



## Data collection and sharing relating to short-term accommodation rental services - Airbnb position

### 1. EXECUTIVE SUMMARY:

European citizens are turning to hosting to help withstand an escalating cost of living crisis. **Over 40% of those hosting in the EU via the Airbnb platform say they do so to cover rapidly rising costs of living.**<sup>1</sup>

We believe clear, proportionate and simple rules can unlock the benefits of hosting for everyday hosts and help them make ends meet. We are already working with policy-makers from across the EU on establishing and enforcing fair and transparent short-term rental (STR) rules and ensuring responsible home-sharing. **In this context, Airbnb welcomes the European Commission's Proposal** for a Regulation on Data collection and sharing relating to STRs.

**We also believe the EU can go further.** Even beyond this Proposal, Airbnb has consistently called for a more coordinated approach to STRs and tourism issues across the EU Single Market – COVID has proved to us all just how important alignment at the EU-level can be in ensuring the sector can survive, adapt and grow sustainably. Our belief in the need for more coordination and harmonisation at EU-level - be it through an independent body or Tourism Agency or other - also informs our response to this Proposal: our ultimate objective is to **ensure that the final text actually delivers on harmonised and proportionate rules, in particular for STR Hosts.** Drawing on our experience in EU Member States and across the world, we would like to share some ideas on how to further simplify and harmonise data-sharing processes for platforms, Member States and Competent Authorities. We also call for an enhanced role for the European Commission in ensuring fair and proportionate registration at the local level.

In this paper, Airbnb sets out the following areas of improvement with regards to the Proposal:

1. Building a harmonised data-sharing framework that works in practice, including the creation of an **EU (rather than national) level Single Data Entry point** to streamline data-sharing process in line with our [EU Host Action Plan](#).
2. **A clearer role for the European Commission** in assessing and verifying the proportionality of registration and other short-term rental rules established by competent authorities, in its role as chair of the Single Data Entry Point Coordination Group.
3. **Enforcing** the Services Directive in instances of **disproportionate STR rules going beyond the scope of this Proposal.**

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<sup>1</sup> Based on an Airbnb survey of over 36,000 Hosts with bookings between June 1, 2021 and December 31, 2021 and surveyed between February 17, 2022 and March 31, 2022. Margin of error under 2%. More [here](#).



## 2. AN IMPORTANT STEP FORWARD:

We support the general approach of the Commission which:

- Identifies a number of **general principles for STR registration schemes across the board** regardless of data-sharing activities (Art 4). All too often, local STR rules are burdensome and complicated for STR Hosts - particularly everyday hosts - to comply with. In Berlin, for example, all Hosts are required to follow a burdensome offline registration and permit process, even if they host in their primary residence. This regulatory Proposal clarifies what fair and proportionate host registration schemes should look like across all EU Member states, in line with the Single Market.
- Makes access to STR hosting data conditional on the existence of proportionate registration schemes and local STR rules which are in line with EU legal frameworks (Art 12.2(b)) – put another way, **authorities should only have the opportunity to access data for enforcement purposes when the underlying rules the authority is looking to enforce themselves comply with national and European law.**
- We support the obligation on Member States to establish and maintain a **registry of registration numbers (Art 4.4)** which will provide greater transparency and legal certainty to hosts and platforms alike, and render possible the process of automated random checks to be conducted by the platform (Art 7.1 (c)).

## 3. FURTHER AREAS OF IMPROVEMENT:

Airbnb also believes that to make this new data-reporting framework work in practice, **the Proposal can go further** in truly simplifying and harmonising data-sharing processes for platforms, Member States and Competent Authorities, and in ensuring fair and proportionate registration for everyday Hosts. Below, we identify some areas for further improvement.

- **Building a data-sharing framework that works in practice:**

Airbnb recognises the attempts made by the Commission to harmonise platform data-sharing across the EU - for example by clearly defining the data points to be shared by larger platforms and the frequency of the data-sharing (Art 9.1).

However, the architecture of the data-sharing framework remains national. The existence of 27 different “Single” Data Entry Points will augment the likelihood of differences in how the technical interfaces are set-up by each Member State and lead to compliance delays as we have recently seen with our experiences of a national API in France. From our experience building these products, each technical difference between national systems will necessitate a dedicated product solution by the platform, which will incur significant compliance costs and new product builds for platforms and Member States and their local authorities.



It is essential that the Proposal delivers on its ambitions to clarify, harmonise and simplify data-sharing processes, rather than causing further fragmentation. **This is why we reiterate our calls for a single EU-wide (rather than national) Single Data Entry point to streamline and facilitate data-sharing.** A single technical solution will provide clarity for platforms. In addition, Member States will benefit from a simple, efficient solution to manage and report on short-term rentals.

