



***HOTEL FIRE SAFETY IN THE EUROPEAN UNION***

***THE CONSUMER PERSPECTIVE***

**IV International Forum Fire Safety in Hotels-Segurhotel, Mallorca, October 2010**

**ANEC-SERV-2010-G-037**

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## Summary

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Hotel safety is an issue of fundamental importance from a consumer perspective. Many consumers take it for granted when travelling, expecting a similar standard of safety from one Member State to another. Regrettably, this is not the case. Hotel fires pose a particular risk to the safety of consumers, risk which ANEC believes can be much reduced through stronger and more harmonised European regulation.

Our experience over a number of years indicates that non-binding documents have proved insufficient to achieve a common, acceptable, minimum level of fire safety in hotels. We therefore call for a binding, legislative instrument on fire safety in hotels where the use of standards could be made to specify detailed requirements. A new EU directive on fire safety in hotels shall:

1. extend scope to cover establishments offering accommodation to less than 20 guests
2. apply to all establishments (existing and new)
3. put emphasis on fire safety management, emergency planning, staff training
4. put particular emphasis on needs of persons with disabilities

In this paper we give an overview of consumer concerns and ANEC involvement in the debates around the need for progress in hotel fire safety in the EU area. We also highlight how a directive on hotel fire safety would be of benefit both for consumers and accommodation providers.

## **1. Relevant trends & consumer concerns in the EU accommodation sector**

Europe is the largest tourism destination in the world, according to data from Eurostat and the WTO. Europe received 40% of the world international arrivals<sup>1</sup> in 2008 and these are estimated to increase in future. EU tourists account for 90% of this total<sup>2</sup>.

Thanks to the free movement of citizens in the Single European Market and trends, such as increased access to internet bookings and budget travel, it has become far easier for European consumers to travel from one EU country to another.

In 2009, hotels and similar establishments hosted nearly 1.5 billion nights in the EU 27 area<sup>2</sup>. The accommodation sector is almost exclusively dominated by SMEs and especially micro-enterprises employing fewer than 10 people. This group accounts for at least 75% of the industry. In countries such as the Czech Republic, Greece and Poland, the share of micro-enterprises exceeds 90%<sup>3</sup>.

When choosing a hotel, consumers tend to take into account location, amenities, quality of food and value for money. Whether a safe escape can be made in case of fire is not uppermost in most people's minds as consumers expect a high level of fire safety in every hotel they stay in. However, hotel safety measures differ widely among EU countries. Even in the same country, the degree of safety offered depends on the size of the hotel and its year of construction. A common minimum level of safety throughout the European Union has not yet been achieved.

Although complete and comparable data at the EU level on the number of hotel fire accidents and casualties is not available, data from the UK shows that there were approximately 2000 fires in 'hotels, boarding houses, hostels and similar', both in 2006 and 2007<sup>4</sup>.

The incidence of hotel fires must be considered alongside the ageing of the broader European population. In terms of fire safety, few hotels are currently taking the particular needs of older or physically impaired people systematically into account.

## **2. Current Community legislation**

### ***2.1. A case study: Opera Hotel in Paris***

The case study below shows how one of the deadliest hotel fires in Europe in recent years (Paris, 2005) happened in a hotel considered to be abiding by existing laws and regulations.

In 2005, a devastating fire at the Opera hotel, in the centre of Paris, killed 25 people, including 11 children. More than 40 people were injured. There were many causes of this tragedy:

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<sup>1</sup> "International tourist arrivals" includes non-EU tourists as well as EU tourists who visit a country other than their residence country

<sup>2</sup> European Commission Discussion Document and Communication "Europe, top tourist destination in the world – a new political framework for European Tourism"

<sup>3</sup> Study on Competitiveness of the EU tourism industry, Ecorys, 2009

<sup>4</sup> Communities and Local Government, Fire Statistics, United Kingdom hotels, boarding houses, hostels and similar

- Serious breaches of safety obligations;
- The rental of rooms without windows where many victims died;
- Overcrowding of the hotel;
- Unqualified hotel staff;
- Changes to the hotel premises without planning permission;
- Lax controls by the administrative authorities,
- The permanent obstruction of the only staircase.

