

L-0506-041-EB

By e-mail and courier

Ms. Cécile Billaux
DG SANCO

Cc :
Mr. Pedro Ortún
Director - DG Enterprise

Mr. Francesco Ianniello
Head of Tourism Unit – DG Enterprise

Brussels, 18 May 2006

Dear Madam,

RE: Fire safety in hotels

Thank you for having invited HOTREC, Hotels, Restaurants & Cafés in Europe, to the meeting of experts on fire safety in hotels on 27 April 2006. We are pleased to submit the following comments:

1. At a time where “*better regulation*” is a leitmotiv for all EU Commission activities, it is essential that any further work on the 1986 Recommendation starts with an inventory of hotel fires and an analysis of causes and consequences thereof.

Figures on the overall number of victims of fire are necessary to assess the safety level of hotels, as compared to other buildings visited by consumers (e.g. shopping centres, metro/train stations, cinemas, etc.). There is also a need to differentiate between accidents that occur in hotels or similar establishments and accidents that occur in other types of accommodation (including private homes). The tragic accident in Paris Opéra Hotel last year draws attention to the importance to also clarifying what is counted: as indicated in an answer given by Commissioner Kyprianou on 14 June 2005 to a Parliamentary question (E-1608/05EN), “*the circumstances surrounding the fire at the Paris Opéra Hotel are unusual*”. Indeed the establishment had been requisitioned by the local French authorities to house asylum seekers. The term “*hotel*” was thus misleading.

Only clear data could possibly explain why specific rules had to be formulated for hotels at EU level and whether they are still justified.

Already in its report of 2001 on the application of the Recommendation (COM(2001) 348 final), the Commission considered “*the first priority to be obtaining **more detailed and comparable factual information** as a basis for identifying the exact nature and extent of any remaining problems in respect of fire safety measures in hotels*”.

2. If the inventory of data called for above shows that a EU Recommendation is justified, it should only set general principles, allowing for practical and flexible solutions to be adopted at national level, in full respect of the principle of “*subsidiarity*”. In his reply mentioned above, Commissioner Kyprianou also specified that “*the question of fire prevention is primarily the responsibility of the Member States*”.

HOTREC would then welcome the suggestions by the Member States experts of Finland, Sweden and Slovakia for a more **modern and flexible approach, without overly detailed requirements**.

In its 2001 report, the Commission also stated clearly that “*the nature of the sector (complexity, variety of national situations and legislative backgrounds) which prompted the choice of a recommendation as legal instrument also provides grounds for maintaining a flexible approach*”. This analysis cannot be reconciled with further rigid and detailed harmonisation of technical requirements, whether in the annex to the Recommendation or in a CEN document.

3. Like the experts of Finland, Sweden and Slovakia, HOTREC member associations will **oppose an update of the 1986 Recommendation via CEN activities**. This route could only result in too detailed specifications, lacking the flexibility needed. Furthermore, we know by experience that working within the CEN framework is bulky and expensive for the industry.

4. Furthermore, in the minutes of the meeting on 27 April 2006, it is stated that a questionnaire sent to Member States in 2005 shows that “*there is clearly a split within Member States on the question of revising the Recommendation. Member States in favour of a revision often mentioned that more flexibility is needed in the application of the Recommendation and that a more functional document including the possibility to improve several issues such as fire safety management and staff training would be useful*”.

Although we have not seen the replies to the questionnaire (in spite of being the end-addressees of the Recommendation!), we could not understand that, on the basis of the above summary in the minutes, more detailed specifications be worked upon either via the annex or via a CEN deliverable.

5. Finally, we insist that the **industry be fully consulted at all stages** on the revision of the Recommendation. Consultation of all stakeholders concerned is also an essential component of the “*better regulation*” approach.

* * *

We are informing the Tourism Unit of DG Enterprise of our position in relation to fire safety in hotels. We would appreciate if you could pass a copy of our letter to the participants in the meeting of the Consumer Safety Working Party on 13 June 2006.

Thank you for your kind collaboration.

Yours sincerely,

Marguerite Sequaris
CEO of HOTREC