

# Live from Brussels - Issue 74 - 10 February 2016

### **TABLE OF CONTENTS**

Articles of your interest

### **GENERAL POLICY ISSUES**

> Interview of Mr. Alain Dupeyras, Head of Tourism at the OECD

### **ONLINE DISTRIBUTION**

- German competition authority declared narrow parity clauses of Booking.com as anti-competitive
- > Key principles on comparison tools agreed between stakeholders

#### **DIGITAL ISSUES**

- > European Parliament calls again to protect consumers in the 'Sharing' economy
- > Public consultation unveils problems when dealing with online platforms

#### **FOOD**

- > Food reformulation and nutrition top the agenda of the EU's Dutch Presidency
- Official controls: update on the trilogue negotiations

#### **DATA PROTECTION**

> Agreement reached between the Council and the Parliament

### **CONSUMER AFFAIRS**

- > Commission report on the evaluation of the Timeshare Directive
- > The EU Regulation on Online Dispute Resolution enters into force

### **SUSTAINABILITY**

- > Managing and promoting sustainable and accessible destinations
- > HOTREC participates to the NEZEH 2016 International Conference

## **TOURISM**

- > European Tourism Day
- > Protecting Europe's External Borders

### **SOCIAL AFFAIRS**

Commission consultations ongoing

## **COMPETITION**

> EU competition inquiry against McDonald for abuse of dominant

### **STATISTICS**

Europe tops growth in international tourist arrivals in 2015

#### **GENERAL ACTIVITIES**

Meetings and General Assemblies

Articles of your interest

## **GENERAL POLICY ISSUES**

Interview of Mr. Alain Dupeyras, Head of Tourism at the OECD



Mr. Alain DUPEYRAS is Head of Tourism at the OECD (Organisation for Economic Co-operation and Development), and manages, with the support of governments, the work of the Tourism Committee.

The OECD Tourism Committee helps member and partner countries develop policies that address major challenges faced by the industry (e.g. competitiveness, quality jobs and skills, innovation, sharing economy, travel facilitation, taxation), promotes an integrated governmental approach to tourism (effective policies for tourism growth), contributes to improved measurement and analysis of tourism services (e.g. Tourism Satellite Account, competitiveness indicators, impacts of tourism at regional level), and enhances international co-operation in tourism.

HOTREC asked Mr. Dupeyras to share his views about some of the challenges that the tourism industry is currently facing at global level.

According to the 2014 Report on Tourism Trends and Policies 2014, OECD countries still account for over half of international tourism arrivals (57%) and spending (54%) but are losing market share, notably to the Asia-Pacific region. In addition to facilitating visa and entry formalities in order to attract more tourists from emerging economies (such as China) what other measures could be put in place by OECD countries to attract more tourists and, thus, stop losing market share?

Tourism is a large and fast growing sector in the world economy and a valuable source of job creation, economic growth, export revenue, and domestic value added. While OECD countries have been losing market shares over the past decades, OECD Tourism Trends and Policies 2016 highlights that in 2014 the global tourism growth was in fact largely driven by a resurgence in arrivals to OECD countries. Despite this, up to 2030, international tourist arrivals to emerging economies are projected to grow at double the rate of that in advanced economies.

This is why the OECD is actively working with governments to design and implement integrated (whole-of-government) policy responses that will help to ensure that tourism remains a competitive sector and continues to grow sustainably in the years to come. In particular, we are advocating a stronger policy coherence, a longer-term approach, and robust public-private partnerships. Through our policy forum, we permanently share good policy practices in areas such as effective governance mechanisms, digitalisation of tourism and new business models, better connectivity and multimodal transport experiences for tourists, innovative mechanisms for financing tourism SMEs, green innovation in tourism, and service quality and skills developments, just to name a few.

Most countries in the EU apply since years reduced VAT rates on many tourism related activities, including also accommodation and restaurant services. Did the OECD assess/measure any positive impact of applying a low level of VAT and taxation in general on tourism related services?

