

REGULATORY IMPACT ANALYSIS REPORT

PRELIMINARY DRAFT LAW ON SUSTAINABLE TOURISM IN ANDALUSIA

This report is issued in compliance with the provisions of articles 7, 7-bis, and 7-ter of Decree 622/2019 of 27 December 2019, on electronic administration, the simplification of procedures, and the organisational rationalisation of the Regional Government of Andalusia.

This Regulatory Impact Analysis Report is structured in accordance with the Methodological Guide for its Preparation, approved by the Governing Council on 14 May 2024 and published in the Official Gazette of the Regional Government of Andalusia (BOJA) No 95 of 17 May 2024, according to the following table of contents.

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1. EXECUTIVE SUMMARY

GENERAL INFORMATION			
Proposing body ¹	General Secretariat for Tourism	Date ²	05/02/2025
Type of provision	Draft Law ☒		
	Legislative Decree. ☐		
	Decree. ☐		
	Order. ☐		
Title of the provision	Law on Sustainable Tourism in Andalusia		
Type of Report	Normal ☒ Abbreviated ☐		
1. TIMELINESS OF THE PROPOSAL			
Subject ³	The establishment of a new legal framework for the Andalusian tourism		

¹ Directorate responsible for promoting the initiative.

² Date on which the drafting of the Regulatory Impact Analysis Report (Memoria de Análisis de Impacto Normativo - MAIN) began.

³ Specify the factual situation that justifies the adoption of the legislation.



	sector, adapted to the legal changes that have taken place and to the current reality of the sector. Within this context, it addresses the management, planning and promotion of sustainable tourism in Andalusia under the principle of environmental, economic and social sustainability, as well as the definition of tourism policy, its guiding principles and criteria for action, in accordance with the objectives defined as its own. Likewise, it provides a clearer definition of the actors involved in tourism activity in Andalusia to whom the law shall apply, and includes a glossary of terms providing basic definitions for the regulation of the sector.
Objectives⁴	1. To promote sustainable tourism as a strategic sector of the Andalusian economy, generating employment and economic development. 2. To promote Andalusia as a tourist destination that reflects its cultural, environmental, economic and social reality, fostering the reduction of seasonality and ensuring the consistent treatment of its tourism brand. 3. To determine the competences of the various Public Administrations within the Autonomous Community of Andalusia in relation to tourism, particularly those of the local entities within its territory. 4. To protect, enhance and preserve tourism resources, preventing their degradation or destruction and ensuring appropriate and proportionate use to guarantee their durability and conservation. 5. To stimulate business and professional associations and improve

⁴ Set out systematically the objectives sought through adoption of the legislation.



	the competitiveness of the tourism sector through the strategic incorporation of quality criteria, the professionalisation of human resources, innovation, digital connectivity and sustainability. 6. To eradicate clandestine practices and unfair competition in the tourism industry. 7. To defend and protect users of tourism services. 8. To encourage tourism as an instrument of communication and mutual understanding among peoples and cultures.
Main alternatives considered⁵	1. Maintain the current regulation.
	2. Partially amend the existing Law on Sustainable Tourism in Andalusia.
	3. Adopt a new Law on Sustainable Tourism in Andalusia (selected option).
2. CONTENT	
Structure of the proposal⁶	This law is structured in 101 articles, distributed across eight titles, which are, where applicable, structured in different chapters, along with three additional provisions, one transitional provision, one repealing provision and three final provisions.

⁵ Also include the chosen option.

⁶ Provide a brief description, reproduction of the full text is not necessary.



3. LEGAL ANALYSIS

Affected legislation⁷

1. Law 13/2011 of 23 December 2011 on Tourism in Andalusia is repealed, as well as all other provisions of equal or lower rank that contradict or oppose what is established by law.

2. Decree 116/2016 of 5 July 2016 regulating Declarations of Tourism Interest in Andalusia is amended.

4. PROCEDURES

Prior public consultation

YES ☒ NO ☐

Consultation period: from 29 December 2023 to 27 January 2024

Outcome and assessment

A total of 18 contributions were received: 11 from individual citizens and 8 from organisations of various types representing different sectors, including: Federación Andaluza de Familias de Personas Sordas - FAPAS (Andalusian Federation of Families of Deaf People), Asociación de profesionales de viviendas y apartamentos turísticos de Andalucía - AVVPro (Association of Professionals in Tourist Accommodation and Apartments in Andalusia), Federación Andaluza de Guías de Turismo y Patrimonio (Andalusian Federation of Tourism and Heritage Guides), Delegación Territorial de Andalucía del Colegio de Geógrafos (Andalusian Regional Delegation of the Association of Geographers) and Colegio de Doctores y Licenciados en Filosofía y Letras y en ciencias de Sevilla y Huelva (Association of Doctors and Graduates in Philosophy and Arts and Sciences of Seville and Huelva).

The contributions generally focus on requesting information about the text being submitted for processing, as well as referring to general principles to be taken into account in the new regulation and, in some cases, specific drafting proposals that refer specifically to the field of tour guides, culture and heritage, and tourist accommodation.

⁷ Include not only provisions to be repealed, but also those requiring subsequent amendment.



Public hearing and information process	YES x NO ☐
	Date of consultation: 26/02/2025
Outcome and assessment	The observations made during this procedure have been duly considered, and the results thereof are attached to this Report as Annex I.
Reports and opinions obtained	- Evaluation report of the General Secretariat for Tourism on the Preliminary Draft Law on Sustainable Tourism in Andalusia and the corresponding Regulatory Impact Analysis Report. - Report of the Directorate General for Budgets of the Regional Ministry of Economy, Finance and European Funds, - Report of the General Secretariat for Public Administration. - Report of the Gender Equality Unit, - Report of the Council of Consumers and Users of Andalusia. - Report of the Andalusian Agency for Competition and Economic Regulation. - Report of the Andalusian Council of Local Governments. - Report of the Directorate General for Children, Adolescents and Young People. - Report of the Institute of Statistics and Cartography of Andalusia. - Report of the Andalusian Digital Agency concerning the completion of the section on electronic media in this Report. - Report of the Directorate General for Persons with Disabilities. - Report of the Tax Agency. - Report of the Directorate General for the Treasury and



	Public Debt. -Report of the Andalusian Tourism Council. - Report of the Legal Office of the Regional Government of Andalusia. - Opinion of the Economic and Social Council of Andalusia.	
Outcome and assessment	The reports and opinions obtained to date have been received and duly assessed. All of these have been attached to this Report as Annex II.	
5. IMPACT ANALYSIS		
Economic impact⁸	Direct economic impact	YES ☒ NO ☐ If yes, list the main effects
	Indirect economic impact	YES ☐ NO ☐ ☐ If yes, list the main effects
Economic-financial and budgetary impact	Only affects the proposing directorate	YES ☐ NO ☒
	Affects other directorates or bodies	YES ☒ NO ☐
	Chapters and financial sources affected, distinguishing between expenditure and revenue	TBC

⁸ Do not reproduce the budgetary impact, but indicate the expected impact on the economy in general and, where possible, quantify this.



	Quantification of the increase or decrease in expenditure, on the one hand, and revenue, on the other	TBC
Administrative burdens	Entails a reduction in administrative burdens YES ☐ NO X	
	Incorporates new administrative burdens	YES ☐ NO X
	Involves simplification of procedures	YES ☐ NO X
	Affects administrative burdens YES ☐ NO X	
Gender-based impact	The legislation is relevant to gender	NO ☐ YES x The gender impact of the legislation is positive.
Impact on children and adolescents	The legislation is relevant to children and adolescents.	NO X YES ☐
Impact on family	The legislation is relevant to family.	NO YES x The impact of the legislation on families is positive.
Electronic media	The legislation requires the use of information and communication technologies.	NO ☐ YES x If yes, this development corresponds to the Andalusian Digital Agency: NO ☐ YES x
Impact on the protection of personal data	The legislation has an impact on the protection of personal data	NO YES X



Other impacts⁹	Impact on older persons and persons with disabilities. Impact on the environment.
6. EX POST ASSESSMENT	
Regulatory assessment	YES x NO ☐
Time frame for assessment of the legislation	Total period: Periodic evaluations: YES X NO ☐ Period(s): every 2 years
Proposed body for assessment	Monitoring committee
Identification of objectives to be evaluated	Analyse the implementation process, its legal and economic implications, and assess its impact on the tourism sector.
Identification of impacts to be assessed	TBC
Assessment tools for each objective ¹⁰	TBC
Assessment tools for each impact¹¹	TBC

2. TIMELINESS OF THE PROPOSED LEGISLATION

2.1. Timeliness.

Tourism is a key strategic sector for Andalusia's economy, with a decisive socio-economic impact in terms of generating income and employment, and with undeniable

⁹ Social, environmental, etc.

¹⁰ The chosen assessment method should be indicated.

¹¹ The chosen assessment method should be indicated.



territorial implications due to its capacity for cohesion and spatial redistribution of wealth. Although subject to a constant process of change, the Andalusian tourism ecosystem has demonstrated great maturity, resilience and adaptability to different crises and periods of international uncertainty.

The time elapsed since the entry into force of the Law on Tourism in Andalusia has made it necessary to address the tourism phenomenon in its current reality, requiring adaptation of the applicable legal framework. Although it is a relatively recent law, new travel trends and emerging forms of accommodation and consumption call for more flexible and adaptable legislation that recognises tourism as a transversal factor influencing territorial and urban planning and facilitates simplification of regulatory development. Similarly, new forms of co-governance highlight the need to review existing collegiate bodies for administrative coordination and social participation.

Given tourism's major influence on the economy and on society, it is necessary to establish an appropriate legal framework to respond to the needs expressed by the various public administrations, tourism operators and society as a whole, ensuring that tourism continues to be a key element in the success of economic stability and in attracting investment to the Autonomous Community — all while upholding social and environmental sustainability.

The legal framework derived from Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market, has shaped a regulatory environment for service activities — including those in the tourism industry — that moves decisively towards the removal of burdens and barriers hindering the development of service activities between Member States. This framework consists of Law 17/2009 of 23 November 2009 on the free access to and exercise of service activities; Law 25/2009 of 22 December 2009 amending several laws to bring them into line with the Law on free access to and exercise of service activities; and Law 20/2013 of 9 December 2013 on the guarantee of market unity.

The 2030 Agenda for Sustainable Development Goals (SDGs), adopted by the United Nations General Assembly on 25 September 2015, serves as the international political framework that UN Member States have adopted as a roadmap for the sustainability of human life from social, cultural, economic and environmental perspectives. Building on this foundation, the new law seeks to transform the tourism model towards sustainability, placing particular emphasis on competitiveness through digitalisation, energy efficiency and the circular economy.

Furthermore, maintaining Andalusia's competitive positioning as a destination requires improvements and a continual review of the tourism model, traditional management methods, and the regulatory framework supporting them. Hence, an innovative law is needed — one capable of adapting to the prevailing reality and ensuring the long-term sustainability, quality, competitiveness and dignity of the tourism industry. Equally, it is essential to promote new strategies that highlight the positive returns of Andalusian tourism — in terms of both recognition and image, and its benefits to citizens' quality of life and prosperity — while defining measures to counteract undesired effects and mitigate potential territorial tensions, especially in large cities, for balanced and proportionate development.

Finally, the establishment of a generalised model based on statements of compliance requires reinforcement of monitoring and inspection mechanisms, and the corresponding adaptation of the penalties.

2.2. Objectives.



The objectives of the preliminary draft law on sustainable tourism in Andalusia are:

1. To promote sustainable tourism as a strategic sector of the Andalusian economy, generating employment and economic development.
2. To promote Andalusia as a tourist destination that reflects its cultural, environmental, economic and social reality, fostering the reduction of seasonality and ensuring the consistent treatment of its tourism brand.
3. To determine the competences of the various Public Administrations within the Autonomous Community of Andalusia in relation to tourism, particularly those of the local entities within its territory.
4. To protect, enhance and preserve tourism resources, preventing their degradation or destruction and ensuring appropriate and proportionate use to guarantee their durability and conservation.
5. To stimulate business and professional associations and improve the competitiveness of the tourism sector through the strategic incorporation of quality criteria, the professionalisation of human resources, innovation, digital connectivity and sustainability.
6. To eradicate clandestine practices and unfair competition in the tourism industry.
7. To defend and protect users of tourism services.
8. To encourage tourism as an instrument of communication and mutual understanding among peoples and cultures.

2.3. Main alternatives considered.

The possibility of not passing the law is being considered. However, the time elapsed since the adoption of Law 13/2011 of 23 December 2011 on Tourism in Andalusia, together with the large number of subsequent legal provisions affecting the regional regulatory framework, make it necessary to update the established legal regime.

Another alternative would be a partial amendment of the current Law on Tourism in Andalusia, but this could generate regulatory conflicts that should be avoided under the principles of legal certainty and legality, as the intended amendments are substantial in nature.

The possibility of drafting a consolidated text or approving amendments to existing regulations has been ruled out, as such a solution would be neither efficient nor appropriate, maintaining the general lines of the current legislation and hindering the unified update of the legal framework.

Thus, comprehensive regulation through the adoption of a new Andalusian Tourism Law — in line with the principles of good regulation — is deemed the most appropriate approach to achieve the objectives, in accordance with the principle of proportionality in the exercise of regional competences and with respect for State competences, within a framework of institutional loyalty.

Consequently, the drafting of a new legal text has been adopted as the preferred option, as it is considered the most suitable and consistent with the stated aims and objectives and will address the current needs of the sector, in line with the Governing Council



Agreement of 5 December 2023, which instructed the Regional Ministry of Tourism and External Affairs of Andalusia to initiate the necessary procedures for the preparation of the Law on Tourism in Andalusia.

2.4. Adherence to the principles of good regulation.

The Preliminary Draft Law on Sustainable Tourism in Andalusia has been prepared in accordance with the principles of good regulation set out in Article 129(1) of Law 39/2015 of 1 October 2015 on the common administrative procedure of public administrations, and Article 7-bis(1)(3) of Decree 622/2019 of 27 December 2019 on electronic administration, simplification of procedures, and organisational rationalisation of the Regional Government of Andalusia.

Regarding the principles of necessity and effectiveness, the public-interest justification for this law lies in the significant changes experienced by the tourism sector since the entry into force of Law 13/2011 of 23 December 2011 on Tourism in Andalusia, making it essential to address the sector's current reality through adaptation of the applicable legal framework. Although it is a relatively recent law, new travel trends and emerging forms of accommodation and consumption call for more flexible and adaptable legislation that recognises tourism as a transversal factor influencing territorial and urban planning and facilitates simplification of regulatory development.

In relation to the principle of proportionality, this law constitutes the appropriate regulatory instrument, following careful consideration of the consequences for citizens of adopting this law versus non-intervention or the use of other non-regulatory instruments.

As regards the principle of legal certainty, the legal rank of the law is justified under Article 71 of the Statute of Autonomy for Andalusia, being consistent with existing legislation.

Even with all that, the pre-legislative administrative procedure and the procedure for the approval of the law by the Andalusian Parliament have been taken into account, in accordance with the general regulations established, and the Regulatory Impact Analysis Report, the corresponding optional and mandatory reports, as well as the citizen participation procedures such as the prior public consultation, the public hearing and the public information. The principle of transparency has thus been respected, alongside the applicable publicity requirements — including active publication — in accordance with the relevant legislation, particularly Article 7 of Law 19/2013 of 9 December 2013 on transparency, access to public information and good governance, and Article 13 of Law 1/2014 of 24 June 2014 on public transparency in Andalusia, while clearly defining the objectives of the draft regulation.

Finally, in relation to the principle of efficiency, unnecessary administrative burdens have been eliminated, establishing only those procedures and documentation requirements strictly necessary under the law. Public resources have likewise been rationalised to ensure efficient achievement of the objectives and purposes set out in this Law.

3. CONTENT AND LEGAL ANALYSIS.

3.1. Content.

3.1.1. Structure of the proposed legislation. Summary of the main aspects and the key measures.



This Law is structured into 101 articles, distributed across eight titles, which are, where applicable, structured in different chapters, along with three additional provisions, one transitional provision, one repealing provision and three final provisions.

Title I, concerning general provisions, comprises three articles that define the purpose and objectives of the legislation, its scope of application, and the definitions of terms for the purposes of the provisions of this law.

Title II regulates tourism policy, the distribution of powers, and administrative organisation.

Chapter I addresses the tourism policy within the scope of the powers of the Regional Government of Andalusia through actions aimed at achieving a diversified, innovative, universally accessible and differentiated tourism offering, stimulating its quality and competitiveness, with respect for the principles of economic, social and environmental sustainability, and promoting a tourism management model based on the distinctive characteristics of the region, all of which is underpinned by the commitments and actions established to achieve this. The entire territory and landscape of Andalusia are considered tourism resources and assets, as they are essential elements underpinning the region's excellence and unique identity, key factors in tourism competitiveness through their enhancement and sustainable management. This management must fully account for current and future impacts to meet the needs of tourism operators, the environment, and the population. As key aspects of tourism policy, the Regional Ministry responsible for tourism will carry out tourism promotion activities to raise awareness of the destination and the Andalusia brand, maintain its image of quality and visitor loyalty, and facilitate the marketing of Andalusian tourism products in both national and international markets. It will also promote innovation and technological modernisation of tourism businesses, establishments, and services as strategic tools for enhancing competitiveness and sustainability.

Chapter II enumerates the powers of the Regional Government of Andalusia in exercising its tourism policy, ensuring coordination and cooperation with the General State Administration, as well as with local authorities, other Autonomous Communities, and neighbouring regions, with full respect for their powers and the autonomy of local authorities, in line with the regulations governing their organisation and operation. These powers may be transferred or delegated to local authorities in accordance with Articles 17 and 19 of Law 5/2010 of 11 June 2010 on Local Autonomy in Andalusia, which generally sets out the powers of municipalities and provinces in the field of tourism.

