
I Tourism Law Conference in Europe: “Shaping the future: Tourism Law in Europe”

Tourism law, while often overlooked, plays a central role in promoting sustainable tourism that delivers equitable economic benefits, fosters cultural exchange, and enhances social well-being. It does so through the development and harmonization of transparent, balanced, and forward-looking legal and regulatory frameworks for tourism activities. On 18 September 2025, the I Tourism Law Conference in Europe was held at the University of Malta, with the support of the Malta Tourism Authority and in collaboration with UN Tourism.

The event brought together Member States of UN Tourism, legal experts, academics, and tourism stakeholders to discuss the evolving legal landscape shaping tourism across Europe. The Conference focused on four key legal themes essential for the future of tourism:

- advancing sustainability across its three interconnected dimensions: economic, environmental and social,
- addressing the challenges of overtourism,
- regulating short-term rentals offered via digital platforms to protect local communities, and
- strengthening consumer rights of tourists.

This document presents the key outcomes of the four roundtable discussions held during the conference. These discussions highlighted that effective tourism governance must go beyond growth, highlighting the need for solid legal foundation that promotes balance, fairness, and long-term responsibility in tourism.

Roundtable 1

Sustainability and Universal Accessibility: A Tourism Law perspective

Moderator

Dr. Noel Buttigieg, Head of Department at Department of Tourism Management, University of Malta (Malta)

Speakers

- Ms. Cristel Molné Casajuana, Director of Tourism and Trade at the Ministry of Tourism and Trade (Andorra)
- Ms. Višnja Letica, Advisor to the Minister, Ministry of Tourism and Sport (Croatia)
- Ms. Marie Vandersanden, Lecturer on Tourism Law, University of Bremen / Owner of Tourism Lawyers (Germany)
- Mr. Felio Bauzá, Full Professor, Universidad de las Islas Baleares (Spain)

Conclusions

Tourism law needs to be proactive, anticipating challenges rather than reacting after problems emerge. Current legal frameworks often lag the innovation pace of innovation and the rapid transformation of tourism activities, especially in areas such as digitalization, environmental claims, and short-term rentals. Clearer, consolidated and harmonized legal and regulatory frameworks are needed to build trust, ensure consumer protection, and balance rights with obligations among all tourism stakeholders.

One growing area of concern is greenwashing in tourism. Legal scrutiny of false or exaggerated sustainability claims is increasing at the EU and national levels. Companies must be able to prove and explain their environmental commitments. New rules may eventually regulate misleading green advertising in the same way tobacco ads were restricted. A notable legal development in this area is the German Federal Court of Justice (FCJ) decision of 27 June 2024 (Ref. No. I ZR 98/23), which held that the use of ambiguous environmental terms, such as “climate neutral”, is only permissible where the advertisement itself provides a clear explanation of the term's meaning. This precedent reinforces the necessity for transparency and accountability in environmental marketing practices, within and beyond the tourism sector, and may signal the future introduction of stricter rules to regulate misleading green advertising, akin to those adopted for tobacco products.

Sustainability is central to tourism development. Overtourism, carbon emissions, waste management, and water scarcity are pressing issues, particularly in islands and small states with limited resources. Carrying capacity studies and data-driven destination management are becoming essential tools to ensure the optimization of tourism legislation balance between growth and community well-being.

Islands and small states face unique challenges. Limited water supplies, waste management capacity, car congestion, and cruise ship impacts make them especially vulnerable to overtourism. Some destinations, such as the Balearic Islands, are already introducing tourist taxes, car entry limits, and caps on private accommodations to address pressure on infrastructure and communities.

The tourism model is shifting from focusing on quantitative growth (visitor numbers) toward qualitative development (better experiences, sustainability, inclusivity). Strategies include extending the tourism season, diversifying offers through cultural and gastronomic events, and ensuring tourism is accessible to people with disabilities and different needs.

Across Europe, best practices are emerging in the development of tourism legislation that aligns with international standards on sustainability while remaining responsive to specific national and local contexts.

