. Where required, such insurance may cover, as appropriate, personal injury and property damage suffered by guests and third parties in connection with the provision of the STAR service.
3. Insurance obligations imposed under this Article shall be proportionate to the nature, frequency and scale of the hosting activity, and shall reflect common levels of coverage in the Member State concerned.

Article 14

¹⁰³ European Centre for Disease Prevention and Control (ECDC), TECHNICAL REPORT, Disinfection of environments in healthcare and non-healthcare settings potentially contaminated with SARS-CoV-2, March 2020, available at: https://www.ecdc.europa.eu/sites/default/files/documents/Environmental-persistence-of-SARS_CoV_2-virus-Options-for-cleaning2020-03-26_0.pdf.

¹⁰⁴ European Agency for Safety and Health at Work (EU-OSHA), COVID-19: BACK TO THE WORKPLACE, Adapting workplaces and protecting workers, December 2020 update, available at: https://osha.europa.eu/sites/default/files/2021-11/EUguidance_covid19_backtowork_EN.pdf.

¹⁰⁵ European Centre for Disease Prevention and Control (ECDC), TECHNICAL REPORT, Disinfection of environments in healthcare and non-healthcare settings potentially contaminated with SARS-CoV-2, March 2020, available at: https://www.ecdc.europa.eu/sites/default/files/documents/Environmental-persistence-of-SARS_CoV_2-virus-Options-for-cleaning2020-03-26_0.pdf.

¹⁰⁶ European Agency for Safety and Health at Work (EU-OSHA), COVID-19: BACK TO THE WORKPLACE, Adapting workplaces and protecting workers, December 2020 update, available at: https://osha.europa.eu/sites/default/files/2021-11/EUguidance_covid19_backtowork_EN.pdf.

Reporting and Control

1. In order to ensure transparency and support compliance, Member States may require platforms to publicise the applicable requirements under Articles 11 to 13 on their websites, clearly and accessibly presenting the rules applicable in each Member State.
2. Member States may determine whether inspections shall be conducted by public authorities, delegated inspection bodies, or by platforms subject to reporting obligations. They may also decide whether such inspections are mandatory, periodic, or risk-based, provided they comply with the principles of necessity and proportionality.
3. Non-compliance with the requirements set out in Articles 11 to 13 may be subject to administrative measures or sanctions, as determined by the competent authorities, in accordance with national law.

Article 14(a) - option 2

Enforcement

1. Competent authorities of the Member States shall have the minimum investigation and enforcement powers set out in paragraphs 2, 3, 4 and 5 of this Article that are necessary for the application of this Directive and shall exercise those powers in accordance with Article 14 (b) of this Directive.
2. Competent authorities shall have at least the following investigation powers:
 - (a) Access to relevant documents, data, or information related to short-term rental infringements;
 - (b) Request relevant information or documents from public authorities, professional and non-professional hosts, or platforms;
 - (c) Conduct necessary on-site inspections, including entering premises.
3. Competent authorities shall have at least the following enforcement powers:
 - (a) Adopt interim measures to prevent harm;
 - (b) Seek commitments from non-professional and professional hosts to cease infringements;
 - (c) Inform consumers about their rights to seek compensation;
 - (d) Order cessation of short-term rental infringements and remove online content or restrict access if necessary;
 - (e) Impose effective, proportionate and dissuasive fines or penalties for non-compliance.
4. Competent authorities shall have the right to initiate investigations or proceedings on their own initiative to address infringements related to short-term rentals.
5. Competent authorities may publish final decisions, commitments, or orders, related to short-term rental infringements.
6. Competent authorities may consult relevant bodies to evaluate the effectiveness of enforcement actions.