The work of the OECD Tourism Committee (Taxation and Tourism) sought to contribute to the emerging policy debate on taxation and tourism, by examining the rationale and concerns from both a government and industry perspective, and by providing comparative information in the form of an inventory of tourism-related taxes, fees, and charges.

The inventory analysed taxes related to arrival and departure; air travel; hotel and accommodation; reduced rates of

consumption tax; environment; and incentives. At the time of the study, reduced rates of consumption tax for tourism-related activities focused primarily on hotels and restaurants.

From a government perspective, the rationale for reduced rates for many countries was to support overall development, job creation and growth in the tourism industry. From an industry perspective, there was the view that the lack of a reduced rate, or the existence of a higher reduced rate relative to competitor destinations, could negatively impact upon the competitiveness of destinations.

Our work underlined the lack of robust monitoring, evaluation and analysis of the impacts of existing taxes and incentives on tourism. This combined with a more collaborative approach with industry towards tourism taxation could also assist governments in defining the optimal taxation system for tourism.

The so-called "sharing" economy has risen over the last years, posing challenges to both markets and regulators. How does the OECD envisage the development of the "sharing" economy and which could be the way forward vis-à-vis the regulated accommodation sector?

The rapid growth of peer-to-peer and shared usage platforms is giving people new options for where to stay, what to do and how to get around. These platforms have adopted differing business models - some closely mimic traditional commercial activities, while others appeal to users' sense of community.

The OECD is working with governments to find a way to harness the opportunity to stimulate innovation and support the expansion and development of tourism as a whole. At the same time, these developments raise new policy questions regarding the nature of the competitive environment and implications for existing providers; the extent to which consumer protection and regulatory frameworks are fit for purpose; and the taxation of sharing economy activities.

We believe the growth of the sharing economy may present an opportunity to reassess the overall regulatory framework for the tourism sector, for example, to ensure it best responds to the current realities in the sector and optimises opportunities for the future. The OECD's work seeks to outline a path forward for policy makers on these issues.

## **ONLINE DISTRIBUTION**

### German competition authority declared narrow parity clauses of Booking.com as anti-competitive

On 23 December 2015, the German competition watchdog (Bundeskartellamt) banned in Germany parity clauses applied by Booking.com in its contracts with hotels, including the so-called narrow parity clauses, which are applied across Europe to hotels by Booking.com. Such narrow parity clauses, allowing the hotel to offer different rates on other distribution channels, but still prescribing that the prices which they display on their own websites may not be lower than on Booking's hotel portal, were the response of Booking.com to several competition authorities' concerns on the previously applied general or wide parity clauses, which prohibited better conditions on any other distribution channel.

The Bundeskartellamt found that the so-called narrow best price clauses also restrict both competition between the existing portals and competition between the hotels themselves. Firstly they infringe the hotels' freedom to set prices on their own online sales channels. There is little incentive for a hotel to reduce its prices on a hotel booking portal if at the same time it has to display higher prices for its own online sales. Secondly, it still makes the market entry of new platform providers considerably difficult.

The Bundeskartellamt declared, inter alia, that narrow parity clauses very much restrict the entrepreneurial freedom of hoteliers, especially in setting prices freely. As hoteliers in practice do not make use of offering lower prices on other channels, not to have the highest prices on their own sites, there are also no incentives for Booking.com to reduce commission rates or to offer any other better contractual conditions.

Booking.com appeals to the decision, however it does not have an effect of suspension on the decision.

The Bundeskartellamt also announced that it continues its investigations against similar clauses in the contracts of Expedia. HRS, the third major Online Travel Agent in Germany has been forbidden to apply parity clauses in their contracts since January 2015 already.

## Next steps

The appeal of Booking.com will be analysed by the Duesseldorf Higher Regional Court, which on 9 January 2015 confirmed the decision of the Bundeskartellamt banning the parity clauses applied by HRS.