Several of these causes could have probably been avoided if attention had been paid to existing rules. However, the hotel had been checked only one month before the accident and all fire safety equipment was considered satisfactory. The Deputy Director for Public Safety (Prefecture of Police, Paris) revealed<sup>5</sup> after the accident that the hotel concerned was officially considered safe because it was abiding by the laws and applicable standards. Being an old hotel, it was not required to apply regulations demanding fire resistant doors (for example), nor was it illegal to have guests in rooms without windows.

Following this tragedy, new rules for hotel fire safety<sup>6</sup> were adopted in France in 2006, with a view to their entry into force by 2011. Given these measures were considered by the industry to be too drastic to be implemented within the transition period, in July 2010, the French ministry for tourism proposed to postpone the date of entry into force to 2015, the same year rules for the accessibility of public places<sup>7</sup> will be applicable. This means consumers would be exposed to inadequate levels of fire safety for no fewer than 11 years after the Paris fire.

It is clear there is need for collation of statistics on fires in hotels and tourist accommodation at 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 occur.

This case study shows how insufficient and inadequate existing laws and regulations in Europe are and demonstrates the need to set a common minimum acceptable level of fire safety in European hotels.

## ***2.2. The lack of a binding legislative tool at EU level***

At the moment, there is no up-to-date European reference document on fire safety in hotels, nor is there a 'General Service Safety Directive' which would serve as an overarching instrument for service safety in Europe, as is the case for products.

When adopted over 20 years ago, the aim of Council Recommendation 86/666/EEC on fire safety in hotels was to define clear, minimum safety standards for all hotels

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<sup>5</sup> Interview on France 2 'Complément d'enquête', 23 May 2005

<sup>6</sup> Decree of 24 July 2006 concerning the approval of various provisions supplementing and amending regulation against the risk of fire and panic in establishments receiving public (small hotels)

<sup>7</sup> law of 11 February 2005 "for equal rights and opportunities" of people with disabilities, introducing a series of measures regarding accessibility sites receiving public

in the EU. As concluded in the 2001 Commission Report<sup>8</sup> and the 2009 FTO<sup>9</sup> study: *Analysis of the implementation of existing regulations on fire safety in tourist accommodation*, this objective has not been achieved, particularly as some Member States have chosen to apply the provisions only to new or renovated hotels.

It is clear Council Recommendation 86/666/EEC, including its technical annex, no longer offers minimum, state-of-the-art safety standards for hotel accommodation. Moreover, considering the failure of this non-binding instrument to ensure a common minimum level of safety in hotels, ANEC believes there is urgent need for a stronger European instrument, namely a Directive on fire safety in hotels. Not only would a European Directive in this field bring true benefits to consumers, but such an instrument would also be flexible enough to take into account the vast range of hotel types and sizes. Negligence should be reduced as far as possible. Thus effective enforcement and the monitoring of the enforcement of legislation are essential.

### **3. ANEC's call for a directive on hotel fire safety**

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All consumers are entitled to benefit from a minimum standard of safety throughout Europe, and hotels need to be provided with reference to good practices in order to achieve this. The requirements we are seeking are not meant to create an obstacle to hotels but support to the efforts they make.

ANEC calls for legislation that covers emergency planning, fire safety management, and staff training and awareness, i.e. on issues which can be addressed in new and old hotels, irrespective of size. The measures that would result from such legislation are probably already in place in hotels that are genuinely safe.

In order to improve consumer protection, while noting the increasing number of consumers with disabilities, ANEC recommends four changes be incorporated into a revised legislative instrument, taking the current Recommendation as the basis:

1. The scope should be extended to include establishments of fewer than 20 guests. Most consumers would be unsettled to discover they may be less well protected in a small holiday hotel than a large hotel complex.
2. The instrument should apply to **all hotels**, existing, renovated and new.
3. **More emphasis should be placed on emergency planning, fire safety management, staff training and awareness.** Less emphasis should be placed on constructional features: these would be better addressed either in legislation (e.g. the Construction Products Directive) or European Standards.
4. Finally, **far more attention should be given to the measures taken to ensure the safety of persons with disabilities.** Particular examples are:

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<sup>8</sup> Report from the Commission on the application of the Council Recommendation on fire safety in existing hotels (86/666/EEC), 27 June 2001, COM(2001) 348final

<sup>9</sup> Federation of Tour Operators

- The simple measure of ensuring that alarms and safety signs can be understood by people with visual or hearing impairment (e.g. vibrating alarms to be placed under pillows).
- An obligation on hotel staff to show the emergency exit routes to all guests with disabilities, especially those travelling alone.
- Training on customer care for staff, including disability awareness.
- The designation of 'refuge areas' for wheelchair users and others with reduced mobility.
- Regular audits of hotel accessibility.