Article 14(b) - option 2

Exercise of minimum powers

1. The powers set out in Article 14(a) - option 2 shall be exercised in relation to short-term rentals either:
 - (a) Directly by competent authorities under their own authority, ensuring compliance with applicable short-term rental rules;
 - (b) Where appropriate, by recourse to other competent authorities or other public authorities with jurisdiction over short-term rental activities;
 - (c) By instructing designated bodies, if applicable, to carry out enforcement or investigative actions concerning short-term rental regulations;
 - (d) By application to courts competent to grant the necessary decisions, including, where appropriate, by appeal if the application to grant such a decision is unsuccessful.

Article 15

Compliance requirements

1. This Directive is without prejudice to the obligations of hosts under EU law relating to transparency, consumer protection, and data-sharing, including, where applicable:
 - a. Regulation (EU) 2019/1150 (P2B)¹⁰⁷, where applicable, to the extent that it regulates the contractual relations of professional hosts, operating as business users, with platforms;
 - b. Regulation (EU) 2022/2065 (DSA)¹⁰⁸, where applicable, in particular Article 30, which requires platforms to verify the identity of hosts before allowing them to list properties online, in the context of their Know Your Business Customer (KYBC) obligations;
 - c. Regulation (STR) 2022/1925 (DMA)¹⁰⁹, where the platform qualifies as a gatekeeper under Article 3 thereof, in which case it shall ensure fair conditions and non-discriminatory access for professional hosts acting as business users;
 - d. Regulation (EU) 2024/1028 (STR Transparency Regulation)¹¹⁰, whereby hosts are required to register and disclose relevant information necessary for inclusion in the registration systems operated by competent authorities.

¹⁰⁷ 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](#)).

¹⁰⁸ 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, 27.10.2022, p. 1](#)).

¹⁰⁹ 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](#)).

¹¹⁰ Regulation (EU) 2024/1028 of the European Parliament and of the Council of 11 April 2024 on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724 (OJ L, 2024/1028, 29.4.2024).

2. Nothing in this Directive shall relieve hosts from their obligations under applicable consumer protection legislation, including Directives 2005/29/EC (Unfair Commercial Practices Directive),¹¹¹ 2011/83/EU (Consumer Rights),¹¹² and relevant national rules. Hosts shall provide clear and accurate information to guests regarding the terms and conditions of stay, cancellation, pricing, and availability.
3. The processing of personal data in the context of STAR activities shall comply with Regulation (EU) 2016/679 (GDPR).¹¹³ In line with their obligations under Regulation (EU) 2016/679 (GDPR), hosts shall, where applicable, inform prospective guests about the presence of surveillance systems. Such information shall be made available to prospective guests at the time of listing, in a clear and visible manner, before a booking is made.
4. STAR hosts shall comply with applicable national or EU-level requirements concerning safety, security and quality, where such requirements are lawfully imposed and clearly communicated, as indicated in Articles 11-13.
5. All STAR hosts shall ensure that the information they submit in accordance with Article 5 of this Directive and with Regulation (EU) 2024/1028¹¹⁴ remains accurate and up to date. Where required by national or EU law, hosts shall cooperate with competent authorities in verifying such information.
6. Member States shall ensure that any national requirements imposed on hosts for complying with the obligations stemming from the above texts, are:
 - a. proportionate to the nature and scale of the hosting activity;
 - b. non-discriminatory and compatible with the internal market and
 - c. clearly communicated to hosts, including, where appropriate, via the national registration systems referred to in Regulation (EU) 2024/1028.¹¹⁵

Article 16

Non-Discrimination and equal treatment

1. In line with applicable EU and national legislation on equal treatment and non-discrimination, STAR hosts shall ensure that all guests are treated equally and without discrimination based on nationality, race or ethnic origin, religion or belief,

¹¹¹ Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') ([OJ L 149, 11/06/2005, p. 22–39](#))

¹¹² Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council, ([OJ L 304, 22.11.2011, p. 64–88](#))

¹¹³ 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. 1–88](#)).

¹¹⁴ Regulation (EU) 2024/1028 of the European Parliament and of the Council of 11 April 2024 on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724 (OJ L, 2024/1028, 29.4.2024).