#### **Actions**

HOTREC is launching, with the active involvement of its Member Associations and thus the individual hotels, the repetition of its European hotel distribution study of 2014, analysing the European hotel distribution market developments.

#### **HOTREC** position

- HOTREC welcomes the decision of the German Bundeskartellamt, which is a crucial step to restore entrepreneurial freedom for hoteliers;
- HOTREC hopes that the decision, which was taken following an in-depth analysis based also on EU law, will make
  practice in other countries as well, allowing for hoteliers across Europe to set the prices and conditions of selling
  their own services freely.

## Key principles on comparison tools agreed between stakeholders

In a recent meeting between relevant stakeholders and operators of comparison tools, the text of the key principles on Comparison tools had been finalised. The core principles derive from the provisions of the Unfair Commercial Practices Directive. The principles include inter alia:

- Impartiality of comparisons and identification of advertising, including paid for ranking;
- Transparency about the business model;
- Accuracy of information on availability, including reference whether information refers to availability on the platform or overall;
- Explanation of criteria for the different rankings;
- Trustworthiness of user reviews and ratings;
- Availability of contact details, including postal and e-mail address.

The principles are the result of lengthy discussions between stakeholders working in the domain of various comparison tools and the European Commission. The principles shall also be reflected in the soon to be available updated Guidance to the Unfair Commercial Practices Directive and shall help enforcers on the implementation of the Directive.

#### Next steps

The final text will be made available to all stakeholders, as well to national authorities responsible for the enforcement of the Unfair Commercial Practices Directive.

#### Actions

HOTREC has been participating to the discussions and several points of its Benchmarks of Fair Practices in Online Distribution could be put through in the discussion.

### **HOTREC** position

- HOTREC welcomes the finalisation of the key principles on comparison tools, which represent several of the points which were important for the hospitality industry.
- The adoption of the principles is a good steps towards more transparency in the domain of comparison tools, however the proper implementation of the operators will be crucial in order to make the work of the stakeholder group a fruitful one.

## **DIGITAL ISSUES**

### European Parliament calls again to protect consumers in the 'Sharing' economy

On 19 January 2016 the European Parliament adopted a resolution 'Towards a Digital Single Market Act'. In this resolution

MEPs ask the Commission to assess the need to protect consumers in the sharing economy and to ensure the adequacy of consumer-related rules in the digital sphere. Thus the safety of consumers is emphasised in the report as well as the responsibility of companies in the 'sharing' economy to discourage illegal activities.

With regard to platforms MEPs support the European Commission in its analysis on the role of platforms to identify confirmed and well-defined problems and to ensure a consistent approach in solving those issues. The European Parliament also would like to see it ensured that a level playing field and fair and effective competition between online platforms exist in the market and to avoid the creation of monopolies.

Furthermore, platforms liability shall include the removal of illegal content and information from their sites and that reasonable measures are taken against the sale of illicit content and goods.

#### Next steps

The final text will be made available to all stakeholders, as well to national authorities responsible for the enforcement of the Unfair Commercial Practices Directive.

### **Actions**

HOTREC has been participating to the discussions and several points of its Benchmarks of Fair Practices in Online Distribution could be put through in the discussion.

### **HOTREC** position

- HOTREC welcomes that following the European Parliament resolution on tourism of October 2015, MEPs further emphasise in another report the need for consumer protection in the 'sharing' economy.
- HOTREC also shares the concerns of the MEPs with regard to the role of platforms, and looks forward to the appropriate next steps of the European Commission also following its public consultation on the role of online platforms.

## Public consultation unveils problems when dealing with online platforms

On 26 January 2016, the European Commission made available the first preliminary trends in the results of the public consultation carried out in the last months of 2015 on online platforms and the 'collaborative economy'.