Chapter III of Title II regulates the bodies and instruments of collaboration in the field of tourism of the Regional Government of Andalusia, whose functions in the field of tourism shall be carried out through the Regional Ministry that has been assigned such powers at any given time.

Without prejudice to the existence of other general advisory bodies, the Andalusian Tourism Council shall be maintained as an advisory and consultative body to the Regional Government of Andalusia on matters relating to tourism, with the aim of channelling the participation of local Andalusian entities through the association of municipalities and provinces at the regional level with the greatest presence, the most representative business, trade union and consumer and user organisations, neighbourhood associations, professionals and experts of recognised prestige in the field of tourism, as well as any others that may be established by regulation.

A new development is the creation of the Observatory for Local Tourism Sustainability, as an instrument of collaboration between the Andalusian Tourism Administration and local government representatives to help improve the management of interests that may



converge in tourism, establish spaces for interaction between the different actors to improve decision-making, and develop joint working systems that satisfy the interests of all the agents involved. Its objective is to analyse and make proposals—through various working groups—on issues related to the sustainable and balanced development of tourism and its impact on Andalusian municipalities, including municipal council financing, maintenance of public services, social coexistence, housing, and urban planning.

Title III regulates tourism planning and management.

Chapter I establishes the General Plan for Sustainable Tourism in Andalusia as the essential planning instrument, regulating its preparation and approval process. All other tourism planning instruments must conform to the specifications and guidelines set out in this General Plan.

The primary aim of the General Plan is to promote and strengthen the Andalusian tourism offer through enhancement and diversification, thereby achieving improved distribution of tourist flows, reducing seasonality, and fostering greater social and territorial cohesion.

Tourism Plans for Large Cities are also envisaged, for the promotion and development of tourism in cities with a population of over one hundred thousand inhabitants and which meet the requirements detailed in this law.

In an innovative manner, unique planning instruments are established that may be developed and approved by the Regional Ministry responsible for tourism, with the participation of municipalities and tourism operators, as strategies or other instruments aimed at developing the provisions of the General Plan for Sustainable Tourism in Andalusia or at regulating tourism in specific territorial areas, tourism segments, products or areas of management of priority action for the Regional Government of Andalusia.

Thus, the specific planning instruments whose purpose is to determine the tourism model applicable in the territorial areas established by the General Tourism Plan shall be called Strategic Frameworks for the Management of Tourism Resources and Activities.

Destination Requalification Programmes may be drawn up in relation to mature tourist areas, taking into account their rapid growth, territorial and environmental fragility, tourist density or other circumstances that cause structural imbalances. These programmes shall be approved by the Governing Council, at the proposal of the head of the Regional Ministry responsible for tourism.

Similarly, Rural Tourism Plans may be prepared for the promotion and development of tourism at municipal or inter-municipal level, in rural areas, with objectives defined in the instrument of approval.

Chapter II of Title III regulates the important issue of land use for tourism and the territorial impact of tourism, with the aim of ensuring that public administrations' tourism and land use planning seeks, within the scope of their respective competences, the promotion and protection of tourism resources and infrastructure, ensuring their rational use, care and sustainable development, as well as the inclusion in territorial and urban planning instruments of specific measures for their protection and promotion.

To this end, sub-regional Land Use Plans shall incorporate provisions, within the scope of their powers, that enable the implementation of the tourism model established for the different territorial areas in the General Plan for Sustainable Tourism in Andalusia or,



where applicable, in the territorial-based tourism strategies and in accordance with the guidelines established in the Andalusia Land Use Plan.

Given the current importance of tourism land use in tourist accommodation services, it is established that competent local authorities must certify the urban planning compatibility of tourist accommodation services within their municipal area, under the terms set out by regulation. Municipal councils are responsible for monitoring the use of tourist accommodation establishments in accordance with the municipal licence granted, penalising any use that contravenes the applicable urban planning regulations in accordance with the provisions of Article 161(3)(d) of Law 7/2021 of 1 December 2021 on promoting the sustainability of the territory of Andalusia, without prejudice to initiating, where appropriate, the corresponding proceedings to restore urban planning legality. Municipal councils must also ensure that tourist dwellings offered has the corresponding municipal authorisation permitting such use, in cases where it is required by sectoral legislation.

Chapter III, referring to the character of the Tourist Municipality of Andalusia, introduces as new features for its declaration, the elimination of the maximum population limit of one hundred thousand inhabitants for the municipality and the modification of the requirements to be assessed in order to obtain the designation. These requirements must include the municipality's population, tourism activity and tourism offer, as well as the existence of a municipal plan for tourism quality, sustainability and smart tourism, which must include measures to improve services and provisions, the proper management of resources and coexistence, and active participation in the Andalusian Network of Sustainable and Smart Tourism. The primary purpose of declaring a Tourist Municipality of Andalusia is to promote quality, sustainability, and smart tourism in the delivery of municipal services to the tourism population through joint promotion efforts, thereby facilitating social harmony and upholding the principle of hospitality.

Title IV regulates the rights and obligations of users of tourism services and of tourism enterprises.

Chapter I is dedicated to general provisions such as the promotion by the Regional Ministry responsible for tourism of the principles of hospitality and coexistence as necessary conditions for establishing the framework for relations between visitors and the local population, based on cordiality, the right to rest, respect for their language, customs, traditions and freedom of conscience and belief, through collaborative and co-responsible management by all parties involved as a basic guarantee of compliance. Equally, policies for inclusive social tourism shall be promoted, focusing on the individual as an essential part of the tourism ecosystem and as a key element in the model of sustainability and coexistence proposed in this law.

Chapter II establishes an updated, detailed, extensive and comprehensive catalogue of the rights and obligations of users of tourist services in relation to those providing such services.

Chapter III sets out the rights and obligations of companies or persons providing tourist services, adding a specific article for these concerning particular information obligations, without prejudice to those established in legislation on the defence and protection of consumers and users or any other applicable legislation, which must be made available to users.

Title V concerns the regulation of the tourism offer.

It begins in Chapter I by regulating tourism services and activities with an impact on tourism, over which the Regional Ministry responsible for tourism will exercise regulation



and control. For the purposes of this legislation, the following are considered tourist services: the provision of accommodation; intermediation; outdoor sports activities that inherently involve risk or a certain degree of physical effort or skill; tourist information and information services provided, either in person or online, by tourist guides or other entities when such information relates to tourism resources or the tourism offer; ecological or ecotourism activities and, in general, all tourist activities based on the appreciation, enjoyment, awareness, study and understanding of natural resources; tourist transport, understood as that carried out by buses on scenic routes, horse-drawn carriages, bicycle hire or other means; and hospitality activities.

In turn, the following shall be deemed activities with a tourism impact: cultural, religious, academic, heritage, sporting, industrial or other activities that have an effect in the tourism sphere; tourist catering and restaurant services; and conference and event tourism activities.

Other services or activities besides those indicated may be recognised as tourist services in accordance with the regulations.

With regard to persons providing tourist services, in accordance with the requirements established by law, whatever their legal nature, they may be classified as accommodation companies; intermediation companies; and companies providing other tourist services.

Finally, it is established that prices for tourist services, which shall be freely determined, must always be available to users, in a prominent position, easily located and legible, on any of the various types of advertising media used, regardless of how such services are marketed.

Chapter II regulates the exercise of the tourism activity by the persons providing tourist services, defining its concept and establishing freedom of establishment and free exercise thereof, with no limitations other than compliance with current legislation, so that any person interested in providing tourist services may establish themselves in Andalusia, following submission of a responsible declaration or, where applicable, obtaining the appropriate authorisation.

Those who lawfully engage in a tourism activity in another Autonomous Community may carry it out in Andalusia without having to submit a new statement of compliance or notification; except for the communication required of guides from other Autonomous Communities who are to carry out their activity in Andalusia, under the terms to be established by regulation.

With regard to providers of tourist services established in any other Member State of the European Union or States party to the Agreement on the European Economic Area who do not operate elsewhere within the national territory, they may freely provide temporary tourist services in Andalusia without the need to submit a statement of compliance.

Advertising or marketing by any means, or the actual performance of a tourism activity without having submitted the statement of compliance for commencement of activity, shall be deemed a clandestine activity; and the offering or advertising by any means of dissemination of services belonging to tourist service providers that contravene the requirements applicable to the commencement or conduct of their activities shall be deemed an illegal offer.

Chapter III regulates the Tourism Register of Andalusia. Attached to the Regional Ministry responsible for tourism and having an administrative and public nature, its purpose is the



compulsory registration of tourist services developed under regulation and provided by natural or legal persons who are accommodation, intermediation or other tourist service companies, as set forth in this legal text.

Its fundamental purpose is to serve as an instrument of knowledge of the sector, facilitating the control, programming and planning activities attributed to the tourism administration, as well as the provision of information to interested persons.

Regulations shall determine its rules of organisation and operation, introducing as a new feature the possibility of establishing systems of cooperation with local Andalusian authorities and any other bodies and institutions, with the aim of achieving swifter updating of registry information on the tourism offer, monitoring of registration, inspection or modification procedures for establishments and tourist services, and ensuring the necessary coordination between the Regional Government of Andalusia and local authorities in matters of urban-planning control and regulation of tourist establishments and services.

Finally, registration in the register shall be based on a statement of compliance by individuals and tourist establishments.

Chapter IV regulates tourist accommodation services.

Section 1 defines them and establishes their exclusions and classification. Thus, tourist accommodation shall mean any collection of movable and immovable property offered to individuals, for payment, on a temporary basis, with or without the provision of complementary services, constituting an autonomous functional unit for immediate use. They are classified as tourist accommodation establishments established in this law, as holiday rental dwellings, and as any others that may be established by regulation.

The types of tourist accommodation establishments have been defined, namely hotel establishments; tourist apartments; rural accommodation; camping accommodation; unique establishments; and any other category that may be recognised by regulation. It is further determined that persons or entities wishing to build, extend or refurbish a tourist accommodation establishment subject to administrative classification must submit to the competent municipal council, together with the building permit application, the documentation established by regulation, including an express statement of compliance that the proposed establishment meets the requirements set out in the applicable regulations to hold a given tourist classification according to the group, category, type and, where applicable, speciality of the proposed establishment. Furthermore, tourist accommodation services shall be managed under the principle of single operation, their administration corresponding to a single holder, who shall bear administrative responsibility for their functioning. Specific provisions are established for establishments subject to horizontal property ownership or similar forms, and for comparable residential tourism arrangements.

Timeshare schemes in tourist accommodation establishments are likewise defined, which must also adhere to the principle of single operation and to the other provisions of this Law and its implementing regulations, according to the type of establishment and its classification, in addition to the specific legislation governing timeshare use. The annual period of use may not exceed that established in the implementing regulations for each type of tourist accommodation.

Section 2 regulates hotel establishments, understood as the set of movable and immovable property which, forming an autonomous functional unit, is organised by the operating company for the proper provision of tourist accommodation services, with or without complementary services, and which must meet the requirements laid down in



this law and those established by regulation. Hotel establishments are classified into the following groups: hotels, inns, guesthouses, lodges or hostels, and any others created by regulation.

Tourist apartments regulated in Section 3 are defined as a set of movable and immovable property which, forming an autonomous functional unit, is organised by the operating company for the proper provision of tourist accommodation services, with accommodation units furnished and equipped for immediate use and, in all cases, for the storage, preparation and consumption of food and drink, complying with the requirements set out in this law and those established by regulation.

Section 4 relates to camping accommodation and overnight areas. The former are defined as those tourist establishments which, occupying a properly delimited plot of land equipped with the necessary facilities and services, are intended to provide users of tourist services, for payment, with a suitable place to enjoy outdoor living for holiday or tourism purposes, using mobile lodgings, caravans, motorhomes, tents or other similar easily transportable or dismantlable elements. All this shall be for a limited period of time, and in no case may the stay of tourists in such establishments constitute habitual residence or domicile.

In turn, overnight areas are those establishments intended exclusively for the reception and camping of motorhomes, caravans or campervans in transit, as well as for the persons travelling in them, for the rest and maintenance typical of such vehicles, such as emptying and cleaning of tanks and the supply of drinking water and electricity. A motorhome, caravan or campervan shall be considered to be camping when its parking perimeter is extended by transforming or deploying elements belonging to it.

As regards rural tourist accommodation, Section 5 regulates those located in rural areas that present special features of construction, location and typicity, in which temporary accommodation services are provided, for payment, with or without the provision of complementary services, and which are registered as such in the Tourism Register of Andalusia under the terms established in this Law and its implementing regulations.

Unique accommodation, referred to in Section 6, comprises that which, due to its exceptional nature, particular characteristics, morphology or special appeal, cannot be included within any of the other types of tourist accommodation services defined herein and is granted such status by the Regional Ministry responsible for tourism, in accordance with the requirements and conditions determined by regulation, taking into account criteria of innovation, originality of the project or similar.

The growing phenomenon of holiday rental dwellings is regulated in Section 7, which defines them as those dwellings equipped for immediate use, located in buildings where accommodation is offered, either wholly or by rooms, for payment, within the territory of the Autonomous Community of Andalusia, on a habitual basis and for tourism purposes. The tourism service must be provided therein throughout the year or during specific periods within the same year, which must be stated in the corresponding statement of compliance. It may only be marketed during the declared periods, and marketing outside those periods shall be deemed a clandestine activity. The concept of operating companies for holiday rental dwellings is also expressly introduced, referring to natural or legal persons entrusted with the management and administration of one or more such dwellings, regardless of the enabling title for doing so, and who must be listed as the owners of the business in the statement of compliance.

Chapter V of Title V considers travel agencies and related travel service companies to be tourism intermediary companies for the purposes of this law, with their regulations being



developed by statute. As an essential requirement, they must establish and maintain in force at all times the contractual liability guarantee and civil liability insurance determined by regulation in order to respond in general terms to the fulfilment of the obligations arising from the provision of their services, especially in cases of insolvency, and to ensure the normal development of their activity, guaranteeing the possible risks of their liability.

Chapter VI of this Title V details tourist information and information services, for which the Regional Ministry responsible for tourism shall use the appropriate means and systems with the aim of providing knowledge of tourism supply and demand, as well as ensuring responses to external information requests.

Likewise, it shall promote the use of information and communication technologies, both in disseminating Andalusia's tourism resources and in relations between the Administration, the tourism business sector and tourists.

Tourist offices are regulated below as those physical or virtual spaces that regularly provide users with guidance, assistance and tourist information, and may provide other complementary tourist services, and the Andalusian Tourist Office Network, which will include those tourist offices, whether physical or virtual, owned by the Regional Government of Andalusia, creating said network for this purpose.

Finally, a regulation is established for the specific and exclusive activity of tourist guides, defined as the habitual and remunerated provision of tourist information services to those visiting the assets included in the General Catalogue of Andalusian Historical Heritage. The remunerative nature of the service is not undermined by the fact that its amount varies at the start of the service and that its requirements in terms of training, qualifications, listening and reading comprehension skills, oral and written expression, and the exercise of the activity by persons from other autonomous communities or by persons already established in a Member State of the European Union are regulated.

Title VI addresses the promotion of tourism competitiveness.

Chapter I includes a series of general provisions on this matter.

Chapter II, concerning tourism promotion, first defines the promotion of tourism competitiveness as the action of the Public Administrations aimed at enhancing the capacity of destinations to use their resources efficiently, in order to develop and offer sustainable, high-quality, innovative, ethical and attractive tourism products and services, and thus improve their tourism offer.

The Andalusian Tourism Administration, within the framework of the General Plan for Sustainable Tourism, shall promote strategies for action in the areas of promotion, quality and tourism innovation, and the implementation of an integrated management model in these matters. Based on the principles of action pursued through the measures to promote tourism competitiveness, tourism promotion is conceived as the set of actions carried out by the Regional Ministry responsible for tourism, through which it fosters knowledge of the destination Andalusia, strengthens the loyalty of those who visit as tourists, and facilitates the marketing of Andalusian tourism products in both the national and international markets, without prejudice to the powers of the State.

Chapter III of Title VI regulates tourism quality and its strategy for action, aimed at ensuring optimal and consistent attention to tourists throughout their consumer journey, at satisfying their expectations and encouraging their loyalty, through the continuous improvement of the tourism services and products they consume.



Special mention should be made of the declarations of tourist interest in Andalusia by the Regional Ministry responsible for tourism, which declare as tourist interest those festivals, events, places, itineraries, routes, publications and audiovisual works that represent an expression and development of the region's own values and popular traditions and that are of particular importance as tourist attractions, in accordance with the regulations established.

Chapter IV addresses tourism innovation, whereby the Regional Ministry responsible for tourism shall support the innovation and technology of tourism companies, establishments and services, as well as the generation and transfer of knowledge to the Andalusian tourism ecosystem, as a strategic instrument to increase its competitiveness and sustainability.

Andalusian tourist destinations and their business and professional networks will focus on becoming smart destinations as the best way to tackle and address real problems using new technologies, and will gear their management towards governance, innovation, technology, sustainability and accessibility. For the purposes of this law, a smart destination is understood to be an innovative tourist area, accessible to all, built on cutting-edge technological infrastructure that guarantees the sustainable development of the territory, facilitates visitor interaction and integration with the environment, and enhances the quality of their experience at the destination and the quality of life of residents.

The Andalusian smart tourism and knowledge transfer system is also regulated, as are R&D&I (research, development and innovation) activities in the field of tourism.

Title VII establishes the regulations governing tourism inspections.

These shall be exercised by the Regional Ministry responsible for tourism, to which the corresponding inspection services are assigned, with the structure to be determined by regulation.

