UNION DES MÉTIERS ET DES INDUSTRIES DE L'HÔTELLERIE

The law is the law! Airbnb Ireland sentenced for breach of its obligations resulting from the French Digital Republic Law

UMIH and GNC welcome the Paris court's judgment convicting Airbnb in an illegal sublease case. The platform was declared liable for breaching the following obligations resulting from the French Digital Republic Law:

1) Inform the renter about his obligations on declaration or prior authorization,
2) Obtain a sworn statement from the renter,
3) Ensure that the accommodation is not rented more than 120 days a year,
4) Publish the register number (implemented in Paris as of December 1st, 2017).

UMIH and GNC consider this judgment a **symbolic victory towards the end of the platform's impunity** and a reminder of one's obligation to respect the law. Legal provisions were added and they have to be respected by everyone in order to insure equity between all forms of accommodation.

Airbnb Ireland was convicted for not having implemented an "inside procedure" to insure the respect of all these above obligations. Far from the angelic speeches of French Airbnb representatives who state that they are controlling the maximum night stay only in the first four districts of Paris, the Court remind them the law (**which is mandatory on the overall French territory**) and point out a "bad faith" of theirs and maybe even a "collusion" with the renter for letting this failure last. As for Airbnb France, it has been put aside as it only have a support activity and does not intervene in the exploitation and the management of the Airbnb platform.

This decision follows the measures supported by UMIH and GNC toward **more transparency** for these collaborative platforms in favor of the consumers and cities. UMIH and GNC remind the urgence to release the decree on sanctions for platforms and renters in breach of the registration proceeding.

"*It is an historical first judicial decision in favor of equity and transparency. The court gives reason to the professionals who denounce for so many years all the abuses permitted by the platform. As a consequence, platforms have no need to wait anymore to comply with the legal requirements. A framework has been set up with the Digital Republic Law. Means have to be implemented to insure this law is respected*" states Roland HEGUY, UMIH's confederal president.

According to Laurent DUC, president of UMIH's hospitality branch, "*It is unique and we hope it will make precedent, in France but also in Europe!*"

Jacques BARRE, GNC's president, adds that "*The law founds at last a concrete enforcement, it took some time… We ask since the beginning for having a clear, transparent and respected set of rules*".

In order to go further in the simplification of the register mechanism in favor of cities and towards a deeper decentralization, UMIH and GNC wish that additional frameworks provisions will be implemented in the next Housing Law proposal.

L'Union des Métiers et des Industries de l'Hôtellerie (UMIH) est l'organisation professionnelle N°1 du secteur de l'hôtellerie-restauration. Avec ses syndicats associés (GNC (Groupement national des chaînes), UMIH Prestige, SNRPO (Syndicat national de la restauration publique organisée), SNEG & Co (Syndicat National des entreprises gaies), SNRTC (Syndicat national de la restauration thématique et commerciale) et CSLMF (Chambre Syndicale des Lieux Musicaux, Festifs et Nocturnes (ex CSCAD)), l'UMIH représente 77% des entreprises adhérentes à une organisation professionnelle. Depuis plus de 65 ans, la confédération représente, défend et promeut les professionnels indépendants cafetiers, restaurateurs, hôteliers, ainsi que les acteurs du monde de la nuit. L'UMIH est présente et active sur tout le territoire avec plus de 2 000 élus et 300 collaborateurs répartis en plus de 100 fédérations départementales (outre-mer inclus).

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