

Live from Brussels Newsletter

Issue 84 - 14 December 2017



Members of HOTREC National Associations ONLY

Key EU developments
and positions of the
hospitality sector

Welcome to Live from Brussels
new format!

We are pleased to inform
you that we revamped the
format of Live from Brussels
and that this special edition
includes three interviews, the
first one with Commissioner
Navracsics on the European
Year of Cultural Heritage and
the role of the hospitality and
tourism sector; the second one
with MEP Istvan Ujhelyi, Vice-
Chair of the TRAN Committee
of the European Parliament on
the EU-China 2018 Year
and the last one with Mr.
Markus Beyrer, Director-
General of BusinessEurope.

Thank you for your ongoing
support along 2017

We wish you a wonderful
festive season and a Happy
2018!

Christian de Barrin
CEO

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General Policy Issues

Interview with Mr. Tibor Navracsics, Commissioner for Education Culture, Youth and Sports



2018 will be the European Year of Cultural Heritage. This initiative will encourage people to discover Europe's rich and diverse cultural assets and build a sense of belonging to the European family. HOTREC asked Mr. Tibor Navracsics, Commissioner for Education, Culture, Youth and Sport, to share his views on the fundamental role of our sector in this particular upcoming year.

1. In January 2018, the European Commission will launch the European Year of Cultural Heritage. Could you present the main activities to be developed by the Commission throughout the year in this regard?

The overall objective of the European Year of Cultural Heritage is to encourage people from all backgrounds to explore, share and appreciate Europe's rich and diverse cultural heritage and to raise awareness of its social and economic importance. It will be a perfect opportunity to celebrate and promote Europe's cultural heritage in all its forms: from archaeological sites to contemporary architecture; from medieval castles to traditional folklore and art. In particular, the Year will highlight the role culture and cultural heritage play in creating a European identity – an identity that does not threaten, but that complements and enriches our other identities, be they national, regional, local identities. And the European Year also comes at a perfect moment: because cultural heritage is about much more than the past – it is vital in building the future of Europe.

The Year will see a series of initiatives and events taking place all over Europe, giving our citizens opportunities to engage with their local heritage. This is a "bottom-up" approach; with municipalities, regions and communities all playing a key role in ensuring the Year's success. I would like heritage sites to become meeting points for local communities, schools, and families. The European Heritage Days, already a key European activity organised annually in autumn and reaching over 30 million people at more than 70 000 events, will be just one opportunity to make this happen.

2. Could you please tell us how do you envision the role of the European hospitality industry in this European Year of Cultural Heritage and how it could contribute to make 2018 a true success for EU tourism in particular in terms of growth and jobs creation?

Cultural heritage is a key resource in itself and makes a substantial contribution to economic growth and job creation. There are 300,000 people directly employed in the European cultural heritage sector, and 7.8 million European jobs indirectly linked to cultural heritage, for example in the tourism and hospitality industries. To put this in another way, it is estimated that the cultural heritage sector produces up to 26.7 indirect jobs for each direct job. Studies have illustrated that visitors to heritage sites have a greater impact on local economies as they tend to stay longer and therefore avail of the local hospitality industries.

The European hospitality industry has a fundamental role to play in supporting the European Year of Cultural Heritage, particularly as 68% of EU travellers agree the presence of cultural heritage can have an influence on their holiday destination.



The events and activities that will be organised across Europe throughout 2018 will help attract 4

both domestic and overseas tourists. I am confident that it will boost demand for the services of the hospitality sector in areas such as accommodation provision, catering and gastronomy, and guide services, as well as the transport sector. We should not, however, forget that our cultural heritage is a precious and often irreplaceable resource and the preservation of cultural heritage is a shared responsibility. We all have a role, including the hospitality industries, to ensure that our cultural heritage is protected and promoted in a sustainable way so that visitors can enjoy their experiences without encroaching on local communities.

3. Considering that “tourism” is not specifically mentioned in the headline of the European year on cultural heritage, could you specifically present what are the activities which will be dedicated to tourism in this regard?

I am happy to say that a group of experts in the field of sustainable cultural tourism and heritage is currently working on identifying ways to create sustainable European tourism initiatives based on tangible and intangible cultural heritage, such as through examining virtual reality technologies and the rise of "virtual tourism". The social, economic and environmental aspects of sustainable cultural tourism are being explored by this group in order to take into account the interests of all stakeholders, including local communities, visitors, industry and governments. The working group will work towards improving sustainability by the exchange of best practices. These experts, representing twenty-two Member States plus Iceland, are working with great enthusiasm, and their findings will be promoted during the last quarter of the European Year.

Running concurrently with the European Year is the EU-China Tourism Year. This aims to attract Chinese off-season travellers to lesser-known places. Both Years will contribute to developing sustainable cultural tourism, by reflecting on how to preserve our heritage and by finding ways to finance its preservation in a sustainable manner.

Interview with Mr. Istvan Ujhelyi, Vice-Chair of the European Parliament Transport & Tourism (TRAN) Committee



MEP István Ujhelyi is Vice Chair of the Transport and Tourism (TRAN) Committee and Chair of the TRAN Tourism Task Force. He is also a key member of the Parliamentary Intergroup on the development of European Tourism, Cultural Heritage, Ways of Saint James and other European cultural routes. HOTREC asked Mr. Ujhelyi (S&D, Hungary) to share his views on the EU-China Tourism Year.

1. On the 1st of January 2018, the European Commission will launch the EU-China Tourism year, which was announced by president Juncker two years ago. What will be the major events and projects in this framework?