In the exercise of their duties, the officials employed by these bodies shall be regarded as agents of the authority and shall carry the corresponding identification, which must be presented when carrying out their functions.

They shall also be bound by a duty of confidentiality and shall enjoy independence in their actions, in accordance with the provisions of programmed inspection plans and the instructions of their hierarchical superiors.

For their part, the owners of tourist services and establishments, their legal representatives or, failing that, duly authorised persons are obliged to provide inspection service officials, in the exercise of their duties, with access to premises and facilities and to allow them to examine documents, books and records directly related to tourist activity, as well as to facilitate the obtaining of copies or reproductions of the aforementioned documentation.

In particular, the tourism inspection shall have the functions of verifying and controlling compliance with current tourism regulations and, where appropriate, proposing the initiation of the corresponding sanctioning proceedings; issuing technical reports established by law or regulation, particularly those relating to the classification of tourist establishments and the operation of tourist services; providing information and advice to interested persons, when so requested, concerning their rights and obligations and the application of current tourism legislation; as well as any other functions which, by their nature, may be established by regulation.



Moreover, they may seek the cooperation of inspection services dependent upon other Regional Ministries and Public Administrations and of the law enforcement agencies, under the terms provided by the current legislation.

For each inspection action carried out, regardless of the means by which it is conducted, the acting official shall draw up the corresponding report, containing the minimum required information, stating its outcome, which may indicate conformity with tourism regulations, a warning, or an infringement.

Title VIII regulates the penalty system.

Chapter I sets out the general principles of imposing sanctions in matters of tourism, the violation of which shall be subject to administrative penalties, following the corresponding sanctioning proceedings, which shall be initiated *ex officio* by decision of the competent authority, either at its own initiative or as a result of a superior order, a reasoned request from other bodies, or a complaint. Sanctioning provisions shall have retroactive effect whenever they are favourable to the presumed offender.

Chapter II of this title defines administrative offences in the field of tourism, classified as minor, serious or very serious, consisting of actions or omissions typified in this Law and, in general, the breach of its mandates and prohibitions.

Similarly, the types of continuing offences are defined and established, understood as the performance of a plurality of actions or omissions that violate the same or similar administrative provision, in execution of a preconceived plan or taking advantage of the same occasion, as well as permanent offences, considered to be those consisting of a single illegal act that continues over time and is susceptible to interruption by the sole will of the offender.

Below is an updated and exhaustive list of the types of minor, serious and very serious offences committed in the years since the current law was passed, based on the actual occurrence and daily practice of conduct that constitutes an offence in the provision of tourist services or in the operation of activities, facilities, equipment or any other action or omission that involves non-compliance with the requirements, obligations and prohibitions established in tourism regulations.

Offences constituting a crime or minor offence are also regulated, and natural or legal persons, public or private, who commit the acts or omissions defined in this Law, even in the case of simple non-compliance, are held responsible for the offences defined in this Law, in particular the owners of tourist companies, establishments or activities; those who have signed the statement of compliance referred to in this law or, where applicable, the prior notification; persons who provide any tourist service clandestinely; owners of tourist accommodation establishments under the horizontal property system; promoters or transferors of tourist accommodation properties under a horizontal property system; and natural or legal persons who advertise or market tourist services in any medium for the offence provided for in the law.

As regards the limitation period for offences and penalties established in this Law, a period of one year is set for minor offences, two years for serious offences, and three years for very serious offences.

In Chapter III, the types of penalties for the commission of the offences provided for are detailed, and the main and ancillary ones are established. The decision imposing the penalty may establish the obligation to restore the legal situation to the state it was in prior to the exercise of the activity.



Likewise, penalties shall be imposed taking into account the circumstances surrounding the administrative offence, with particular consideration given to criteria such as intent, the nature of the damage caused, the risk to health or safety, recidivism (where this has not been taken into account in classifying the offence), the profit obtained as a result of the offence, the economic volume of the company or establishment, the category of the establishment or characteristics of the activity, the social significance of the offence, the repercussions for the rest of the sector, the rectification, during the proceedings, of the irregularities that gave rise to their initiation, and compensation for the damage caused prior to the agreement to initiate sanctioning proceedings.

Chapter IV regulates the sanctioning procedure, its initiation, precautionary measures, expiry, recording, cancellation and publication of penalties, coercive fines, etc., in accordance with the procedural rules set forth in that chapter and those developed by regulation. Finally, a simplified sanctioning procedure may also be established in accordance with the provisions of Law 39/2015 of 1 October 2015.

The first additional provision introduces the possibility of updating the amount of fines imposed by the Governing Council in line with the consumer price index or any system that replaces it.

The second additional provision creates the Andalusian Network for Sustainable and Smart Tourism for the management of Andalusia's tourism ecosystem. Public or private agents in the tourism sector in Andalusia, digital service providers, and any others established by regulation may form part of the Network. Its organisation and operating procedures are established by regulation.

The third additional provision concerns data protection.

The sole transitional provision establishes that this law shall not apply to sanctioning proceedings initiated prior to its entry into force, which shall be processed and resolved in accordance with the provisions in force at the time of their initiation, unless the provisions of this Law are more favourable to the alleged offender.

The sole repealing provision expressly repeals Law 13/2011 of 23 December 2011 on tourism in Andalusia, and any other rules and provisions of equal or lower rank that contradict or oppose what is established in this law.

The first final provision amends Article 23 of Decree 116/2016 of 5 July 2016, which regulates declarations of tourist interest in Andalusia, introducing the new provision that such declarations, modifications or revocations shall be published on the Andalusia Tourism Portal and actively publicised in accordance with the terms established in Law 1/2014 of 24 June 2014 on Public Transparency in Andalusia.

Finally, the second final provision establishes the authorisation for the development and implementation of the law by the Governing Council and the Minister responsible for tourism, and the third final provision establishes its entry into force twenty days after its publication in the Official Gazette of the Regional Government of Andalusia.

3.1.2. Analysis of procedures.

The simplification of the procedures regulated in this preliminary draft law is intended to achieve more than just a reduction in formalities through digitisation, which is being carried out in collaboration with the Andalusian Digital Agency.



Below is a description of the administrative procedures regulated in the Preliminary Draft Law:

1) Preparation of the General Plan for Sustainable Tourism in Andalusia.

Regulated in Article 19, which establishes that in the preparation of the General Tourism Plan, the public information process shall be carried out and a hearing shall be granted to the public administrations concerned and to the most representative associations of municipalities and provinces, business associations, trade unions and consumer associations, as well as to agents in the sector and other public and private entities that have a legitimate interest or whose consultation is mandatory in accordance with the applicable sectoral regulations.

The General Plan for Sustainable Tourism shall be approved by the Governing Council at the proposal of the Regional Ministry responsible for tourism, following a report from the Andalusian Tourism Council and the Andalusian Council of Local Governments, without prejudice to any other reports that may be required in accordance with the applicable sectoral regulations. The General Plan for Sustainable Tourism shall be submitted to the Andalusian Parliament for its information.

This procedure was already regulated under the previous legislation, with no significant change introduced in the new regulation.

The procedure for the preparation of this Plan, as well as its timelines, shall be established in the corresponding regulatory implementing provision.

2) Tourism Plans for Large Cities.

As provided for in Article 20, the Tourism Plans for Large Cities shall be implemented through the conclusion of collaboration agreements, which shall be signed by the head of the Regional Ministry responsible for tourism and the head of the competent body of the local authority.

This refers to the development, by order of the head of the Regional Ministry responsible for tourism, of the minimum procedural requirements and deadlines, where applicable, for the signing of such agreements.

This procedure was already regulated under the previous legislation, with no significant change introduced in the new regulation. The deadlines, reports and other aspects of the processing of this procedure shall be regulated through the regulatory development of this Preliminary Draft Law.

3) Unique planning instruments.

Article 21 states that the Regional Ministry responsible for tourism may, with the participation of local councils and tourism operators, draw up and approve strategies or other instruments aimed at developing the provisions of the General Plan for Tourism in Andalusia or at regulating tourism in specific territorial areas, tourism segments, products or areas of management of priority action for the Regional Government of Andalusia.

The specific planning instruments designed to determine the tourism model applicable in the territorial areas established by the General Tourism Plan shall be called Strategic Frameworks for the Management of Tourism Resources and Activities and shall be



approved by the Governing Council at the proposal of the head of the Regional Ministry responsible for tourism.

Destination Requalification Programmes may be drawn up in relation to mature tourist areas, taking into account their rapid growth, territorial and environmental fragility, tourist density or other circumstances that cause structural imbalances.

Destination Requalification Programmes shall be approved by the Governing Council, at the proposal of the head of the Regional Ministry responsible for tourism.

Similarly, Rural Tourism Plans may be prepared for the promotion and development of tourism at municipal or inter-municipal level, in rural areas, with objectives defined in the instrument of approval.

Rural Tourism Plans shall be approved by the Governing Council, at the proposal of the head of the Regional Ministry responsible for tourism.

The approval of these and any other special planning instruments that may be approved will be published in the Official Gazette of the Regional Government of Andalusia and on the Andalusia Tourism Portal.

The deadlines, reports and other aspects of the processing of this procedure shall be regulated through the regulatory development of this Preliminary Draft Law.

4) Declaration of Tourist Municipality of Andalusia.

Regulated in articles 25 and 26, this requires a request from municipalities that need to strengthen the public services provided during periods of increased tourist traffic, in order to meet the needs of both the local community and the tourist population served, showcasing unique values or attractions representative of Andalusia's tourism image.

The requirements for obtaining the declaration shall be determined by regulation and may be subject to gradation and classification according to the established criteria, which shall in all cases include: the tourist population, composed of the number of visits, stays, or overnight stays; the tourist activity, which must represent the basis of the municipality's economy or, at least, a significant part thereof; the municipality's tourism offer; the existence of a municipal plan for quality, sustainability, and smart tourism that includes measures to improve services and provisions as well as the appropriate management of resources and coexistence; and active participation in the Andalusian Network for Sustainable and Smart Tourism.

The declaration of a Tourist Municipality of Andalusia shall be the responsibility of the Governing Council, after consulting the Andalusian Tourism Council and the Andalusian Council of Local Governments, at the request of the entity itself, by means of a plenary agreement of the corresponding municipal council adopted by an absolute majority of the legal number of members of the corporation.

This procedure was already regulated under the previous legislation, with no significant change introduced in the new regulation. The deadlines, reports and other aspects of the processing of this procedure shall be regulated through the regulatory development of this Preliminary Draft Law.

5) Registration in the Tourism Register of Andalusia.

Article 41 regulates registration on the basis of a statement of compliance.



The persons and tourist establishments referred to in paragraph one of Article 40 must be registered in the Tourism Register of Andalusia, even if they do not hold the status of business owners or if the tourist services are not provided in establishments that are permanently open to the public.

However, persons providing tourism services legally established in other Autonomous Communities and nationals of any Member State established in other Member States of the European Union who operate temporarily under the freedom to provide services, in accordance with Article 38, are not required to register.

Except in the cases provided for in the current legislation, registration in the Tourism Register of Andalusia shall be carried out ex officio upon presentation, by the person legally authorised to do so, of a statement of compliance stating fulfilment of the requirements established in the current regulations relating to the service or establishment and its classification, a commitment to maintain compliance throughout the duration of the activity, and the provision, where applicable, of the corresponding supporting documentation.

The Regional Ministry responsible for tourism shall forward information on the registration made in the Tourism Register of Andalusia to the municipal councils concerned.

The submission of the statement of compliance referred to in this article will allow for the activity to commence under the sole responsibility of the declarant, without prejudice to compliance with the obligations required by other applicable sectoral regulations and the powers of verification of the competent authorities.

In particular, commencement of the activity shall require compliance with the applicable municipal regulations governing activity or opening.

The supplementary documentation that, where applicable, must accompany the statement of compliance, as well as the procedural terms and conditions for carrying out the procedures referred to in the preceding paragraphs, shall be determined by regulation.

The verification of the existence of any inaccuracy or falsehood of an essential nature in the information contained in the statement of compliance for commencement of activity or the absence of documentation required of the interested party shall determine the impossibility of continuing with the exercise of the activity, as well as the cancellation of the registration after hearing the interested party, without prejudice to any liabilities that may be incurred.

This procedure was already regulated in the previous legislation, and no substantial changes have been made in the new regulation. It should be noted that the reasoned decision to cancel the registration may determine the impossibility of initiating a new registration procedure with the same purpose for a period of one year, as well as the obligation for tourist guides authorised by other autonomous communities who intend to carry out their activity in Andalusia to communicate the performance of said activity in this territory. The deadlines, reports and other aspects of the processing of this procedure shall be regulated through the regulatory development of this Preliminary Draft Law.

6) Sanctioning procedure.

Regulated in Chapter IV of Title VIII, proceedings shall be initiated ex officio, by agreement of the heads of the Regional Delegations of the Regional Ministry responsible



for tourism in the province where the offence is committed, either on their own initiative, as a result of an order issued by a higher administrative body, a reasoned request from another administrative body that is not higher in rank, or a complaint from any identified person.

The initiation agreement, which shall be notified to the persons allegedly responsible and, where applicable, to the complainants, shall contain at least the following: identification of the person or persons allegedly responsible; the facts, succinctly stated, that give rise to the initiation of the procedure, their possible classification and the sanctions that may apply, without prejudice to what may result from the investigation; the appointed investigating officer and, where applicable, the secretary of the procedure, with explicit indication of the applicable rules on disqualification; the competent body for resolving the procedure and the regulation granting such competence; an indication of the right to make representations and to be heard in the procedure, and the time limits for exercising such rights.

The complainants shall be considered interested parties in the administrative procedure and shall be notified of the actions carried out during its course.

The competent authority to initiate the proceedings shall also be competent to adopt precautionary measures, by means of a reasoned decision, after hearing the person concerned.

Sanctioning proceedings shall be deemed to have expired, and the proceedings shall be filed, once one year has elapsed since their initiation, excluding from this calculation any interruptions attributable to the person concerned and the suspensions established in Law 39/2015 of 1 October 2015 on the common administrative procedure of public administrations, all without prejudice to any possible extension of the time limit in legally established cases.

Firm administrative penalties, regardless of their type and nature, shall be recorded in the Tourism Register of Andalusia. The entry shall be cancelled automatically or at the request of the interested party: after one, two or four years, depending on whether the penalties are for minor, serious or very serious offences, respectively, from the date on which they were imposed with final administrative effect; when the penalty decision is annulled in contentious-administrative proceedings, once the judgment has been declared final.

Article 101 provides that a simplified sanctioning procedure may be established by regulation, in accordance with the provisions of Law 39/2015 of 1 October 2015.

3.1.3. Justification for the limitation on access to or exercise of an economic activity.

The regulatory text does not establish any limitations on access to or exercise of an economic activity. To this end, the Guide establishes specific grounds for compliance with the principles of necessity, proportionality and non-discrimination in relation to measures that may involve limiting access to or exercise of, principles that will be analysed in the section on economic impact.

3.1.4. Creation of new bodies.

In relation to the Regional Government of Andalusia, the following should be highlighted:

The Andalusian Tourism Council.



Advisory and consultative body to the Regional Government of Andalusia on tourism matters, with the aim of channelling the participation of interested sectors, in accordance with the provisions of the Decree regulating its organisation and operating procedures. This is an existing body, currently regulated by Decree 232/2013 of 3 December 2013, of the Regional Ministry of Tourism and Trade, which governs the organisation and functioning of the Andalusian Tourism Council.

b) Observatory for Local Tourism Sustainability.

The Observatory for Local Tourism Sustainability is established as an instrument for cooperation between the Regional Tourism Administration and representatives of the Local Administration, with the objective of strengthening cooperation and dialogue on the development of the tourism industry as a strategic sector of the Autonomous Community of Andalusia, as well as providing advice for improving tourism quality and competitiveness. The Observatory aims to ensure the sustainable and balanced development of tourism and its impact on the municipalities of Andalusia, promoting coexistence and hospitality.

Consequently, this body is configured not as a collegiate body, but as a tool or instrument to support decision-making in the field of tourism.

3.2. Legal analysis.

3.2.1. Competence.

The competence of the Regional Government of Andalusia is based on the provisions of Article 71 of the Statute of Autonomy for Andalusia, which refers to exclusive competence in matters of tourism, including, in any case: the organisation and planning of the tourism sector; the regulation and classification of tourist companies and establishments and the management of the network of tourist establishments owned by the Regional Government, as well as coordination with the administrative bodies of Paradores de Turismo de España (Spanish State-owned Hotels) under the terms established by state legislation; internal and external promotion, including the signing of agreements with foreign entities and the creation of offices abroad; the regulation of the specific rights and duties of users and providers of tourism services; training in tourism and the establishment of criteria, the regulation of conditions and the implementation and control of public aid and promotion of tourism.

All of this must be done while respecting the division of powers between the State and the Autonomous Community on this matter.

Likewise, we must refer to the exclusive powers of the "administrative procedure derived from the specialities of the Autonomous Community's own organisation, the structure and regulation of the public administrative bodies of Andalusia (Article 47(1)(1) of the Statute of Autonomy for Andalusia), as well as the exclusive competence in the exercise of powers of control, inspection and penalties in the material areas of competence of the Autonomous Community, in matters not affected by Article 149(1)(18) of the Constitution (Article 47(1)(3) of the Statute of Autonomy for Andalusia).