As part of broader efforts to strengthen legal frameworks for sustainable tourism, UN Tourism has been supporting Andorra through a technical assistance project focused on developing a draft Tourism Framework Law tailored to the country's specific context. Coordinated by UN Tourism, a dedicated team of experts, composed of Mr. Javier Francisco Melgosa, Mr. Felio Bauzá y Ms. Antonia Paniza Fullana, is overseeing this legislative initiative, which seeks to establish a clear and comprehensive legal framework aligned with international standards and best practices in sustainability and digitalization, while also addressing the country's unique needs and characteristics.

The draft law is built around four strategic pillars: sustainability, digitalization, training, and competitiveness, promoting environmental protection, innovation, skills development for tourism professional, and increased confidence in the tourism sector. In addition to the draft legislation, a set of recommendations has been developed to enhance inter-institutional coordination and support effective implementation. This initiative not only aims to ensure a sustainable and competitive tourism model for Andorra but also aspires to serve as a reference for other UN Tourism Member States seeking to modernize and strengthen their tourism legislation, with the technical guidance and support provided by UN Tourism.

Similarly, Croatia has undertaken significant reforms to its tourism sector with the aim of positioning the country as a leader in sustainable tourism. Recognizing tourism's vital role (contributing directly 11.8% and indirectly around 20% to national GDP) Croatia adopted a new legislative and strategic framework beginning in 2021. At the core of this transformation is the Strategy for the Development of Sustainable Tourism until 2030, which sets four strategic goals: promoting year-round and regionally balanced tourism, preserving the environment, fostering innovation, and building resilience.

The new Tourism Act, in force since January 2024, introduces a comprehensive legal foundation for evidence-based planning and decentralizes key responsibilities to local and regional authorities. Complemented by implementing regulations and analytical tools, including a Tourism Development Index and Destination Sustainability Indicator System, Croatia's approach emphasizes data-driven policy, local empowerment, and environmental accountability. These reforms not only guide sustainable development at the national level but also offer valuable insights for broader discussions on sustainability and tourism law.

These examples provide valuable guidance for jurisdictions seeking to modernize their tourism laws in a manner that is both forward-looking and locally grounded.

UN Tourism plays a central role in facilitating international cooperation in the development, modernization, and harmonization of tourism legislation. It contributes to the establishment of normative standards in tourism law and provides technical assistance to smaller and emerging destinations in addressing the evolving challenges

of the sector. Its mission is to ensure tourism remains a force for sustainable development, while fostering the adaptation of legal and institutional frameworks to reflect ongoing technological innovation and industry change.

Roundtable 2

Overtourism: Legal Developments and Trends

Moderator

Profs George Cassar – Associate Professor, University of Malta, Department of Tourism Management (Malta)

Speakers

- Mr. Javier Melgosa Arcos, Full Professor, Universidad de Salamanca (Spain)
- Mr. Alan Arrigo, CEO - Robert Arrigo & Sons, Director on Federated Association of Travel and Tourism Agents (Malta)
- Mr. Philip Fenech, Deputy President of SMEs, Tourism, Hospitality and Leisure Sector, SME Chamber (Malta)

Conclusions

Over-tourism is a critical challenge for many destinations, particularly islands and densely visited urban areas. While tourism drives economic growth, employment, and cultural exchange, excessive visitor numbers, overcrowding and disruptive behaviour can strain infrastructure, causing transport and service collapses, disrupt residents' daily lives, and threaten the authenticity of the destination. In popular hotspots, this often produces a sense of disgust and anger with growing anti-tourist sentiment among local communities. Protests and demonstrations are increasingly observed—not against tourism itself, but against poorly managed tourism and the lack of effective governance.

Over-tourism is not only about the number of visitors but also about their characteristics and behaviour. High-spending, responsible tourists who engage with local culture contribute more sustainably than large numbers of visitors whose disrespectful behaviours may harm the destination and local communities. Incentives that once encouraged rapid expansion are now outdated and should be removed to prevent oversupply to ensure a quality experience for the carrying capacity studies, infrastructure assessments, and targeted policies are essential for improving the visitor experience holistically, ensuring tourism truly adds value—otherwise, tourists may not return.

Legal and regulatory frameworks are key to sustainable management. Spain's experience, particularly in the Balearic Island on managing excessive tourism behaviours, from alcohol misuse to public disturbances and "balconing", shows how targeted legislative measures addressing tourist flats, nightlife, and public order can mitigate overcrowding while protecting residents' rights. Similarly, in Malta, strategies to address oversupply focused on increasing the entire value chain, raising quality standards, customizing visitor experiences, and making the destination accessible to tourists with purchasing capacity demonstrate how policy and market incentives can work together. Moving toward a circular tourism model helps destinations avoid the pitfalls of a copycat approach that ignores the bigger picture, ensuring growth does not come at the expense of communities or the environment.