This year was based on my initiation World Bridge Tourism pilot project of the European Parliament, that was aimed to have awareness and detailed programme for EU-China tourism year in 2018. There will be numerous events related to this year. The official opening will be in Venice on 18 January and the first business forum will be held the following day. I would like to mention the EU-China Media Day in the European Parliament, that will be on 28 February. There is a webpage of the year where you can follow the growing numbers of programmes. <http://ecty2018.org/>



2. How do you envision the role of the European hospitality industry, in particular at national and/or regional level, as part of the EU-China Tourism year? 5

We all know very well the increasing number of Chinese visitors who come to visit Europe year by year. They like travelling as groups and during their European stay visiting more destinations. The EU – China Tourism year can act efficiently to involve less-known European regions and destinations for Chinese visitors. The European Hospitality Industry has a key role, having this year very successful. The most important task of this year to find the best practices in the hospitality industry, how to work with Chinese visitors and to have a sustainable business model for the future.

3. What do you plan for the coming years?

I am really delighted that many of our ideas have been supported by the European Parliament and having budgets for pilot projects and preparatory actions in tourism during the past years. These projects help to keep tourism on the political agenda, but have not been enough. My main task is to reach an independent budget line in the EU Budget for tourism policy and have a programme for Joint European Promotion. Parallel with this I started to make the first steps to have an EU - India Tourism Year for 2019.

Interview with Mr. Markus Beyrer, Director-General of BusinessEurope



Markus Beyrer is the Director-General of BusinessEurope since 2012. BusinessEurope unites 40 confederations of entrepreneurs and employers from 34 European countries and represents more than 20 million SMEs and large companies which employ around 120 million people. HOTREC asked Mr. Beyrer three questions on the work-life balance package, the European Commission 2018 work programme and the regulation of online platforms.

1. 2017 remains as the year during which the Commission unveiled its European Pillar of Social Rights. How do you think SMEs can cope with the legislative part of the Pillar? What are BusinessEurope's views on the work-life balance package?

Whilst the principles and rights which are part of the European Pillar of Social Rights are not directly enforceable, we are concerned that they may become a justification for more EU social legislation in the future. And with the proposal for a directive on work-life balance for parents and careers this is in fact already the case. This catalogue of additional leaves ignores the reality of SME life and business needs in general. Leave-related costs will increase significantly, in particular in many countries where the compensation of workers on leave is currently below the level proposed by the Commission, i.e. sick pay level.

Employers will have to finance the major part of the increased compensation either directly or indirectly, i.e. through social security contributions. This will undermine their capacity to create jobs. However, we do not believe that the proposal will increase women's employment participation. This would be more effectively encouraged by investing in the necessary care infrastructures across Europe.

More generally, the EU should focus on making sure that existing social legislation can be applied by companies and therefore achieve its objective of protecting workers without creating unnecessary bureaucracy. This is important for all companies, but SMEs in particular, who may lack knowledge or resources to implement the rules.



2. The European Commission just published its 2018 work programme, which includes new initiatives on a wide range of issues such as the digital single market, taxation in the digital economy, or a social fairness package among others. What should be the focus of the European Commission as far as SMEs are concerned in order to ensure that they remain the backbone of the EU economy?

The Commission should focus on reducing the volume and improve the quality of regulation applicable to SMEs always taking into account the proportionality of administrative burdens that new EU legislation would generate. Any action on EU level should aim at enhancing SMEs capacity to innovate, to access new markets and to reach the optimal business dimension which is needed to compete at global level.

To ensure full consistency between SME-relevant EU initiatives, the current EU SME definition needs to be revised. The SME definition that is currently used by the Commission to allow SME access to Research & Development and innovation support mechanisms can have a negative impact on access by SMEs to venture capital and/or on growth prospects once venture capital has been obtained. The revision of the SME definition planned by the Commission in 2018 should correct the relevant provisions in the definition. Furthermore, legislative proposals with a disproportionate impact on competitiveness, with no real added-value to the (digital) single market and growth should be avoided. Any framework must be robust enough to remain relevant in a rapidly changing digital landscape. Tech-neutrality and level playing fields must be upheld to avoid steering technological development.

3. The unavoidable digitalisation of the economy is often seen as an opportunity for all economic sectors, although it raises some challenges. There is currently an important debate in Europe about how to regulate online platforms in order to ensure that they produce benefits for all actors of the economy. What are your views about it?

To “go-digital” is not an option but a necessity for Europe in order to remain globally competitive. We agree that grasping this 4th global industrial revolution has become an extensive challenge but it also presents great economic and social opportunities. No matter the size, origin or sector of the company, the opportunities on offer are huge. This is not just relevant for tech companies but all sectors. In fact, 75% of the value added by the digital economy comes from traditional industries. Many of them rely on platforms to help match their offers with demand. This is no new concept, buyers and sellers have been brought together through intermediaries since commerce began.

Online intermediaries continue to enable traders (especially SMEs) to improve sourcing strategies and access to wider markets, enabling them to expand to an extent that is not possible without the use of an online intermediary. Therefore, potential legislation should be fully assessed, especially if it is to have cross-sectoral consequences, including the possible need to define at the national level how people working in platforms stand in relation with the existing definitions of work and self-employment. Due to the vast use of platforms by a variety of sectors, and the diversity of business models chosen by various platforms, it is difficult to address issues with a single action.



Digital Issues

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Platform to business relationships: Commission proposal in finish line

On 25 October 2017, the European Commission has published its [Inception Impact Assessment](#) on Fairness in platform-to-business relations, in the course of the process of the preparation of its legislative proposal on the matter. The assessment was open for comments until 22 November 2017.

In this document, the European Commission summarises the problems the initiative aims to tackle. Among these problems the Commission identified, inter alia, that businesses are getting dependent on platforms, which entails a certain imbalance of bargaining power, causing frictions in platform-to-business relationships and give scope to unfair behaviour of platforms. The Commission mentions among the problems that businesses cannot negotiate terms and conditions, there is a lack of transparency especially regarding search and ranking. Other problems for business users include the lack of access to certain data, as well as the lack of meaningful and effective redress in case of disputes. The Commission put forward some policy options for the way forward, ranging from EU soft law to an EU legislative instrument providing for detailed principles. According to the Inception Impact Assessment, an effective principle based intervention should limit the scope of unfairness and would enhance trust in platforms as well as the predictability of the trading environment. Improved fairness and transparency would also lower the barriers for new entrant platforms thus increasing competition on the platforms' market.