The Regional Ministry of Tourism and External Affairs of Andalusia is competent for the preparation of this draft, by virtue of Article 5 of Presidential Decree 6/2024 of 29 July 2024, on the restructuring of Regional Ministries, and of the following articles of Decree 166/2024 of 26 August 2024, which establishes the organisational structure of the



Regional Ministry of Tourism and External Affairs of Andalusia, as amended by Decree 238/2024 of 12 November 2024:

- a) Article 1(1): The Regional Ministry of Tourism and External Affairs is responsible for proposing, developing, implementing, coordinating and monitoring the general guidelines of the Governing Council in relation to the powers attributed by the Statute of Autonomy to the Autonomous Community of Andalusia in the field of tourism.
- b) Article 5(2)(e): The head of the General Secretariat for Tourism is responsible for regulatory planning in the field of tourism and coordinating its implementation.
- c) Article 8(1)(b): The head of the Directorate General for Tourism Management is responsible for drafting and processing general provisions and collaboration instruments, guidelines, plans and programmes relating to tourism.
- d) Article 9: The head of the Directorate-General for Promotion and Development of Tourism is responsible, among other things, for actions aimed at promoting the improvement of the sustainability of tourism offerings, infrastructure and tourism services.

3.2.2. Relationship with higher-ranking regulations.

The preliminary draft law under consideration should be considered in relation to the provisions of Article 148(1)(18) of the Constitution, as well as the provisions of Articles 37(1) and 71 of the Statute of Autonomy for Andalusia and the other statutory provisions mentioned in relation to competence.

3.2.3. Coherence with the rest of the legal system.

Regulatory coherence is established in relation to state regulations, for which reference is made to the preceding section, as well as to Andalusian regulations, for which reference is made to the section on impacts or validity.

3.2.4. Justification.

The power to exercise legislative initiative lies with the Governing Council of the Regional Government of Andalusia, based on Article 111(1) of the Statute of Autonomy for Andalusia, which stipulates that “legislative initiative lies with the Members of Parliament, under the terms set out in the Parliament's Rules of Procedure, and with the Governing Council”.

Likewise, Article 127(2) of Law 39/2015 of 1 October 2015 stipulates that “legislative initiative shall be exercised by the governing bodies of the Autonomous Communities in accordance with the terms established by the Constitution and their respective Statutes of Autonomy”.

Finally, Article 43(1) of Law 6/2006 of 24 October 2006 establishes the Governing Council's power to approve legislative initiatives and subsequently submit them as draft bills to the Parliament of Andalusia, all in accordance with the approval procedure contained in the other sections of Article 43, the basic regulations and the applicable sectoral regulations, and without prejudice to the provisions of Article 45-bis regarding urgent procedures.



On the other hand, the formal scope of the regulation is based on the fact that regulations with the same legal scope are repealed and replaced, all taking into account the importance of comprehensive regulation by law of tourism matters falling within the competence of the autonomous regions.

3.2.5. Impact on sectoral competences.

The Preliminary Draft Law on Sustainable Tourism in Andalusia falls within the remit of the Regional Ministry of Economy, Finance and European Funds, pursuant to the provisions of Article 3(1) of Presidential Decree 10/2022 of 25 July 2022 and Decree 153/2022 of 9 August 2022 which establishes the organisational structure of said Regional Ministry. Specifically, Article 1(2)(f), (g) and (n) refer to the “preparation, monitoring and control of the budget; as well as the preparation and submission to the Governing Council of the maximum limit on non-financial expenditure”, the “promotion and coordination of instruments and procedures for the implementation of Organic Law 2/2012 of 27 April 2012 on budgetary stability and financial sustainability” and the “management of the Treasury and public debt”.

The Preliminary Draft Law on Sustainable Tourism in Andalusia regulates the creation of a register of tourism establishments and services located in the Autonomous Community of Andalusia, under the responsibility of the Regional Ministry responsible for Tourism. Said register must be electronic.

Consequently, the Andalusian Digital Agency is competent, pursuant to Article 6(3) of the Statutes of the Andalusian Digital Agency, approved by Decree 128/2021 of 30 March 2021. Said Agency is attached to the Regional Ministry of the Presidency, Interior, Social Dialogue and Administrative Simplification, in accordance with the provisions of Article 2(4)(c) of Decree 152/2022 of 9 August 2022 which establishes the organisational structure of said Regional Ministry.

Likewise, Article 23 establishes that sub-regional Land Use Plans shall incorporate provisions, within the scope of their powers, which enable the implementation of the tourism model established for the different territorial areas in the General Plan for Sustainable Tourism or, where applicable, in the territorial-based tourism strategies.

The incorporation of these determinations shall be carried out in accordance with the territorial model adopted by the sub-regional Land Use Plan and in line with the guidelines established in the Andalusian Land Use Plan for tourism areas, thus involving the Regional Ministry competent in this area.

Finally, Article 24, concerning the tourist use of land for tourist accommodation services, refers to the powers of the competent local Administration in relation to certifying the urban compatibility of tourist accommodation services within its municipal area, monitoring the maintenance of the use of tourist accommodation establishments in accordance with the municipal licence granted, and ensuring that the dwellings offered for tourist use have the corresponding municipal authorisation allowing tourist use in those cases where this is required in accordance with sectoral regulations.

The change of use of tourist land where a tourist accommodation establishment or part thereof is located, to residential use or any other use other than those provided for in this Law, shall require the prior amendment of the planning instrument that enables it, in accordance with the provisions of Law 7/2021 of 1 December 2021.

It also attributes to the competence of municipal councils the possibility of drawing up a municipal plan for the management of tourist resources with the aim of regulating the



implementation and management of general infrastructure systems, facilities, services and resource exploitation activities in the field of tourism planning.

3.2.6. Entry into force, vacatio legis and transitional arrangements.

The future Law on Sustainable Tourism in Andalusia shall enter into force simultaneously, with the initial term of the vacatio legis period being established from its publication in the Official Gazette of the Regional Government of Andalusia.

The appropriate vacatio period is considered to be twenty calendar days, which is the ordinary period for entry into force provided for in Article 2(1) of the Spanish Civil Code, in view of the innovative scope of the regulation, taking into account the relevant aspects involved and considering that it will be the main regulation governing tourism activity in Andalusia, reconciled with the need for its proper incorporation into the legal system, once approved, as well as the knowledge of the draft regulation by the parties concerned, since the participation of the various entities affected has been facilitated prior to and during the processing phase, facilitating the monitoring and participation of the Preliminary Draft Law on Sustainable Tourism in Andalusia.

3.2.7. Temporary nature of the legislation, either partially or totally.

Not applicable, since the legislation will have indefinite validity in all its provisions.

3.2.8. List of repeals.

Law 13/2011 of 23 December 2011 on tourism in Andalusia, is hereby repealed.

Likewise, in the first final provision, Decree 116/2016 of 5 July 2016 regulating declarations of tourist interest in Andalusia, is amended.

3.2.9. Other instruments for the implementation of the legislation.

The second final provision of the preliminary draft law establishes a general enabling clause for the Governing Council to approve the executive regulations of the preliminary draft law, in accordance with the provisions of Articles 112 and 119(3) of the Statute of Autonomy for Andalusia and Article 44 of Law 6/2006 of 24 October 2006 of the Government of the Autonomous Community of Andalusia.

This is in line with the provisions of Article 129(4)(3) of Law 39/2015 of 1 October 2015, which stipulates that “powers for the regulatory implementation of a law shall be conferred, in general, on the respective Government or Governing Council”, in accordance with the principle of legal certainty and good regulation.

This section must be distinguished from section 2, which refers to the performance of actions for its implementation, excluding the exercise of regulatory power, such as issuing administrative acts and approving soft law legal instruments, all in the exercise of their competences.



4. ECONOMIC, ECONOMIC-FINANCIAL AND BUDGETARY IMPACT.

4.1 ECONOMIC IMPACT.

In accordance with the provisions of Article 7(3) of Decree 622/2019 of 27 December 2019, the Preliminary Draft Law on Sustainable Tourism in Andalusia has a significant economic impact. To this effect, the Regulatory Impact Analysis Report stipulates that the consequences of its implementation shall be assessed in relation to the sectors, groups or agents affected by the regulation, including the effect on competition, as well as on market unity. Likewise, it is established that, where appropriate, the impact on small and medium-sized enterprises will also be assessed by considering their specific characteristics through the use of instruments to analyse the different repercussions that the approval of the regulation may have.

4.1.1. Overall economic impact

Tourism is a strategic activity in Andalusia. As the driving force behind its economy and, by extension, employment and progress for society as a whole, it stands as a priority and cross-cutting industry, acting as the backbone of the territory, a vehicle for social cohesion and a powerful tool for promoting peace and interculturalism.

Its impact goes beyond the economic sphere, as it also contributes to the revitalisation of local traditions, the protection of cultural and natural heritage, and the projection of Andalusian identity at the international level. It is therefore appropriate to take the impact into account, using as reference the data of the National Statistics Institute, the Instituto de Estadística de la Comunidad Autónoma de Andalucía (Statistics Institute of the Autonomous Community of Andalusia), and the Oficina de Datos Estratégicos de la Empresa Pública de Gestión del Turismo y el Deporte de Andalucía (Strategic Data Office of the Public Enterprise for Tourism and Sports Management in Andalusia).

By analysing the basic economic sectors that represent the fundamental structure of the economy in terms of how resources are obtained and used, it is observed that tourism contributes:

- EUR 1,416 million of total impact in the primary sector.
- EUR 3,045 million in the secondary sector.
- EUR 20,468 million in the tertiary sector.

Therefore, around 20% of the effects of tourism on the production of goods and services, both direct and indirect, occur outside the tertiary sector in which it typically operates. Indeed, thanks to tourism:

- Andalusian trade receives a positive impact on its production of around EUR 3,004 million per year.
- Real estate activity, EUR 2,435 million.
- Transport, EUR 1,271 million.

And, although seemingly distant or scarcely connected, tourism also generates other impacts, for example:

- EUR 42 million in metallurgical production.
- EUR 23 million in the paper industry.
- EUR 16 million in furniture manufacturing.

To meet the demand for goods and services from tourists, the Andalusian economy in 2023 produced goods and services valued at EUR 16,742 million (direct effects). This



production generated a series of indirect effects derived from the products and services used as intermediate consumption by companies, as these are necessary for production in order to meet tourism demand.

For example, offering hotel accommodation to tourists involves, among other things, an electricity supply contract, which means that the company providing this service must increase its electricity production to supply the hotel, thereby indirectly affecting the electricity sector as a result of tourist demand for accommodation.

These indirect effects were estimated at EUR 8,595 million for the past financial year. Adding up the direct effects (which correspond to the production of the sectors that manufacture the goods and services directly demanded by tourism, and which are calculated by deducting production taxes, imports and trade margins from tourist consumption) and indirect effects, we obtain the total impact of tourism on Andalusian production, which was estimated at EUR 25,337 million for the year 2023.

The calculation shows that tourism has a multiplier effect of 1.51, which means that for every euro spent on tourism, the economy produces 1 euro and 51 cents worth of output. This multiplier effect is obtained as the ratio between total and direct effects.

Thus, revenue generated by tourism in 2023 (EUR 16,742 million, with real growth of 13.9%) contributed a total output of EUR 25,337 million in Andalusia. The increase in revenue was driven, in particular, by the higher number of tourists received and by the higher average daily expenditure at destinations, which was more than five euro higher than in the previous year and estimated at EUR 77.83 per tourist per day, not including expenditure at origin.

Considering that the total Gross Domestic Product (GDP) generated in Andalusia in 2023 amounted to EUR 205,429 million, it is noteworthy that the service sector—including tourism—was the most dynamic, growing by 3.9%. For its part, construction rose to 2.4%, offsetting the lower figures contributed by other sectors such as agriculture and industry.

This momentum also spread to the labour market, as tens of thousands of jobs in the community depend on this activity, whose stability and consolidation are conditioned by the smooth running of the tourism industry. Focusing on the labour aspect, it is worth noting that more than 400,000 people are directly dependent on the arrival of tourists to the region for their jobs.

In terms of the impact of tourism on employment in Andalusia, in 2023 an average of 416,900 people were employed in tourism-related activities in Andalusia, 0.9% more than in the previous year (3,800 more in absolute terms). The employed population represented 12.3% of the 3.38 million employed persons in the community. The increase in tourism employment throughout the year exceeded the growth rates recorded for that period in sectors such as construction, agriculture and fishing, despite being lower than that recorded in other branches of the service sector (5.0%).

It should be noted that the tourism industry was one of the economic activities most affected by the restrictions resulting from the control of the Coronavirus pandemic. Restrictions on people's mobility and travel led to an unprecedented decline in demand for tourism services in Andalusia. As a result, and despite the cushioning effect of aid to the sector and temporary employment protection schemes, employment in the tourism sector fell in response to the drop in demand, with significant declines recorded during 2020 and the first quarter of 2021. From that moment on, recovery began, with positive rates recorded in the following quarters and occupancy levels returning to values very



similar to those seen previously (1.8% lower than before the health crisis, when 424,500 jobs were recorded in tourism).

Analysing the development of the employed population in the tourism industry and in the regional economy as a whole, it can be seen that the health crisis had a greater impact on employment in the tourism sector than in other sectors of the economy, with greater fluctuations and declines, but also higher recovery rates once the critical period was over.

By autonomous community, in 2023 there are few changes compared to the previous year in the ranking of tourist regions with the highest employment in activities characteristic of tourism. Catalonia remained in first place, with 459,500 jobs, accounting for 17.7% of total employment in the Spanish tourism sector in 2023, while Andalusia remained in second place, with a share of 16.1% (416,900 jobs), followed by the Community of Madrid (15.0%).

In terms of branches of activity, tourism-related activities are grouped into four main categories: Hotels and other accommodation, catering, tourist transport, and other tourism activities, with catering being the branch employing the largest number of workers in Andalusia (58.1% of the total).

Continuing with the analysis of employment during 2023, the following is noteworthy:

- Tourism is a key sector for gender equality, exceeding the average share of female labour participation compared with other activities. Employment in the Andalusian tourism industry in 2023 comprised 51.6% men (214,900 employed) and 48.4% women (202,000 employed). Compared with the previous year, female employment grew by 6.4%, while male employment decreased by 3.7%.
- Tourism is one of the activities with the highest intensity of youth employment. The age distribution of the employed population in the Andalusian tourism industry in 2023 comprised 24.7% young people (aged between 16 and 29 years), 35.7% aged between 30 and 44 years, and 39.7% aged over 44 years, with the 16-29 age group showing the greatest absolute increase.
- The proportion of self-employed persons in tourism exceeds the average for the services sector and for the overall Andalusian economy.
- By type of contract, three out of four employees in the Andalusian tourism industry had permanent contracts. The rate of temporary employment in tourism activity in Andalusia has historically remained around 40%. After some variations influenced by the labour reforms adopted, in 2022 and 2023 it fell considerably, reaching 27.0%, its lowest level to date.
- By working hours, 74.8% of the workforce in the Andalusian tourism industry worked full-time in 2023 (311,800 workers), and the remaining 25.2% worked part-time (105,200 workers).

4.1.2. Impact on effective competition and market unity.

Article 18(2)(d) of Law 20/2013 of 9 December 2013 on the guarantee of market unity, provides that the competent authorities may not take any action that restricts freedom of establishment and freedom of movement on the grounds of non-compliance with the principles set out in Chapter II of the Law. This article goes on to state that acts, provisions and means of intervention by the competent authorities that contain or apply, among other things, economic requirements or direct or indirect intervention by



competitors in the granting of authorisations do not comply with the principles set out in Chapter II, under the terms established in letters e) and f) of Article 10 of Law 17/2009 of 23 November 2009 on free access to and exercise of service activities.

In turn Article 10 of the aforementioned Law 17/2009 of 23 November 2009 establishes that under no circumstances shall access to a service activity in Spain or its exercise be made conditional upon compliance with the following: [...]

e) Economic requirements that make the granting of authorisation conditional upon proof of economic need or market demand, upon an assessment of the potential or actual economic effects of the activity, upon an assessment of whether the activity is in line with the economic planning objectives set by the competent authority, or upon the marketing of products or services of a specific type or origin. The overriding reasons of general interest invoked may not conceal economic planning requirements.

f) Direct or indirect intervention by competitors, including within consultative bodies, in the granting of authorisations or in the adoption of other decisions by the competent authorities relating to the establishment for the exercise of a service activity, without prejudice to the actions of professional associations and general and regional councils of professional associations, as competent authorities, within the scope of the powers granted to them by law. This prohibition extends to bodies such as chambers of commerce and social partners with regard to the granting of individual authorisations, but it shall not affect consultation of bodies such as chambers of commerce or social partners on matters other than individual authorisation applications, nor shall it affect consultation of the general public."

The principle of necessity and proportionality of the actions of the competent authorities is set out in Article 5 of Law 20/2013 of 9 December 2013 on market unity guarantees, which states the following in paragraphs 1 and 2:

"1. The competent authorities which, in the exercise of their respective powers, establish limits on access to or pursuit of an economic activity, or require compliance with requirements for the conduct of an activity, shall state reasons for their need in order to safeguard an overriding reason in the public interest among those covered by Article 3(11) of Law 17/2009 of 23 November 2009 on free access to and pursuit of services activities.

2. Any limit or requirement laid down under the preceding paragraph must relate to the overriding reason in the public interest invoked and must be proportionate in such a way that there is no other less restrictive or distortive means for the economic activity".

The principle of proportionality in broad terms corresponds to the German principle of proportionality (Verhältnismäßigkeitsgrundsatz), which is linked to three judgements or sub-principles (see, for example, Supreme Court Judgment, Chamber 3. ROJ No. 3564/2000), applied successively and in stages, responding to a logical, chronological and eliminatory order, which are: adequacy or suitability, necessity and proportionality in the strict sense.

The principle of suitability or adequacy (Prinzip der Geeignetheit) in the sense that the means used to achieve the objective must be adequate or suitable and thus achieve the general interest pursued.

