

1. Definition of an accommodation contract

It is a legally binding agreement between a tourist (guest) and a provider, where the provider offers short-term lodging in exchange for payment (remuneration)

1.1 essential legal elements required for its validity

The class slides outline specific mandatory requirements that must be fulfilled for the contract to be valid and compliant, particularly regarding information disclosure. According to Article 2 (Pre-Contractual Information Obligations), the following elements are essential before the contract is concluded:

- Identity of the Provider: The tourist must be informed of the provider's trading name and legal identity (Page 25).
- Contact Details: The geographical address and telephone number must be disclosed (Page 25).
- Core Features of Accommodation: The contract must specify the type of room, included amenities, category/standard, and services provided (Page 26).
- Total Price (Including Taxes): The full price must be stated, or clear notice must be given that additional taxes/charges may apply (Page 27).
- Contractual Arrangements: The agreement must specify payment terms, method of payment, performance details, and duration of service (Page 27).
- Booking Cancellation Policy: Conditions regarding deadlines, refund conditions, and cancellation fees must be clearly stated (Page 28).
- Official Classification: The star rating or official category of the accommodation must be provided (Page 29).
- Renovation or Building Work: The provider must disclose any construction work or closed facilities that might affect the stay (Page 29).

If these elements are not provided, the contract may not meet the required legal standards outlined in the UNWTO convention (ICPT 2017) framework.

2. Main parties involved in different booking methods:

2.1 Direct hotel booking

In direct booking, the guest contracts directly with the entity that owns or operates the accommodation.

- The tourist - the individual who requires accommodation and enters into the agreement (page 22)

- The accommodation service provider - According to the definition in Article 1, this is "the tourism service provider who, directly or through an intermediary, sells offers to sell, supplies or undertakes to supply standalone accommodation services" (Page 23).
- In a *direct booking*, the provider acts **directly**. The hotel itself is the contracting party.

2.2 Booking Through an Online Platform

When booking through an online platform (like Booking.com or Expedia), the legal relationship changes because an intermediary is introduced. The lecture slides provide a specific definition for this scenario.

- The Tourist (Guest): Remains the end-user seeking accommodation.
- The Online Platform (Intermediary): The platform acts as an intermediary. However, the legal definition is crucial here. According to Article 1 (Page 23),

"intermediaries facilitating the provision of standalone accommodation services are considered accommodation services providers" (Page 23).

This means that legally, the platform is treated as if it were the provider regarding certain obligations (specifically Articles 2, 3, and 5), such as providing pre-contractual information and assisting in emergencies. However, the actual provision of the room still rests with the hotel.

- The Accommodation Service Provider (The Hotel): The hotel is still the underlying "tourism service provider" who actually supplies the accommodation. While the platform is legally considered a provider for information and liability purposes, the hotel remains the entity that physically delivers the room service.

Summary of the relationship:

The tourist has a contractual relationship with the platform (the intermediary), but the platform is legally tasked with the same responsibilities as the hotel regarding information disclosure. The physical provision of the service (the room) is fulfilled by the hotel.

References

The following references are derived from the class slides:

- European Institute of Innovation, Entrepreneurship and Technology (EIIT). (2026). Lecture 9: Tourism Law and Legislation [PDF document]. Berlin, Germany. (Pages 1-45).
- United Nations World Tourism Organization (UNWTO). (2017). International Code for the Protection of Tourists (ICPT). As cited in the lecture materials.
- Paris Convention Concerning the Liability of Hotel-keepers. (1962). As cited in the lecture materials.