European standards should play a role in underpinning the legislation and specifying technical requirements when needed. Apart from acknowledging the need for a European directive, ANEC agrees with the Federation of Tour Operators on the need for the European Commission to collate statistics on fires in European tourist accommodation and to contract a reputable, experienced fire safety engineering organisation to study the level of fire safety in tourist accommodation in the EU Member States.

In the [Annex](#) below, further details are given on ANEC's position and involvement in longstanding discussions at the European level on the need for progress in hotel fire safety in the EU.

#### **4. Protecting consumers' safety is an investment for hotel industry**

ANEC does not question, nor wants to reduce, the diverse nature of establishments within individual Member States, but we are convinced that universal basic safety requirements are essential and can be identified.

Ensuring consumers benefit from safe services when in tourist accommodations must be achieved if Europe is to keep its leading position as a tourist destination and remain competitive. Safety should be recognised as an added value for the EU tourism industry. Hotels generate returns on their investment in safety measures. Moreover, the European population as a whole is ageing. This older population may have considerable purchasing power and be likely to travel for reasons of tourism. Consequently, there will be even greater reason for accessibility to be considered by tourism service providers. Safe, accessible tourism services benefit all tourists and can increase profitability of the service provider, regardless of the size of the provider, and give companies a competitive advantage<sup>10</sup>.

As the tourism industry comprises SMEs for the most part, it is essential any future legislation reflects the ability of small businesses to meet its requirements.

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<sup>10</sup> See also Preliminary ANEC position paper on Consumer Requirements in Tourism Services (ANEC-SERV-2010-G-010)

**Having a minimum acceptable level of (hotel) service safety throughout the European Union will bring benefits both to consumers and the tourism industry.** It will allow consumers from around the world to make comparisons and informed choices among tourism services and ensure that European services can meet their expectations.

We believe it is high time to ensure standards are raised to the level able to meet the expectations of European consumers and to reduce the number of fatalities in hotel fires.

### **ANNEX - ANEC's involvement in longstanding discussions at European level**

For several years, ANEC has taken part in discussions at European level on possible means to improve the level of hotel fire safety.

In 2004, ANEC commented on the *European Commission Working Document E – Fire Safety in Existing Hotels*<sup>11</sup>. We drew the attention of the Commission Consumer Safety Working Party in particular to the lack of reference in the Recommendation on the protection of guests with disabilities. ANEC had previously welcomed the European Parliament Resolution of 4 May 1994 which called on the Commission to propose a Directive on fire safety in hotels.

In 2006, following several Parliamentary questions on hotel fire safety, a dialogue between the Commissioner for Consumer Affairs and European Parliament opened to discuss policy options. In response to a request from DG SANCO for views on the revision of Council Recommendation 86/666/EEC, ANEC called on the Commission to **propose a Directive on fire safety in hotels**, based on revised provisions and the guidelines of the 1986 Recommendation. In particular, ANEC stressed that the revised instrument **should take the needs of people with disabilities better into account by revising the existing emergency planning, staff training and fire safety management provisions. Finally, we asked that the scope of the current instrument be broadened to cover smaller establishments.**

Moreover, further to the *conclusions of the EU expert group meeting on fire safety in hotels in 2006*<sup>12</sup>, ANEC noted its lack of support for the option of finalising the technical guidelines of the Recommendation through a CEN Technical Report. ANEC stressed such a voluntary measure would not be robust enough to reduce the risks related to hotel fires and do little to increase consumer confidence and protection. However, we do believe voluntary standards (such as those developed by CEN) have a role to play in supporting a legislative framework by providing the more technical specifications and requirements.