¹¹⁵ Regulation (EU) 2024/1028 of the European Parliament and of the Council of 11 April 2024 on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724 (OJ L, 2024/1028, 29.4.2024).

disability, age or sexual orientation. Non-discrimination shall be respected throughout the booking, hosting and resolution phases of the STAR service and cover all aspects thereof.

2. To support transparency and reduce the risk of discriminatory booking practices, Member States may require that commercial listings be offered on an 'Instant Booking' basis. For non-commercial listings, Member States may encourage or require the use of neutral and objective booking criteria and the deployment of guest anonymisation features (e.g. concealment of names or photos prior to booking confirmation) in order to prevent discriminatory practices in digital interactions.

Article 17

Dispute resolution

Guests shall have access to effective complaint-handling procedures provided by either the host, the platform, or competent local authorities. Member States may promote alternative dispute resolution mechanisms in line with Directive 2013/11/EU¹¹⁶.

Article 18

Evaluation and Reporting

1. When implementing and reviewing this Directive, the Commission should ensure, in line with the Better Regulation Guidelines, appropriate consultation with a balanced representation of all relevant stakeholders in the short-term rental sector. As part of these activities, the Commission shall be guided by the work of a dedicated expert group composed of experts designated by Member States and representatives of stakeholders such as short-term rental platforms, short-term rental networks, tenants' organisations, local authorities, and academic researchers.
2. By [three years after entry into force], the Commission shall carry out an evaluation of this Directive and submit a report to the European Parliament and to the Council on its implementation and effectiveness, in particular assessing:
 - (a) the extent to which the objectives of this Directive have been achieved;
 - (b) the impact on the local and national housing market, professional and non-professional hosts and STAR users;
 - (c) the need for any amendments, taking into account scientific, technical, and economic developments.
3. The report shall be accompanied, if appropriate, by a legislative proposal to amend this Directive.

Article 19

¹¹⁶ Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) ([OJ L 165, 18.6.2013](#)).

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before xx.xx.xxxx.

They shall communicate to the Commission the text of those measures without undue delay.

When Member States adopt these measures, they shall include a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be determined by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law that they adopt in the areas covered by this Directive.

Article 20

Entry into force

This Directive shall enter into force on the day following that of its publication in the Official Journal of the European Union.

Article 21

Addressees

This Directive is addressed to the Member States.

Annex I

The empirical analysis presented in this Annex is based primarily on data from the Airbnb platform. This choice is justified by Airbnb's significant position in the short-term rental market across the EU, which varies between 45% and 55%. Booking does not offer exclusively STAR listings, while other purely STAR platforms, such as Vrbo occupy a much smaller market segment.

In several EU capitals (e.g., Paris, Lisbon, Athens), Airbnb listings constitute the majority of short-term rental offerings, making it a robust proxy for understanding broader STAR market dynamics. Furthermore, Airbnb's data is comparatively more accessible, which enhances transparency and consistency for the purposes of comparative analysis.

Data of STARs in 10 European Cities¹¹⁷

City	Category				
	Total number of listings	Room Type ¹¹⁸	Licenses ¹¹⁹	Short-Term Rentals ¹²⁰	Listings per Host ¹²¹
Paris	91,031	89.1% entire homes/apartments (81,068 (89.1%) - entire homes/apartments) 8,850 (9.7%) private rooms 381 (0.4%) shared rooms 732 (0.8%) hotel rooms	20.6% unlicensed - 18,786 (20.6%) unlicensed 63,734 (70.0%) licensed 8,511 (9.3%) exempt 0 (0%) pending	81.3% short-term rentals 74,025 (81.3%) short-term rentals 17,006 (18.7%) longer-term rentals	61,876 (68.0%) single listings 29,155 (32.0%) multi-listings

¹¹⁷ Source of the data: <https://insideairbnb.com/>

¹¹⁸ Airbnb hosts can list entire homes/apartments, private, shared rooms, and more recently hotel rooms.