The necessity test (Erforderlichkeit) will determine whether the public measure is essential, requiring a comparison between one measure and other alternative measures in order to determine the most benign among all those that are at least equally suitable for achieving the proposed end, in accordance with the scientific, technical, dogmatic



and general knowledge existing at the time of drafting the draft legislation and consistent with the facts, means and purposes.

The proportionality test in the strict sense, which is carried out once the two previous tests or sub-principles have been passed, to determine that the application of the measure will bring more benefits or advantages to the general interest than harm to other goods and rights, also requiring an exercise in weighing up the factors, which requires specifying the elements of comparison, as well as the intensity of the intervention.

With regard to the principles of necessity and proportionality, they comply with what has already been mentioned in the section referring to this principle as good regulation. In any case, its justification is determined in relation to the mention of the administrative burdens that the approval of the legislation generates for economic operators, so we refer to that section.

In drafting the preliminary draft law, efforts have been made to avoid generating any impact on effective competition and market unity, as one of its core aspects. The legislation introduces various administrative procedures such as statements of compliance, prior notifications, or the need to obtain authorisations to carry out certain activities. This ex post administrative control, which takes the form of the submission of a statement of compliance or notification, as the case may be, is only required by law when justified by one of the “compelling reasons of general interest” set out in Article 3(11) of Law 17/2009 of 23 November 2009 on free access to and exercise of service activities, and are proportionate, in accordance with Article 17(2) of Law 20/2013 of 9 December 2013, and introduce the minimum distortion or restriction of economic activity.

These administrative mechanisms have been designed with the aim of minimising the impact on free competition and market unity, ensuring the proper development of activities and the provision of tourist services, and guaranteeing that any public intervention is both necessary and justified.

In this regard, such requirements, including authorisations, are imposed because they are necessary and proportionate, in accordance with the provisions of Article 17(1) of Law 20/2013 of 9 December 2013 on guaranteeing market unity (LGUM). Furthermore, prior declarations and communications are justified by overriding reasons of general interest, pursuant to the provisions of Article 17(3) of the LGUM”.

In conclusion, the preliminary draft law has been drawn up with a firm commitment not to adversely affect effective competition and market unity, ensuring that the provisions contained therein do not introduce unjustified barriers and that the regulations continue to promote a competitive and fair environment for all economic operators.

The draft legislation does not imply discriminatory treatment, as it covers a wide range of operators and economic activities and could have a very positive impact on the Andalusian economy.

4.1.3 Impact on small and medium-sized enterprises

There is no specific reference in the proposed text to small and medium-sized enterprises, beyond the indication that, in the development of Andalusia's tourism policy and in order to achieve the general objectives of the law, actions will be carried out aimed at promoting the quality and modernisation of tourist services and establishments, as well as their accessibility and sustainability; the promotion and encouragement of actions aimed at the continuous improvement of innovation; and the promotion of quality and sustainability certification systems.



Consequently, it can be stated that there is no appreciable impact on SMEs with regard to the implementing regulations, bearing in mind that no distinction is made between the types of companies affected within the definition of SMEs.

4.2. ECONOMIC-FINANCIAL AND BUDGETARY IMPACT.

In accordance with the provisions of Article 7(3) of Decree 622/2019 of 27 December 2019, the Preliminary Draft Law on Sustainable Tourism in Andalusia has a significant budgetary impact. This Regulatory Impact Analysis Report assesses the economic, financial and budgetary impact of the draft legislation, including, at a minimum, an estimate of its impact on public revenue and expenditure, evaluating its repercussions and effects on the budgetary years to which it applies, with reference to budgetary availability.

4.2.1. Expenditure or revenue.

Law 3/2004 of 28 December 2004 on tax, administrative and financial measures, establishes in Article 35 that the relevant administrative body shall assess the economic, financial and budgetary impact in the Regulatory Impact Analysis Report, in the case of preliminary draft laws and draft legislative decrees and regulatory provisions, or in an economic report in the case of proposals for plans or strategies with economic and financial content and for any other action requiring a report.

These reports shall include, at a minimum, an estimate of their impact on public revenue and expenditure, assessing their repercussions and effects on the budgetary years to which they apply, with reference to budgetary availability.

Taking into account the above, the purpose of this analysis is to assess the economic and financial impact and budgetary implications of the Preliminary Draft Law on Sustainable Tourism in Andalusia in the coming years.

As noted in the previous section, the preliminary draft law states that in order to achieve the general objectives of the law, actions will be taken to promote various tourist services and activities with an impact on tourism.

The estimated impact on the expenditure and revenue budget of the Autonomous Community of Andalusia is indicated below:

4.2.1.1. Expenses

1) Promotion of tourism in Andalusia and the Andalusia brand

The Empresa Pública para la Gestión del Turismo y del Deporte de Andalucía, S.A. (The Public Enterprise for Tourism and Sports Management in Andalusia) is structured as a commercial company in the Andalusian public sector, as provided for in the revised text of the General Law on Public Finance of the Regional Government of Andalusia, approved by Legislative Decree 1/2010 of 2 March 2010.

The Empresa Pública para la Gestión del Turismo y del Deporte de Andalucía, S.A. (The Public Enterprise for Tourism and Sports Management in Andalusia) assumes the corporate purpose and resources of the integrated companies, including activities related to the promotion and development of the tourism sector, as well as the promotion of the Andalusia brand.



Decree 166/2024 of 26 August 2024, establishing the organisational structure of the Regional Ministry of Tourism and External Affairs of Andalusia, amended by Decree 238/2024 of 12 November 2024, provides in Article 2(4) that the instrumental entity, Empresa Pública para la Gestión del Turismo y del Deporte de Andalucía, S.A. (The Public Enterprise for Tourism and Sports Management in Andalusia), is attached to the Regional Ministry of Tourism and External Affairs of Andalusia, organisationally through the Deputy Regional Ministry and functionally through the General Secretariat for Tourism, although the functions currently entrusted to it in the field of sport will be exercised under the functional direction of the regional ministry responsible for that area.

These actions will be carried out under PAIF OBJECTIVE 1.2: Promote the overall competitiveness of Andalusia as a destination.

Furthermore, for the development of these promotional activities, it is estimated that the amounts to be transferred to the aforementioned entity, by means of nominative allocation transfers, are as follows:

- European Funds:

YEAR	MANAGING BODY	BUDGETARY POSITION	COMMUNITY MEASURE	AMOUNT	NEW CREATION
2025	1600170000	G/75B/74301/00	A411CD21K5	28,348,236	No
2026	1600170000	G/75B/74301/00	A411CD21K5	34,465,948	No
2027	1600170000	G/75B/74301/00	A411CD21K5		No
2028	1600170000	G/75B/74301/00	A411CD21K5		No
2029	1600170000	G/75B/74301/00	A411CD21K5		No

YEAR	MANAGING BODY	BUDGETARY POSITION	COMMUNITY MEASURE	AMOUNT	NEW CREATION
2025	1600170000	G/75B/74301/00	A442FAG5K5	2,240,000	No
2026	1600170000	G/75B/74301/00	A411CD21K5		No
2027	1600170000	G/75B/74301/00	A411CD21K5		No
2028	1600170000	G/75B/74301/00	A411CD21K5		No
2029	1600170000	G/75B/74301/00	A411CD21K5		No

2) Support for the productive sector in its adoption of ICT-based technologies and business models.

As indicated above, the Empresa Pública para la Gestión del Turismo y del Deporte de Andalucía, S.A. (The Public Enterprise for Tourism and Sports Management in Andalusia)



assumes the corporate purpose and resources of the integrated companies, including activities related to the promotion and development of the tourism sector, as well as the promotion of the Andalusia brand.

In order to implement these measures for the development of the tourism sector, in the area of technology use and the implementation of solutions for digital transformation, improvement of tourist information through the use of information and communication technologies in relations between the various actors involved, development of the Andalusia Tourism Portal, as well as improvement of the statistical information system and development of an Andalusian Network for Sustainable and Smart Tourism, it is estimated that the amounts to be transferred to the aforementioned entity, through nominative allocation transfers, are as follows:

- European Funds:

YEAR	MANAGING BODY	BUDGETARY POSITION	COMMUNITY MEASURE	AMOUNT	NEW CREATION
2025	1600170000	G/75D/74303/00	A411BC13K5	1,250,000	No
2026	1600170000	G/75D/74303/00	A411BC13K5	945,365	No
2027	1600170000	G/75D/74303/00	A411BC13K5		No
2028	1600170000	G/75D/74303/00	A411BC13K5		No
2029	1600170000	G/75D/74303/00	A411BC13K5		No

On the other hand, among the higher-level objectives of the META 2027 General Plan for Sustainable Tourism in Andalusia are those of consolidating the competitive transformation of the Andalusian tourism industry through a firm and unequivocal commitment to a sector where innovation, continuous digital adaptation and a commitment to smart tourism are factors that make our tourism sector competitive. For this reason, the Regional Ministry responsible for tourism has launched aid programmes aimed at improving the digitalisation and competitiveness of Andalusian tourism companies in a sustainable manner, promoting their growth, innovation and international expansion, thereby contributing to the improvement of employment.

For the implementation of these measures, the estimated amounts allocated to them are as follows:

- European Funds:

YEAR	MANAGING BODY	BUDGETARY POSITION	COMMUNITY MEASURE	AMOUNT	NEW CREATION
2025	1600170000	G/75B/77503/00	A411BC13K5	2,000,000	No
2026	1600170000	G/75D/74303/00	A411BC13K5	822,711	No
2027	1600170000	G/75D/74303/00	A411BC13K5		No



2028	16001700 00	G/75D/74303/00	A411BC13K5		No
2029	16001700 00	G/75D/74303/00	A411BC13K5		No

3) Aid for the refurbishment and ongoing improvement of tourist facilities and establishments

Among the higher-level objectives of the META 2027 Plan is to guide tourism providers towards inclusivity, diversity, accessibility, excellence, deseasonalisation and respect for the environment, the territory and the local population, promoting competitiveness and sustainability. The challenge in this regard will be to promote the growth of tourism companies, increasing their competitiveness, facilitating their adaptation to the new tourism market and supporting the adaptation and improvement of their infrastructure, thereby enabling them to attract new profiles.

In this context, the Regional Ministry responsible for tourism is developing various lines of aid aimed at private tourism companies, with the following amounts estimated to be allocated to them:

- European Funds:

YEAR	MANAGING BODY	BUDGETARY POSITION	COMMUNITY MEASURE	AMOUNT	NEW CREATION
2025	16001700 00	G/75D/77003/0 0	A411CB21K2		No
2026	16001700 00	G/75D/77003/0 0	A411CB21K2	5,000,000	No
2027	16001700 00	G/75D/77003/0 0	A411CB21K2	5,000,000	No
2028	16001700 00	G/75D/77003/0 0	A411CB21K2	5,858,290	No
2029	16001700 00	G/75D/77003/0 0	A411CB21K2		No

4) Development of a comprehensive management model for quality, sustainability, accessibility and intelligence in tourist destinations.

Among the higher-level objectives of the META 2027 Plan is to promote strategies aimed at reducing the seasonality of tourist activity by creating products and developing segments, such as cultural tourism, that can be implemented throughout the year and contribute to territorial cohesion. Likewise, one of the strategic objectives of the META 2027 Plan is to contribute to a more even distribution of tourist flows across different areas and times of year, reducing seasonality by at least 2% of the cumulative annual average rate. Similarly, among the objectives of the aforementioned Plan are the promotion of sustainable tourism, the improvement of environmental quality and the diversification of tourism offerings, especially on the Andalusian coast.

In this context, the Regional Ministry responsible for tourism is developing various lines of aid aimed at local Andalusian entities and associations, with the following amounts estimated to be allocated to them:



- Self-financed:

- ✓ TOURISM PLANS FOR LARGE CITIES.

YEAR	MANAGING BODY	BUDGETARY POSITION	AMOUNT	NEW CREATION
2025	1600010000	G/75B/76111/00	4,595,050	No
2026	1600010000	G/75B/76111/00	4,595,050	No
2027	1600010000	G/75B/76111/00	4,595,050	No
2028	1600010000	G/75B/76111/00	4,595,050	No
2029	1600010000	G/75B/76111/00	4,595,050	No

- ✓ TOURIST MUNICIPALITIES OF ANDALUSIA.

YEAR	MANAGING BODY	BUDGETARY POSITION	AMOUNT	NEW CREATION
2025	1600010000	G/75B/76100/00	4,959,626	No
2026	1600010000	G/75B/76100/00	4,959,626	No
2027	1600010000	G/75B/76100/00	4,959,626	No
2028	1600010000	G/75B/76100/00	4,959,626	No
2029	1600010000	G/75B/76100/00	4,959,626	No

- European Funds:

- ✓ SUSTAINABILITY OF TOURISM THROUGH THE PROMOTION OF ANDALUSIA'S TOURIST AND CULTURAL HERITAGE.

YEAR	MANAGING BODY	BUDGETARY POSITION	COMMUNITY MEASURE	AMOUNT	NEW CREATION
2025	1600170000	G/75B/76104/00	A442FAG5K5	7,000,000	No
2026	1600170000	G/75B/76104/00	A442FAG5K5	2,525,360	No
2027	1600170000	G/75B/76104/00	A442FAG5K5	807,568	No
2028	1600170000	G/75B/76104/00	A442FAG5K5		No
2029	1600170000	G/75B/76104/00	A442FAG5K5		No

YEAR	MANAGING BODY	BUDGETARY POSITION	COMMUNITY MEASURE	AMOUNT	NEW CREATION
2025	1600170000	G/75B/78104/00	A442FAG5K5	1,500,000	No
2026	1600170000	G/75B/78104/00	A442FAG5K5	1,500,000	No



	00				
2027	16001700 00	G/75B/78104/00	A442FAG5K5		No
2028	16001700 00	G/75B/78104/00	A442FAG5K5		No
2029	16001700 00	G/75B/78104/00	A442FAG5K5		No

- ✓ ENVIRONMENTAL RECOVERY AND SUSTAINABLE USE OF THE BEACHES OF THE ANDALUSIAN COAST.

YEAR	MANAGING BODY	BUDGETARY POSITION	COMMUNITY MEASURE	AMOUNT	NEW CREATION
2025	16001100 00	G/75D/76507/0 0	C4687201K2		No
2026	16001700 00	G/75D/76507/0 0	C4687201K2	582,094	No
2027	16001700 00	G/75D/76507/0 0	C4687201K2	6,582,094	No
2028	16001700 00	G/75D/76507/0 0	C4687201K2		No
2029	16001700 00	G/75D/76507/0 0	C4687201K2		No

5) Observatory for Local Tourism Sustainability

This preliminary draft provides for the creation of an Observatory for Local Tourism Sustainability, with the objective of strengthening cooperation and dialogue on the development of the tourism industry as a strategic sector of the Autonomous Community of Andalusia, as well as providing advice for improving tourism quality and competitiveness. The Observatory aims to ensure the sustainable and balanced development of tourism and its impact on the municipalities of Andalusia, promoting coexistence and hospitality.

This measure has no impact on the budget, since the participation of its members will not be remunerated.

6) Tourism Inspection Service.

Chapter VII of the preliminary draft regulates tourism inspections in Andalusia, which will be carried out by the Regional Ministry responsible for tourism, to which the corresponding inspection services are assigned, through staff from the Regional Ministry itself and its Regional Offices.

This measure has no impact on the budget, beyond that which corresponds to the payment of basic and supplementary remuneration for the staff of the Regional Ministry who perform these functions, as the preliminary draft law does not provide for the creation of new structures other than those already in existence.

7) Distinctions, medals, prizes and awards.



The preliminary draft law provides for the possibility of granting distinctions aimed at recognising and encouraging significantly noteworthy actions and behaviours, as well as awarding medals, prizes and awards in recognition and encouragement of actions carried out in favour of tourism.

The awarding of these prizes, medals, etc. is managed by the Central Services of this Regional Ministry, and this measure has no budgetary impact, since in no case will it involve the granting of financial incentives, and the Empresa Pública para la Gestión del Turismo y del Deporte de Andalucía, S.A. (The Public Enterprise for Tourism and Sports Management in Andalusia) is the entity responsible for organising, where appropriate, the awarding process.

4.2.1.2. Revenues.

1. Penalties.

A new penalty system is established that includes financial penalties, which could have an impact on the revenue budget of the Regional Government of Andalusia.

The revenue forecast for the 2025 financial year derived from tourism-related penalties amounts to EUR 1,149,489. The aforementioned penalties are set out in the current Tourism Law, in the following terms.

1. Minor offences: punishable by a warning or a fine of up to EUR 2,000.
2. Serious offences: punishable by a fine of EUR 2,001 to EUR 18,000.
3. Very serious offences: punishable by a fine of between EUR 18,001 and EUR 150,000.

The preliminary draft law provides, as mentioned above, for a new penalty system, with an increase in penalties as follows:

1. Minor offences: punishable by a warning or a fine of up to EUR 10,000.
2. Serious offences: punishable by a fine of between EUR 10,000 and EUR 100,000.
3. Very serious offences: punishable by a fine of between EUR 100,000 and EUR 600,000.