NEXT STEPS:

The European Commission is planning to issue a legislative proposal on the matter in the first months of 2018.

HOTREC POSITION:

- *HOTREC has been closely involved in the preparatory work of the European Commission on the subject.*
- *HOTREC submitted its comments to the Inception Impact Assessment and considered that a comprehensive legislative instrument providing detailed principles would be the most effective way forward in order to enhance platform-to-business relations.*

UK launches investigation on online hotel booking market

On 27 October 2017, the Competition & Markets Authority (CMA) of the United Kingdom [launched an investigation into the online hotel booking market](#). The CMA is concerned about the clarity, accuracy and presentation of information on sites, which could mislead consumers. The CMA suspects that some of the practices of online booking portals may breach consumer law.

The practices which are in the main focus of the investigation relate to, inter alia

- search results, including the influence of commission payments on the ranking;
- pressure selling: creating a false impression of scarcity; and
- discount claims based on possibly non-relevant prices.

NEXT STEPS:

The Competition and Market Authority is gathering contributions until 15 December 2017, and plans to provide an update on the case in spring 2018.



HOTREC POSITION:

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- *HOTREC welcomes the investigations of the CMA, as it tackles practices of online booking platforms, which HOTREC also considers unfair and to the detriment of both consumers and businesses.*
- *HOTREC has also raised the European institutions attention to such practices earlier and is looking forward to the results of the current investigation.*

Consumer Affairs

Geo-blocking to be prohibited under agreement reached between the Council and European Parliament

On 21 November 2017, the Estonian Presidency of the EU announced to have reached a trilogue agreement with the European Parliament on the proposed Regulation on geo-blocking. On 29 November 2017, the COREPER (composed of the Member States Permanent Representatives to the EU) officially confirmed the agreement for the Council, while the IMCO Committee of the European Parliament endorsed it on 4 December 2017.

The aim of the text approved is to remove barriers to e-commerce by avoiding discrimination based on customers' nationality, place of residence or place of establishment (i.e geo-blocking). The future Regulation will prevent discrimination for consumers and companies on access to prices, sales or payment conditions when buying products and services in another EU country. Services where the main feature is the provision of access to and use of copyright protected content, or the selling of copyright protected works in an intangible form are currently excluded from the scope of the Regulation.

Under the agreement, traders will not be able to discriminate between customers with regard to the general terms and conditions –including prices– in three cases:

- When the trader sells goods that are delivered in a Member State to which the trader offers delivery or are collected at a location agreed upon with the customer;
- When the trader provides electronically supplied services (e.g. cloud services, website hosting etc.);
- When the trader provides services which are received by the customer in the country where the trader operates, such as hotel accommodation, sports events, car rental, or entry tickets to music festivals or leisure parks.

Unlike price discrimination, price differentiation will not be prohibited, so traders are free to offer different general conditions, including prices, and to target certain groups of customers in specific territories. Traders will not be allowed to apply different payment conditions for customers based on their nationality. Traders will also not be allowed to block or limit customers' access to their online interface for reasons of nationality or place of residence. The Commission will have to make a first evaluation of the new rules two years after their entry into force.

NEXT STEPS:

The Council and the European Parliament will adopt the draft regulation within a few months. The Regulation will then be published in the EU's Official Journal. It will be applicable nine months after publication.

The EU steps-up its consumer protection authorities through a revised Regulation ⁹



CONSUMER

On 30 November 2017, the Council approved definitively a revision of the Consumer Protection Cooperation (CPC) Regulation. The text of the Regulation was already approved officially on 14 November 2017 by the European Parliament's plenary session as a follow-up to the trilogue agreement reached in June between the Council and European Parliament.

The text approved intends to give national enforcement authorities new powers to detect and stop online breaches of consumer protection laws and to coordinate their actions better across the EU.

The new rules aim to close existing legal loopholes due to the existence of different consumer protection systems in Europe. Investigation and enforcement powers must include, among others:

- Requesting information from domain registrars and banks to identify rogue traders;
- Purchasing goods or services as test purchases, including under a cover identity ("mystery shopping");
- Ordering the explicit display of a warning to consumers, or ordering a hosting service provider to remove, disable or restrict access to an online interface (e.g. website or app) if there are no other effective means to stop an illegal practice;
- Imposing penalties, such as fines or periodic penalty payments;
- Seeking to obtain commitments from the trader to offer adequate remedies to the affected consumers, and informing them of how to seek compensation;
- Tackling widespread breaches

The Commission will coordinate actions in cases where an infringement does or is likely to do harm to the collective interests of consumers in at least two-thirds of the Member States, accounting, together, for at least two-thirds of the EU population. Consumer organisations will also be given a pro-active role, as they will be able to flag suspected infringements to authorities.

The text approved is available here: [link](#)

NEXT STEPS:

The new CPC Regulation will enter into force within 24 months.

Food

New Commission Regulation on acrylamide to enter into force on 11 April 2018



On 20 November 2017, the [new Commission Regulation establishing mitigation measures and benchmark levels for the reduction of the presence of acrylamide](#) was published on the official journal of the EU. The new Commission Regulation will automatically apply in all Member States from 11 April 2018 onwards.

The new Regulation was approved by the EU Standing Committee on plants, animals, food and feed (composed of the Member States representatives) on 19 July 2017, while the European Parliament decided not to object to the case, therefore leading to its adoption.

The Commission Regulation proposes mandatory targeted mitigation measures for food businesses, together with benchmarks levels of acceptable acrylamide levels in food which are meant to assess the effectiveness of the mitigation measures implemented by food business operators. The text of the Regulation proposes a certain delineation between the various types of food businesses which defines the scope of application of the mitigation measures. These mitigation measures are largely inspired by the sectoral Codes of Practices proposed by the various stakeholders, including HOTREC for the annexes applicable to the hospitality sector.

