



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE and CONSUMERS

Directorate C: Rule of Law, Fundamental Rights and Democracy
Unit C.3: Data protection

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ECTAA – The European Travel Agents’
and Tour Operators’ Association
Attn: Eric Drésin, Secretary General
edresin@ectaa.org

Subject: Your letter of 17 July 2025

Dear Mr Drésin,

We refer to your letter of 17 July 2025, complaining about the Spanish Royal Decree 933/2021, in particular its alleged non-conformity with the EU data protection rules.

It is clear that any collection and processing of hotel registration data by law enforcement authorities for law enforcement purposes has to comply with the requirements of Directive (EU) 2016/680 (LED). However, the issue is very complex under EU law, since the legal basis for collecting hotel registration data for law enforcement purposes is provided for by Article 45 of the Convention Implementing the Schengen Agreement (CISA)¹. On one hand, there is a clear authorisation for such personal data processing in CISA. On the other, there are no detailed provisions on how Article 45 CISA should be implemented in Member States.

We recall that the final entry of the application of the Royal Decree was fixed only very late in the procedure. The Royal Decree entered into application only in December 2024. Ever since, the Commission entered an active dialogue with Spanish authorities, which is a standard procedure when compliance of national laws with EU law is at stake.

To that end, the Commission had three meetings with Spanish authorities: on 6 February, 18 March and 26 March 2025.

In the meetings, it became apparent that the exact scope of obligations imposed on accommodation service providers, online platforms and rent-a-car companies is not completely defined by the Royal Decree, and will be further specified in a Ministerial Order, which is currently a draft. In this respect we recall that Spanish authorities

¹ Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, OJ L 239, 22.9.2000, p. 19–62.

published the first draft of the Ministerial Order on 26 October 2024². Following public consultations and discussions with the Commission, the Spanish authorities are now revising the draft.

The Commission is closely monitoring the revisions of the Ministerial Order and its adoption process, before deciding on next steps.

Yours sincerely,

Olivier MICOL
Head of Unit

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