According to these results, a large majority of respondents have encountered or are aware of problems faced by consumers or suppliers when dealing with online platforms. Most stated the lack of transparency, especially when it comes to search results, the clarity about the supplier and reviews mechanisms.

With regard to the 'collaborative economy' uncertainty about the rights and obligations of users and providers seem to be a key obstacle hampering the collaborative economy, according to all types of respondents. While businesses operating in the collaborative economy and public authorities seem to favour more guidance and better information on the application of existing rules as a policy response, regulated service providers are more in favour of new rules for the collaborative economy.

Jurky Katainen, Vice-President of the European Commission highlighted in a press conference on 28 January the importance for the need of compliance with consumer protection and fiscal obligations on the terrain of the collaborative economy, as well as the need for appropriate insurances wherever needed. The ministers of the Competitiveness Council agreed that also European solutions are needed, not to have 28 different solutions in Europe on the matter.

#### Next steps

The European Commission will prepare a guidance on how existing EU law applies to collaborative economy business models by mid-2016.

#### Actions

With regard to the 'collaborative' or 'sharing' economy, HOTREC has developed its Chart of 10 steps towards a sustainable and responsible 'sharing' economy. It is now mainly up to the Member Associations of HOTREC to make the most use of it at national level to drive the proper treatment of the industry's key concerns at national level. HOTREC will continue being in contact with the European institutions and explaining these concerns at European level.

### **HOTREC** position

- HOTREC contributed with detailed responses to the public consultation of September 2015.
- HOTREC shared with the European Commission its concerns in relation to the dominant role of platforms as well as to the developments in the 'sharing' economy.

## **FOOD**

## Food reformulation and nutrition top the agenda of the EU's Dutch



The new Dutch Presidency of the EU (01/2016-06/2016) puts high on its agenda the issue of nutrition and food reformulation (i.e. reduction of salt, energy and saturated fats). In particular, it is currently seeking the support of Member States, the World Health Organisation, food business operators and NGOs on a Roadmap for Action on food product improvement.

HOTREC CEO, Christian de Barrin, and HOTREC Public Affairs Manager, Alexis Waravka, will meet the Dutch Presidency of the EU to discuss this roadmap and to present the initiatives already developed by HOTREC members on nutrition in restaurants and food reformulation. The first draft of the roadmap recognises that:

- every approach to the issue should respect cultural differences in taste and eating behaviour;
- some Member States are already developing many initiatives and already achieved a lot, while others are only starting to work on the issue;
- SMEs often lack the resources or skills to work on food product improvement;
- New mandatory responsibilities for informing consumers SMEs would hit hard SMEs and be counterproductive.
   However, specific attention could be given to raising awareness and sharing knowledge and best practices for SMEs.

#### Next Steps

This roadmap, once finalised with the authorities and stakeholders endorsing it, should be released publicly, with the list of supporters, during a high-level conference to be organised on 22/23 February 2016, in order to push for a stronger common approach to improve the quality of foodstuffs.

### **Actions**

HOTREC will participate to the high-level conference organised by the Dutch presidency of the EU.

#### **HOTREC** position

- HOTREC considers that initiatives taken at EU level on food reformulation in restaurants should focus on raising SMEs awareness and sharing best practices, as imposing additional legislation on restaurants is unworkable. Focus should be put on pre-packed food;
- New obligations imposed on the restaurant sector, which is composed in its vast majority of micro-enterprises should be avoided, as they would inevitably lead to unstainable costs and administrative burdens;
- Public authorities' focus should be on consumption in un-controlled environment;
- HOTREC considers that public awareness measures should prevail on this matter (education rather than legislation).

Official controls: update on the trilogue negotiations



Following the adoption by the Council of a political agreement on 26 October 2015 on the Official Controls Regulation, the Luxembourg Presidency of the EU initiated the trilogue negotiations with the European Parliament. The most important aspect of this regulation for the hospitality industry concerns the financing of official controls in food business operators (i.e. hygiene inspections).

