

Opinion of the Committee on Defence  
2014/15:FöU2

## Green Paper on the safety of tourism accommodation services

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### Summary

In this Opinion, the Committee comments on the European Commission's Green Paper on the safety of tourism accommodation services (COM(2014) 464 final). The Government Offices' explanatory memorandum on the Green Paper on the safety of tourism accommodation services (2013/14:FPM112) has been used in order to obtain information.

The Committee welcomes cooperation at EU level in the field of accident protection, on the condition that the principle of subsidiarity and national responsibilities in the field are observed.

The Committee's view is that, in the light of the current division of responsibilities and the economic framework that applies, work in the field of accident protection should be undertaken in parallel with other social development and should be based to a greater extent on individuals' assumptions and needs in terms of protection. It is also important to ensure that effective work is carried out as part of all socially important activities.

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## The Committee's proposal for a Parliament decision

### **Safety of tourism accommodation services**

Parliament presents the opinion for discussion.

Stockholm, 4 November 2014

On behalf of the Committee on Defence

*Allan Widman*

The following members participated in the decision: Allan Widman (Liberal Party), Åsa Lindestam (Social Democratic Party), Hans Wallmark (Moderate Party), Peter Jeppsson (Social Democratic Party), Johan Forssell (Moderate Party), Alexandra Völker (Social Democratic Party), Lena Asplund (Moderate Party), Daniel Bäckström (Centre Party), Jakop Dalunde (Green Party), Jan R Andersson (Moderate Party), Paula Holmqvist (Social Democratic Party), Roger Richtoff (Sweden Democrats), Stig Henriksson (Left Party), Mattias Ottosson (Social Democratic Party) and Jeff Ahl (Sweden Democrats).

## Overview of the issue

### The issue and its preparation

On 30 September 2014, in accordance with Chapter 10, Section 3 of the Parliament Act (*riksdagsordning*), the Chamber referred the European Commission's Green Paper on the safety of tourism accommodation services (COM(2014) 464 final) to the Committee on Defence for examination and a written opinion. The Commission has invited stakeholders to present their opinions on the issues covered in the Green Paper by 30 November 2014. The Government Offices' explanatory memorandum on the Green Paper on the safety of tourism accommodation services (2013/14:FPM112) was notified to the Chamber on 29 September 2014.

### Main contents of the Green Paper

To maintain and reinforce Europe's leading position in tourism in the world, in 2010 the Commission adopted a Communication laying down a comprehensive strategy to boost the competitiveness of the sector. The safety of tourism accommodation features as one of the actions in this Communication. In the Commission's view, adequate and efficient safety levels can enhance consumers' confidence and boost growth by creating a favourable environment for enterprises and for cooperation among Member States and allowing for higher competitiveness of the tourism sector.

The purpose of the Green Paper is to launch a public consultation on the safety of tourism accommodation services, i.e. where short-term or short-stay accommodation services are provided against payment and classified as hotels and similar accommodation, holiday and other short-stay accommodation, and camping grounds, recreational vehicle parks and trailer parks.

The Commission wishes to gather input from all relevant parties involved in the issue of tourism accommodation services with the aim of evaluating whether the issues outlined below are sufficiently and effectively addressed, whether there is evidence of new risks and whether the existing tools are adequate. The Green Paper further asks about the level at which action would be most effective to usefully contribute to effective levels of safety for consumers. Help is also sought in quantifying these issues. Since the Commission aims to foster the competitiveness of the tourism sector by creating a favourable environment for enterprises and for cooperation among Member States, and considers that the sustainability of European tourism relies on the quality of the tourist experience and by extension on its safety, the Green Paper intends to identify options for furthering confidence building both for enterprises and consumers. The Green Paper implies neither a pre-determined course of action nor the need for new measures at EU level as a result of the consultation.

Tourists' concerns about safety, among other things, have been regularly monitored every year since 2008 through Eurobarometer surveys, also with emphasis on hotel safety and fire safety. The annual surveys consistently confirmed that safety is never a concern for European tourists (replies ranked between 0 % and 1 %). Yet accidents can occasionally occur, affecting directly the operators concerned, but also indirectly the reputation of the relevant destination with additional negative impacts on other operators as a consequence.

Although the safety of tourism accommodation services is the competence of Member States, the presence of such a strong cross-border dimension suggests that there should be a reflection on the quality and safety levels of these services across Member States. This,

together with the indications of the 2003 Commission report on the Safety of Services for Consumers, which recommended improvement of the knowledge base about risks and accident data and systematic monitoring of the policies and measures of the Member States, has led the Commission to consider the issue of the safety of tourism accommodation services at European level in recent years, both by means of dialogue with relevant stakeholders and by undertaking action aimed at strengthening the existing knowledge base. For example, the Commission has supported debates concerning self-regulatory initiatives from the hospitality sector.