Depending on the room type and activity, a residential Airbnb listing could be more like a hotel, disruptive for neighbours, taking away housing, and illegal.

¹¹⁹ According to the law, specific short-term rentals require a license.

How many listings are unlicensed, falsely claiming exemptions, and how many do Airbnb continue to advertise and profit from?

¹²⁰ The housing policies of cities and towns can be restrictive of short-term rentals, to protect housing for residents.

By looking at the minimum nights setting for listings, we can see if the market has shifted to longer-term stays. Was it to avoid regulations, or in response to changes in travel demands?

In some cases, Airbnb has moved large numbers of their listings to longer-stays to avoid short-term rental regulations and accountability.

¹²¹ Some Airbnb hosts have multiple listings.

A host may list separate rooms in the same apartment, or multiple apartments or homes available in their entirety.

Hosts with multiple listings are more likely to be running a business, are unlikely to be living in the property, and in violation of most short-term rental laws designed to protect residential housing.

Amsterdam	10,032	80.9% entire homes/apartments 8,118 (80.9%) entire homes/apartments 1,790 (17.8%) private rooms 69 (0.7%) shared rooms 55 (0.5%) hotel rooms	0.9% unlicensed 94 (0.9%) unlicensed 9,218 (91.9%) licensed 720 (7.2%) exempt 0 (0%) pending	99.1% short-term rentals 9,943 (99.1%) short-term rentals 89 (0.9%) longer-term rentals	8,214 (81.9%) single listings 1,818 (18.1%) multi-listings
Berlin	13,984	68.0% entire homes/apartments 9,515 (68.0%) entire homes/apartments 4,306 (30.8%) private rooms 46 (0.3%) shared rooms 117 (0.8%) hotel rooms	36.9% unlicensed 5,157 (36.9%) unlicensed 8,827 (63.1%) licensed 0 (0%) exempt 0 (0%) pending	8,141 (58.2%) short-term rentals 5,843 (41.8%) longer-term rentals	8,436 (60.3%) single listings 5,548 (39.7%) multi-listings
Rome	35,247	73.8% entire homes/apartments 26,011 (73.8%) entire homes/apartments 8,617 (24.4%) private rooms 139 (0.4%) shared rooms 480 (1.4%) hotel rooms		34,734 (98.5%) short-term rentals 513 (1.5%) longer-term rentals	14,423 (40.9%) single listings 20,824 (59.1%) multi-listings
Lisbon	24,181	73.9% entire homes/apartments 17,867 (73.9%) entire		23,082 (95.5%) short-term rentals	6,442 (26.6%) single listings

		homes/apartments 5,806 (24.0%) private rooms 287 (1.2%) shared rooms 221 (0.9%) hotel rooms		1,099 (4.5%) longer-term rentals	17,739 (73.4%) multi-listings
Porto	14,432	80.5% entire homes/apartments 11,614 (80.5%) entire homes/apartments 2,436 (16.9%) private rooms 265 (1.8%) shared rooms 117 (0.8%) hotel rooms		14,206 (98.4%) short-term rentals 226 (1.6%) longer-term rentals	3,511 (24.3%) single listings 10,921 (75.7%) multi-listings
Madrid	26,760	65.2% entire homes/apartments 17,455 (65.2%) entire homes/apartments 8,864 (33.1%) private rooms 352 (1.3%) shared rooms 89 (0.3%) hotel rooms		24,077 (90.0%) short-term rentals 2,683 (10.0%) longer-term rentals	9,378 (35.0%) single listings 17,382 (65.0%) multi-listings
Barcelona	19,455	59.9% entire homes/apartments 11,653 (59.9%) entire homes/apartments 7,510 (38.6%) private rooms	6,253 (32.1%) unlicensed 7,969 (41.0%) licensed 5,233 (26.9%) exempt	11,980 (61.6%) short-term rentals 7,475 (38.4%) longer-term rentals	4,940 (25.4%) single listings 14,515 (74.6%) multi-listings