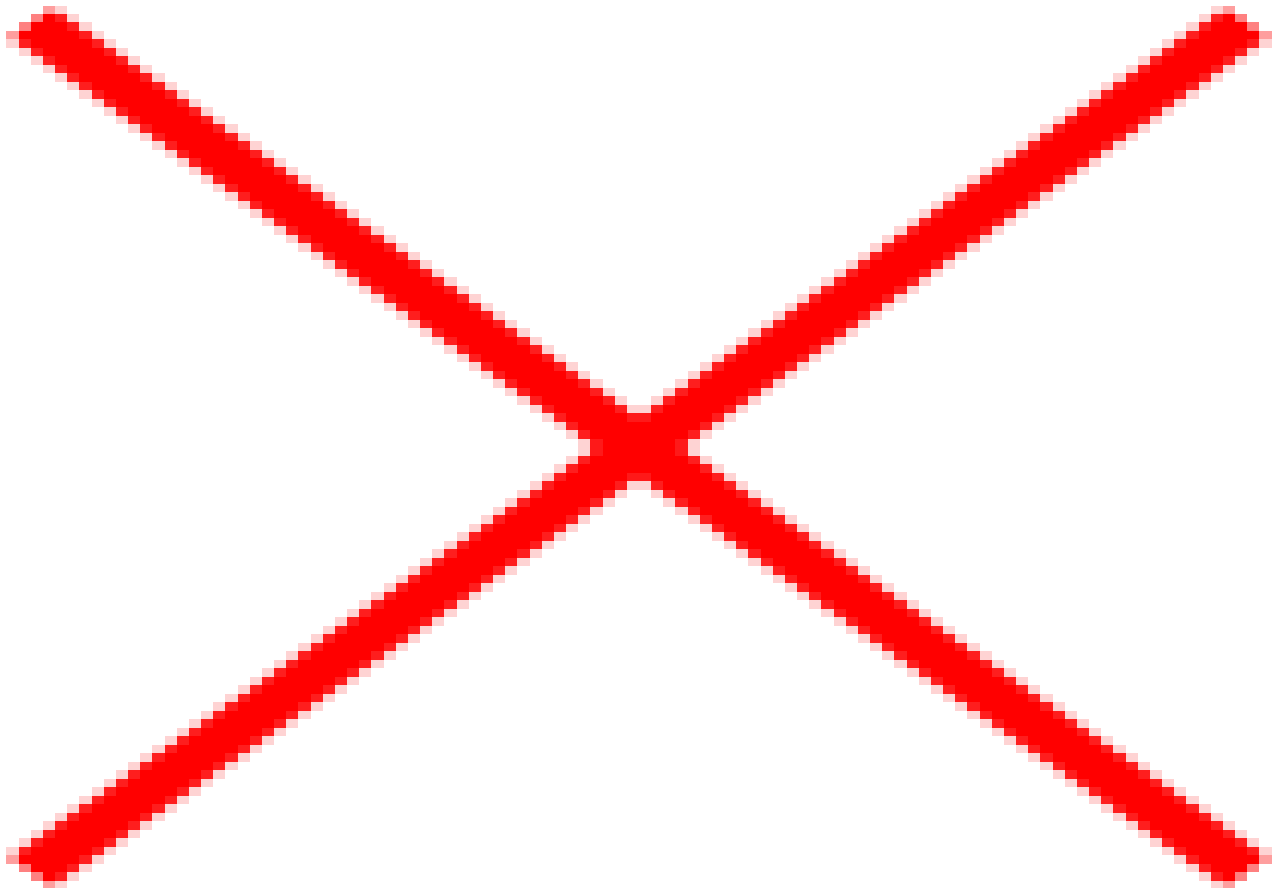
Note that the new penalty system is primarily intended to act as a deterrent and not purely to raise revenue, so that it is basically designed with the aim of reducing the number of offences committed, particularly with a view to lowering the rate of clandestine activity in the provision of tourist services. It should be taken into account that most serious penalties originate from clandestine activities, which is why the bill includes a minimum penalty of EUR 25,000 to combat such activities, except in the case of tourist guides. With this in mind, the following calculation is proposed: 70% for serious offences related to clandestine activity, and 30% for all other offences.

In short, the increase in the amount of penalties set out in the preliminary draft law is based on deterring prohibited actions. In this regard, it should be noted that the penalty system and the amounts involved are identical to those established at the time in the 1999 Law on Tourism, a penalty system based on prior intervention, without any adaptation to the provisions of the statements of compliance. Therefore, it was designed for prior verification by the administration. It should also be noted that the variation in the CPI (Consumer Price Index) over the period 1999-2024 represents an increase of 78.77%, without any update of the amounts of the penalties throughout this period.

In any case, there has been a considerable increase in the minimum and maximum amounts of penalties for offences committed. Given that the vast majority of sanctioning



proceedings handled by this Regional Ministry have resulted in the imposition of fines for minor, serious and very serious offences at the minimum level, revenue from these sources is expected to amount to EUR 8,159,000, according to the following estimates:



In short, as indicated above, once the law comes into force, there is expected to be a significant increase in revenue from offences related to clandestine activity, which account for approximately 70% of serious offences.

Consequently, given that a total of 398 sanctioning proceedings were initiated in 2024 for serious offences and that, as indicated, 70% are expected to be for clandestine activity, the estimate would be that around 278 offences would be of this nature, so multiplied by 25,000 (minimum penalty for clandestine activity), the result would be an estimated income of EUR 6,965,000 for this item.

As for the remaining 30% of offences (minor and very serious), and applying the same rule, the forecast is that around 119 sanctioning procedures will be processed, multiplied by the minimum penalty amount provided for the rest of the serious offences (EUR 10,000), the estimated revenue from this source is EUR 1,194,000.

Consequently, as indicated, total revenue is forecast at EUR 8,159,000, which will be generated under the following budget item: 16000100 I/39010/00 01.

5. ASSESSMENT OF ADMINISTRATIVE BURDENS.

According to the Methodological Guide for Regulatory Impact Analysis Reports, page 34, “administrative burdens are considered to be those activities of an administrative nature



that companies and citizens must carry out in order to comply with the obligations arising from the proposed legislation”.

Based on the foregoing, it is appropriate to take into consideration the administrative burdens identified in the Preliminary Draft Law, which derive both from the specification of the procedures mentioned in section 3 and from the obligations imposed:

- To publicise the services offered transparently, indicating the services included, their quality and the final prices including taxes, the amount of any increases or discounts applicable to the offer, as well as informing customers of any financial compensation in the event of unilateral termination of such contracts on their part.
- To issue an itemised invoice in accordance with the terms and content set out in current regulations for the services provided, in line with the prices quoted or agreed.
- To display in an accessible and easily visible place the badges certifying the classification, category and specialisation of the establishment and any other information relating to the exercise of the activity, in accordance with the provisions of the relevant regulations.
- To make official consumer complaint and claim forms available to users of tourist services, as well as providing them with information on the postal address, telephone number and email address where, regardless of their place of residence, they can submit their complaints or claims or, where appropriate, request information on the services offered or contracted, in accordance with current regulations on the matter.
- To provide the Administration with the information and documentation required for the proper exercise of its legal and regulatory powers, and, in particular, to the tourist inspection services in the exercise of their functions.
- To obtain, prior to commencement of operations, any authorisations that may be required in accordance with the provisions of applicable sectoral legislation, where applicable.
- To notify the tourism administration of the start, cessation or termination of activity in the manner determined by regulation, comply with the requirements established in current tourism regulations and maintain them during the period of time inherent to their exercise, proving compliance at the request of the tourism administration, without prejudice to the provisions of the applicable sectoral legislation.
- To provide objective and accurate information about destinations, travel conditions, reception, accommodation and services, and provide services as agreed and, where applicable, as advertised.
- To provide users, prior to the conclusion of the contract or provision of the service, with all the details of the owner of the company and the establishment itself, as well as those relating to insurance or guarantees required by the legal provisions applicable to them.
- To proceed with the registration of tourism companies and establishments in the Tourism Register of Andalusia prior to the commencement of activity, in



accordance with the terms set out in this Law, based on a statement of compliance.

- To notify the Regional Ministry responsible for tourism, by means of a statement of compliance, of the establishment and conditions of the mandatory guarantees for the organisation and marketing of package tours and the provision of linked travel services, and any others that must be established in accordance with current tourism regulations.
- The subscription of adequate professional liability insurance or other equivalent guarantee covering any damage that may be caused in the provision of tourist services, under the terms required by this Law.

In accordance with the Agreement of 14 May 2024, of the Governing Council, approving the Methodological Guide for Regulatory Impact Analysis Reports, the checklist on the reduction of administrative burdens is set out below, in order to comply with the obligation to measure them as set out in said Guide.

The checklist is completed in accordance with the Law in general. Once each of the aspects described in this section has been regulated through the appropriate regulatory development, the administrative burdens will be assessed in detail.

		YES	NO	NOT APPLIC ABLE
1	Is the new regulation or, where applicable, the amendment to the administrative procedure justified?	x		
2	Are previous procedures eliminated?			x
	Does the new procedure allow for the unification of other existing procedures?			x
3	Has a temporary schedule been drawn up for the processing of the procedure?			x
4	Based on this schedule, is it possible to reduce the maximum time limit established in the proposed legislation?			x
5	Are there any date recording systems in place to monitor compliance with deadlines?			x
6	Is it possible to eliminate, combine or simplify procedures?			x
7	Are there standardised forms or templates for completing procedures?			x
8	Have the forms or templates been designed with the minimum amount of information required in order to speed up their completion?			x
9	Is the grouping of documents promoted, incorporating into a single document the statements that, in the form of declarations, certifications or actions of a similar nature, must be made by the same person in the same procedure, or in several if the management of the procedure allows it?			x
10	Have measures such as guides/manuals/leaflets been provided to facilitate the understanding of the procedures to be carried out by those interested in the procedure?			xx
11	In the case of the recognition or exercise of a right or the	x		



	initiation or development of an activity, is the statement of compliance or communication promoted as the preferred and alternative administrative intervention mechanisms to the request to initiate an authorisation, licence or registration procedure?			
12	In the case of administrative procedures, is automated decision-making promoted?			x
13	In the case of administrative procedures, if documentation is required to be submitted with the application: Is only the documentation essential for the resolution of the procedure requested? Is it possible to replace the submission of documentation with statements of compliance? Do these statements of compliance appear in the standardised application form? For the purposes of correcting the application, are all missing documents requested?			x
14	In the case of administrative procedures, if the provision of documentation is required in the hearing prior to the proposed resolution: Is only the documentation essential for the resolution of the procedure requested? Is it possible to replace the submission of documentation with statements of compliance? Are these statements of compliance included in a standard form, for example, in a form for submitting arguments and documents?			x
15	In order to comply with the right of interested parties not to provide documents that are already in the possession of the acting Administration or have been produced by any other Administration, is the use of corporate networks or consultation of data intermediation platforms or other electronic systems enabled for this purpose envisaged?			x
16	Is the frequency of submitting certain documents or data throughout the procedure reduced to the minimum necessary?			x
17	If reports are to be requested throughout the procedure: Are such reports necessary? If any are mandatory, has their substitution by an optional report been considered?	x		x
18	Has the effect of administrative silence been reviewed taking into account the provisions of Article 24 of Law 39/2015 of 1 October 2015?	x		
19	If the procedure provides for registration in a register: Is the existence of this Register justified? If so, is it envisaged that this registration will be done ex officio?	x		



	Is it possible to provide for the indefinite validity of the registration?			
20	With regard to the processing of the procedure, is the work process to be followed clear, concise and understandable?			x
21	Is there duplication of files (paper and computerised)?			x
22	In the case of complex procedures involving bodies or units belonging to different Regional Ministries of the Regional Government of Andalusia or other Public Administrations, is there effective coordination between them to eliminate unnecessary or redundant reports or procedures?			x
23	Is the procedure registered in the RPS?			x
24	Is the procedure visible in the Catalogue of Procedures and Services?			x
25	In compliance with the general transparency obligations and the specific obligations derived from the regulation, is the information provided to the recipients about the procedure, the requirements and, where applicable, the documentation required, clear?			x
26	Is digitalisation of the procedure feasible?			x
27	Is automation of the procedure feasible?			x

6. GENDER IMPACT ON CHILDREN AND ADOLESCENTS AND ON THE FAMILY.

6.1 Gender-based impact

6.1.1. Description of the baseline situation.

Gender impact analysis must take into account the general persistence of gender inequalities in Andalusian society, due to the unequal allocation of roles and expectations that limit women's full participation in the labour market and decision-making, reducing their ability to contribute to economic growth. These inequalities have a negative impact on the economic and social development of Andalusia.

The analysis of this impact must be additional to other possible impacts that may occur cumulatively, such as those relating to family, disability or other social factors, which could generate compounded discrimination.

The tourism sector plays a fundamental role in the Andalusian economy, being one of the main drivers of growth and employment in the region. In this regard, tourism demand in Andalusia maintained a growing trend in the period 2012-2019, with a record 32.5 million tourists in 2012. However, in 2020, the global health crisis caused by COVID-19 led to an unprecedented drop in the number of people visiting Andalusia. 2021 became a year of transition, with 20 million tourists, and in 2022, the number reached 30.8 million tourists, which means an almost complete recovery to pre-pandemic figures.

In terms of gender distribution, it can be seen that of the tourists who visited Andalusia in 2022, 52.4% were women and 47.6% were men. This balanced distribution, with a slightly higher proportion of women, is similar to that seen in 2012 (52.2% women and



47.8% men). If we consider the different origins of visitors, including tourists from Andalusia and other parts of Spain, we see similar distributions by gender.

With regard to the different tourism segments, cultural tourism and coastal tourism (formerly known as 'sun and beach' tourism) have been analysed. In both cases, the presence of women and men is balanced, with women slightly outnumbering men in both 2012 and 2022. The increase in the proportion of male tourists over the decade has reduced gender gaps by 3.6 percentage points in the case of cultural tourism (51.1% women and 48.9% men in 2022) and by 1.9 points in coastal tourism (51.2% women and 48.8% men in the same year).

According to data provided by the gender impact assessment report on the budget of the Autonomous Community of Andalusia for 2024, the Balance for the Tourist Year in Andalusia for 2022 puts the number of people employed in the tourism sector at 408,400, of whom 46% are women and 54% are men.

By sector of activity, there is an uneven distribution by gender in the tourism industry. Women's participation is highest in the catering sector (61.2%) and hotels and other accommodation (20.6%), while it is almost negligible in the transport sector (2.2%). Catering is also the main employment branch for men (53.4%), who are present in greater proportions than women in other tourism activities (20.3%) and transport (13.8%).

Compared to 2012, the main changes can be observed in the catering sector, where there are increases for both sexes, greater for women (7.8 percentage points) than for men (1.2 percentage points); while in the transport sector there have been decreases, also more pronounced for women (5.8 percentage points) than for men (2.1 percentage points).

6.1.2. Identification of objectives.

The Law on Sustainable Tourism in Andalusia must contribute to equality between women and men, within the framework established in Article 14 of the Spanish Constitution, which establishes a "general clause of equality for all Spaniards before the law, this general principle of equality having been configured as a subjective right of citizens to obtain equal treatment". This imposes a limit or obligation on public authorities "to respect this and requires that cases with the same facts be treated identically in terms of their legal consequences" (Constitutional Court Ruling No. 214/2006, Legal Ground 2). The prohibition of discrimination on the basis of sex is justified by the discriminatory behaviour characterised by the 'pejorative treatment' suffered by women for being women, limiting their rights or legitimate expectations due to the confluence of a factor whose justifying potential has been expressly ruled out by the Constitution, given its disadvantageous nature and its violation of human 'dignity'. See, among others, Constitutional Court Rulings Nos. 128/1987, Legal Ground 5; 166/1988, Legal Ground 2; 145/1991, Legal Ground 2; and 17/2003, Legal Ground 323. At European level, equality is one of the functional principles of the European Union, enshrined in its Treaties, specifically in Article 2 and Article 3(3) of the Treaty on European Union (TEU), in Articles 8, 10, 19, 153 and 157 of the Treaty on the Functioning of the European Union (TFEU) and Articles 21 and 23 of the Charter of Fundamental Rights.

On the other hand, the Commission approved the Gender Equality Strategy 2020-2025, whose most relevant goals are to end gender-based violence, combat gender stereotypes, eliminate the gender gap in the labour market, achieve equal participation in different sectors of the economy, correct the wage and pension gap between men and



women, close the gender gap in care responsibilities, and achieve gender balance in decision-making and politics.

The basic institutional legislation of Andalusia stipulates in its Article 114 that gender impact must be carried out during the drafting process of laws of the Autonomous Community, taking such impact into account in their content. Law 12/2007 of 26 November 2007 on the promotion of gender equality in Andalusia, establishes in Article 5 on gender mainstreaming that: “Public authorities shall promote the inclusion of a gender equality perspective in the development, implementation and monitoring of regulatory provisions and policies in all areas of action, systematically considering the specific priorities and needs of women and men, taking into account their impact on the specific situation of each, with a view to adapting them to eliminate discriminatory effects and promote gender equality”.

The aspect of gender mainstreaming is present in the content of the draft legislation, specifically in its explanatory section. Furthermore, this report has been prepared in compliance with the provisions of Article 6(2) of Law 12/2007 of 26 November 2007 on gender impact assessment, according to which: *“All draft laws, regulations and plans approved by the Governing Council shall effectively incorporate the objective of gender equality. To this end, during the process of draft laws, legislative decrees and regulatory provisions, the relevant regulatory authority must issue a report assessing the gender impact of their content, which will be included in the gender impact section of the Regulatory Impact Analysis Report (hereinafter MAIN (Memoria de Análisis de Impacto Normativo))”*.

6.1.3. Expected results.

To reduce these inequalities. This objective is also aligned with Andalusian and national regulations on promoting equality and combating gender-based violence, and efforts are focused on eliminating gaps, prioritising key areas to which the necessary resources are allocated to achieve this.

Including gender equality criteria in actions to support entities, valuing those that have an equality plan, with a gender-balanced workforce structure, paying special attention to management teams and decision-making, and systematically developing the gender impact assessment report tool, which clearly highlights the contribution of the activity to achieving equality between men and women in the tourism sector.

