



COMMISSION OF THE EUROPEAN COMMUNITIES

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REPORT FROM THE COMMISSION

**on application of the Council Recommendation of 22 December 1986 on fire safety in
existing hotels (86/666/EEC)**

1. INTRODUCTION

On 22 December 1986¹ the Council unanimously adopted Recommendation (86/666/EEC) on fire safety in existing hotels.

The purpose of the Recommendation was to define minimum safety standards for all hotels in the Community on the principle that people needing to stay in hotels in Member States outside their country of origin are entitled to adequate protection and to be informed of the extent of that protection.

The Recommendation observed that despite the differences and economic, technical and architectural constraints, it was possible to establish minimum safety standards for all existing hotels, provided adequate time was allowed. This would, however, have to remain within reasonable limits if the purpose of the Recommendation were not to be compromised.

Where existing laws were not already sufficient, Member States were recommended to take all appropriate measures to guarantee the safety standards set out in the Recommendation, these being defined on the basis of the aims to be achieved through the implementation of technical guidelines. Member States were also asked to inform the Commission within two years of the measures adopted in this respect and those envisaged over the next five years.

This Commission report sets out the available information on the impact the measures taken in response to the Recommendation have had on regulatory systems and actual practice in the Member States, and outlines the further activities planned in this field. It is largely based on a study undertaken essentially to assess how the requirements of the Recommendation have been interpreted by the Member States and the measures they have adopted to implement them, and on a Commission survey of the Member State authorities. It also takes into account comments and information from operators in the tourist industry.

The purpose is therefore to take stock of the available information, and above all to initiate an examination of the extent to which the recommendation's objectives have been achieved and whether any further action is necessary.

2. BACKGROUND

Prior to the Recommendation, some Member States did not have any specific regulations governing fire safety in hotels. Where rules existed, they were often piecemeal, scattered among various other texts and were not always very effectively enforced. In view of the continued growth of tourism and business travel, the need was felt for minimum fire safety standards for all hotels within the Community.

The choice of a Council Recommendation as legal instrument was dictated by the need to allow for the complexity of the problem and the variety of existing situations, and by the diversity of national rules and regulations on the subject. Many Member

¹ OJ L 384 of 31.12.1986, p. 60-68.

States did, in fact, have standards and regulations in respect of the aspects covered by the minimum technical specifications in the Annex, hotels being only one specific aspect of their scope.

Given such a vast array of laws and regulations and the nature of the existing situation, a recommendation which, by setting out minimum technical requirements, provided a guide to the measures to be taken to ensure the safety of existing hotels while having the flexibility to adapt to the various situations encountered, was seen as the most appropriate choice.

In May 1994, the European Parliament, in the absence of any information on implementation of the Recommendation and taking the view that the lack of binding Community standards was perpetuating a situation of risk, issued a resolution calling upon the Commission to submit to it a proposal for a directive on fire safety in hotels², based on the existing Recommendation.

3. RECOMMENDATION 86/666/EEC

The Recommendation acknowledges the entitlement of consumers and hotel staff to protection against fire in hotels. It sets out a series of principles and requirements on the basis of which Member States are called upon to take the appropriate measures.

The main objective is, in existing hotels, to reduce the risk of fire breaking out, prevent the spread of flames and smoke, ensure that the occupants can be evacuated safely and enable the emergency services to take action.

The Recommendation indicates the precautions to be taken to meet this objective. These include the availability and accessibility of escape routes, structural stability of the building, flammability of the materials used, the safe operation of technical equipment and appliances, alarms, safety instructions and plans of the premises, emergency fire-fighting equipment and staff training.

For hotels able to accommodate at least 20 temporary paying guests, Member States are recommended to apply the technical guidelines set out in the Annex to the Recommendation.

If, for economic, including anti-seismic, or architectural reasons, any of the technical guidelines cannot be implemented, the Recommendation specifies that the alternative solutions adopted must ensure the overall minimum safety standard the technical guidelines are designed to establish.

In the case of establishments able to accommodate fewer than 20 temporary paying guests, Member States are asked to adopt the most appropriate measures to guarantee their safety.

Finally, the Recommendation specifies that conformity with the minimum recommended safety standards is essential for continued operation and that hotels must be subject to regular inspection.

² OJ C 205 of 25.7.1994, p. 163.

