



Brussels, 12th December 2019

Submission to consultation on regulating group tours in Amsterdam

The European Tourism Association (ETOA) is an international non-profit association based in Brussels. Over 1,250 members include tour operators selling Europe in global markets; the European supply chain including businesses based in Amsterdam and elsewhere in the Netherlands; a variety of national and local destination management organisations.

Its members offer guided tours and excursions in Amsterdam and the surrounding region, by boat, coach and on foot. We have broad experience working with destination stakeholders on policy issues. Barcelona Turisme and the Catalan Tourist Board, both members, will host ETOA's 'better tourism' summit in 2020. We have expertise in destination management and sustainability, partnering with CELTH, ETC and NECSTouR. Further information is available on ETOA's website: www.etoa.org

We recognise Gemeente Amsterdam's duty to ensure its residents' quality of life. We agree that tourism needs to work well with communities, that residents should come first in local policy, and that well-managed destinations need to remain appealing places to live, work and visit.

We support the city's ambition to strike an appropriate balance between various sectors, activities and socio-economic development, and recognise the work done by the *Stad in Balans* programme to that end, and note the policy and principles expressed in *City in Balance 2018-2022*.

We have read a machine translation of '**Concept Ontheffingsbeleid Rondleidingen 2020**' that sets out a draft policy on guided tours within designated areas of the city. Only tours conforming to new rules would be exempt from proposed exclusion.¹

What follows is intended to support the city's efforts to develop evidence-based policy that will serve the general interest. A statement of General Principles, adapted to the current case, is given at the end of the document. This is based on our cumulative policy work with other destinations.

Request for delay

For the reasons set out below, we respectively request a delay to the implementation of the plan set out in *Concept Ontheffingsbeleid Rondleidingen* until such time that a wider consensus as to the equity and efficacy of the proposals is reached.

Reasons for request

Reputational risk

- If the plans go ahead as proposed, we are concerned that Amsterdam will acquire a reputation as unwelcoming. This would be contrary to the city's culture, and economically damaging.
- We do not know of any other major city which has sought to exclude a class of people from defined public spaces. Whether or not that is the intention of the proposed restrictions, it will be the effect, and perceived as such.

¹ Source:

https://assets.amsterdam.nl/publish/pages/867367/conceptontheffingsbeleid_rondleidingen_2020.pdf
downloaded via <https://www.amsterdam.nl/bestuur-organisatie/stadsdelen/stadsdeel-centrum/drukke-balans/rondleidingen/>

- The effect of this is to signal that Amsterdam does not welcome group tourism. While we do not believe this to be the Gemeente's intention, we believe that this perception is growing.

Regulatory strategy and its effect

- We recognise that the regulatory tools at the disposal of the city are limited. It cannot regulate guiding as that is a national competence, and the Netherlands does not regulate guiding.
- The city can both control and tax commercial activity, and in the case of guided tours has chosen to do both.
- The cumulative effect is more revenue from organised tourism, and more restrictions on its participants in terms of the services they may enjoy. This is unfair.
- It is also counter-productive, because the sector can play a significant part in the development of more sustainable tourism. The chances of successful outcomes increase the more destinations and industry collaborate.
- Seeking to control group size and promote use of audio-guides and headsets is proportionate, always providing there is a rational basis for the group size.
- However, we do not understand the basis on which the city has prescribed group sizes (5 and 20; 15 from April 2020, depending on area). What is the evidential basis for selecting them? 25 was previously considered to be acceptable.
- While defining geographic limits of areas subject to restrictions is a logical necessity, it raises the question as to whether the non-regulated areas and their stakeholders are positively or adversely affected. This phenomenon was illustrated when the city chose to ban 'beer bikes' from the centre. The effect was displacement.
- In introducing no-go areas the city is increasing the likelihood of bottlenecks outside the exclusion area where guides will prepare visitors to enter the excluded area unguided; this is another form of displacement.
- This echoes the effect of introducing an €8 capitation charge on cruise ship visitors. A significant number of ships now choose to dock at either IJmuiden or Rotterdam instead, and run coach excursions to Amsterdam. The city thus forfeits revenue and increases road use.
- We do not understand how enforcement officials would distinguish between a family of six, say, who are following a guided tour on their mobile phones, and an organised group. We note that following an app-based guided tour may give rise to VMR liability.
- We understand that officials may distinguish between people on a tour that infringes regulation, and people simply following a tour guide with other group members towards, say, a restaurant or museum by requesting proof of group booking. However, since such a group may be of any size, this dispensation appears to conflict with the city's analysis (at 4.5 of *Concept Ontheffingsbeleid Rondleidingen*) of nuisance caused by groups and makes partial use of evidence and analysis.
- In general, influence over behaviour via non-legislative activity is preferable.
- We note the city feels the 'covenant' was unsuccessful. We suggest that to a degree it was, and that renewed effort to make it more effective through better consultation, research, option generation and eventual 'buy-in' could be made.
- The cost of such an exercise could be balanced against the cost of litigation which is certain to grow if the plans are implemented as currently proposed.

