



Notification Number: 2017/527/E

## Draft Decree amending Decree 79/2014 of 10 July 2014 regulating tourist apartments and dwellings in the Community of Madrid

Date received : 17/11/2017

End of Standstill : 19/02/2018

### Message

Message 002

Communication from the Commission - TRIS/(2017) 02976

Directive (EU) 2015/1535

Translation of the message 001

Notification: 2017/0527/E

No abre el plazo - Nezaahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201702976.EN)

#### 1. Structured Information Line

MSG 002 IND 2017 0527 E EN 17-11-2017 E NOTIF

#### 2. Member State

E

#### 3. Department Responsible

Subdirección General de Asuntos Industriales, Energéticos, de Transportes, Comunicaciones y Medio Ambiente.

Dirección General de Coordinación del Mercado Interior y otras Políticas Comunitarias.

Secretaría de Estado de Asuntos Europeos.

Ministerio de Asuntos Exteriores y de Cooperación.

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### 3. Originating Department

Consejería de Cultura, Turismo y Deportes  
Dirección General de Turismo.

### 4. Notification Number

2017/0527/E - SERV

### 5. Title

Draft Decree amending Decree 79/2014 of 10 July 2014 regulating tourist apartments and dwellings in the Community of Madrid

### 6. Products Concerned

- Regulating tourist apartments and dwellings in the Community of Madrid.

### 7. Notification Under Another Act

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### 8. Main Content

This draft decree primarily intends to address the following measures:

- a) Removing the requirement that tourist dwellings be rented out for less than 5 days, in accordance with High Court of Justice Judgment No 302/2016 of 2 June 2016.
- b) Precisely defining the currently non-existent concept of tourist supply channels, clarifying that these channels, and therefore their online platforms, are deemed to be tourism companies and so are subject to the sanctions set out in the Law on tourism management in the Community of Madrid.
- c) Establishing the certificate of suitability for tourist dwellings as a technical document, to reassure users that the dwelling in which they plan to stay meets certain requirements.
- d) Introducing new specific responsibilities for owners or landlords in the management of their activities, with the aim of improving tourism quality and increasing citizens' safety, such as making complaints forms available, having public liability insurance in place and making it compulsory for owners or landlords to submit information to the Directorate-General of the Police on the tourist dwelling users, in accordance with national legislation concerning citizen protection.
- e) Explicitly setting out users' rights and responsibilities, particularly responsibilities in terms of respect for other residents.
- f) Making it possible to prohibit tourist dwellings being set up within Owners' Associations whose rules explicitly forbid this.
- g) Removing the current notions of 'regularity', the minimum term for carrying out the activity and the ban on tourist dwellings being able to be rented as rooms.

### 9. Brief Statement of Grounds

Article 25 of Law 1/1999 of 12 March 1999 on tourism management in the Community of Madrid lists the possible forms of tourist accommodation, with the option of including the regulation of 'any other form laid down in regulations' in this list. By virtue of this power and through the enactment of Decree 79/2014 of 10 July 2014, tourist apartments and dwellings were regulated.

The amendment to said decree is intended to bring current legislation in line with judicial decisions on tourist



dwellings that have been handed down in recent years and to address the needs that have been noted regarding the use of such dwellings.

The regulation requires revision in order to establish minimum standards and requirements designed to protect the legitimate rights of all parties involved, including neighbours, and to regulate the responsibilities of owners, tourists and consumers in the Community of Madrid, whilst seeking to foster the provision of a sustainable, safe and high-quality tourism service.

#### **10. Reference Documents - Basic Texts**

Reference(s) to basic text(s): - Law 1/1999 of 12 March on tourism management in the Community of Madrid

- Decree 79/2014 of 10 July 2014 regulating tourist apartments and dwellings in the Community of Madrid

#### **11. Invocation of the Emergency Procedure**

No

#### **12. Grounds for the Emergency**

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#### **13. Confidentiality**

No

#### **14. Fiscal measures**

No

#### **15. Impact assessment**

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#### **16. TBT and SPS aspects**

TBT aspect

No - the draft has no significant impact on international trade.

SPS aspect

No - the draft is neither a sanitary nor phytosanitary measure.

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European Commission

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