

Message 001

Communication from the Commission - TRIS/(2025) 2996

Directive (EU) 2015/1535

Notification: 2025/0633/ES

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20252996.EN

1. MSG 001 IND 2025 0633 ES EN 17-10-2025 ES NOTIF

2. Spain

3A. Subdirección General de Asuntos Industriales, Energéticos, de Transportes y Comunicaciones y de Medio Ambiente.

Dirección General de Coordinación del Mercado Interior y otras Políticas Comunitarias

Ministerio de Asuntos Exteriores, Unión Europea y Cooperación.

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3B. S.G. para el Turismo

Consejería de Turismo y Andalucía Exterior

Junta de Andalucía

4. 2025/0633/ES - SERV - INFORMATION SOCIETY SERVICES

5. Preliminary Draft Law on Sustainable Tourism in Andalusia

6. Tourism websites, channels or platforms that carry out marketing or advertising activities for tourist establishments, activities or services

7.

8. The Preliminary Draft Law only affects websites, channels or platforms that carry out marketing or advertising activities for establishments referred to in its Articles 2 34, 85 and 92.

Article 2 of the Preliminary Draft Law states that it is applicable to websites, channels or platforms that carry out marketing or advertising activities for tourist establishments, activities or services that are required to register with the Andalusian Tourism Registry.

Article 34.3 establishes that said websites, channels and platforms, upon request from the Administration, must inform the competent Administration in matters of tourism of the data relating to the ownership and address of those companies or individuals whose tourist activities, services or establishments are included in their information or marketing channels, without including the data or the corresponding registration code in the Andalusian Tourism Registry, when this is mandatory. Furthermore, they are required to withdraw the advertising and information provided in their information, marketing, and/or advertising channels for those tourist companies, services, establishments or activities that do not include the data or the registration code from the Andalusian Tourism Registry, when this registration is mandatory.

Failure to comply with the above obligation is, according to the wording of Article 85(24) of the Preliminary Draft Law, a serious infringement that may be sanctioned, in accordance with Article 92(2), with a fine of between 10,001 euros and 100,000 euros and a possible additional sanction of suspension from the exercise of tourist services, or the temporary closure of the establishment, where appropriate, for a period of one year, as well as the loss of the possibility of obtaining subsidies in the field of tourism.

9. The draft is notified for reasons of legal certainty since even though the Draft Law does not have the specific purpose and objective of explicitly and clearly regulating tourist intermediation services such as websites, channels or platforms, it does impose on these service providers the obligations indicated in Article 34(3), with the aim that advertising is only given on these channels, platforms or websites to tourist establishments or activities duly registered in the Tourism Registry of Andalusia if such registration is mandatory, resulting in the possibility of imposing sanctions in the event of non-compliance.

Furthermore, communication is not provided pursuant to the Services Directive, since it is considered that the proposed text does not include in its articles any of the requirements contemplated in Article 15(2) of the Directive.

10. References to primary legislation: There is no primary legislation

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No

European Commission

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