



Preliminary position paper on Accommodation services safety

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Background

Tourism accommodation services are considered by the European Commission to be a priority in the provision of consumer services cross-border. However, the sole European legislative tool in this area is the Council Recommendation 86/666/EEC on fire safety in hotels, the revision of which has been debated for many years.

ANEC has long made the case for more binding legislation, such as a Directive or a Regulation. Nevertheless in 2009, the European Commission asked the European trade association, HOTREC, to develop a methodology on fire safety in hotels that could be used by the members of its national associations. But the application of the methodology is purely voluntary, and not all hotels are linked to HOTREC.

Accordingly, ANEC called on the European Institutions to acknowledge the limits of such voluntary instruments in ensuring a minimum level of fire safety in hotels across the EU and drew attention to already existing institutions' studies that proved the need for a new legislative tool to go further¹.

In 2012, the European Commission proposed the revision of the Recommendation 86/666/EC, with the revision to cite the HOTREC methodology in some form.

With a view to this DG SANCO had a wider consultation on this option, and the ample feedback received from stakeholders and authorities showed that the discussion needed to be still broader. The revision of the recommendation as well as accommodation safety in general has been included as key area for the Green Paper on Safety of certain consumer services planned for mid-2013.

Introduction: Achieving safe services

In contrast to the European system of product safety, based on two pillars of legislation (the New Legislative Framework and the General Product Services Directive) supported by European Standards, **there is no legal framework for services.**

Hence, **ANEC considers there is need for a legislative framework at EU level on the safety of services, underpinned by service-specific standards.** We look forward to the revision of the Council Recommendation 86/666/EC on fire safety in existing hotels in the framework of the development of a Green Paper on Services Safety in the coming months to aid this debate. We expect the Green

¹ The 2001 Report of the Commission on the application of Council Recommendation 1986/666/EC highlighted that half of the countries surveyed had not accepted the measures of the Recommendation with retroactive effect and had "only applied the measures in the case of conversion or extension work". Moreover, the present Recommendation refers only to hotels with more than 20 beds. This omits a wide range of accommodation. The 2008 European Parliament Study on application of the Recommendation identified several policy options. Some stakeholders considered that an update of the Council Recommendation was not enough, and that a binding instrument in the form of a directive was needed. FTO/ABTA commissioned analyses of the implementation of the Recommendation in 2000 and again in 2009. These confirmed inconsistencies in implementation of the Recommendation (especially as some Member States applied it only to new or renovated hotels).

Paper to be based on a sound assessment of the situation of consumer services in the Internal Market.

This paper focuses primarily on tourism accommodation services safety considering this area has been the focus where European discussions on consumer services safety are initiated and are still on going in light of new developments that followed the 2012 attempt of the Commission to review Recommendation 86/666/EC on fire safety in hotels.

What is needed for effective hotel fire safety?

ANEC calls for a **European Directive², supported by formal European Standards**, in order to ensure the **adequate protection of consumers** while providing **flexibility to hotel operators** in how the requirements of the Directive are met. This latter point is important bearing in mind the very varied nature of hotel buildings.

Should Member States not agree to development of a Directive on hotel fire safety on this occasion, ANEC considers a revised Recommendation should be developed through the usual co-decision procedure.

Consumers expect their stays in hotels to be safe.

This includes the expectation that they will be able to leave the hotel building quickly and safely in the event of a fire.

But are these expectations realistic and are the interests of hotel guests properly safeguarded?

Almost all consumers stay in hotels from time to time but few consider the actual fire safety of the accommodation or means of escape

European Standards (ENs) should be used to support the Directive by defining the more technical specifications and requirements, set through a development process to which all interested parties can contribute. It should not be overlooked that the Internal Market for products has been founded on such principles through the New Approach and New Legislative Framework.

ANEC must stress the importance of ensuring that a Directive (or revision of the Recommendation) is **applied to all hotels**. We believe consumers have a right to expect a minimum, common level of protection regardless of the capacity of the hotel. Hence we also ask that the scope of the current instrument be broadened to cover smaller establishments.

More emphasis needs to be put on emergency planning, fire safety management, and staff training and awareness, i.e. issues that can be addressed in new and old hotels, irrespective of their size. In particular, we stress the revised instrument should take the **needs of people with disabilities more**

² or a European Regulation, at the discretion of the European Commission. For the purposes of this paper, the terms 'Directive' and 'Regulation' are interchangeable.

into account by revising existing emergency planning, staff training and fire safety management provisions.

In the absence of a Directive, a failing of the present system is that there is no way a consumer can identify whether a hotel or guest house complies with a (voluntary) fire code before making a booking.

This compares unfavourably with the visibility of (albeit mandatory) NCAP ratings ahead of the purchase (or hire) of a car.

Hotel fire safety is dependent on **planning and enforcement**, within a framework of policy that sets out the responsibilities of individuals and outlines what is to be achieved. This is not something that can be factored into a fire register, as this is more about what has happened rather than what should happen. A fire register is still needed but should be provided as part of the management plan and in order to demonstrate to the authorities what maintenance has or has not been undertaken. It is evident there is no value in having a good fire safety policy if it is not enforced with strong management, with effective active and passive fire safety measures.

Decisions on the installation of equipment must be based on a **Fire Risk Assessment of an individual hotel**. Where equipment is fitted, it is essential that attention is paid to correct installation and maintenance. A false message of safety could be given if the equipment is not maintained or installed correctly.

Moreover, **personnel must be trained appropriately**.

We believe that any future legislative instrument must set legal requirements along these lines, with European Standards being the means through which compliance can be demonstrated.

At the moment, the consumer can only trust that all aspects of the fire safety of a hotel have been properly considered, and that the Fire Risk Assessment has been carried out, and by a competent person.

Safety should be “**designed in**”. Safety needs to be a fundamental concept in the design of the services provided by hotels and must be recognised as such in future initiatives.

It is clear there is **need for collation of statistics** on fires in hotels and tourist accommodation at the European level and for records to be kept by hotels. However, a lack of statistics should not be an excuse for delaying action until further deaths or injuries occur. ANEC **welcomes** that the Commission has embarked upon a **wider analysis of gaps in the safety of consumer services**, especially those related to tourist accommodation.

Many consumers anticipate that the hotel management, or others with responsibility, will have ensured that safety measures are in place – but is this assumption true and, even if so, will the measures be effective?

ANEC conclusions and next steps

The European Institutions need to acknowledge the limits of voluntary instruments in ensuring a minimum level of fire safety in hotels across all Member States. On the other hand, enforcement is key and authorities need to commit to making enforcement as efficient and effective as possible. Our collective aim should be a cost-effective level of fire safety that reflects the needs of both the consumer and the industry, and is achievable and easily identifiable by the consumer.

ANEC welcomes the acceptance by DG SANCO and DG ENTR of the Commission that revision of Recommendation 86/666 is considered in the wider approach foreseen in the proposed Commission Green Paper on the safety of consumer services.

We applaud DG SANCO for envisaging both a sector specific and holistic approach to improving the safety of services.

We appreciate the Green Paper as the first part of an extended discussion on the creation of a legislative framework for the Internal Market for services that takes into account the experiences in the construction of the Internal Market for products during the past 25 years.

About ANEC

ANEC is the European consumer voice in standardisation, defending consumer interests in the processes of technical standardisation and conformity assessment, as well as related legislation and public policies.

ANEC was established in 1995 as an international non-profit association under Belgian law and is open to the representation of national consumer organisations in 33 countries.

ANEC is funded by the European Union and EFTA, with national consumer organisations contributing in kind. Its Secretariat is based in Brussels.



Raising standards for consumers

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