Finally, effective over-tourism management requires close collaboration among governments, local authorities, industry operators, and communities. Robust legal and regulatory frameworks are essential to guide this cooperation and ensure a balanced allocation of responsibilities among tourism stakeholders, including tourists themselves. These should be supported by long-term, multi-year strategies that balance economic benefits with social and environmental sustainability are essential to preserve the destination's authenticity and provide high-quality experiences for both visitors and residents.

Roundtable 3

Regulation of Short-term Rentals and Accommodation Services: Challenges and Opportunities

Moderator

Mr. Francesco Morandi, Full Professor of Tourism and Transport Law, University of Sassari and University of Roma Tre (Italy)

Speakers

- Prof. Andrej Mićović, Associate Professor, University of Kragujevac (Serbia) / Vice-President of the International Forum of Travel and Tourism Advocates – IFTTA
- Dr. David Mifsud, Legal Counsel, Malta Tourism Authority (Malta)
- Mr. Andrew Agius Muscat, CEO, Malta Hotels and Restaurants Association (Malta)

Conclusions

Short-term rentals (STRs) are developing as a multifaceted phenomenon, extending in practice beyond the tourism sector to touch on political, social, technological and economic dimensions as well. Enabled by online platforms, STRs have transformed the tourism sector, creating opportunities for economic growth, flexibility in accommodation, and additional income for local hosts. While hosts and tourists have coexisted in cities for decades, the proliferation of STR platforms has intensified pressures, revealing gaps in governance, the operability of existing regulations, and the fragmentation of rules across national, regional, and local levels. This lack of harmonization has complicated enforcement, classification of STRs as residential or commercial, and oversight of non-performance or partial performance of obligations, often leaving community concerns unaddressed.

Regulation of such STRs further continue to face challenges through ongoing legal ambiguity surrounding the regulation of STRs. Whilst law is generally accepted as static in nature, online platforms have been allowing a faster-paced development of tourism, to a point where such platforms have been outpacing the laws in this area. Moreover, there is a lack of clear definition in how “tourists” and “short-term accommodation” may be defined.

STRs contribute to the reduction of long-term rental stock, intensifying housing affordability issues, while an influx of population and rising tourism demand can further exacerbate gentrification and social displacement. Enforcement by itself will not solve these challenges; proactive measures, such as community engagement before problems arise and balanced zoning, are essential. Each novelty in the sector carries both pros and cons: online platforms expand market access and convenience but also raise questions of safety, public security, and fair competition, requiring careful attention to competition law and regulation of both platforms and hosts.

Moreover, EU legislation is continuing to develop to tackle the issues of STRs and work towards reshaping the sector, including through the Digital Services Act and the Regulation on the transparency and registration of short-term rental platforms, with even platforms based outside of the EU needing to comply with regulations, and upcoming rules on data collection and sharing aim to close the gap between EU countries and candidate countries, providing better guidance for member states and enhancing transparency.

The legal framework for STRs continues to evolve, with national courts and the European Court of Justice addressing complex issues such as platform liability and consumer protection. Effective management demands not only regulatory clarity and enforcement but also long-term strategies that integrate STRs into a circular tourism model, preserve the authenticity of destinations, and ensure that benefits are reinvested into communities.

UN Tourism is currently supporting its Member States through a technical cooperation project, initiated at the request of Bosnia and Herzegovina, focused on the analysis and review of legal and regulatory frameworks governing short-term rentals offered via online platforms. The project covers selected European countries—

including Bosnia and Herzegovina, Croatia, France, Greece, Italy, Montenegro, and Serbia—with a particular emphasis on the needs of Southeast European destinations.

Under the coordination of UN Tourism, the team of experts, composed of Mr. Francesco Morandi and Mr. Andrej Mićović, is currently undertaking a comprehensive diagnostic review of national frameworks, including cross-border compliance mechanisms in both EU and non-EU contexts. This analysis seeks to identify regulatory gaps, highlight effective practices, and propose improvements based on comparative analysis. A key component of the initiative includes a series of virtual knowledge-sharing events, to be held by the end of 2025, aimed at disseminating findings and fostering regional dialogue among tourism policymakers and stakeholders.