The technical guidelines specify eight main areas in which safety precautions are to be taken:

- Escape routes

The provisions concern aspects such as design, fittings, signs and accessibility and apply to doors (direction of opening), the presence of obstacles, the number of staircases and the maximum distances to reach them, maximum length of blind passages, etc.

- Construction features

The fire resistance of building structures and floors, staircase enclosures, etc., are covered according to the number of storeys. Fire resistance is also a factor for the various types of internal compartmentation (partitions, doors, etc.).

- Coverings and decorations

Depending on the area (escape routes, hallways, corridors, etc.) guidelines are given on the fire behaviour of the interior coverings and decorations.

- Electric lighting

The provisions cover both the principal and the emergency lighting systems.

- Heating

This covers both central heating systems and individual heaters and the safety considerations include the ignition and spread of fires, specific requirements for the location of certain types of heating installations, shut-off devices for fuel supplies, storage of fuel and, for example, maintenance of individual heaters and provision of instructions for their use.

- Ventilation systems

The provisions cover shut-off devices for ventilation systems, and their location and identification, to ensure that they do not contribute to propagating fire, gas and smoke.

- Fire fighting, alarm and alerting equipment

Points covered by the provisions include emergency fire-fighting equipment (availability of extinguishers, their location, accessibility and maintenance, etc.), the presence and characteristics of an acoustic alarm system, the provision for alerting the emergency services, training of staff in emergency procedures (instruction and training exercises).

- Safety instructions

The guidelines essentially cover the content, location and comprehensibility of safety instructions to be followed in the event of fire, the various types of plans and evacuation instructions.

4. OTHER RELEVANT LEGAL PROVISIONS

While fire prevention in general is essentially the responsibility of the Member States, since the adoption of Recommendation 86/666/EEC there have been various Community initiatives supplementing and supporting the efforts of individual countries, or in some cases even making compliance with certain of the Recommendation's provisions compulsory (e.g. point 2.2 (stability of the building structure) and point 2.3 (presence of inflammable materials). Among the most important with regard to fire safety in hotels are Council Directive 89/106/EEC of 21 December 1988³ on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products, and Council Directive 89/654/EEC of 30 November 1989⁴ on safety and health requirements for the workplace.

In Directive 89/106/EEC relating to construction products, one of the essential requirements is specific to fire safety (stability of the structure's load-bearing elements, limiting the outbreak and internal spread of fire and smoke, limiting the spread of fire outside the building, possibility for the occupants to leave the building unharmed or to be rescued, safety of rescue teams). Under this Directive, the European Committee for Standardisation, on receipt of mandates from the Commission, draws up harmonised standards on the fire resistance of construction products, conformity with which by the manufacturer confers presumption of conformity with the safety standards of the Directive. This Directive, in conjunction with the appropriate standards, can contribute to increasing fire safety in new or renovated hotels in respect of the types of product used in their construction or conversion.

Directive 89/654/EEC similarly requires employers to meet minimum safety and health requirements at the workplace. Since its entry into force, hotels as a workplace are therefore subject to the provisions on fire prevention and detection and on firefighting (the Member States required to bring their legislation into line by 31/12/1992 have all adopted the measures transposing the Directive and notified the Commission of them).

There are also certain other provisions contributing directly or indirectly to fire safety in hotels. Examples are Council Directive 73/23/EEC of 19 February 1973⁵ on the harmonisation of the laws of Member States relating to electrical equipment designed for use within certain voltage limits, and European Parliament and Council Directive 95/16/CE of 29 June 1995⁶ on the approximation of the laws of the Member States relating to lifts.

5. IMPLEMENTATION OF THE RECOMMENDATION BY THE MEMBER STATES

The Commission has taken a certain number of initiatives to ensure the monitoring of implementation by the Member States of the Recommendation together with its

³ OJ L 40 of 11.2.1989, p. 12-26.

⁴ OJ L 393 of 30.12.1989, p. 1-12.

⁵ OJ L 77 of 26.3.1973, p. 29-33.

⁶ OJ L 213 of 7.9.1995, p. 1-31.

technical guidelines. These include a study on the implementation of the Recommendation and a survey of national authorities on its impact.

One of the main purposes of these exercises was to respond to the questions put by the European Parliament concerning the concrete steps taken by the Member States to implement the Recommendation.

a) Study⁷

A study was carried out for the Commission, the main purpose of which was to check that all the provisions of Recommendation 86/666/EEC had been correctly interpreted and transposed into the national law of all the Member States. This involved comparing the various national legislation with the requirements of the Recommendation.