A series of trilogue meetings took place throughout December 2015. However, the Luxemburgish Presidency of the EU could not secure an agreement before the end of its term, meaning that it is now up to the new Dutch presidency of the EU (01/2016-06/2016) to reach an agreement in trilogue. The new EU Presidency therefore organised a new trilogue meeting on 27 January 2016, after which the Presidency debriefed the COREPER about the negotiations on 29 January 2016.

#### Next Steps

Additional meetings are foreseen in March and April, meaning that a breakthrough in the negotiations is not expected before end of April or beginning of May. If such an agreement takes place, the Council will be asked to confirm it in a common position, before the European Parliament formally endorses it in a quick 2nd reading.

#### Actions

HOTREC, which is in contact with the office of the new MEP rapporteur will inform its member associations as soon as an agreement is reached in trilogue.

### **HOTREC** position

- Restaurants provide solely local services: an EU obligation to charge inspection/control fees would breach the subsidiarity principle;
- HOTREC therefore calls on the trilogue negotiators to ensure that Member States remain free to decide at national level how to finance official controls in restaurants, as provided by both the European Parliament and Council initial positions.

## **DATA PROTECTION**

## Agreement reached between the Council and the Parliament



On 16th December 2015 the European Parliament and the Council reached an agreement during the trilogue negotiations of the proposal for a Regulation on Data Protection.

Overall, the main results with an impact on the hospitality sector were as follows:

- The Data Protection Officer (DPO) is not made compulsory for companies whose core business is not data processing. Nevertheless, the DPO is mandatory if required by Union or Member State Law;
- Standardised icons produced by the controller with the objective of providing certain information to the data subject are voluntary;
- The risk based approach is based on the need for the controller (e.g. hotelier) to implement appropriate measures
  and be able to demonstrate compliance with the Regulation. Risk should be evaluated on an active assessment;
- Direct market is possible meaning that hotels and restaurants can contact old clients for marketing purposes (e.g. promotions; newsletters, etc.)

#### Next steps

- The Regulation will be formally approved by a plenary session of the European Parliament (probably April) and by the Justice and Home Affairs Council meeting (probably in March);
- After that, the Regulation will be published in the Official Journal of the EU;
- The Regulation will be directly applicable in all Member States two years after the publication at the Official Journal.

#### **HOTREC** position

HOTREC welcomes the outcome of the negotiations on the Data Protection Regulation as both the European Parliament and the Council took HOTREC's major concerns into account.

## **CONSUMER AFFAIRS**

## **Commission report on the evaluation of the Timeshare Directive**



On 16 December 2015, the European Commission released a report on the evaluation of the Timeshare Directive.

The report considers that the Directive improved the legal environment for timeshare products and that there is no need to modify either the scope or the provisions of the Directive. It also suggests public authorities, particularly in Spain, to tighten enforcement of existing legal provisions. The report does not mention any problem concerning the specific derogation granted to hotels for multiple reservations.

The report is available here: link

### **HOTREC** position

- HOTREC considers that the current Timeshare Directive does not need any revision, as it delivers solid results in terms of consumer protection.
- HOTREC also welcomes that the report did not identify any specific issue with regard to the specific derogation granted to hotels for multiple reservations.

## The EU Regulation on Online Dispute Resolution enters into force

On 9 January 2016, most provisions from EU Regulation 524/2013 on Online Dispute Resolution (ODR) entered into force. The ODR Regulation applies to disputes concerning online sales and service contracts concluded online between consumers residing in the EU and traders



established in the EU. The Regulation makes it mandatory for traders which engage in online sales and services contracts to provide on their websites an electronic link to an EU ODR platform created by the Regulation.

The aim of this ODR platform is to offer a simple, efficient, fast and low-cost out-of-court solution to disputes relating to online sales and services contracts. In particular, it will:

- provide general information regarding out-of-court resolution for such disputes;
- allow consumers and traders to submit complaints by filling in an electronic complaint;
- transmit complaints to the competent Alternative Dispute Resolution (ADR) entity; and
- offer, free of charge, an electronic case management tool which enables ADR entities to conduct the dispute resolution procedure online, without requiring the physical presence of the parties.

