Regulation (EU) No 692/2011 of the European Parliament and of the Council of 6 July 2011 concerning European statistics on tourism and repealing Council Directive 95/57/EC (Text with EEA relevance)

REGULATION (EU) No 692/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 6 July 2011

concerning European statistics on tourism and repealing Council Directive 95/57/EC

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 338(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure[(1)],

Whereas:

(1) The European Council, in its Presidency Conclusions of 14 December 2007, stressed the crucial role that tourism plays in generating growth and jobs in the Union and called on the Commission, Member States, industry and other stakeholders to join forces in the timely implementation of the Agenda for a sustainable and competitive European tourism.

(2) The Union's tourism industry occupies an important place in the economy of the Member States with tourist activities representing a large potential source of employment. Any appraisal of its competitiveness requires a good knowledge of the volume of tourism, its characteristics, the profile of the tourist and tourism expenditure and the benefits for the economies of the Member States.

(3) Monthly data is needed in order to measure the seasonal influences of demand on tourist accommodation capacity and thereby help public authorities and economic operators develop more suitable strategies and policies for improving the seasonal spread of holidays and tourism activities.

(4) The majority of European businesses operating in the tourism industry are small or medium-sized, and the strategic importance of small and medium-sized enterprises (SMEs) in European tourism is not confined to their economic value and their substantial job-creation potential. They also underpin the stability and prosperity of local communities, safeguarding the hospitality and local identity that are the hallmark of tourism in Europe's regions. Given the size of SMEs, the potential administrative burden needs to be considered, and a system of thresholds should be introduced so that

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users' needs can be met, while at the same time reducing the burden of response on the parties responsible for providing statistical data, particularly SMEs.

(5) The changing nature of tourism behaviour since the entry into force of Council Directive 95/57/EC of 23 November 1995 on the collection of statistical information in the field of tourism[(2)], with the growing importance of short trips and same-day visits contributing substantially in many regions or countries to the income from tourism, the increasing importance of non-rented accommodation or accommodation in smaller establishments, and the growing impact of the Internet on the booking behaviour of tourists and on the tourism industry, means that the production of tourism statistics should be adapted.

(6) In order to enable assessment of the macroeconomic importance of tourism in the economies of the Member States based on the internationally accepted framework of tourism satellite accounting, showing the effects of tourism on the economy and jobs, there is a need to improve the availability, completeness and comprehensiveness of the basic tourism statistics as an input for compiling such accounts and, if deemed necessary by the Commission, as a preparation for a legislative proposal for the transmission of harmonised tables for tourism satellite accounts. This requires that the legal requirements which are currently laid down in Directive 95/57/EC be updated.

(7) In order to examine major issues of economic and social concern in the tourism sector, especially new issues requiring specific research, the Commission needs micro-data. Tourism in the Union has a predominantly intra-European dimension, which means that micro-data emanating from harmonised European statistics on the demand for outbound tourism already provide a source of statistics on inbound tourism demand for the Member State of destination, without imposing additional burden, thus avoiding duplicated observation of tourism flows.

(8) Social tourism allows as many people as possible to participate in tourism, and moreover, it can contribute to combating seasonality, strengthening the notion of European citizenship and promoting regional development, in addition to facilitating the development of specific local economies. To assess the participation of various socio-demographic groups in tourism and to monitor the Union programmes in the area of social tourism, the Commission needs regular data on participation in tourism and on the tourism behaviour of those groups.

(9) A recognised framework at Union level can help to guarantee reliable, detailed and comparable data, which will in turn enable the structure and development of tourism supply and demand to be properly monitored. Sufficient comparability at Union level is essential as regards methodology, definitions and the programme of statistical data and metadata.

(10) Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics[(3)], which constitutes the reference framework for this Regulation, provides that statistics are to be collected to high standards of impartiality, transparency, reliability, objectivity, scientific independence, cost-effectiveness and statistical confidentiality.

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(11) In the production and dissemination of European statistics under this Regulation, the statistical authorities at national and Union level should take account of the principles set out in the European Statistics Code of Practice adopted by the Statistical Programme Committee on 24 February 2005 and attached to the Recommendation of the Commission of 25 May 2005 on the independence, integrity and accountability of national and Community statistical authorities.

(12) In order to take account of economic, social and technical developments, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of adapting the deadlines for data transmission and the Annexes, except for the optional nature of the required data and the limitation of the scope as defined in the Annexes. The Commission should also be empowered to adapt the definitions to the changes in international definitions. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

(13) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers[(4)].

(14) Since the objective of this Regulation, namely to establish a common framework for the systematic development, production and dissemination of European statistics on tourism cannot be sufficiently achieved by the Member States, due to the absence of common statistical features and quality requirements and a lack of methodological transparency, but can, by applying a common statistical framework, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

(15) In the light of changes in the tourism industry and in the type of data required by the Commission and by other users of European statistics on tourism, the provisions of Directive 95/57/EC are no longer relevant. As the legislation in this field needs to be updated, Directive 95/57/EC should be repealed.