Points to emerge from the report submitted to the Commission in 1996 were:

- “The requirements of the Recommendation have, in nearly all cases, been adopted as national provisions and can therefore be regarded as minimum criteria which have been met and surpassed in most cases”.

- “The Recommendation has had a considerable impact in countries in which the regulations did not go far enough since, in most cases, it has been transposed into national legislation almost as it stands”.

- “Half the Community countries have not accepted measures with retroactive effect. The measures are applied only in the case of conversion or extension work”.

This implies that the Recommendation’s impact on national legislation depended to a large extent on the existing degree of protection when it was issued. Some Member States (Germany, Austria, Spain, Denmark, Finland, United Kingdom, Luxembourg and the Netherlands)⁸ opted to restrict application of the Recommendation to new hotels or to conversion, improvement or extension work in existing hotels. As a result, the rules applying to hotels already existing in these Member States are inconsistent, and it is impossible to assess with complete accuracy how far they meet the Recommendation’s objectives.

b) Survey of national authorities

In view of the crucial role played by the competent authorities in the Member States in both market surveillance and supervision of the application of national legislation,

⁷ Study carried out in 1996 on fire safety in hotels and tourist accommodation in the European Community — APAVE, 734 pages in French. The main purpose of the study, which was available to interested parties on demand, was to examine how the Recommendation had been implemented in the provisions applied by the Member States. In addition, the study presented the results of a survey on implementation of the Recommendation by way of information. In view of the limited sample on which it was based (1 213 completed questionnaires) the Commission preferred not to use these results in the present report.

⁸ Further clarification is needed in the case of France: establishments in the second category (capacity of between 20 and 100 guests) which did not meet the minimum security requirements as per the recommendation were ordered to bring their establishments into line by 25.8.1995. Those in the first category (capacity of over 100 guests), on the other hand, were not subject to this obligation, as in most cases they had been in line with the recommendation’s minimum requirements for over 20 years.

the Commission worked in consultation with them in assessing the real impact of the Recommendation on the basis, in particular, of a questionnaire sent to them in 2000.

Points to emerge from the replies were:

- All the Member States considered that they had implemented the Recommendation's guidelines. The degree of adaptation this entailed depended on the degree of protection already provided under national legislation.
- All Member States had monitoring mechanisms in place. Their nature and effectiveness, however, differed according to their content, scope and frequency.
- All the Member States considered that the degree of protection provided by their own legislation was adequate for the risk in question, and none raised any doubts about the implementation of the Recommendation by other Member States.
- Around half the Member States, while not questioning the Recommendation as such, thought it would be worth considering updating the requirements it contained, particularly those of the technical guidelines.

c) Other sources of information

Finally, the Commission has received some expressions of concern from certain consumer associations and tourism operators about the way in which the Recommendation is being implemented in certain Member States.

One topic of concern among tourism operators is apparently that Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours⁹ holds the tour operator responsible for the safety of its customers, whereas legal responsibility for fire safety in hotels is not established at Community level, resulting in many different situations which it is left to the tour operator to assess.

The Commission has very recently received a report from the United Kingdom Federation of Tour Operators¹⁰. The report compiles and summarises surveys carried out by UK tourism operators in 10 Member States at different periods and covering different types of accommodation. The report has not been examined by the Member States concerned. It points to substantial shortcomings in the practical application of the Recommendation's guidelines in various Member States. However, in the absence of independent, recent and consistent corroboration, it is impossible to assess how representative these conclusions are of the general situation in the Community at the moment.

⁹ OJ L 158 of 23.6.1990 p. 59–64.

¹⁰ "European Hotel Fire Safety, An Analysis of the Implementation and Impact of the 1986 Recommendation on Fire Safety in Existing Hotels". A report by Stewart Kidd.

6. CONCLUSIONS

a) Alignment of national regulations with the Recommendation

In the light of the information gathered (study/survey), the Commission concludes that the impact the Recommendation has had on national regulations depends on various factors:

- The existing level of protection in the country concerned when the Recommendation was issued. The less developed the national legislation at the time, the greater the impact.
- The way in which the Recommendation's requirements have been incorporated into national legislation. From the point of view of legislation in force after Recommendation 86/666/EEC was adopted, the technical guidelines can be seen as minimum requirements which in most cases have been met or surpassed by the applicable national legislation. However, according to the study, various Member States, following the principle of applying the legislation in force at the time of construction, have essentially only applied the technical guidelines in the case of improvement, conversion or extension of hotels already existing when the Recommendation was adopted, and to hotels built subsequently.
- Any alternative solutions adopted in the cases provided for by the Recommendation where the technical guidelines cannot be applied.