### Next Steps

This ODR platform will start functioning as of 15 February 2016. It is accessible at the following link: http://ec.europa.eu/consumers/odr/

#### **Actions**

National associations should inform their members about the new ODR platform and about the obligation to provide this information on their website for contracts concluded online.

## SUSTAINABILITY

## Managing and promoting sustainable and accessible destinations



On 28 January 2016, the European Commission organised a High-Level Conference on "Managing and Promoting Sustainable and accessible tourism destinations".

The objective of the high level conference was to:

- Present the results of the European Tourism Indicators System (ETIS) pilot phase, including recommendations on how to improve these indicators;
- Identify policy priorities for accessible tourism in destinations in particular focusing on accommodation, transport, attractions and customer satisfaction.

For this reason, the event combined a conference on the European Tourism Indicators System (ETIS) and a workshop on

accessible tourism.

The European Tourism Indicators Systems aims to contribute to improving the sustainable management of a tourism destination by providing tourism stakeholders with an easy and useful toolkit made up of indicators based on economic, social, cultural & environmental criteria. To download the toolkit follow link.

The development of the ETSI is one of the key initiatives set out in the tourism implementation plan of 2010 for the development of sustainable, responsible and high-quality tourism in Europe.

At the Conference, the destinations that have piloted the ETSI presented their views on the functioning of the system. Most of the pilots agreed that the system is a very useful tool in order to measure and improve the sustainability of a destination. However, they also pointed out that the toolkit should be simplified as there are too many indicators and, in many occasions, it is difficult to gather the data needed to measure the sustainability of a destination.

Other pilots made reference to the difficulties of creating a "destination profile" as well as to the complexity of involving all possible stakeholders (local authorities, accommodation services) linked to tourism in a particular destination. According to the majority of the destinations the toolkit needs more promotion.

The feedback/comments of the pilots are very important to adapt and improve the toolkit.

Accessibility was mentioned also as a key component to manage and promote successfully a tourism destination.

#### Next steps

The new revised/adapted toolkit will be presented in the end of March 2016.

#### **HOTREC** position

- HOTREC and the hospitality industry are fully committed to fostering a sustainable and responsible tourism;
- HOTREC welcomes the development of Commission initiatives such as the ETSI as long as these tools are kept voluntary and do not impose extra burden on businesses.

### **HOTREC** participates to the NEZEH 2016 International Conference



On 20 January 2016, HOTREC participated to FITUR 2016 International onference on "Nearly Zero Energy Hotels: the Potential for Change". This event follows-up on the Nearly Zero Energy Hotels 2015 Conference organised in Nice on 24 June to which HOTREC also participated.

HOTREC CEO, Christian de Barrin, participated as a speaker to session 3 of the event "Information is Power – we all have a role to play!". Under this session, HOTREC communicated both the challenges and opportunities that hoteliers face when undertaking energy efficiency measures in their establishments, in particular for old and heritage buildings. He also made reference to the importance of transmitting the adequate information and awareness raising on the benefits of undertaking energy efficiency measures to hoteliers in order for them to become greener and to start developing zero energy strategies. Communication is key in promoting sustainability and both employers and employees should be trained, informed and made aware of the importance of developing energy efficiency measures.

HOTREC promoted the best practices that National Associations are developing at national level in order to support hoteliers to improve the energy efficiency of their buildings.

For more information follow link.

#### Next steps

On 15 March 2016, a follow up event will be organised in the European Parliament. HOTREC CEO will participate as a key speaker to this event.