NEXT STEPS:

The Commission is currently working with the Member States experts on guidelines to be issued before the Regulation starts applying in order to ensure a uniform interpretation of the new rules. Stakeholders will be consulted on the guidelines before adoption.

ACTIONS:

HOTREC will monitor the development of the guidelines on the Regulation and will keep liaising with the Commission about the issue.

HOTREC POSITION:

- *Given the potentially carcinogenic effect of acrylamide, HOTREC took its responsibility by promoting practical mitigation measures for the restaurant sector, so as to diminish acrylamide levels in food served by restaurants, without burdening them un-necessarily.;*
- *HOTREC supports the benchmark level approach of the Regulation which is largely based on its own proposal and considers that any future introduction of binding maximum levels would be inappropriate;*
- *HOTREC welcomes the Commission public announcement to provide guidelines on some of the issues requested by HOTREC.*



Plenary meeting of the EU platform for action on diet, physical activity and health ¹¹



On 30 November 2017 took place a joint meeting of the High level group on nutrition and physical activity (composed of the Member States representatives and the WHO) and of the EU platform for action on diet, physical activity and health (a forum for European-level organisations, ranging from the food industry to consumer protection NGOs, willing to commit to tackling current trends in diet and physical activity).

This joint meeting was followed by a plenary session of the EU platform for action on diet, physical activity and health.

During the joint meeting of the High level group and the EU platform, discussions were held:

- On the mid-term evaluation of the EU Action Plan on Childhood Obesity;
- On the initiatives developed by the Portuguese governments in the fight against obesity, through data collection and new regulatory (e.g. tax on sodas, prohibition of sodas in vending machines in healthcare facilities) and non-regulatory (agreement with the food industry on food reformulation) initiatives;
- A proposal by some food companies for a new “evolved nutrition labelling initiative”;
- The new Nutriscore labelling system to be applied in France on pre-packed food.

A detailed discussion on the respective merits and alleged drawbacks of the “evolved nutrition labelling initiative” and French “Nutriscore” was held between the participants.

The plenary session of the EU platform focused mostly on the commitments put forward by platform members in the area of physical activity, and in particular:

- The promotion of physical activity in children and the role of physiotherapist by the European Region of the World Confederation for Physical Therapy;
- The projects run by the European Cyclists Federation “Bike2Work: Paving the way to a healthier workforce” and the “Cycle-friendly employer certification scheme”;
- The “Let’s be active” project run by EuropeActive.

All these projects aim at increasing physical activity among various population groups and at fulfilling the Platform’s goals with regard to physical activity.

The EU platform plenary also welcomed formally HOTREC as a new member. Through its membership of the platform, HOTREC is committing to:

- Inform its members about the activities of the platform, and about the relevant best-practices shared within the platform which can potentially help hospitality businesses promote healthier nutritional habits;
- Present to the platform some of the activities carried-out by national hospitality associations and/or their members which contribute to the pursuit of healthy nutrition and the fight against obesity.
- Produce a yearly panorama of the actions developed by its members (national hospitality associations) which contribute to the pursuit of healthy nutrition and the fight against obesity, in particular in the area of food reformulation.
- Organise the sharing of best practices between its members on activities related to the platform’s cope of action.

The agenda and presentations held during the joint meeting of the high level group and of the EU platform for action on diet, physical activity and health are available here: [link](#)

The agenda and presentations held during the plenary session of the EU platform for action on diet, physical activity and health are available here: [link](#)

**NEXT STEPS:**

HOTREC will participate to the next platform's meeting and will implement its commitment.

ACTIONS:

HOTREC members shall inform the secretariat of the best-practices they developed in the field of diet and nutrition, in order for HOTREC to fulfill its commitment at EU level.

HOTREC POSITION:

- *HOTREC is committed to the sharing of best-practices between stakeholders in the view to raise stakeholders' knowledge about voluntary actions developed by the sector which contribute to the pursuit of a healthier nutrition and diet;*
- *The European hospitality industry considers that voluntary initiatives and the sharing of best-practices is the most appropriate way forward to improve nutrition and diet balances, while at the same time allowing hospitality businesses to fulfill the legitimate aspirations and expectations of their clients in terms of gastronomic diversity.*

New EU guidelines on food donations



On 16 October 2017, the European Commission adopted [EU guidelines on food donations](#). The guidelines are meant to clarify the various legal aspects of food donations in terms of EU food safety legislation, liability, taxation, etc. The European Commission hopes that this legal clarification will help the various parts of the food chain working better together and engaging in food donations to charities and food banks.

HOTREC POSITION:

- *HOTREC welcomes the new EU guidelines on food donations, which will help restaurants better understanding the legal framework to engage in food donations;*
- *HOTREC stresses that it adopted in the beginning of 2017 a set of [guidelines to help hospitality businesses reducing food waste and manage donations](#).*

Social Affairs

Pillar of Social Rights proclaimed

On 17th November 2017, the [European Pillar of Social Rights](#) was proclaimed by the three European Institutions: European Commission, European Parliament and Council of the EU at the Social Summit for fair jobs and growth in Gothenburg, Sweden. The proclamation contains a set of 20 principles focusing on the following areas: equal opportunities and access to the labour market, fair working conditions, social protection and inclusion.

The pillar constitutes a shared political commitment and the principles/rights included in it are not legally enforceable on their own – they need further legislation to be adopted at the appropriate level. The pillar also states that social partners have a crucial role to play in pursuing and implementing the principles, in accordance with their autonomy in negotiating and concluding agreements and the right to collective bargaining and collective action.