At the very least, it is imperative that the Commission sets out in an implementing act (as foreseen in Art 10.5), just how any national technical interfaces should be established as well as confirming a consultative role for platforms in this process, to ensure that technical processes are adequate and can be tested for compatibility with platform data-sharing tools. This will provide technical clarity and ensure the data-reporting framework is fit for purpose.

Linked to the above - there is a current expectation that all stakeholders will be compliant within 24 months after the Entry into Force of this Proposal (Art 19). However, platform compliance will be dependent on the compliance calendars of other stakeholders. For example, on when and how competent authorities introduce proportionate registration aligned with this Proposal, and on how and when Member States establish their Single Data Entry Points and related technical interfaces for the reception of data. **Airbnb therefore calls for a sequenced compliance calendar. Platforms should be granted 12 months for compliance (including testing compatibility with national interfaces), following an initial 12 month period for Member State compliance.** This will ensure greater clarity and efficiency for all stakeholders.

- **A clearer role for the European Commission** in assessing and verifying the compatibility of registration and other rules established by competent authorities:

**Airbnb calls for a stronger coordination role for the European Commission in assessing and verifying the compatibility of local rules and registration schemes with EU legal frameworks in the context of this Proposal (an extension of Art. 11).** The Proposal confirms the role of Member States in assessing the compatibility of existing and new local registration schemes in relation to this Proposal and the broader EU Services Directive (Art 12.2(b)). Unfortunately, relying solely on Member State assessment has led to some discrepancies in host experience and fragmentation of the Single Market. We believe that the Commission should play a stronger role in defending Single Market principles and in ensuring that local rules are proportionate within the context of this Proposal, specifically in the aim of supporting everyday and non-professional Hosts in accessing the STR market.

- Enforcing the Services Directive in instances of **disproportionate STR rules going beyond the scope of this Proposal**:

This Proposal does not address instances of disproportionate local regulations going beyond registration and the context of data-reporting. It will not address instances such as Barcelona,



where the rental of rooms in primary residences is practically banned to the detriment of everyday, non-professional Hosts. Or Berlin, where Hosts in primary residences require an onerous permit that is (rarely) granted with many burdensome restrictions. Or Amsterdam, where only Hosts in primary residences are eligible for the required permit and can only host for 30 days per year. Or Brussels, where onerous, restrictive requirements and lengthy application procedures are imposed on Hosts before they are granted a registration number. This, despite the Commission opening Infringement Proceedings against the Kingdom of Belgium.

Whilst the Commission in its Q&A suggests that greater transparency and more data will lead to more informed and proportionate decision-making, the opposite may also be true: data may be used by competent authorities to enforce disproportionate rules against STR hosts.

**Beyond the scope of this Proposal, Airbnb calls on the Commission to move faster and more efficiently to enforce the Services Directive and to protect the Single Market, including quickly raising issues of EU law with authorities when STR rules are clearly incompatible with EU legal frameworks, and in pursuing Infringement Proceedings against non-compliant Member States.**

Airbnb notes that it is not only STR platforms which have compliance obligations, but that Member States and local authorities also have legal obligations in this regard.

#### **4. OTHER TECHNICAL ISSUES:**

- **Data minimisation principles should be at the core of platform data collection requirements.** Platforms should only report data which they collect as part of their normal business. For example, the Proposal includes an obligation on the platform to report the number of guests who stay at an accommodation. However, we only collect data on the number of guests who have booked to stay at an accommodation. In addition, this information changes frequently (e.g. due to travel incidents or last minute changes) and is thus an unreliable indicator of STR guest activity. Airbnb calls on policy makers to remove this data point from Art. 3.11 or, at the very least, to clarify that the data to be provided is that which is held by the platform at the time the reservation is made.
- **Principles for registration:** in addition to the registration principles outlined in Art. 4, the Proposal should also stipulate that **host registration procedures should be free** to prevent the emergence of market access barriers for hosts, to encourage compliant activity, and to ensure proportionality for all hosts, including non-professional or occasional hosts.
- **Host registration exemptions:** Airbnb requests greater clarity with regards to how to treat cases of host registration exemptions when it comes to data-reporting obligations. Many national and local authorities exempt certain types of lodgings (i.e. boats, private rooms, hotels, non-traditional residential accommodation, etc.), contracts (i.e. those communicated directly to the tax authorities as in Portugal) or longer term rentals (defined at the local or national level) from registration or other compliance obligations, meaning these Hosts do not require a registration number to carry out their hosting activity.