(16) A Regulation is the appropriate way of ensuring the use of common standards and the production of comparable statistics.

(17) The measures provided for in this Regulation are in accordance with the opinion of the European Statistical System Committee,

HAVE ADOPTED THIS REGULATION:

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Article 1

Subject matter

This Regulation establishes a common framework for the systematic development, production and dissemination of European statistics on tourism.

For this purpose, Member States shall collect, compile, process and transmit harmonised statistics on tourism supply and demand.

Article 2

Definitions

1 For the purposes of this Regulation:

a ‘reference period’ means a period to which data refer;

b ‘reference year’ means a reference period of 1 calendar year;

c ‘NACE Rev. 2’ means the common statistical classification of economic activities within the Union, as established by Regulation (EC) No 1893/2006 of the European Parliament and of the Council[(5)];

d ‘NUTS’ means the common classification of territorial units for the production of regional statistics within the Union, as established by Regulation (EC) No 1059/2003 of the European Parliament and of the Council[(6)];

e ‘usual environment’ means the geographical area, though not necessarily a contiguous one, within which an individual conducts his regular life routines and shall be determined on the basis of the following criteria: the crossing of administrative borders or the distance from the place of usual residence, the duration of the visit, the frequency of the visit, the purpose of the visit;

f ‘tourism’ means the activity of visitors taking a trip to a main destination outside their usual environment, for less than a year, for any main purpose, including business, leisure or other personal purpose, other than to be employed by a resident entity in the place visited;

g ‘domestic tourism’ means visits within a Member State by visitors who are residents of that Member State;

h ‘inbound tourism’ means visits to a Member State by visitors who are not residents of that Member State;

i ‘outbound tourism’ means visits by residents of a Member State outside that Member State;

j ‘national tourism’ means domestic and outbound tourism;

k ‘internal tourism’ means domestic and inbound tourism;

l ‘tourist accommodation establishment’ means a local kind-of-activity unit, as defined in the Annex to Council Regulation (EEC) No 696/93 of 15 March 1993 on the statistical units for the observation and analysis of the production system in the Community[(7)], providing as a paid service — although the price might be partially or fully subsidised — short-stay accommodation services as described in groups 55.1 (hotels and similar accommodation), 55.2 (holiday and other short-stay accommodation) and 55.3 (camping grounds, recreational vehicle parks and trailer parks) of NACE Rev. 2;

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m ‘non-rented accommodation’ means, inter alia, accommodation provided without charge by family or friends and accommodation in owner-occupied vacation homes, including time share properties;

n ‘same-day visits’ means visits without overnight stay made by residents outside their usual environment and which originated from the place of usual residence.

2 The Commission shall be empowered to adopt delegated acts in accordance with Article 11 concerning amendments to the definitions in paragraph 1 of this Article for the purpose of adapting those definitions to changes to international definitions.

Article 3

Subjects covered and characteristics of the required data

1 For the purposes of this Regulation, the data to be transmitted by the Member States in accordance with Article 9 shall relate to:

a internal tourism, in terms of the capacity and occupancy of tourist accommodation establishments, for the variables, periodicity and breakdowns laid down in Sections 1, 2 and 3 of Annex I;

b internal tourism, in terms of tourism nights spent in non-rented accommodation, for the variables, periodicity and breakdowns laid down in Section 4 of Annex I;

c national tourism, in terms of the tourism demand, which concerns the participation in tourism and the characteristics of tourism trips and visitors, for the variables, periodicity and breakdowns laid down in Sections 1 and 2 of Annex II;

d national tourism, in terms of the tourism demand, which concerns the characteristics of same-day visits, for the variables, periodicity and breakdowns laid down in Section 3 of Annex II.

2 The Commission shall be empowered to adopt, where necessary, delegated acts in accordance with Article 11 concerning adaptation of the Annexes, except for the optional nature of the required data and to the limitation of the scope as defined in the Annexes in order to take account of economic, social or technical developments. In exercising its power pursuant to this provision, the Commission shall ensure that any delegated acts adopted do not impose significant additional administrative burdens on the Member States and on the respondents.

Article 4

Scope of observation

The scope of observation for the requirements laid down in:

(a) Article 3(1)(a) shall be all tourist accommodation establishments as defined in Article 2(1)(l), unless otherwise specified in Annex I;

(b) Article 3(1)(b) shall be all tourism nights by residents and non-residents spent in non-rented accommodation;

(c) Article 3(1)(c), as regards the data on participation in tourism, shall be all individuals residing in the territory of the Member State, unless otherwise specified in Section 1 of Annex II;

(d) Article 3(1)(c), as regards the data on characteristics of tourism trips and visitors, shall be all tourism trips with at least one overnight stay outside the usual environment by