		177 (0.9%) shared rooms	0 (0%) pending		
		115 (0.6%) hotel rooms			
London	95,144	63.9% entire homes/apartme nts 60,811 (63.9%) entire homes/apartme nts 33,718 (35.4%) private rooms 433 (0.5%) shared rooms 182 (0.2%) hotel rooms		92,445 (97.2%) short-term rentals 2,699 (2.8%) longer-term rentals	45,273 (47.6%) single listings 49,871 (52.4%) multi- listings
Athens	14,642	92.2% entire homes/apartme nts 13,499 (92.2%) entire homes/apartme nts 1,068 (7.3%) private rooms 13 (0.1%) shared rooms 62 (0.4%) hotel rooms	194 (1.3%) unlicensed 14,244 (97.3%) licensed 204 (1.4%) exempt 0 (0%) pending	14,499 (99.0%) short-term rentals 143 (1.0%) longer-term rentals	4,333 (29.6%) single listings 10,309 (70.4%) multi- listings

Annex II

STAR regulatory measures across cities

Measure	Subcategories	Cities/Countries & Implementation Details
1. Limiting the number of listing days ("Night Caps")	Annual rental caps	<ul style="list-style-type: none"> - Amsterdam (30 nights/year for primary residences) - Berlin (182 nights/year for primary residences, 90 for secondary) - Paris (120 nights/year for primary residences and home-sharing) - San Francisco (75 nights/year) - London (90 nights/year) - Los Angeles (120 nights/year) - Miami (180 nights/year) - Sydney (180 nights/year)
	Seasonal restrictions	<ul style="list-style-type: none"> - Greece (Increased taxation during peak tourism season - applied to listings in cities like Athens and major tourist zones)
2. Licensing, registration, or authorization	Mandatory STAR registration	<ul style="list-style-type: none"> - New York City, Amsterdam, Rome, Tokyo, Madrid, Montreal, Vancouver, Singapore, Toronto
	Permit requirement for STARs	<ul style="list-style-type: none"> - Berlin (Since 2014, STARs require a permit) - Lisbon & Porto (Licenses are tied to individuals, not properties) - Barcelona (New STAR licenses are effectively banned in central areas-in general allowed with a license) - New Orleans (90-day rental limit in the French Quarter with required registration) -Paris (municipal approval & compensation for entire homes allowed for up to 120 days/year with mandatory registration with the Municipality for primary residences and home-sharing) -Milan (STARs allowed, communication with the Municipality)
3. Zoning & compliance rules	STAR bans in specific areas	<ul style="list-style-type: none"> - Amsterdam (Ban in certain central districts) - Barcelona (Ban in central areas) - Balearic Islands (Complete STAR ban in some zones) - Lisbon (STAR ban in specific areas)
	Housing regulations	<ul style="list-style-type: none"> - Boston, Denver, Madrid (STARs must comply with zoning laws)
4. Taxation & fees	STAR-specific taxes	<ul style="list-style-type: none"> - New York City (Tourist tax for STARs)

		<ul style="list-style-type: none"> - Greece (13% VAT on STARs of 3+ properties) - Paris (STAR property owners must compensate for loss of permanent housing) - Milan (STARs allowed but taxed if exceeding 3 properties or 275 days/year)
	Data-sharing for tax compliance	<ul style="list-style-type: none"> - Denmark (2018 agreement with Airbnb to share data, reducing listings by 14%) - USA (275+ tax agreements between Airbnb and cities) - France: From December 2019, platforms like Airbnb and Booking.com must provide French authorities with an annual list of hosts for compliance monitoring. - European Union (DAC7 Directive): Platforms are required to report sales and service data (e.g., host identity and earnings) to tax agencies across all EU Member States.
5. Restrictions on whole-home rentals	Owner must be present	<ul style="list-style-type: none"> - New York City (Whole-home STARs under 30 days are banned unless the owner is present) - Barcelona (Primary residence STARs require a license, but no new licenses in central areas)
	One Host, One Home (OHOH) Policy	<ul style="list-style-type: none"> - New York City, San Francisco, Portland, Chicago (Hosts can list only one property) - Amsterdam: STARs permitted only in primary residences with a 30-night annual limit, effectively limiting commercial multiple listings. - Paris: Primary residence registration required; compensation rules discourage holding multiple STAR properties. <p><u>Note:</u> While the term “OHOH” is primarily used in the US, similar limitations exist in several European cities through residence-based caps, zoning, and permit rules.</p>