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<sup>11</sup> ANEC comments on the European Commission Working Document E – Fire Safety in Existing Hotels (ANEC/2004/COORD/034)

<sup>12</sup> EU expert group meeting on fire safety in hotels on 27 April 2006, final report

In September 2008, ANEC was asked for its views for the Parliamentary study<sup>13</sup> on the topic. We stressed our wish for a Directive, able to deal more broadly with fire safety in hotels and addressing all establishments, irrespective of size or age. The results of the study showed all stakeholders agreed that safety management, staff training and emergency procedures should be improved in European hotels.

### ***HOTREC voluntary charter on hotel fire safety in Europe***

In 2009, as no consensus had been reached on the revision of Recommendation 86/666/EEC, the discussion on possible legislative proposals was put on hold and HOTREC (a European association of hotels and restaurants) began developing a Charter on fire safety in European hotels.

Under the umbrella of HOTREC, a working group from the hotel industry was set up. In addition, a Stakeholder Consultative Committee including MEPs, Commission representatives, tour operators, trade unions, insurers, travel agents and others was created to give feedback on the *Charter on Hotel Fire Safety and Management, Buildings and Systems (MBS) Methodology* developed by the working group.

ANEC participated in the Stakeholder Consultative Committee and contributed<sup>14</sup> to the drafts. These contributions reflected the elements we would want to see in a future legislative instrument. We welcomed revision of the first drafts of the Charter and Methodology to address some of our preliminary comments. However, we and other stakeholders deplored both the proposed *voluntary* nature of the Charter and its application to national associations rather than individual hotels. As neither the Charter nor the Methodology aimed beyond existing national regulations, it was also far from clear how a high level of fire safety would be assured in areas of no or little regulation, or a consistent safety level across Europe achieved. We expressed concern at the vagueness of several key safety requirements and the lack of a way to monitor implementation of the Charter or Methodology. Despite these criticisms, the fundamental flaw was that the initiative would cover only HOTREC members: it could not embrace all hotels as would a legislative instrument.

At the November 2009 meeting of its General Assembly, HOTREC members once again did not agree to individual hotels being asked to commit to the Charter, despite the requirements of the Charter not being particularly demanding and going no further than regulatory practice in some Member States.

At the beginning of 2010, the proposed Charter was deleted by HOTREC members. Although the Methodology was published, it is merely guidance which HOTREC does not intend to impose on hoteliers, nor wishes to see invoked against an individual

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<sup>13</sup> IP/A/IMCO/ST/2008-15 European Parliament study on Hotel Safety, 2008

<sup>14</sup> Preliminary ANEC comments on HOTREC Hotel Fire Safety Charter and Methodology ( Ref.: ANEC-SERV-2009-G-024rev and Further ANEC comments on HOTREC Hotel Fire Safety Charter (Ref.: ANEC-SERV-2009-G-049)

hotel or national trade association. Although some national trade associations are willing to work with the guidance document and to encourage its use in hotels, we believe its success in improving hotel fire safety will be limited. We do not consider the Methodology provides enough details to help hotels - especially smaller ones - achieve notable improvements without the support of consultants.

ANEC does recognise the efforts made by the HOTREC working group to consider the views of all stakeholders in the drafting of the Charter and the Methodology and understands that extending the signature of the Charter to individual hotels would have been a difficult political issue for HOTREC. However, without this prerequisite, the effectiveness of the Charter was always going to be extremely limited. Nor can we overlook the many hotels outside the HOTREC membership that would not have been covered by the Charter or the Methodology.

The failure of the HOTREC initiative again demonstrates the need for a legislative instrument, such as a Directive, supported by formal European Standards.

## APPENDIX – About ANEC

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### *Raising standards for consumers*

*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 represents consumer organisations from 31 European countries. ANEC is funded by the European Union and EFTA, with national consumer organisations contributing in kind. Its Secretariat is based in Brussels.*

More information about ANEC and its activities is available at [www.anec.eu](http://www.anec.eu)

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*This paper was drafted by the ANEC Secretariat based on the positions of ANEC members on Hotel Fire Safety, as described in the ANEC position papers and comments referred to throughout the document.*