6.2. Impact on children and adolescents.

This analysis is carried out in compliance with the provisions of Article 139 of Law 18/2003 of 29 December 2003, approving fiscal and administrative measures, which stipulates that the purpose of this assessment shall be to guarantee the legality, appropriateness and impact of draft laws and other regulatory provisions approved by the Governing Council, and that other general provisions issued in implementation of the foregoing shall effectively take into account the objective of respecting the rights of children and adolescents, in accordance with the United Nations Convention on the Rights of the Child of 20 November 1989 and its implementation in other international regulations, as well as in state and regional regulations applicable to minors. All of this is in accordance with General Comment No 5 of the United Nations Committee on the Rights of the Child, adopted in November 2003, in relation to the obligation established in Article 4 of the aforementioned International Convention.



Likewise, this section of the Regulatory Impact Analysis Report is completed pursuant to Article 7-bis(1)(e) of Decree 622/2019 of 27 December 2019, which requires an analysis of the impacts on children and adolescents, in accordance with Article 22 of Organic Law 1/1996 of 15 January 1996 on the Legal Protection of Minors.

Having examined the text of the preliminary draft law from the point of view of the impact it could have on children and adolescents, it is concluded that it has no direct impact, since the preliminary draft law does not affect the population under the age of 17, according to the Convention on the Rights of the Child itself. Nor does the preliminary draft law affect the rights of children and adolescents, as the potential recipients of the regulation are companies and entities in the tourism sector and older persons. The result of the impact assessment should be nil or neutral, as the preliminary draft law, according to its nature and content, has no impact on the rights of minors.

6.3. Impact on the family.

Having examined the text of the Preliminary Draft Law from the point of view of the impact it could have on families, it is predicated on its purpose, which is the organisation, planning and promotion of tourism in Andalusia within the framework of the principle of environmental, economic and social sustainability, as well as the definition of tourism policy and its principles and criteria for action.

In this regard, with reference to inclusive social tourism policies, Article 27 attaches particular importance to families, stipulating that the Andalusian tourism administration shall promote the development of social tourism in order to facilitate access for all citizens to leisure, travel and holidays. In particular, it will promote and facilitate family tourism.

7. ELECTRONIC MEDIA

7.1. Background

Decree-Law 3/2024 of 6 February 2024 adopting measures for administrative simplification and rationalisation to improve citizens' relations with the Regional Government of Andalusia and boost economic activity in Andalusia, amends Article 7-bis of Decree 622/2019 of 27 December 2019 on electronic administration, simplification of procedures and organisational rationalisation of the Regional Government of Andalusia, establishing as content of the Regulatory Analysis Report a section on electronic media in the following cases:

1. The draft regulates an administrative procedure.
2. The draft is directly related to information and communication technologies.
3. The draft requires these technologies in order to be carried out.

This section, as well as the corresponding content on budgetary impact in the field of ICT, will be prepared by the Andalusian Digital Agency (ADA) when it is responsible for defining and implementing electronic media, by virtue of the scope in which the Agency carries out its purposes set out in paragraph a) of section 1 of the twenty-second additional provision of Law 3/2020 of 28 December 2020 on the Budget of the Autonomous Community of Andalusia for the year 2021.



7.2. Draft legislation

At the request of the Regional Ministry of Tourism and External Affairs of Andalusia, the Preliminary Draft Law on Sustainable Tourism in Andalusia is submitted to this Agency for consideration, with a view to issuing a report on the section entitled 'Electronic Media' of the Regulatory Impact Analysis Report (MAIN).

7.3. Budgetary impact

This Agency has not participated in the preparation of the Preliminary Draft Law, so reading the legislation leaves some questions unanswered that could affect the scope of the ICT project that would be associated with this legislation. Nonetheless, once the draft legislation has been reviewed and the feasibility study carried out by the ADA, it is estimated that the following technological elements will be put into service:

Andalusian Tourism Register (Registro el Turismo Andaluz - RTA)

The information system supporting the Register is currently in operation and fully developed. The study of the Preliminary Draft Law does not reveal a clear need to redesign or redo the Register, although in view of its importance in the text of the legislation, it is likely that it will undergo intensive evolutionary maintenance in the coming years in order to implement improvements and new functional requirements.

Due to its complexity, we estimate that developing a system similar to the Andalusian Tourism Register would cost approximately EUR 600,000. As indicated above, such development will not be carried out. However, the above estimate will serve as a reference for calculating the evolutionary maintenance costs of the same: System maintenance is estimated at 20% of the construction cost, i.e. EUR 120,000 for the first two years and 15%, i.e. EUR 75,000 for the following years.

The Agency currently has the budgetary capacity and development contracts in place to undertake the necessary changes to the Andalusian Tourism Register, as outlined in this preliminary draft. The contract in question that will serve as the basis for these developments is CONTR/2023/122230², LOT 2. Service for the analysis, development and implementation of information systems in various areas of competence of the Regional Government of Andalusia, including: Presidency, Interior, Culture, Tourism, Sport.

Table 1: Breakdown of ADA budget (self-financed) associated with the Andalusian Tourism Register (with provision for extension to the 2028 fiscal year)

Year	Managing body	Budgetary Line	Amount
2025	131010000	G/12D/66905	EUR 120,000.00
2026	131010000	G/12D/66905	EUR 120,000.00
2027	131010000	G/12D/66905	EUR 75,000.00
2028	131010000	G/12D/66905	EUR 75,000.00



Inspection Support System

The Preliminary Draft Law establishes the inspection of tourist services. Although the legislation does not define an information system for this purpose, the Andalusian Digital Agency considers that a technological element would be necessary to facilitate and enhance this inspection work. The Andalusian Regional Government already has several Inspection Support Systems in place. In this regard, ADA proposes studying the various existing systems and reusing the one deemed most suitable for tourism inspection, making any necessary improvements and adaptations, all with a view to making better use of Andalusia's technological resources. This will help reduce the main cost, which would be the development of a new inspection system; however, we must consider the costs of maintaining it, adapting the system to tourism inspection, project management by the ADA, management, deployments, quality assurance, testing and system operation.

Table 2: Breakdown of ADA budget (self-financed) associated with the inspection support system (with provision for extension to the 2028 fiscal year)

Year	Managing body	Budgetary Line	Amount
2025	131010000	G/12D/66905	EUR 50,000.00
2026	131010000	G/12D/66905	EUR 50,000.00
2027	131010000	G/12D/66905	EUR 50,000.00
2028	131010000	G/12D/66905	EUR 50,000.00

The aforementioned amounts would be appropriate if, as indicated above, the inspection support system already developed is adapted to the needs of the governing body, and the work undertaken is limited to the specific configuration of the procedure in the field of tourism, as well as minimal development, if necessary. In that case, these costs would also be covered by ADA's self-financing, as they would be considered evolutionary maintenance work on existing systems, under the same contract indicated above.

Penalty System

In addition, the Preliminary Draft Law establishes a penalty system for tourist services. As with inspection work, the legislation does not define an information system for this purpose either. At the Andalusian Digital Agency, we believe that a technological element is needed to facilitate the processing of disciplinary proceedings. In this case, too, the Andalusian Regional Government has a number of penalty systems in place; therefore, the ADA's proposal is along the same lines: to study the various existing systems and reuse the one considered most appropriate, adapting it to the tourism sanctioning procedure and making any necessary adjustments. Therefore, the estimate will be limited to considering the cost of maintaining the penalty system, adapting the system to tourism inspection, project management by the ADA, management, deployments, quality assurance, testing and system operation.



Table 3: Breakdown of ADA budget (self-financed) associated with the penalty system (with provision for extension to the 2028 fiscal year)

Year	Managing body	Budgetary Line	Amount
2025	131010000	G/12D/66905	EUR 50,000.00
2026	131010000	G/12D/66905	EUR 50,000.00
2027	131010000	G/12D/66905	EUR 50,000.00
2028	131010000	G/12D/66905	EUR 50,000.00

The aforementioned amounts would be adequate if, as indicated above, the existing penalty system meets the functional needs of the governing body responsible for the sanctioning procedure. In this case, these costs would also be covered by ADA's self-financing, as they would be considered evolutionary maintenance work on existing systems and would be carried out under the same contract indicated above.

In the case of the Andalusian Tourism Register, the inspection support system and the penalty processing system, it should be noted that if it were not feasible to adapt any of the existing systems and a completely new system had to be developed, the costs would be different and higher than those indicated above. Furthermore, these developments are not included in the ADA's budget for 2025, so the ADA should be provided with adequate funding.

Andalusia Tourism Portal

Article 61 of the Preliminary Draft Law on Sustainable Tourism establishes the Andalusia Tourism Portal, for which specific content and functionalities are defined.

Currently, the Empresa Pública para la Gestión del Turismo y del Deporte de Andalucía, S.A. (EPGTDA - The Public Enterprise for Tourism and Sports Management in Andalusia) manages this portal, which is included in the operating expenses of the aforementioned entity, PAIF OBJECTIVE 1.2: Promote the overall competitiveness of Andalusia as a destination.

Data Analytics: Smart Tourism for the future

Article 74 of the Preliminary Draft Law on Sustainable Tourism seeks to promote smart tourism and knowledge transfer. This means that the available information needs to be analysed in depth in order to better understand the tourism sector and make more informed decisions. Specifically, the aim is to study and disseminate the behaviours and trends of tourist demand. To achieve this, a technological platform capable of processing large amounts of data and applying artificial intelligence techniques is required.

Currently, the Empresa Pública para la Gestión del Turismo y del Deporte de Andalucía, S.A. (EPGTDA - The Public Enterprise for Tourism and Sports Management in Andalusia) manages the largest volume of data related to tourism in Andalusia, which is included in the operating expenses of the aforementioned entity, PAIF OBJECTIVE 1.2: Promote the overall competitiveness of Andalusia as a destination; as well as through nominative



allocation transfers to develop and improve research and innovation capabilities and the implementation of advanced technologies, which are also granted annually to the aforementioned entity, charged to item 1600170001 G/75D/74303/00 A411BC13K5 2024001421 (PAIF OBJECTIVE 1.2: Promote the overall competitiveness of Andalusia as a destination)

Required technical infrastructure

It is important to understand that the costs we have detailed so far mainly refer to the services necessary to develop, manage and ensure the quality of IT systems. This includes the work of programmers, project managers, and staff responsible for testing and software quality.

However, these costs do not include the underlying technical infrastructure, which is essential for all these systems to function properly. This should be thought of as the foundations of a building: without them, nothing can be built on top.

However, it is considered that the ICT requirements arising from the Preliminary Draft Law on Sustainable Tourism do not involve the creation of any new information system and, consequently, the infrastructure costs would be those arising from the maintenance of the current infrastructure, so there is no need to specify any economic impact on technical infrastructure.

7.4. Summary of the budgetary impact

After conducting a high-level study of the functional and budgetary requirements associated with the information systems required by the Preliminary Draft Law on Sustainable Tourism, a total ICT budget of **EUR 790,000.00** is required, broken down as follows by year.

Table 6: Summary table of costs.

Year	Managing body	Budgetary Line	Amount
2025	131010000	G/12D/ various	EUR 220,000.00
2026	131010000	G/12D/ various	EUR 220,000.00
2027	131010000	G/12D/ various	EUR 175,000.00
2028	131010000	G/12D/ various	EUR 175,000.00

This study shows that there is sufficient budgetary capacity for the ongoing maintenance of the three information systems described in this report.

8. IMPACT ON THE PROTECTION OF PERSONAL DATA.



The examination of the impact on personal data protection is being carried out in accordance with section 2.9.2 of the Methodological Guide for drafting the MAIN, taking into account the “Guidelines for the analysis of the impact on the protection of personal data in draft regulatory provisions”, which, as guidance aimed at Andalusian public administrations, has been prepared by the Andalusian Council for Transparency and Data Protection.

In any case, it should be highlighted that the preliminary draft law seeks to strengthen and ensure compliance with this legislation, and in this regard, an additional provision on data protection has been included in the text of the legislation, which states the following: *“Any processing or communication of data that may arise from the provisions of this law shall be subject, in general, to the legislation in force regarding the protection of personal data, guaranteeing compliance with the principle of minimisation in the collection, processing and storage of personal data necessary for the purposes established and implementing the appropriate technical and organisational security measures to guarantee the integrity and confidentiality of the data, as well as the duty of confidentiality of the persons who manage it”*.

9. OTHER IMPACTS.

9.1. Impact on equal opportunities, non-discrimination and universal accessibility for older people and persons with disabilities.

This section of the Regulatory Impact Analysis Report is completed in accordance with the provisions of Articles 7(3) and 7-bis(1)(g) of Decree 622/2019 of 27 December 2019 which stipulate that an “assessment of other impacts that may be necessary due to the subject matter” shall be carried out, in this case, of the preliminary draft law, “paying special attention” to the “social impact”.

Within the social impact, we find the impact on equal opportunities, non-discrimination and accessibility for persons with disabilities.

In Spain, there are more than four million people with physical, sensory, cognitive and other disabilities. Likewise, it is predicted that by 2050, the elderly population will have increased to 30.8% of the total population, based on current population growth rates.

On the other hand, globally, it is estimated that by 2050 more than 2 billion people will have some kind of special need due to a disability. In Europe, in 2011 there were 138.6 million people with accessibility needs, of whom 35.9% were persons with disabilities aged between 15 and 64, and 64.1% were persons aged over 65.

Since 2012, people with accessibility needs in the EU have made approximately 783 million journeys within the EU, with demand growing at an average annual rate of 1.2%.

Given this reality, it is necessary that the new regulation, in application of Royal Legislative Decree 1/2013 of 29 November 2013, which approves the Consolidated Text of the General Law on the Rights of Persons with Disabilities and their Social Inclusion, includes as its purpose, contributing to the normalisation of tourist activities for persons with disabilities, so that they can participate in and enjoy them under the same conditions as the rest of the population, as established in the Convention on the Rights of Persons with Disabilities and its Optional Protocol, approved on 13 December 2006 by the United Nations (UN).



The measures included in the preliminary draft law have a positive impact in this regard, as they will promote specific provisions not only to help improve the rights of people with reduced mobility, but also to help improve the rights of people with any type of disability in terms of accessibility.

9.2. Environmental impact.

The preliminary draft law incorporates sustainability in all its aspects as one of its main principles. It therefore includes measures aimed at promoting environmental sustainability, taking this into account as criteria for intervention in tourism, and it must therefore be concluded that the law has a positive impact on the environment.

10. SUMMARY OF THE MAIN CONTRIBUTIONS RECEIVED DURING THE PRIOR PUBLIC CONSULTATION PROCESS.

The prior public consultation process took place from 29 December 2023 to 27 January 2024.

During the prior public consultation process, contributions were received from individuals acting on their own behalf and from various types of organisations representing different sectors.

a) Andalusian Federation of Families of Deaf People (Federación Andaluza de Familias de Personas Sordas - FAPAS).

Moving towards tourism that provides greater added value in both economic and social terms, focusing on the quality of experiences and cultural impact.

It is important that public authorities and private operators incorporate diversity, universal accessibility and design for all into the planning of the Preliminary Draft Law on Sustainable Tourism in Andalusia.

Achieving sustainable and circular tourism, reflecting new trends and diverse traditional and emerging tourism products, in line with the various European Union strategies on sustainable tourism and, in particular, in line with the European Agenda for Tourism 2030.

The Sustainable Development Goals should also be taken into account when drafting the tourism law so that all persons with disabilities are included.

b) Association of professionals in tourist accommodation and apartments in Andalusia (Asociación de profesionales de viviendas y apartamentos turísticos de Andalucía - AVVA Pro. A).

When considering a possible amendment to current tourism legislation, AVVA Pro advocates prioritising the following aspects:

Professionalise the sector, for which we will propose the minimum requirements that tourist accommodation management companies must meet.

Clarify and delineate the responsibilities of companies and individuals operating in the field of tourist accommodation and tourist apartments.

Prevent clandestine activities.



Regulations must recognise all existing cases and take into account the diverse needs of tourists and guests in order to offer a more comprehensive and clear range of services.

A property used for tourism purposes is, by definition, a building that complies with the requirements for a 'dwelling' in accordance with the Technical Building Code, and is the result of a prior planning permission that legitimised its construction. This fact must be combined with the undeniable value currently held by residential tourism.

Improve quality standards with specific measures.

c) Tourist Guides Platform. Federación Andaluza de Guías de Turismo y Patrimonio (APIT Asociación Provincial de Informadores Turísticos, Sevilla) (Andalusian Federation of Tourist and Heritage Guides (APIT Provincial Association of Tourism Information Professionals, Seville)); AGOT Association of Tour Guides of Seville (AGOT Asociación de Guías Turísticos de Sevilla, Passiontours); Unified Association of Tourism Information Professionals of Seville (AUITs Asociación Unitaria de Informadores Turísticos de Sevilla, CITYTOUR Seville).

With regard to the definition of tourist guide, in relation to the terminology used in the current law, they consider the expression "information and interpretation services" to be clearer for those who conduct visits to the properties included in the General Catalogue of Andalusian Historical Heritage.

It should be made clear that the activity of a tourist guide is not only specific to tourist guides, but that its exercise is the exclusive responsibility of tourist guides, except for the dissemination and promotion functions carried out by museum and heritage site staff or institutions, in accordance with the provisions of the applicable regulations.

Regarding the obligation to hold an official tourist guide licence issued by the Regional Government of Andalusia, the Federación Andaluza de Asociaciones Profesionales de Guías de Turismo-Intérpretes de Patrimonio (Andalusian Federation of Professional Associations of Tourist Guides and Heritage Interpreters) considers it essential that the text of the current Article 54(2) and (3) be worded as follows:

- Those who wish to establish themselves in Andalusia to work as tourist guides must hold the corresponding licence issued by the tourism administration of the Regional Government of Andalusia, after complying with the requirements established by law. This accreditation will entail their registration in the Tourism Register of Andalusia under the terms established by regulation.
- Individuals who are licensed tourist guides in other autonomous communities must, in order to work in Andalusia, hold an official licence issued by the Andalusian Regional Government, or hold a professional licence obtained in another autonomous community, provided that the requirements for obtaining it are equivalent to those required in Andalusia.

