



European
Holiday Home
Association

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EHHA – PRESS RELEASE

EHHA WELCOMES TODAY'S CJEU RULING: AIRBNB IS A PROVIDER OF INFORMATION SOCIETY SERVICES AS DEFINED IN THE E-COMMERCE DIRECTIVE

The European Holiday Home Association (EHHA) welcomes the ruling of the Court of Justice of the European Union on whether an online intermediation service connecting potential guests with accommodation services to rent constitutes an information society service.

Today's judgement by the Court of Justice of the European Union (CJEU) in [Case C-390/18](#) involving Airbnb Ireland and French hotel lobby AhTop, has confirmed the classification of Airbnb as a provider of 'information society services' as defined in the e-Commerce Directive¹, consisting in connecting potential guests with professional or non-professional hosts offering short-term accommodation for remuneration via an electronic platform, while also providing services that are ancillary to that intermediation service. In its judgement the Court also reiterated that a European Union Member State cannot take measures restricting the free movement of information society services, in this case Airbnb Ireland, originating in another Member State.

The EHHA, as an industry body for the short-term rental sector (STR) industry, welcomes the legal clarification provided by the Court on the definition of short-term rental platform services and on the status of information society services within the Single Market. National and local authorities can and do regulate short-term rental platforms and today's decision from the CJEU will not change this fact. However, such regulatory activity has to be done in line with EU legal frameworks -- including the e-Commerce Directive. Too often, local and regional rules across Member States lead to regulatory fragmentation and challenges for both short-term rental platforms and consumers. Today's judgement represents a welcome step towards providing greater regulatory clarity and consistency across the EU.

As stated in the joint EHHA and ETTSA 'Roadmap for the short-term rental sector – towards a more sustainable future'², we are committed to cooperating with public authorities to facilitate compliance by short-term rental accommodation providers. Building on recent efforts by the European Union to foster the collaborative economy and short-term rental sector and clarify the applicable legal environment, we welcome further efforts to provide much-needed clarity and look forward to continued engagement with authorities and interested stakeholders across the EU to support the long term and sustainable growth of the vacation rental sector in Europe.

What is European Holiday Home Association (EHHA)?

The European Holiday Home Association (www.ehha.eu) was founded in 2013 to give a voice to the short-term rental industry. The EHHA's members range from associations representing private house owners to managers' associations and digital platforms. Its members operate across the European countries. The core task of the association's members is the distribution of short-term rentals in private houses and apartments.

For more information:

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¹ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the internal market ('the Directive on electronic commerce') (OJ 2000 L 178, p. 1)

² EHHA and ETTSA Roadmap for the short-term rental sector, website: <https://ehha.eu/wp-content/uploads/2018/10/EHHA-ETTSA-Roadmap.pdf>