Although certain legal requirements in respect of fire safety in tourism accommodation stem from the Constructions Products Directive and EU legislation on occupational safety, no specific horizontal legislation exists at EU level. Nor is there a standard approach in place at national level with regard to the safety of tourism accommodation services, as shown by a recent consultation with the Member States on the existing regulatory and non-regulatory framework regarding safety in tourism accommodation, amongst other sectors.

Safety in tourism accommodation — and in the HORECA sector in general — is also an important part of health and safety at work. Furthermore, there is a well-established corpus of sector-specific legislation concerning building environments, lifts, and other products used in the construction sector. The existence of different approaches to safety regulations is not an issue per se, as long as the European consumer using this type of service across the EU is adequately protected irrespective of his or her choice of destination.

Consumers expect to be able to purchase tourism accommodation services with confidence for their own safety regardless of their choice of accommodation or destination within the EU. In this context, and on the basic assumption that European consumers have a right to adequate levels of safety which are implemented and enforced effectively wherever they go within the EU, the Commission considers the following questions to be relevant:

1. How is consumer safety in the area of tourism accommodation regulated and monitored across Member States, where the various national legislation seems to be so different?
2. Is consumer protection adequately ensured by the requirements for tourism accommodation service providers operating across borders, having regard to the differing requirements in the Member States?
3. Does the diversity in the national systems and in the surveillance and enforcement methods used throughout the EU have a significant effect on the provision of accommodation services across borders?
4. Are certain cross-cutting aspects being adequately taken into consideration, such as the impact of the regulatory environment on SMEs and on vulnerable consumers, or the way in which accessibility issues or the use of standards for such services is currently integrated in the exiting regulatory framework?
5. At what level and with which instruments would safety in this area be best addressed for the benefit of both consumers and businesses?

In the Commission's view, the debate on the safety of tourism accommodation has until now revolved mainly around fire safety issues. Indeed, while hotel fires account for only a very small percentage of fire-related casualties, accidents may potentially have a high impact. Nonetheless, different stakeholders argue that tourist accommodation safety is not only about fire safety. Other safety aspects include the state of the premises (leisure facilities, balconies, bedrooms, bathrooms, corridors, glass doors, etc.) or the risks relating to carbon monoxide leaks (e.g. from misuse of or problems with the heating systems in tourism accommodation), which are sometimes responsible for a large number of injuries, illnesses or fatalities.

## Summary of the Government Offices' explanatory memorandum

On 1 September 2014 the Government Offices (the Ministry of Enterprise, Energy and Communications) submitted explanatory memorandum 2013/14:FPM112 to Parliament.

In its preliminary position statement, the Swedish Government notes the Commission's initiative to carry out a public consultation on the safety of tourism accommodation services, stating that it is important for consumers to be able to trust in the safety of such services. The Swedish product safety legislation covers both products and services in various fields and thus also includes tourism accommodation services.

It is noted in the explanatory memorandum that the Green Paper does not set out any specific proposals with regard to either regulation or action. No reference is made to the legal basis, since this is not a legal act that is to be debated or decided on. There is thus not expected to be any impact on the Swedish rules. Nor does the Government anticipate that the Green Paper will have any budgetary implications. It is also noted in the explanatory memorandum that the views of the Member States and the Institutions are as yet unknown.

## Examination by the Committee

### Scope

The Green Paper spans a wide range of policy areas, many of which lie outside the Committee's own remit.

The Commission points out that there are some legal requirements for fire safety in tourism accommodation resulting from the Construction Products Directive (Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products) and from EU legislation on occupational safety (Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work), but that there is no specific horizontal legislation at EU level and nor is there a standard approach in place at national level with regard to the safety of tourism accommodation services.

The Swedish Product Safety Act (*produktsäkerhetslag* — 2004:451), Section 1 of which states that 'The objective of this Act is to ensure that goods and services provided to consumers do not cause personal injury', is also important in this context, but since it and the above-mentioned Directives do not directly fall under the remit of the Committee on Defence, the Committee's examination is based primarily on the Accident Prevention Act (*lag om skydd mot olyckor* — 2003:778).

Under Chapter 2 of the Accident Prevention Act, 'owners or entitled users of buildings or other facilities ... shall have appropriate fire-fighting equipment and appropriate equipment for life-saving in the event of fire or another accident, and shall take the necessary fire-prevention measures and other measures to prevent or limit injuries as a result of fire.' In the preparatory documents relating to that provision, reference is also made to warning devices such as fire alarms as examples of equipment to prevent or limit injuries as a result of fire.