HOTREC POSITION:

- *Partnerships for reforms are necessary at European level to facilitate necessary reforms and improve coordination of national economic and social policies;*
- *HOTREC fully supports the implementation of non-legislative measures by Member States that could pass through the creation of more placements for childcare services and the elderly, with flexible time schedules;*
- *EU funds should be provided in order to overcome the problems of skills shortages and develop adequate trainings;*
- *Taxes should be shifted away from labour in order to encourage job creation;*
- *Benchmarks could be developed in order to help Member States implement certain needed reforms, with a positive impact on employment, effectiveness and sustainability of social security systems.*

Micro-enterprises ring alarm bells on Work-Life Balance



On 7 December 2017, the Employment, Social Policy, Health and Consumer Affairs Council approved a progress report on the Work-Life Balance proposal of Directive ([link](#)). The Estonian Presidency proposed the following main points:

- **Paternity leave:** maintain the compensation level as proposed by the Commission at sick-pay level. Nevertheless, this suggestion needs to be discussed further, as only few Member States agreed with the principle;
- **Carer's leave:** a payment or an adequate allowance, would be defined by Member States and social partners for this leave. Nevertheless, Member States have doubts on whether the leave will contribute to the equal treatment of women and men on the labour market;
- **Paternity leave:** reduce the number of non-transferable months to three. Nevertheless, for the moment, Member States are still discussing the topic. Member States also seem to consider that the change on the age limit to twelve years does not contribute to the objectives of the Directive, will have an impact when planning the national budgets, not to mention that a lot of national schemes are already in place. The Presidency also proposed to maintain the sick-pay level for the non-transferable months and leave the definition of “a payment or an adequate allowance” for the transferable portion to the Member States or social partners. Further discussions are necessary.



On the European Parliament side, discussions inside the political groups are taking place, in order for positions to be built upon.

NEXT STEPS:

- March 2018: draft report in the European Parliament (EP) to be presented;
- June-July 2018: Draft report to be voted;
- Possibility for the Bulgarian Presidency to reach a general approach.

ACTIONS:

- Since July 2017: lobbying campaign targeting the Permanent Representations in Brussels;
- September 2017: Meeting with the European Commission – DG EMPL;
- Since November 2017: lobbying campaign at the European Parliament targeting the following committees: EMPL, FEMM and Legal Affairs;
- 26/10/2017: Business Europe European Employers network seminar, in presence of Mr. Servoz, Director of DG EMPL;
- 23/11/2017: HOTREC officially invited to Business Europe Social Affairs Task Force Meeting: the objective was to present the main activities of HOTREC and inform Business Europe members about HOTREC position on key priorities in Social Affairs;
- 29/11/2017: Round table discussion organised by MEP Tania Gonzalez (Nordic Green Left/ Spain) – all political groups were present (namely the shadow rapporteurs of the file). HOTREC had the opportunity to express its position;
- 6/12/2017: Press Release issued ahead of the Council.

HOTREC POSITION:

- *The hospitality sector is already facing huge skills shortages. The extra leaves, will make it even harder for the sector to find the qualified staff they need;*
- *Many companies will need to pay for two salaries (a salary to the person on leave and another one to the person who is being replaced). As 91% of the 1.8 million companies of the sector are micro-enterprises, companies will probably not be able to comply with the payment of a double salary. As a consequence, many hospitality businesses will close down, as their profit margin will be too low;*
- *In the countries where governments pay for the leaves, companies are afraid that they will need to pay the costs of the leaves in an indirect way (e.g. new taxes);*
- *HOTREC thinks that women would make use of carers leave and of the extended right of parental leave. This would increase women's absenteeism at work and the gender pay gap (which is the opposite effect of the Commission's objective);*
- *Subsidiarity should prevail- each Member State knows the reasons to implement certain leaves or not. A one fits all solution is not adequate;*
- *Flexible working time arrangements should be agreed at company level between employer and employee, on a voluntary basis. SMEs and micro-enterprises would probably suffer the most, as replacement arrangements, financial costs and administrative reorganisation of work would need to be addressed by the employers;*
- *Non-legislative measures, such as caring services for the children and the elderly, open with flexible schedules (during the evening and the weekend); incentives for SMEs and Micro-enterprises (such as incentives to employ men and women who are long term unemployed); digitalisation of services and respect for private life should be largely considered;*
- *The European Commission is urged to still issue an impact assessment targeting the short term and the impact that the measures would have on businesses.*



Posting of Workers – Council and Parliament different views

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On 16th October 2017, the European Parliament voted at the Committee of Employment and Social Affairs the revision of the Directive of Posting of Workers. On 23rd October 2017, the EPSCO Council (Council for Employment, Social Policy, health and Consumer) also reached an agreement towards a general approach on the file. With regard to remuneration, by and large, both institutions defend that posted workers should receive remuneration in accordance with the host Member State law and practices (including e.g. bonuses).

Nevertheless, whereas the Parliament has included a sub-contracting clause, stating that in case Member States sub-contract, they may apply the same rules on remuneration to posted-workers, as the ones applied to national sub-contractors, the Council has decided not to include the same type of clause. Finally, whereas the Parliament has decided on a two year period for the transposition period, the Council considered a three year transposition period plus one extra year before the application of the Directive is mandatory.

NEXT STEPS:

The European Commission, The European Parliament and the Council to find an agreement through the trilogue negotiations.

HOTREC POSITION:

- *Fair wage conditions between posting and local companies in the host country should be ensured;*
- *Principle of equal pay to equal work: HOTREC proposed to use the word “remuneration” instead of “compulsory payments” defined by law and/or universally applicable collective agreements in order to decrease the wage gap between local workers and posted workers. In fact, differences between domestic workers already exist (productivity, competences, seniority, etc.). Therefore, the principle of equal pay for equal work might be difficult to achieve also taking into account that social security contributions and taxes will continue to be paid at different rates at the country of origin.*

HOTREC and EFFAT presented their 2018/2019 programme including one specific focus on the so called collaborative economy



On 4th December 2017, took place the plenary meeting of the Sectoral Social Dialogue. The plenary is the occasion for the social partners, HOTREC and EFFAT, to meet, discuss and share best practices, on topics such as Skills, Qualifications and Youth Unemployment, Collaborative Economy, Health and Safety at the Work Place, Undeclared Work. The meeting is chaired by the European Commission.