Evidence-based policy

- We recognise that the city has done extensive work in relation to stakeholder consultation and data collection.
- However, we are aware of very divergent opinion both locally and elsewhere as to the research basis of the proposals. We note that there is a variety of opinion expressed by sex workers.²

² For example: <https://redlightunited.wordpress.com/>

- We also note descriptions of nuisance in *Concept Ontheffingsbeleid Rondleidingen*, e.g. at 4.4 which makes insufficient distinction between nuisance caused by groups, and nuisance caused by organised guided groups.
- It is also important to distinguish between what survey respondents do not like, and what constitutes such a nuisance that it should be subject to legal control and redress.
- We recognise and understand that crowds of visitors can seem tiresome to some and adversely affect their enjoyment of their neighbourhood or interfere with their ability to move around quickly and easily. To others, crowds are a sign of a busy, popular place, and a welcome source of livelihood. No-one is required to like the presence of visitors but, equally, no-one has a legal right to be protected from any irritation their presence may cause. That would be a very troubling precedent.
- Further, unless there is clear evidence that the opinions presented in *Concept Ontheffingsbeleid Rondleidingen* are adequately representative, the risk of confirmation bias, or the appearance of confirmation bias increases. It may appear that the city had decided on a policy and then sought evidence to justify it.
- Our belief is that group tourism is beneficial, and is not a significant cause of the harm which the plans are intended to address:
 - **Nuisance to sex workers and residents:** groups with guides are more controllable. For example, operators can require guides to give behavioural guideline to groups. Codes of conduct can be used. While full compliance is unlikely, it is irrational to exclude that part of the visitor population that is subject to influence from professional guides.
 - **Overcrowding:** we believe that group tourism, while significant, constitutes minority of overall visitor numbers in the affected area. If there is data to support the contrary, we would be grateful for further information.
 - In terms of overall volume management, by excluding groups, the regulations make it more likely that groups will approach the restricted area, be informed about it, and still enter as individuals; bottlenecks already arise just outside the restricted area.
 - This echoes the effect of preventing tours after 19:00 under the previous regime; group members simply returned during the evening, thus making two visits where previously they might only have made one.
 - The appeal of a high concentration of legal sex trade, affordable legal drugs and many bars rarely if ever feature in group tourism promotional materials. They certainly attract many independent visitors. The regulations will have no impact on that.
 - In presenting weekly numbers of group participants at 4.2 in *Concept Ontheffingsbeleid Rondleidingen*, and the change from 2018 to 2019, there is no mention of total volume of pedestrian flow. This is necessary to allow the relative significance of organised group tourism flow to be assessed.

Unfairness

- Over 50% of visitors are domestic, yet these plans overwhelmingly affect foreign visitors.
- We think the plan unfairly discriminates against organised group tourism, and or guided tourism, thus unfairly discriminates against a class of visitor, and classes of service provider.
- As stated above, the city intends to control and tax guided tours; this raises more revenue from organised tourism and imposes more restrictions on group tourism's participants in terms of the services they may enjoy. The combined effect is unfair: pay more, get less.

Statement of general principles

Consultation

- Ensure all stakeholders have an opportunity to input and review.
- Given the international nature of visitors and the industry selling European destinations worldwide, ability to accept contributions in English is valuable.

Forward planning

- Adequate notice of significant changes should be provided (18-24 months ideal if there are any product or budgetary implications, given length of product planning cycle and sales cycle in long-haul markets).

Fairness and proportionality

- Do not impose unreasonable expectations e.g. makes guides responsible for client behaviour, at risk of sanction and/or loss of livelihood.
- Do not discriminate unreasonably e.g. against visitors who choose to travel in organised groups as distinct from other visitors who may also be in groups.
- Provide objective evidence that such discrimination is reasonable, proportionate and/or that there is an overriding public interest to justify restrictions on both professionals and visitors.
- Ensure that any regime does not penalise those that invest in compliance, with insufficient resources to enforce restrictions among the non-compliant.
- In short, avoid the worst-case scenario of bad law, badly enforced. This creates bad feeling and lasting reputational damage.

Ease of operation

- If there is compulsory registration for guides, make it straightforward.
- Ensure that non-NL guides can easily participate and remain informed.
- Ensure businesses that contracts guides can also remain informed.

Other materials

<https://www.etoa.org/policy/destination-engagement/>

<https://www.etoa.org/policy/sustainability/>

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