Through this initiative, UN Tourism reaffirms its commitment to supporting Member States in addressing the regulatory challenges posed by rapid innovation and technological transformation in the tourism sector.

Coordinated guidance, harmonized legislation, and stakeholder collaboration are essential to balance economic opportunity with social and environmental sustainability, ensuring that tourism remains a positive force for residents, visitors, and the local economy.

Roundtable 4

Consumer Protection in Tourism Contracts: Key Legal Updates

Moderator

Ms. Jacqueline Tanti-Dougall, Lecturer on Tourism Law, University of Malta / President of the International Forum of Travel and Tourism Advocates – IFTTA (Malta)

Speakers

- Ms. Antonia Paniza Fullana, Full Professor, Universidad de las Islas Baleares (Spain)
- Ms. Uta Stenzel, Attorney at Law, Legal Consultant (Germany)
- Dr. Michael Wukoschitz, Attorney at Law, partner at KWC Rechtsanwälte (Austria)
- Prof. Monika Jurcova, Professor within the Department of Civil and Commercial Law, Faculty of Law, Trnava University (Slovakia)

Conclusions

The recent approval of amendments to the Package Travel Directive (PTD) reflects the EU's commitment to strengthening travellers' rights in a rapidly evolving digital and global tourism environment. Key changes include the elimination of linked travel arrangements, clarification of organizers' liability, mandatory consumer protections such as insurance covering deposits in case of insolvency, standardized complaint handling, and rules on additional services booked within 24 hours of the original package. These amendments aim to harmonize obligations across member states while ensuring clarity for both travellers and organizers, balancing full harmonization with the Directive's principle of non-interference with national general contract law.

Liability remains central. Organizers are directly responsible for the proper performance of all services within a package, including those provided by subcontractors, except in cases attributable to the traveller, third parties unconnected to the package, or unavoidable and extraordinary circumstances. Under the PTD, the traveller must first prove a lack of conformity before exceptions can be invoked, as absence of fault alone is not sufficient. Nevertheless, whilst the PTD's full harmonization principle would aim for uniform rules across the EU, national courts, illustrated by rulings from the French and Austrian Supreme Courts, have interpreted these provisions differently, holding that the PTD does not affect general contract law and instead applying national standards for liability. Moreover, comparisons could be drawn at an international level, comparing the PTD to the Montreal and Athens Conventions, which hold a dual nature, being both international Conventions, but also part of EU law. These issues serve to highlight the importance of binding interpretations of the European Court of Justice to ensure consistent application across member states.

Digitalization and AI-based booking tools complicate the concept of package travel, which is now more difficult to define than under the first PTD Directive. Consumers increasingly rely on online platforms and dynamic prices, creating risks of “dark patterns” that manipulate consumers’ decisions to push them towards choices which, under different circumstances, they would not make, obscure important information, use emotionally manipulative language or create false sense of urgency. The EU’s legal framework has been addressing these issues through various regulations, including the Digital Services Act, with legislation emphasizing transparency, fair presentation, opt-in selections, and algorithmic transparency, supporting the properly informed consumer standard. However, there remains a discussion on this required standard that may be needed at the EU level, whether new standards are necessary for the “digital consumer” or whether existing frameworks for the “average consumer” at the EU level, being the reasonable, well-informed, observant, and circumspect person, may be sufficient

Travel vouchers remain a key issue. Amendments propose rules on unified forms, prolongation, partial use, transferability, and insolvency coverage, while stressing express consent and timely reimbursement. However, practical challenges persist regarding enforcement and responsibility allocation between organizers and intermediaries, as was only intensified during the Covid-19 pandemic, where measures were implemented by countries which were later deemed violations of EU law by courts and the European Commission. Clear differentiation between single travel contracts and full package travel is crucial to ensure consumer protection in complex or emergency situations.

Overall, the updated PTD strengthens travellers’ rights, reinforces supervision, and harmonizes obligations across the EU. Effective implementation will require attention to digital booking practices, AI involvement and dynamic pricing, ensuring clarity, transparency, and accountability in an increasingly complex travel market.