

Bundesrat**Document****328/14 (Decision)****19.09.14****Decision
of the Bundesrat**

**Commission Green Paper: Safety of Tourism Accommodation Services
COM(2014) 464 final**

At its 925th session on 19 September 2014, the Bundesrat adopted the following position pursuant to Sections 3 and 5 EUZBLG (the Act on Cooperation between the Federation and the *Länder* in European Union Affairs):

1. The Bundesrat welcomes in principle the Commission's stated objective of boosting the competitiveness of the tourism sector.

It welcomes the summary of the steps taken so far by the Commission relating to the safety of tourism accommodation services as the basis for a public debate. However, it is against consumer safety in tourism accommodation being used as a starting point for claiming competence in the field of building regulations.

2. The Bundesrat takes the view that the need for a pan-European discussion process on the safety of tourism accommodation services cannot be inferred from the Eurobarometer survey in question.

There is nothing in the Commission's tourist surveys, at least, to substantiate the need for a debate on the safety of tourism accommodation services, since the safety of accommodation is not a cause for concern for them. The example given in the Green Paper of risks posed to guests from the release of carbon monoxide from heating equipment is not a threat relating exclusively to accommodation services; rather it concerns all buildings with heating equipment. Thus special measures for evacuating gases from places of accommodation are not a solution to this problem.

3. The Bundesrat would also stress that the legal standards for the quality and safety of tourism accommodation in Germany are adequate, that they are being constantly refined and that they have proved their worth over the years.
4. The Green Paper does not set out any specific grounds for the opinion that differing national rules, in particular with regard to the structure of buildings, could pose a threat to safety. If the discussion on the advantages of standardising accommodation at EU level is to lead to the legislation and the monitoring and reporting obligations being harmonised, it is likely that the result would be a considerable extra administrative burden for the Member States.
5. Furthermore, the Bundesrat would point out that pan-European standardisation of specific building regulations (e.g. on accessibility, fire prevention and building law) and the creation of a single central database at EU level containing information on all relevant accidents involving tourism and leisure services would result in more red tape that would be unjustified from a cost-benefit point of view.

6. The German Federal Government is urged to ensure that the legislative powers of the *Länder* with regard to building regulations remain untouched.
7. The Bundesrat will transmit this opinion directly to the Commission.