It would appear on this basis that certain Member States have only partially brought their regulations into line with the Recommendation.

b) The situation on the ground

According to Eurostat estimates¹¹, there are over 180 000 hotels or similar establishments in the European Union, with a total of 8.9 million beds (an average of 48 per establishment), and tourists account for around 45% of nights spent in hotels within the Community. In view of the size, variety and complexity of the sector the Recommendation, together with other provisions of Community legislation (cf. point 4), has in overall terms helped to increase safety levels to the general standard aimed at. However, the fact that the Recommendation has only been implemented partially by some Member States has created disparate situations, making it more difficult to compare countries applying the Recommendation to all hotels with those which have opted to apply it only to new constructions or to improvement, conversion or extension work in existing establishments. The lack of accurate, consistent and independent information on practical implementation and on the effectiveness of the regular inspections required by the Recommendation is another factor standing in the way of a comprehensive assessment of the situation.

It must therefore be concluded that, while Recommendation 86/666/EEC has, in many cases, helped to improve safety levels, the objective of ensuring, via a Community instrument, that the consumer can rely on minimum and clearly defined safety levels applicable throughout the EU has not been fully achieved, particularly in view of the fact that certain Member States have restricted its

¹¹ Eurostat, "Panorama of European Business, 1999", CA-25-99-043-EN-C.

application to new hotels or new work on existing hotels. This should not in itself be taken to imply that certain Member States and certain categories of hotel present particular risks. However, in the absence of full, up-to-date and consistent information, uncertainties remain as to the current application in practice of the provisions designed to ensure that the Recommendation's objectives are met.

c) Guidelines for possible future activities concerning fire safety in hotels

The Commission considers 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. Rigid harmonisation of all the technical requirements applicable to all existing hotels in the Community is clearly not a viable prospect. Neither would a proliferation of Community regulations on individual safety aspects of certain services be desirable or effective. Nonetheless, in view of the above conclusions, there is a good case for further action in the field of fire safety in hotels.

The Commission considers 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.

This should be followed up by a thorough examination, together with the Parliament and the Member States, of how far Community-level initiatives are needed to enhance safety in this area.

Points for joint discussion could include:

- **The desirability of incorporating into a new recommendation more detailed, appropriate and concrete provisions for existing hotels in cases where the guidelines in Recommendation 86/666/EEC cannot be applied.** This would overcome the difficulties which led to the Recommendation not being applied to existing hotels in several Member States. In particular, any new Recommendation could provide that, where any of the technical guidelines of Recommendation 86/666/ EEC cannot be applied for economic or architectural reasons, the alternative solutions adopted should be subject to a fire safety assessment on a case-by-case basis in the light of the objectives and principles of the new Recommendation. On the basis of this assessment, the competent national authorities should identify any specific measures needed and ensure that they are implemented. The new Recommendation could supply general criteria for such an assessment.
- **The advisability of increasing supervision and monitoring of fire safety in all hotels.** A new Recommendation could also include additional provisions on the performance by Member States of their responsibilities in respect of supervising and monitoring the implementation of the technical guidelines in all hotels. The Member States should report regularly to the Commission on their monitoring measures and on implementation of this Recommendation.
- **Updating and improvement of the technical guidelines.** Recommendation 86/666/EEC was adopted fifteen years ago. There is now a need for reconsideration of and consultation on how far the technical guidelines meet

current needs, particularly in the light of the intervening technical and scientific advances. If appropriate, updating of the guidelines could be considered in collaboration with the competent authorities' experts in the Member States, and possibly a new Recommendation proposed, taking account of the results of such consultation. In addition, the aspects of the guidelines concerning management of fire prevention measures by professionals within the sector, staff training and consumer information could be extended and reinforced.

- **The different types of accommodation.** The emergence of different types of accommodation is another element to be considered in ensuring that any new Recommendation could be applied to other forms of accommodation similar to hotels.
- **Identification and dissemination of best practice in fire safety management and monitoring.** Finally, the advisability and potential means of identifying best practice in fire prevention and circulating it among supervisory authorities and professionals could be considered.

To conclude, the initiatives the Commission intends to consider in the field of safety of services and the responsibilities incumbent on service providers could enhance the impact and effectiveness of any new Recommendation brought in.