On this occasion, the representative of the employers (HOTREC) and of the employees (EFFAT) invited Mr. Henning Ehrenstein, Deputy Head of Unit of DG GROW, to update members on the awaited European Commission Guiding Policy principles on the so called collaborative economy, which come as a result of 7 workshops led by DG GROW until September 2017. With this goal in mind, EFFAT and HOTREC called the European Commission to take action as a follow-up of their previous announcement of delivering the guiding policy principles (announcement done during the Competitiveness Council on 27 February 2007) also as a follow-up of their joint press release.



The social partners also underlined the need to obtain proper statistics on accommodation and food service activities provided via collaborative economy platforms, similar to statistics on the hospitality sector, including the impact on employment. HOTREC took the opportunity to underline that the registration of the activity is essential, in order to differentiate business activities from sporadic rental activities.

During the event, social partners also had the opportunity to present the example of apprenticeship schemes developed in Austria. In the hotel and restaurant industry 8,788 apprentices were trained in 3,130 companies in 2016. The Austrian dual system consists of 80% in company training and 20% studying at vocational school and ensures a practice oriented training. This was a leading example of how social partners can further develop their apprenticeship schemes at national level. The development of skills and the encouragement

The meeting counted with the presence of the following Members that we take the opportunity to thank for their commitment to the hospitality social dialogue: Jean-Marc Banquet d'Orx (chair of the SSD), Istvan Kovacs (HHRA/Hungary); Andrew Agius Muscat (MHRA/Malta); Dave Danckaerts (Horeca Vlaanderen/Belgium); Angelo Candido (Federalberghi/Italy); Andrea Stoccoro (FIPE/Italy); Emilie Westersø (Horesta/Denmark); Lajos Borocz (VIMOSZ/Hungary); Gerold Royda (APHA/Austria) and Krzysztof Szadurski (IGHP/Poland), Marta Machado (HOTREC) and Christian de Barrin (CEO of HOTREC).

NEXT STEPS:

HOTREC-EFFAT Work-Programme 2018-2019 to be implemented, which will focus on Collaborative Economy, development of skills, the implementation of an online interactive assessment tool, and the continuation of the promotion of the European Hospitality Skills Passport.

Tourism

HOTREC promotes in the European Tourism Day the need for funding to skill the industry's workforce and to engage the industry further towards sustainability



On 28 November took place the 2017 European Tourism Day dedicated this year to the future of tourism. The one day event was structured around a general political debate on the future of tourism featuring, among others, a representative of the Estonian Presidency of the EU, the Deputy Minister for Tourism of Bulgaria and the Vice-chair of the European Parliament TRAN Committee MEP István Ujhelyi.

It was then followed by various panel discussions, a VIP debate between MEP Claudia Monteiro (Chair of the Working Group on Tourism in SME Europe) and MEP Claudia Tapardel (Chair of the European Parliament tourism intergroup) and a speech from Commissioner Bienkowska, responsible for the Internal Market, Industry, Entrepreneurship and SMEs. HOTREC President, Ms. Susanne Kraus-Winkler, participated as panellist in the first discussion on the "Future tourism priorities and areas for investment at national, regional and European level".

Ms. Kraus-Winkler pointed out to the need to invest further at EU level on tourism. Mrs. Kraus-Winkler also emphasized the need to increase available EU and national funding to support the private sector's investments in four areas: digitalisation of the sector, sustainability & energy efficiency, accessibility and skills. She also stressed that the Member States should keep VAT low on hospitality services in order to support the sector's own possibility to invest and stay competitive on the global tourism market. She also stressed that EU's action and support is the most needed concerning investments in sustainability, as climate change is a global societal phenomenon, the risks of which have to be mitigated jointly at European level.

The other panel sessions were dedicated to the transformation of the tourism sector (with a particular focus on Businesses' adaptation to the evolution of tourism models and consumer expectations and the impact of changing tourism models and consumer expectations on local communities), and to future partnership models and cooperation in tourism.

The Conference, which was webstreamed and recorded, can be watched at the following link:

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The agenda and discussion papers for the European Tourism Day can be found here: [link](#)



ETIAS aims at assessing whether a visa-exempt third country national who intends to travel to Schengen potentially constitutes irregular migration, security or public health risk before the person arrives to the external border at a border crossing point. On 19 October 2017, ETIAS was voted at the LIBE Committee, at the European Parliament (Committee of Civil Liberties, Justice and Home Affairs). On the Council side, a general approach was adopted at the Justice and Home Affairs Council, on 9th June 2017.

In terms of scope, both the European Parliament and the Council agree that ETIAS should apply to third country nationals who are exempt from visa requirements (even though the Council has added that it should also apply to those who are exempt from airport transit visa requirements).

With regard to the fee, the Council had decided that all applicants above the age of 12 should be required to pay a fee of 5 euros. The Parliament has decided that an authorisation fee of 10 EUR should be paid by the applicants. Nevertheless, some exemptions were tabled, namely to: applicants under eighteen years of age; applicants over sixty years of age; students, post-graduates, amongst others. Both institutions agreed that the authorisation should have a validity of three years.

With regard to revenues, the Parliament decided that any revenue remaining after covering the cost of the development of the ETIAS and the recurring costs of its operation and maintenance shall be assigned to the Union budget. On this point the Council decided that revenues shall be assigned to cover the costs of the operation and maintenance of ETIAS.

NEXT STEPS:

Trilogue negotiations between the Council, the European Parliament and the Commission to find a solution.

ACTIONS:

NET letter to be sent to all Permanent Representations in Brussels and the European Parliament.