### Previous discussions

Previously in this context, the Committee on Defence has considered the issue of fire and evacuation alarms for the deaf and hard of hearing. This was done in reports 2013/14:FöU11, 2012/13:FöU8, 2010/11:FöU2 and 2009/10:FöU9. In those reports, the Committee did not consider there to be grounds for proposing further action in the field on the part of the Swedish Parliament.

It was pointed out in report 2013/14:FöU11 that the Swedish Work Environment Authority's Regulations on the design of workplaces (*Arbetsmiljöverkets föreskrifter om arbetsplatsers utformning* — AFS 2009:2) stated that alarm devices should emit a signal comprehensible to everyone affected by the danger. In accordance with the Swedish National Board of Housing's Building Regulations (*Boverkets byggregler — föreskrifter och allmänna råd* — BFS 2011:26), which entered into force on 1 January 2012, the areas in public premises in which people who are hard of hearing may be present alone must be equipped with additional alarms that can also be understood by the deaf and the hard of hearing. The scope of the Building Regulations has also been extended to cover alterations made to buildings. As far as existing premises and areas are concerned, alarms in public toilets which cannot be understood by the hard of hearing may constitute a barrier that needs to be addressed under the Swedish National Board of Housing's regulations and general advice on removing easily removable barriers to and in premises to which the public has access and in

public spaces (*Boverkets föreskrifter och allmänna råd om avhjälpande av enkelt avhjälpna hinder till och i lokaler dit allmänheten har tillträde och på allmänna platser* — BFS 2011:13).

Moreover, according to that same report, the Swedish Fire Protection Association, in cooperation with the hotel sector, has adopted rules for classifying hotels as having fire protection. This includes methods for assisting people with disabilities in the event of alarms and evacuation, including the use of various technical means.

In general, the Committee's opinion at that time was that the issue of fire and evacuation alarms for the hard of hearing in existing premises was primarily one of municipal supervision. In accordance with the Accident Prevention Act, owners or entitled users must take the necessary fire-prevention measures and other measures to prevent or limit injuries as a result of fire. Under the Act it is the local rescue services that are to observe whether special alarms are required in certain premises as part of their supervisory work.

Report 2012/13:FöU8 deals with the issue of fire safety at campsites. It was stated that the general advice and comments on fire protection at campsites (*allmänna råd och kommentarer om brandskydd vid campinganläggningar* — SRVFS 2004:12) provided guidance on how to provide adequate fire protection that meets the legal requirements. It is evident from the general advice that several different measures may be taken to provide effective fire protection. These concern, for example, the distance between camping units and tents, the handling of liquefied petroleum gas, information provided to guests, access to fire-fighting equipment, and training for the staff working at the site. The Committee took the view that the requirements put forward in the proposal could, in all material respects, be met through the existing rules, and for that reason the Committee did not consider there to be grounds for proposing further action on the part of the Swedish Parliament.

## Subsidiarity check

Since no specific proposals for new legislation are presented in the Green Paper, no assessment is necessary on the basis of the principle of subsidiarity.

## Position of the Committee

The Committee welcomes an increased focus on the issues concerning prevention measures referred to in the Commission's Green Paper, and also the fact that a thorough evaluation of the field is to be carried out.

As far as the situation in Sweden is concerned, the Committee wishes to emphasise the importance of society taking comprehensive accident-prevention measures, not least in the area of fire protection. It has, for example, previously given its support to the national strategy and vision adopted by the Swedish Civil Contingencies Agency at the Government's request in order to strengthen fire protection for society as a whole: No-one should have to die or be seriously injured as a result of fire (report 2013/14:FöU11).

In the light of the current division of responsibilities and the existing economic framework, work in the field of accident protection should be undertaken in parallel with other social development and should be based to a greater extent on individuals' assumptions and needs in terms of protection. The Committee takes the view that it is essential for everyone to know how to react in the event of an accident, for example a fire. There are people for whom the opportunities to act on their own are limited for various reasons, and particular support may be required for them.

Fires and accidents may also pose a threat to the coherence and functioning of society. It is therefore important to ensure that effective work is carried out as part of all socially important activities. Information campaigns combined with a degree of State regulation are thereby of great importance in this context as a whole.

Furthermore, in the Committee's view the issue should be examined thoroughly before measures are considered at EU level. Two of the reasons for this are that, according to the survey referred to in the Green Paper, the majority of tourists are not involved in accidents and nor are they particularly worried about their safety when spending the night at tourist destinations in Europe. If it becomes necessary to consider measures of this kind, their effects on existing Swedish rules cannot be assessed until more specific measures have been drawn up.

Finally, the Committee welcomes cooperation at EU level in the field of accident protection, provided that the principle of subsidiarity and national responsibilities in the field are observed.

The Committee thus proposes that Parliament present the opinion for discussion.

ANNEX

List of documents examined

*Commission Green Paper on the safety of tourism accommodation services (COM(2014) 464 final).*