#### **Actions**

- HOTREC will continue to support initiatives in the area of energy efficiency and sustainability;
- The feedback of HOTREC national associations on best practices on energy savings in hotels developed at national level is very useful to show the sector's commitment to sustainable tourism

#### **HOTREC** position

- Sustainability is in the benefit of all and a win- win situation for all as at the end it also reduces costs;
- The hospitality industry is strongly committed to fostering a sustainable tourism industry.

## **TOURISM**

### **European Tourism Day**



On 16th December 2015 took place the European Tourism Day, a full day event organised by the European Commission. The main topic of the discussions was: "How to promote Europe as a quality and sustainable tourism destination". Slawomir Tokarski, Director of Innovation and Advances Manufacturing (DG GROW), Ana Cláudia Tapardel, Member of the European Parliament and Carlo Corazza, Head of Unit (DG GROW), were some of the speakers participating at the event.

Stakeholders defended that the implementation of visa facilitation; the development of partnerships amongst the different stakeholders involved in tourism; the use of a pan-European approach (including culture, shopping, gastronomic, historic and religious routes); and the use of EU Funding (e.g. COSME or the European Investment Fund) are initiatives that could support the promotion of Europe as a destination.

### **HOTREC** position

- Europe should find new ways to attract travellers from third countries;
- Barriers for travellers to come to Europe (such as cumbersome visa) should be eliminated. This would help boost growth and jobs in the sector.

### **Protecting Europe's External Borders**

On 15th December 2015 the European Commission adopted a set of measures to manage the EU's external borders and keep the Schengen area without internal controls. According to statistics presented by the Commission between January and November 2015 an estimated 1.5 million persons have crossed the border illegally. Moreover, from July to September 2015, 413 800 persons applied for international protection in the Member States.



The objectives of the measures are to help to manage migration more effectively, improve the internal security of the European Union and safeguard the principle of free movement of persons. In summary, the Commission is proposing to:

- Create an European Boarder and Coast Guard (which will count with border guards and technical equipment; a Coast Guard surveillance, a mandate to work with third countries and a stronger role in returns);
- Introduce systematic checks against relevant databases for all people entering or exiting the Schengen area at external land, sea and air borders.

Nevertheless, already on 25th January 2016 during the interior minister's informal meeting, ministers called the Commission to prepare a legal analysis of the possibilities for extending member states internal border controls.

### **HOTREC** position

- HOTREC welcomes any measures that will keep the Schengen system up and running;
- The possibility of circulating freely, without any border checks across the Schengen space is one of the most important goals reached by the European Union;
- The advantages for travellers are clear: no administrative constraints and time spent at the border crossing check inside Schengen. This stimulates the willingness for tourists to travel to different countries across Europe.

## **SOCIAL AFFAIRS**

### **Commission consultations ongoing**

On 4 January 2016, HOTREC replied to the Commission consultation on a "new start for work life balance". This targeted consultation is addressed to the recognised social partners before the European Institutions.

In addition to this targeted consultation, the Commission has also issued an online public consultation on "possible action to address the challenges of work life balance faced by working parents and caregivers". All European actors (companies, citizens, associations, public authorities etc) are invited to reply in their own language to the survey accessible on the following link. The consultation period is open until 17 February 2016.

Another public consultation called on "Your first EURES Job mobility scheme" was launched on 26 January 2016. This consultation, that takes as a basis the roadmap on "Your first EURES job mobility scheme and options for future EU measures on youth intra-EU labour mobility", aims at gathering the views of stakeholders on potential policy options to boost labour mobility within the EU and provide with more work opportunities.

#### Actions

In its response to the consultation on a "new start for work life balance" HOTREC says to agree with the
description done by the Commission on the challenges of work-life balance faced by working parents and
caregivers;

- However, HOTREC considers that the EU should not start additional legislation in this area as there is already sufficient European and national legislation;
- HOTREC and the hospitality sector favour the implementation of another kind of measures to help reconcile work, private and family life in order to reduce the gender pay gap and foster women employment, such as affordable and quality childcare facilities, flexible working solutions etc.
- HOTREC will also reply to the public consultation on Your first EURES job mobility scheme

### **HOTREC** position

- As recognised social partner, HOTREC is consulted by the European Commission, pursuant to article 154 TFEU, before the Commission makes proposal on social affairs issues;
- As the European association representing the interests of hotels, restaurants and cafés HOTREC will also respond
  to the public consultations that tackle policy issues that might impact the hospitality sector.