Introduce in the current Article 82, a new point 3 with the following wording: "3. Complainants shall be considered legitimate parties to the administrative proceedings and shall be notified of the actions taken in the course of those proceedings".

d) Spanish Association of Geographers (Colegio de Geógrafos de España). Regional Office for Andalusia

In line with environmental protection figures, section 7(14) of the categories of actions subject to environmental prevention and control instruments (Annex I of Law 7/2007 GICA, replaced by Annex III of Law 3/2014 and Decree Law 5/2014) the new law requires a Social Impact Assessment and Social Acceptance Study within the Environmental



Impact Studies included in the AAU (unified environmental authorisation) applications for the projects included in this section. In line with national law, these social studies should be included in the analysis of alternatives as provided for in Annex IV of Law 21/2013 on environmental assessment. The scope of these social studies to determine the most favourable alternative must include, at least, an ethnography, a determination of the impacts on services and facilities, and representative surveys on the social acceptance of the project.

For the activities listed in section 13(31) of the categories indicated in point (A) above, the law could stipulate that the scope of environmental certification (CA) applications must include a significant survey of the population located within an area of no less than 500 metres from the activity to verify the social acceptance of the project. Should this survey produce negative results, the municipal council will not be able to grant the CA.

Strengthen the capacity of neighbourhood communities to prohibit the tourist use of homes in a community.

To strengthen endogenous tourism development, the law should encourage the creation of quality seals that accredit hotels that support local trade. Similarly, in order to improve the environmental sustainability of tourist establishments, it would be appropriate for all [these establishments] to be required to provide information on energy efficiency (*) [of the establishments] and to determine their water and ecological footprints [so that consumers can choose [the most environmentally friendly options].

Regulations governing professional tour guides should include the obligation to provide information to improve coexistence, protect local culture and safeguard intangible heritage. Similarly, these professionals should be obliged to inform tourists about the cultural wealth of the region, avoiding essentialist, objectifying or folkloric descriptions of Andalusian culture. To this end, it would be beneficial to create a professional certification programme through courses run by the Regional Ministry of Culture and its associated bodies responsible for cultural and intangible heritage.

Include a proposal for a Regulation defining an Andalusian Tourism Plan whose objectives focus on the coexistence of tourism with other economic activities, as well as identifying areas overwhelmed by tourism and areas of opportunity for tourism in those territories where a deficit of tourist facilities is identified. The Plan (Page 2 of 3 College of Geographers Territorial Delegation of Andalusia) should also include measures to improve public transport in areas with a tourism deficit.

In terms of safety, tourist establishments must design evacuation plans for extreme situations such as tsunamis, earthquakes, forest fires and floods, in coordination with Civil Protection, to ensure that there is sufficient capacity to deal with visitors in the event of such incidents.

e) Illustrious College of Doctors and Graduates in Philosophy and Humanities and Sciences (Ilustre Colegio de Doctores y Licenciados en Filosofía y Letras) of the Provinces of Seville and Huelva and archaeology, art history and heritage interpreters sections

Creation and contemplation of the role of the “Cultural Heritage Interpreter”, a fundamental cultural agent.

Regulate the certification of the skills and aptitudes of graduates in the aforementioned sciences who wish to pursue a professional career in the field of historical heritage protection through heritage interpretation. This accreditation can be and is carried out by the CDL (Illustrious College of Doctors and Graduates), given that, as a professional association, they can ensure compliance with the regulations, in addition to



implementing a code of good practice, thereby guaranteeing the proper functioning of the profession.

i) Rocío Stiefel Crespo.

That individuals trained in History/Archaeology/Art History/Cultural and Natural Heritage, together with similar professionals in the cultural, historical and heritage fields, be recognised as Heritage Interpretive Guides, distinguishing their profile from that of tour guides.

j) María Rodríguez Pavón.

That individuals trained in History/Archaeology/Art History/Cultural and Natural Heritage, together with similar professionals in the cultural, historical and heritage fields, be recognised as Heritage Interpretive Guides, distinguishing their profile from that of tour guides.

k) Greece Muñoz Mallorca.

That individuals trained in History/Archaeology/Art History/Cultural and Natural Heritage, together with similar professionals in the cultural, historical and heritage fields, be recognised as Heritage Interpretive Guides, distinguishing their profile from that of tour guides.

That these professionals, trained in fields other than tourism, should not be required to obtain accreditation as tour guides in order to practise their profession, whether indoors or outdoors in heritage settings. In any case, accreditation via the relevant professional bodies and associations should be accepted.

That the criminalisation and persecution of these professionals by the tourism sector and the tourism police should end.

That value be given to these professionals, trained in the field of heritage and its knowledge, conservation, protection and/or dissemination, in the manner deemed most appropriate by this Regional Ministry, provided that it is not discriminatory.

That the wellbeing of citizens be prioritised, and speculation and gentrification prevented. Neighbourhoods are for residents to enjoy; tourism cannot be promoted at the expense of the quality of life for Andalusians.

l) María Macarena Roldán Varo

Urges the Andalusian Regional Government to react in a timely manner to the real, everyday problems faced by citizens, who are seeing their cities gradually die at the hands of tourists who also mistreat our human and cultural heritage.

I invite you to reconsider the content of the preliminary draft law on tourism and to open an inclusive dialogue with all stakeholders, including local communities, environmental organisations, tourism experts, and civil society.

It is essential that any legislation in this area reflects the values and aspirations of all Andalusians and contributes to building a model of sustainable, equitable and responsible tourism.



The economic future of Andalusia cannot depend solely on tourism, and it is vital to diversify sources of income and develop other areas of the economy to ensure long-term stability and well-being for all citizens.

m) Inmaculada Fernández Gómez.

Calls for more support for local residents and businesses.

Put an imminent and necessary cap on the number of tourist apartments that can be allowed in the city centre.

No to mass tourism, which makes fewer and fewer of us want to live in or even visit our own city. It is unsustainable.

n) Raquel Maldonado

Expresses concern about tourist facilities in rural areas, particularly on rural land.

ñ) José Luis C

Proposes a single source for all information, timetables, bookings, online ticket sales, and for those monuments, activities, museums, etc. that are managed by different administrations or private entities.

o) Rafael Gómez

Asked to view the text of the preliminary draft law

p) Roberto Granda.

Asked to view the text of the preliminary draft law.

The contributions generally focus on the text submitted for processing, as well as referring to general principles to be taken into account in the new regulation and, in some cases, specific drafting proposals that refer specifically to the field of tour guides, culture and heritage, and tourist accommodation.

11. DESCRIPTION OF THE PROCEEDINGS, JUSTIFICATION FOR THE SCOPE OF THE HEARING PROCESS AND REQUEST FOR REPORTS AND OPINIONS

11.1. Previous contributions. Drafting process of the proposed legislation by the competent body.

In order to achieve a Preliminary Draft Law with the greatest possible institutional consensus, the General Secretariat for Tourism, which is the governing body promoting the initiative, has held meetings with other governing bodies and stakeholders who may be affected by the new regulation. The aim of these meetings was to share the proposal and to receive and incorporate contributions for improving the draft law.

The drafting of the draft law has been subject to extensive debate in the phase prior to its preparation. Representative bodies from the sector and academia have played an active role in establishing both the broad outlines and the details that the law should contain.

Likewise, in compliance with Instruction Three, sections 1(1) and 1(2)(g) of the Agreement of 22 October 2002 of the Governing Council, approving the Instructions on



the procedure for the preparation of Preliminary Draft Laws and Regulatory Provisions within the competence of the Governing Council of the Regional Government of Andalusia, the text of the preliminary draft has been sent to the other Regional Ministries of the Regional Government of Andalusia to obtain their express agreement and to make any comments they deem appropriate.

During the period in which this procedure has been carried out, all of the Regional Ministries have expressed their agreement with the initiation of the procedure, with observations made by the following:

- Presidency, Interior, Social Dialogue and Administrative Simplification.
- Economy, Finance and European Funds.
- Employment, Business and Self-Employment.
- Sustainability and Environment.
- Justice, Local Government and Civil Service.
- Social inclusion, Youth, Families and Equality.
- Culture and Sports.
- Health and Consumer Affairs.
- Development, Planning and Housing.

11.2. Description of the procedure.

With regard to the procedure, the steps set out in Article 43 of Law 6/2006 of 24 October 2006, of the Government of the Autonomous Community of Andalusia, in the rest of the applicable regulations, and in the Agreement of 2 October 2002 of the Governing Council, approving the Instructions on the procedure for drafting Draft Laws and regulatory provisions within the competence of the Governing Council of the Regional Government of Andalusia, have been followed in all aspects not contrary to those regulations.

The text was submitted to the public hearing and information procedure on the Transparency Portal of the Regional Government of Andalusia, under the provisions of Article 133(2) of Law 39/2015 of 1 October 2015 and in accordance with Article 45(1)(c) of Law 6/2006 of 24 October 2006 of the Government of the Autonomous Community of Andalusia.

With regard to the subjects to which the public information procedure has been granted, this applies to all citizens, in accordance with the traditional interpretation of the procedure, not only because this is established by law, but also because it is confirmed by the case law of the 3rd Chamber of the Supreme Court (for example, Supreme Court Judgment, ROJ No. 1254/1997, Legal Ground 4).

It is also noted that the public hearing procedure has been granted to organisations whose aims are related to the purpose of the draft legislation. In view of this, it was deemed necessary to involve the following entities and agents with interests in tourism:

a) Andalusian public universities:

- Chair of Sustainable Tourism at the Universidad de Almería (University of Almería).
- Chair of Inclusive and Accessible Tourism at the Universidad de Cádiz (University of Cádiz).
- Chair of Heritage and Cultural Tourism at the Universidad de Córdoba (University of Córdoba).
- Chair of Tourism Management, Employment and Development at the Universidad Granada (University of Granada).
- Chair of Industrial Tourism at the Universidad de Huelva (University of Huelva).



- Chair of Inland Tourism at the Universidad de Jaén (University of Jaén).
- Chair of Digital and Coastal Tourism at the Universidad de Málaga (University of Malaga).
- Chair of Smart Tourism at the Universidad de Sevilla (University of Seville).

b) Federación Andaluza de Municipios y Provincias - FEMP (Spanish Federation of Municipalities and Provinces).

c) The most representative trade union organisations in Andalusia:

- Committees Obreras de Andalucía - CCOO-A (Andalusian Workers' Commissions).
- Unión General de Trabajadores de Andalucía - UGT-A (General Union of Workers of Andalusia).

d) The most representative business organisation in Andalusia:

- Confederación de Empresarios de Andalucía - CEA (Confederation of Entrepreneurs of Andalusia).

e) Consumer and user protection associations:

- Federación de Asociaciones de Consumidores y Usuarios en Acción - FACUA-Andalucía (Federation of Consumer and User Associations in Action).
- Federación de Asociaciones de Usuarios de Bancos, Cajas y Seguros de Andalucía - ADICAE Andalucía (Federation of Associations of Bank, Savings Bank and Insurance Users of Andalusia)
- Federación Andaluza de Consumidores y Amas de Casa - Al-Andalus (Andalusian Federation of Consumers and Housewives).
- Unión de Consumidores de Andalucía - UCA/UCE (Consumers Union of Andalusia).

f) Representative association of social economy entities:

- Federación Andaluza de Empresas Cooperativas de Trabajo - FAECTA (Andalusian Federation of Cooperative Labour Companies).

g) Representative association of environmentalists:

- Ecologistas en Acción Andalucía (Ecologists in Action Andalusia).

h) Neighborhood associations:

- Asociación de Vecinos del Barrio de Santa Cruz de Sevilla (Association of Neighbours of the Santa Cruz neighbourhood in Seville).
- Federación de Asociaciones de Vecinos de Andalucía (Federation of Neighbourhood Associations of Andalusia).
- Confederación de Asociaciones Vecinales de Andalucía - CAVA (Confederation of Neighbourhood Associations of Andalusia).

i) Comité Español de Representantes de Personas con Discapacidad Andalucía - CERMI Andalucía (Spanish Committee of Representatives of Persons with Disabilities Andalusia).

j) Other entities:

- Asociación de Empresarios Hoteleros de la Costa del Sol - AEHCOS (Association of Hoteliers of the Costa del Sol).



- Asociación de Viviendas Turísticas y Vacacionales de Andalucía - APARTSUR (Association of Tourist and Holiday Accommodation in Andalusia).
- Asociación de Profesionales de Vivendas y Apartamentos Turísticos de Andalucía - AVVAPro (Association of Professionals in Tourist Accommodation and Apartments in Andalusia).
- Consejo Andaluz de Administradores de Fincas (Andalusian Council of Property Administrators).
- Asociación de Escuelas de Español para Extranjeros de Andalucía (Association of Spanish Schools for Foreigners in Andalusia).
- Comité Español de Representantes de Personas con Discapacidad - CERMI (Spanish Committee of Representatives of Persons with Disabilities).
- Asociación Sevillana de Guías Oficiales de Turismo - ASEGOT (Seville Association of Official Tourist Guides).
- Asociación de Guías e Intérpretes del Patrimonio - AGIP Granada (Association of Heritage Guides and Interpreters).
- Asociación Provincial de Informadores Turísticos de Sevilla - APIT Sevilla (Provincial Association of Tourist Information Officers of Seville).
- Asociación Profesional de Informadores de Turismo - APIT Málaga (Professional Association of Tourist Information Officers).
- Federación Andaluza de Hoteles y Alojamientos Turísticos - FAHAT (Andalusian Federation of Hotels and Tourist Accommodation).
- Federación Andaluza de Agencias de Viajes - FAAV (Andalusian Federation of Travel Agencies).
- Asociación Empresarial de Agencias de Viajes de Andalucía - AEDAV (Business Association of Travel Agencies of Andalusia).

In accordance with Article 43(5) of Law 6/2006 of 24 October 2006, the mandatory reports to be considered are as follows:

“(...) they must be reviewed by the respective Technical General Secretariat, the Legal Office of the Regional Government of Andalusia and other bodies whose report or opinion is mandatory in accordance with the rules in force, except as provided for in Article 45-bis. Finally, an opinion from the Advisory Council of Andalusia shall be requested”.

In view of this, the following mandatory reports have been requested:

- Evaluation report of the General Secretariat for Tourism on the Preliminary Draft Law on Sustainable Tourism in Andalusia and the corresponding Regulatory Impact Analysis Report.
- Report of the Directorate General for Budgets of the Regional Ministry of Economy, Finance and European Funds,
- Report of the General Secretariat for Public Administration.
- Report of the Gender Equality Unit,
- Report of the Council of Consumers and Users of Andalusia.
- Report of the Andalusian Agency for Competition and Economic Regulation.
- Report of the Andalusian Council of Local Governments.



- Report of the Directorate General for Children, Adolescents and Young People.
- Report of the Institute of Statistics and Cartography of Andalusia.
- Report of the Andalusian Digital Agency concerning the completion of the section on electronic media in this Report.
- Report of the Andalusian Tourism Council.
- Report of the Legal Office of the Regional Government of Andalusia.
- Opinion of the Economic and Social Council of Andalusia.

Additionally, the following reports were requested as deemed appropriate:

- Report of the Directorate General for Persons with Disabilities.
- Report of the Tax Agency.
- Report of the Directorate General for the Treasury and Public Debt.

Likewise, the Andalusian Digital Agency was asked to issue a report relating to the electronic media section of the Regulatory Impact Analysis Report (MAIN).

11.3. Contributions received during the hearing and public information process

Attached to this report as Annex I is an assessment report on the contributions made during this process.

11.4. Contributions received in mandatory and optional reports and opinions issued.

The reports collected and their assessment are attached to this report as Annex II.

12. EX POST ASSESSMENT OF THE LEGISLATION

A commission will be created for the ex-post assessment of the legislation, by order of the head of the Regional Ministry responsible for tourism, at the proposal of the head of the General Secretariat responsible for this area.

The monitoring commission shall be established within a maximum period of one year from the publication of the law, with the aim of analysing its implementation, its legal and economic repercussions, and evaluating its impact.

The commission will be an inter-administrative cooperation body, attached to the Regional Ministry of Tourism and External Affairs of Andalusia, responsible for monitoring compliance with the provisions of the Law on Sustainable Tourism in Andalusia. The establishment and operation of the commission does not imply an increase in public expenditure, as the cost of its operation will be covered by existing appropriations in the Regional Ministry of Tourism and External Affairs of Andalusia, without any increase in its budget, providing the necessary human and material resources for its operation.



The monitoring commission may request the cooperation of all administrative bodies of the Regional Government of Andalusia through their participation in matters deemed to fall within their competence.

The law stipulates that the commission shall issue a reasoned report every two years, starting from the date the law comes into force, which shall be submitted to the Governing Council of the Regional Government of Andalusia.

The report shall examine the implementation of the Andalusian Sustainable Tourism Law, its legal and economic repercussions, and an assessment of its impact. To this end, a comparative assessment methodology will be used with the effects and impacts established in the Regulatory Impact Analysis Report of the Law, in order to verify those that have actually occurred and those that have not, as well as any deviations in relation to the latter. Ultimately, the purpose of this retrospective assessment is to provide relevant comparative practical information, serving as an instrument of credibility and accuracy for prospective regulatory impact analysis, as it helps to prove whether the established objectives have been achieved, whether the public decision has been effective and efficient, and the extent to which the impacts have been addressed to resolve the problem or need, in addition to prioritising and rationalising regulatory interventions, reducing duplication and political and legal inconsistencies.

THE DIRECTOR GENERAL FOR TOURISM MANAGEMENT

Signed: Elena Baena Romero