HOTREC POSITION:

- *HOTREC believes that the Schengen Area is one of the biggest achievements of the EU;*
- *But, Europe needs to maintain security, while keeping Europe open;*
- *The fee to be paid by travellers exempted of a visa requirement, should be kept in a minimum level (not more than 5€). The fee should only cover the maintenance expenses of the system;*
- *The application process must be user-friendly and in the language of the applicant – see NET amendment proposal; - Sufficient advance notice must be given through an awareness-raising campaign and phased-in implementation – maintain Commission proposal.*

Schengen news and visa policy



EU Ministers of Interior held a debate in October 2017 on the European Commission proposal reforming the Schengen Border Code as a way of replying to the new security threats. The reform was requested by France and Germany, as well as by other countries operating controls in certain parts of their borders, namely Sweden, Denmark, Austria and Norway. The proposal extends the duration of the closer of the borders from six months to one year. The Commission proposal also stipulates that the decision is necessary after a year if these countries want to renew these measures. Further discussions will continue on the topic at Council level.

With regard to Visa Policy, the European Commission has withdrawn from the negotiating table, by the end of October 2017, the proposals to revise the Visa Code and the Touring Visa that were being discussed in trilogue negotiations by the Commission, the European Parliament and the Council. In the Commission Working Programme, it is foreseen that a new proposal from the Commission will be issued on the Visa Code in the first quarter of 2018.

With regard to visa reciprocity, it is to note that from 1 December 2017 onwards, Canada has lifted the visa requirements for Bulgarian and Romanian citizens. The European Commission continues intensive diplomatic talks with the U.S. in order for the visa reciprocity to fully apply to all citizens of the Schengen space when entering the U.S (this is not the case for the moment with regard to the following countries: Bulgaria, Croatia, Cyprus, Poland and Romania).

ACTION:

- 20th October 2017: NET (the Network for the European Private Sector in Tourism) from which HOTREC is part attended a meeting with the European Commission to express its views on the Visa Code reform;
- A public consultation is online until 2 February 2018 ([link](#)) – HOTREC and HOTREC members to reply.

HOTREC POSITION:

- *HOTREC believes that the freedom of movement is one of the fundamental freedoms of the EU, but is aware that security threats also need to be taken into account;*
- *With regard to the Visa Code, HOTREC fully supports the Commission proposal of the reform issued in 2014. Simplicity of systems will allow more tourists to come to Europe, increasing at the same time the propensity for the hospitality sector to increase growth and jobs;*
- *The proof of accommodation shall not be the single mandatory document to be presented when applying for a visa. The possibility of showing proof of means to cover the accommodation should as well be included in the legislative proposal, as an option of document to be presented, in order to avoid eventual situations of “fake” travellers who finally do not show up in the hotels;*
- *HOTREC welcomes the full visa reciprocity between Schengen and Canada and calls the Commission to continue diplomatic talks with the U.S. on the matter.*

Data Protection

E-Privacy Regulation voted at the European Parliament

The E-Privacy Regulation was voted at the LIBE Committee (Committee of Civil Liberties, Justice and Home Affairs) at the European Parliament on 19th October 2017. On the 26th October 2017, the plenary session of the Parliament confirmed the vote of the committee. The main outcome of the vote (link) counts with the following main points:

- The Parliament's mandate sets high standards of privacy, confidentiality and security in electronic communications across the EU;
- Direct market communication require prior consent. But companies are allowed to contact former clients by e-mail for direct market purposes;
- A ban on "cookie walls", which blocks access to a website or apps if the person does not agree to his or her data being used by the site;
- Software suppliers to configure software in such a way as to protect privacy and ban monitoring of domain and storage of information on terminal by third parties;
- Snooping on personal devices via cookies or software updates should be prohibited. But no consent is needed, for instance, to remember items in a shopping basket;
- Metadata should be treated as confidential;
- Data should only be used for the purpose of which consent has been given by the individual.

NEXT STEPS:

- The Council of the EU to issue a general approach;
- Trilogue negotiations between the Commission, the European Parliament and the Council.

HOTREC POSITION:

- *HOTREC believes that the Commission proposal is balanced and proportional;*
- *It is of crucial importance for the hospitality sector that direct market done by e-mail targeting former clients is possible– this is one of the outcomes of the negotiations of the General Data Protection Regulation and should be kept in this way.*

Accessibility

Council reaches General Approach on European Accessibility Act

On 7 December 2017, the Employment, Social Policy, Health and Consumer Affairs Council of the European Union adopted its general approach on the European Accessibility Act.

According to the proposal of the Council, similarly to the approach of the European Parliament, micro-enterprises should be excluded from the scope of the future Directive. Contrary to the European Parliament's position, the Council does not consider the inclusion of tourism and accommodation services in the scope of the Directive. Regarding e-commerce, the Council would explicitly specify that it intends to limit the scope of e-commerce services to only to business to consumer transactions.

The Council also proposes indicative examples of how the accessibility requirements could be complied with. For those enterprises, which consider compliance to pose a disproportionate burden, the Council proposes benchmarks to make the relevant assessment. It includes criteria for one-off costs, like acquiring competences on accessibility, as well as for costs related to ongoing production and development costs, like costs related to the design of the accessibility features of the service.

NEXT STEPS:

Negotiations between the European Parliament and the Council will start soon aiming at reaching a first reading agreement on the future Directive.

ACTIONS:

HOTREC submitted its position following the EP plenary vote of 14 September 2017 to the Permanent representations and will be in contact with the European Parliament and the Council in the course of the upcoming negotiations.

HOTREC POSITION:

- *Hospitality establishments are more and more adapting their services to the requirements of people with disabilities. Such adaptation is facilitated by the numerous national regulations across the EU.*
- *HOTREC considers, that, especially taking the huge share of small and micro enterprises into account, regulations demanding accessibility adjustments are best placed at national level, where the bearing capacity of such enterprises can be best taken into account.*
- *HOTREC welcomes the Council approach, which does not include in the scope tourism and hospitality services.*
- *HOTREC also welcomes further clarifications on the adaptation requirements, in order to facilitate compliance, however all available technological possibilities should be borne in mind avoiding investments in outworn solutions.*

Health

Cyprus best practices to curb alcohol related harm

On 7th and 8th November 2017, the Policy department of the Cyprus anti-drugs Council presented its best practices to curb alcohol related harm, at the Committee on National Alcohol Policy and Action.