The Proposal should recognise this by allowing platforms to give the option to Hosts to claim they are exempt from the registration procedure applicable in their area, and by requiring platforms to share the details of those Hosts on a random basis to the relevant competent authorities for them to verify, using the same procedure as for registration numbers under Art. 6.

- **Random checks:** Airbnb acknowledges its role in supporting host compliance. We recognise that random checks (Art 7.1(c)) can be of assistance to competent authorities in flagging possible instances of non-compliance. It is, however, imperative that any obligations in this regard, particularly when impacting information society services as defined by the E-Commerce Directive 2000/31, align with Art. 31 of the DSA (“Compliance by Design”) and any subsequent clarifications regarding the interpretation of that legal text, including the reference to the automated and random/limited nature of these checks to prevent a general monitoring obligation from being forced on the platform (as foreseen in recital 16). Having said this, to the extent that platforms wish to implement more extensive checks they should benefit from the “good samaritan” principle as recognised in the DSA (Art. 7).

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The Commission’s Proposal marks a strong first step. We now call on the European Parliament and Member States to ensure this Proposal delivers on its ambitions. We look forward to working with all decision-makers going forward.

**Airbnb**  
**December 2022**

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### **ANNEX: Learn more about the Airbnb community in Europe**

**For citizens across the EU, hosting on the Airbnb platform represents a significant economic opportunity – to supplement existing income and to drive more economic benefit to European communities.** More than 40% of EU Hosts on Airbnb say they share their homes to help afford rising living costs with the typical EU Host earning just over €3,000 in 2021. EU Hosts have welcomed more guests on Airbnb than any other region in the world and have collectively earned more than €43 billion by renting their homes on Airbnb. The vast majority of EU Hosts have just one listing (1 million out of 1.34 million Hosts in 2021) and many are located outside of urban centres which helps spread tourism benefits to local families and communities. In 2019, travel on Airbnb supported almost 345,000 EU jobs and generated nearly €19 billion GDP contribution through guest spending.

Airbnb wants to be part of the solution to challenges facing communities. We are already working with policy-makers from across the EU on establishing and enforcing fair and transparent STR rules and ensuring responsible home-sharing.



- We've worked with local and national authorities EU-wide to **support simple, online host registration schemes** in cities across France, in the Netherlands, Germany, Hungary, Portugal, Catalonia, Denmark and Greece. We are also in early discussions with authorities in Italy, Ireland and Brussels around new or revised registration in their jurisdictions.
- The **City Portal** – Airbnb's custom-built platform for governments to access data on Airbnb – has also been made accessible to 174 governments and authorities in Europe. Airbnb is the only STR platform to have built a dedicated tool for governments across Europe.
- Airbnb's **tourist tax collaborations** have also seen more than \$6 billion of tourist tax revenues collected and remitted globally, **including \$573 million (€511 million) in the EU.**<sup>2</sup>
- We already share **host earnings data** with tax authorities across Europe, including in France, Spain, Denmark and Estonia. We strongly support the EU DAC 7 directive which will provide a harmonised framework for platforms to report host earnings as of next year.
- We share detailed aggregate data with **Eurostat** at EU level in collaboration with the other STR platforms since 2020<sup>3</sup>.
- Airbnb has also helped local communities and authorities on a range of **trust and safety** issues. This includes our Neighborhood Support Lines to address noise and nuisance issues and enforcing our global party ban.
- And leveraging our technology know-how to help disperse tourism, including flexible travel tools to help guide guest demand to where it is needed most.

We hope that the approach set out by the Commission in its Proposal can help provide more legal certainty for platforms and will thus help us scale our existing collaboration with local and national authorities whilst ensuring any data-sharing is aligned with EU law, especially GDPR.

**For more, see the following reports (ordered chronologically):**

- [How Airbnb Supports Sustainable Travel in Europe](#) (November 2022)
- [Airbnb welcomes EU rules proposals](#) (November 2022)
- [Airbnb's Flexible Search boosts sustainable travel in Europe](#) (November 2022)
- [Europeans turn to hosting as cost of living rises](#) (October 2022)
- [New survey: EU Hosts use Airbnb income to afford rising living costs](#) (May 2022)
- [Oxford Economics Analysis: 2019 Airbnb Guest Community Supported 300,000 Jobs in 30 Communities](#) (May 2021)

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<sup>2</sup> as of August 31, 2022

<sup>3</sup> [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_20\\_194](https://ec.europa.eu/commission/presscorner/detail/en/ip_20_194)