Safety, Security, and Quality Requirements in EU Hotels

This annex presents the key safety, security, and quality requirements applicable to traditional accommodation providers (hotels) across the European Union. It draws from various official documents, industry standards, health guidelines, EU legislation and national or voluntary frameworks.

Category	Measure	Description	EU Legal Basis
Security	Guest Identification	Hotels in many Member States are required to collect and store guest identification details (e.g. passport or ID number) for public security reasons.	National law; GDPR may apply indirectly
	Video Surveillance (CCTV)	Some countries (i.e. Germany) require or recommend CCTV in hotel lobbies and entrances.	No EU legislation specific to hospitality surveillance
	Staff Emergency Preparedness	Hotels often use certification schemes that include emergency training (i.e. Spain, Italy).	No EU legislation; industry standards only
	Emergency/security staff training ¹²²	Hotel staff often receive emergency preparedness training as part of voluntary schemes.	No binding EU requirement
Safety	Fire Safety Standards	National rules often align with 1986 Council Recommendation (e.g. smoke detectors, fire doors, exit signage).	No EU-wide directive, but Council Recommendation 86/666/EEC (non-binding); governed by national law
	Electrical Safety	Applies under the Low Voltage Directive (2014/35/EU); safe installation and maintenance of electrical systems (i.e. France).	Directive 2014/35/EU

¹²² GREEN PAPER Safety of Tourism Accommodation Services, COM/2014/0464 final.

	Health & Risk Assessments ¹²³	COVID-19 risk mitigation (e.g., ventilation, distancing, PPE) applied in hotel protocols.	EU-OSHA and ECDC guidance; non-binding
	Hygiene Protocols ¹²⁴	Hotels follow hygiene procedures for virus control (e.g., disinfectants, linen washing).	EU-OSHA and ECDC guidance; non-binding
	Construction Product Safety	Hotels must comply with CE-marked building materials under the Construction Products Regulation.	Construction Products Regulation (CPR) (EU) No 305/2011
	Accessibility (persons with disabilities) ¹²⁵	Hotels are often designed with accessibility in mind, including lifts, ramps, and adapted bathrooms.	No harmonised EU-level requirement
Quality	Star rating/classification ¹²⁶	Hotels often follow harmonised classification via systems like Hotelstars Union.	Not harmonised EU-wide
	Consumer satisfaction tracking	Hotels implement consumer complaint handling and satisfaction monitoring practices.	Proposal for a COUNCIL RECOMMENDATION on European Tourism Quality Principles COM(2014) 85 – non-binding

¹²³ European Agency for Safety and Health at Work (EU-OSHA), COVID-19: BACK TO THE WORKPLACE, Adapting workplaces and protecting workers, December 2020 update, available at: https://osha.europa.eu/sites/default/files/2021-11/EUguidance_covid19_backtowork_EN.pdf.

¹²⁴ European Centre for Disease Prevention and Control (ECDC), TECHNICAL REPORT, Disinfection of environments in healthcare and non-healthcare settings potentially contaminated with SARS-CoV-2, March 2020, available at: https://www.ecdc.europa.eu/sites/default/files/documents/Environmental-persistence-of-SARS-CoV-2-virus-Options-for-cleaning2020-03-26_0.pdf.

¹²⁵ GREEN PAPER Safety of Tourism Accommodation Services, COM/2014/0464 final.