Overall, the anti-drugs Council presented the following goals and tasks:

- Goal of reduction accessibility and availability of alcohol for vulnerable groups;
Action: monitoring the licensing system to monitor alcohol production; stricter enforcement of current legislation; revision of legislation (provisions for personal training on responsible selling and serving; clear age verification system; stricter sanctions; annual publications of non-compliant cases; change legal age limit from 17 to 18);
- Goal of reduction of drink and driving;
Action: reduction of BAC limit to 0.09 mg/ml for novice drivers, professional drivers, motorists and cyclists; breath testing; stricter penalties and fines;
- Goal of reduction of alcohol consumption among young people and prevention of heavy drinking;
Action: enforcement of taxation system for alcohol beverages based on alcohol type and volume and enforcement of tax legislation and controls at border to minimize illegal trade;

The Cypriot government has as a priority for 2017-2020 the reduction of heavy episodic drinking among children and young people. The current actions count with:

- Training in responsible sale and serve of alcohol and good practices in harm reduction for hospitality professionals and event/festival organisers;
- Promote and develop action amongst young people in schools;
- Develop and integrate information on alcohol related harm in academic curricula for professionals working with young people;

HOTREC POSITION:

- *HOTREC strongly supports and encourages members to implement measures that enforce age limits when serving and selling alcohol and develop information programmes on responsible drinking as part of its commitment to the European Alcohol and Health Forum;*
- *HOTREC believes on the advantages of the Alcohol Forum, as a platform of exchange of good practices. HOTREC hopes that the plenary meetings will restart being called upon by the European Commission in the upcoming months.*



Sustainability

Revision of the energy performance of building Directive: towards mandatory charging stations in non-residential buildings?



The European Commission, European Parliament and Council's Presidency are currently negotiating a possible trilogue agreement on the revision of the Directive on the energy performance of building which would make mandatory the installation of at least one charging station (for electric cars) in all new non-residential buildings and all non-residential buildings undergoing major renovation works which have more than 10 parking spaces.

The European Commission, European Parliament and Council's Presidency are currently negotiating a possible trilogue agreement on the revision of the Directive on the energy performance of building which would make mandatory the installation of at least one charging station (for electric cars) in all new non-residential buildings and all non-residential buildings undergoing major renovation works which have more than 10 parking spaces.

Based on a Commission proposal from 30 November 2016, the European Parliament plenary and the Council already adopted their initial position respectively on 26 October 2017 and 26 June 2017. All three institutions already seemed in agreement before the start of the trilogue negotiations on the principle to impose one charging station for electric cars in both new non-residential buildings and non-residential buildings undergoing major renovations and which have more than 10 parking spaces.

However, the Council and the European Parliament are still discussing additional details such as:

- Conditions for the installation of pre-cabling which would allow to install at a later stage additional charging stations;
- A possible generalisation of the obligation to all commercial non-residential buildings with more than 10 parking spaces by 2025.

Both the initial positions of the Commission, Parliament and Council include an option for Member States to fully exempt from the obligations regarding charging stations the buildings owned and occupied by SMEs.

Trilogue meetings are currently ongoing to try to bridge the gaps between the positions of the European Parliament and Council.

NEXT STEPS:

The Council's Presidency and European Parliament will try to reach an agreement in trilogue on a common final text of the revised Directive.

ACTIONS:

HOTREC will inform its members as soon as the revision of the Directive is completed, in order for them to ask their governments to apply the optional SME exemption currently considered by the Council and European Parliament.



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Taxation

Study on the impact of taxation on tourism unveiled

On 9 November 2017, PricewaterhouseCoopers LLP presented in the European Parliament the main outcomes of their study on the 'Impact of taxes on the competitiveness of European tourism'. The document analyses several tourism related taxes across Europe, including corporate and personal income taxes, real estate taxes, VAT, occupancy taxes and other tourism specific taxes and levies. PwC made also use of some case studies to demonstrate the impact of the various taxes.

The report identifies the occupancy taxes as the most obvious form of tourism related tax. Such taxes are levied in 18 MSs, while mostly the Nordic countries are not making use of such taxes. The report mentions that such occupancy taxes often partly offset the benefit of reduced VAT rates.

The PwC study also provides for some recommendations, especially in relation to the occupancy taxes. In general, the study sees a strong economic case for the application of reduced taxes to improve competitiveness of destinations. Among the recommendations, the report suggests that occupancy taxes should be levied with the full involvement of the tourism industry to ensure better compliance and acceptance. Furthermore, regarding the growing sharing economy, tax compliance regarding occupancy taxes is considered important to avoid inequity on the market.

Statistics

Study on the impact of taxation on tourism unveiled

Young Europeans on tour: This publication shows that 2/3 of the young people aged between 15 and 35 years participated in tourism, compared to 60% of people aged above 35. At the same time their average trip is shorter than for the older age group accounting to 4,8 and 5,5 nights respectively. The summary also provides for data on the modes of transport used.

Eurostat overview on tourism trips of Europeans: This publication provides for different insights into the various aspects of the tourism trips, their characteristics, expenditure, seasonality among others.

HOTREC General Activities

Next Meetings and General Assemblies

In the coming months, HOTREC will organise and/or participate to the following meetings.

- 1 January 2018 – 31 December 2017: European Year of Cultural Heritage
- 1 January 2018 – 31 December 2017: EU-China Tourism Year
- 22-23 March 2018 (Lisbon, Portugal): ISO TC 228 WG14 meeting.
- 26-27 April 2018 (Vienna, Austria): HOTREC 76th General Assembly
- 18-19 October 2018 (Krakow, Poland): HOTREC 77th General Assembly



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