## COMPETITION

### EU competition inquiry against McDonald for abuse of dominant



While already investigated by the European Commission for having possibly received illegal state aid through its fiscal deals with Luxembourg, McDonald is now also subject to another European complaint for abuse of dominant position.

The complaint was filed by several consumer groups and trade associations and concerns McDonald's franchise system. According to the complaint, McDonald requires its franchisees to lease property from McDonald's at above-market rents (sometimes up to 10 times more according to the complainants), while the content of the franchising agreements obstruct its partners from switching to other brands, by including measures such as non-compete clauses. The overall result would lead to higher consumer prices in franchise restaurants from the group and would constitute an abuse of dominant position.

The European Commission announced that it will assess the complaint

#### Next Steps

The European Commission will now seek McDonald's opinion before taking further action.

## **STATISTICS**

## Europe tops growth in international tourist arrivals in 2015

UNWTO World Tourism Barometer: International tourist arrivals grew by 4.4% in 2015 to reach a total of 1,184 million in 2015. Europe (+5%) led growth in absolute and relative terms supported by a weaker euro vis-à-vis the US dollar and other main currencies. Arrivals reached 609 million, or 29 million more than in 2014. UNWTO projects international tourist arrivals to grow by 4% worldwide in 2016, with stronger growth stronger in Asia and the Pacific (+4% to +5%) and the Americas (+4% to +5%), followed by Europe (+3.5% to +4.5%).

## **GENERAL ACTIVITIES**

## **Meetings and General Assemblies**

- 4 February 2016 (Istanbul, Turkey) Mr. Christian de Barrin, CEO of HOTREC, participated to the World Tourism Forum 2016 as a speaker in the panel "the hospitality of today versus the hospitality of the past"
- 22/23 February 2016 (Amsterdam, the Netherlands) EU Presidency high-level Conference on Food Product Improvement and nutrition. HOTREC will participate.
- 10 March 2016 (Berlin, Germany) Mr. Ramón Estalella, Chair of the HOTREC Sharing Economy Task Force will participate as a speaker to the OECD Tourism Policy Event at ITB
- 15 March 2016: European Parliament Breakfast on hotel star classification system (Hotelstars Union (HSU) hosted by Ms. Isabella de Monte, Member of the European Parliament, and at the invitation of Mr. Janis Valodze, President of the managing board of the Hotelstars Union and of the Association of Latvian Hotels and Restaurants and of Ms. Susanne Kraus-Winkler, President of HOTREC
- 15 March 2016 (Brussels, Belgium) Nearly Zero Energy Hotels Conference in the European Parliament, HOTREC will participate to this event
- 18 March 2016 (Brussels, Belgium): Sectoral Social Dialogue Steering Committee, Mr. Jean-Marc Banquet d'Orx to chair the HOTREC SSD meeting
- 5 April 2016 (Brussels, Belgium)- High-Level Conference organised by the Commission on "Attracting investment in Tourism". Ms. Susanne Kraus-Winkler, President of HOTREC, and Mr. Christian de Barrin, CEO of HOTREC, to participate as speakers to this event.
- 7-10 April 2016 (Limassol, Cyprus) 43rd EHMA Annual General Meeting. HOTREC President, Ms. Susanne-Kraus-Winkler, to participate as a speaker to this event
- 28-29 April 2016 (Bratislava, Slovakia)- HOTREC holds its 72nd General Assembly
- 19-21 October 2016 (Valletta, Malta) HOTREC holds its 73rd General Assembly