¹²⁶ European Commission: Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, Open Evidence, TEAM and VVA, Study on the feasibility of possible initiatives at EU level and establishment of a multi-stakeholder platform on quality of tourism accommodation – Executive summary, Publications Office of the European Union, 2022, <https://data.europa.eu/doi/10.2873/993515>.

	Transparency of services ¹²⁷	Hotels provide transparent service descriptions based on star classification or national regulation.	General EU consumer law
	Training of staff	Hotel staff are often trained in service delivery and customer care through internal or external schemes.	Proposal for a COUNCIL RECOMMENDATION on European Tourism Quality Principles COM(2014) 85 – non-binding
	Cleanliness & Maintenance ¹²⁸	Hotels follow hygiene protocols, especially post-COVID (e.g. disinfection, linen care).	EU-OSHA and ECDC guidance; non-binding
	Voluntary Certifications	Hotels may comply with the European Hospitality Quality (EHQ) Scheme or ISO 22483:2020, covering cleanliness, sustainability, and complaint handling.	ISO and EHQ are voluntary; not EU legislation
	Service Consistency ¹²⁹	Hotel services are professionally managed and regulated.	No binding EU legislation; general consumer protection may apply

STAR safety in selected Member States

The following table provides a snapshot of selected Member States' safety and quality requirements applicable to STARS.

¹²⁷ European Commission: Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, Open Evidence, TEAM and VVA, Study on the feasibility of possible initiatives at EU level and establishment of a multi-stakeholder platform on quality of tourism accommodation – Executive summary, Publications Office of the European Union, 2022, <https://data.europa.eu/doi/10.2873/993515>.

¹²⁸ European Centre for Disease Prevention and Control (ECDC), TECHNICAL REPORT, Disinfection of environments in healthcare and non-healthcare settings potentially contaminated with SARS-CoV-2, March 2020, available at: https://www.ecdc.europa.eu/sites/default/files/documents/Environmental-persistence-of-SARS-CoV-2-virus-Options-for-cleaning2020-03-26_0.pdf.

¹²⁹ HOTREC, Position Paper on EU-wide, Regulation of Short-term Rentals (Full Report), 2022, available at: https://www.hotrec.eu/media/static/files/import/wp_post_47705/hotrec_eu_position-paper_full-report.pdf.

Country	Fire Safety	Other safety/quality requirements
France ¹³⁰	Smoke detectors, safe electrical systems per local housing code	Basic compliance with local housing code; star-rating system for hotels is voluntary
Spain ¹³¹	Compliance with building codes; fire extinguishers required	Emergency contact info, first-aid kits; hotel star system mandatory in some regions
Germany ¹³²	Basic rules such as smoke alarms; less stringent than hotels	Basic hygiene; voluntary classification via DEHOGA star system
Italy ¹³³	Fire extinguishers and emergency lighting required	Quality metrics like staff language skills or breakfast options, room size and furnishings, reception availability and staffing, bathroom amenities, internet access and technology (e.g., flat-screen TVs, telephone lines), cleaning and maintenance standards, food and beverage services (beyond breakfast)

¹³⁰ Code de la Construction et de l'Habitation, Articles R.129-12 (smoke detectors); STARs classified as "meublé de tourisme" under Code du tourisme, Articles L.324-1-1; local fire safety provisions vary by municipality.

¹³¹ Regional Decrees (e.g. Catalonia: Decree 159/2012; Andalusia: Decree 28/2016); mandatory safety equipment and guest information.

¹³² Bauordnung (State Building Codes); Zweckentfremdungsverbot in cities like Berlin; hygiene standards indirectly via Lebensmittelhygiene-Verordnung if food is served.

¹³³ National fire rules: Ministerial Decree 9 April 1994; regional tourism regulations (e.g. Tuscany); STRs regulated under local hospitality laws; no uniform standard across all regions

This study was carried out at the request of the S&D Group. The views expressed herein are those of the author and do not necessarily represent the official position of the S&D Group.