

Live





from







Brussels



Issue n°99 23 September 2020





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INTERVIEWS

Interview with Ms. Marie Audren, Director General of HOTREC



Marie Audren joined HOTREC as Director General in August 2020.

She has extensive experience in EU public affairs. Previously in her career, she was Deputy Director General of spiritsEUROPE, the European association representing spirits producers. She also worked as an adviser in the EU office of the French business federation. MEDEF.

Marie is a French national and lives in Brussels with her family. She holds a Master's degree in "European studies" from the Louvain-la-Neuve University (UCL) and a Master's degree in "Public Administration" from Sciences Po (Institut d'Etudes Politiques, Rennes).

1. On August, you joined HOTREC as the new Director General. Could you explain to our readers what are your views on HOTREC's future and what goals do you have in mind for the Association in the short and long-term?

I am joining HOTREC at a very challenging time. The European hospitality sector is facing an existential crisis. I will come to that later. First, let's look at the fundamentals, HOTREC has a lot of assets. What do we stand for: hospitality. It provides great experiences and memories to millions of travellers; behind this word you have millions of people running businesses, investing in and providing jobs. This industry is characterised by its capacity to accommodate its guests, constantly innovating, seizing opportunities. We want to play our part in the community we are located in. The HOTREC family is large and diverse. Our membership brings together 45 national associations coming from 33 European countries offering cultural and economic diversity. HOTREC members set themselves clear priorities to build a more innovative and sustainable Europe. We need an EU policy agenda to make the hospitality sector fit for the digital age, and for sustainable tourism – as per the upcoming new EU Green Deal, which will undoubtedly require a strategic investment plan to help tourism SMEs adopt green technologies. Last but not least, a brilliant team servicing the members, offering great expertise. I want to focus on those assets and strengths.

The life of an Association constantly evolves. There is an opportunity to rethink, float new ideas. This can only come from interactions with the members of HOTREC, building trust and partnership. This year was peculiar as many physical meetings were cancelled but we managed to keep the family united. Like many other associations, we are looking at reinventing the ways of working, offering regular opportunities to continue the exchange of best practices and support to members across Europe. I hope that we will be able to meet again very soon as these personal contacts and exchanges are fundamental for the life of an Association like HOTREC.

2. The economic impact of COVID-19 was particularly hard on hospitality and tourism, with millions of jobs and businesses at stake all over Europe. What tools at EU level do you believe our sector could benefit from the most to overcome the crisis?

Between March and June 2020, most hotels, restaurants, bars were closed either because of the lockdown measures or because there were not enough clients – e.g. due to closed borders and travel restrictions. Today, the situation remains very difficult in many European countries. The sector is slowly starting to welcome back primarily national customers. The companies have invested significantly to guarantee the health and safety of their employees and customers.







Still, the reality is ruthless with thousands of companies facing the risk of insolvency and struggling for survival in the months to come. We hope that the opening of borders will be done in a coordinated way, whilst of course respecting the epidemiological situation and ability to apply containment and reciprocity measures, based on the principle of non-discrimination.

HOTREC together with a wider platform of stakeholders – $\underline{\text{NET}}$ – has been very active since the beginning of the crisis. We have called for and welcomed the deployment of immediate financial support by Member States – such as State Aid and the $\underline{\text{SURE instrument}}$ to mitigate the impact of the crisis on jobs. Governments across Europe also adopted relief measures such as rental relief, compensation for loss of turnover or wage subsidies. This support to companies remains vital.

Looking forward, we will continue to need support to overcome the crisis. The EU has put in place a number of financial instruments, let's make sure that they are easily accessible and clear to all companies, including the very small ones. We are working with our membership to ensure that Tourism will feature strategically in the national proposals for the Recovery Plan.

I don't have a crystal ball but the recovery will likely take longer than expected and will vary across sectors. The continued support and commitment of the EU is critical.

3. EU leaders agreed on a "Recovery plan for Europe" to help repair the economic and social damage caused by COVID-19, protect and create jobs and finally lead the way out of the crisis. How do you think digital and sustainability can influence the Recovery plan and boost the hospitality and tourism sector?

Before the COVID-19 pandemics broke, HOTREC published a White Paper for Hospitality in Europe, which established 5 key priorities to support a successful, innovative and sustainable tourism sector. The commitment of the sector for a sustainable and innovative recovery is unquestionable, this is part of the solution. HOTREC also published in the midst of the crisis its first comprehensive paper on sustainability where we confirm our commitment and priorities. The digital transformation also plays a fundamental role in HOTREC's policy. Today our key priorities are to reach a level playing field in the platform economy and secure a balanced and fair online environment. Let's not forget also that to lead this transformative shift we will need to invest in the workforce. We will need to ensure that the right skills are there. I am firmly convinced that the EU and Member States can help us by making Tourism a priority in the Recovery Package and dedicate the necessary funding. The business will know how to adapt, find new models and opportunities, match consumer demands and live up to its commitments. This is a partnership!

22 September 2020

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GENERAL POLICY ISSUES

State of the Union: European recovery and transformation in focus



In her <u>State of the Union address</u> on 16 September 2020, President of the European Commission Ursula von der Leyen presented her vision for a Europe that emerges stronger from the COVID-19 crisis and addresses the challenges of climate change, digitization, discrimination and poverty.

She announced several upcoming legislative initiatives and key projects. Despite making no mention of the importance of tourism for Europe's

recovery and international reputation, many of Commission President's announcements are likely to mobilise the hospitality sector:

- As part of the EU Green Deal, the EU will set more ambitious CO₂ emissions' reductions targets of 55% for 2030. 37% of NextGenerationEU funds will be spent directly on our European Green Deal objectives, and a European renovation wave will seek to boost the energy efficiency of buildings which account for more than 40% CO₂ emissions in the EU;
- The European Commission will put forward a legal proposal to support Member States to set up a **framework for minimum wages**. Respect of national traditions such as collective bargaining will be carefully respected;
- Stressing that SMEs are the 'engine of recovery', von der Leyen announced that 16 countries would soon receive the EUR 90 billion from the <u>SURE mechanism</u> to support workers and companies;
- After a 12% drop in GDP in the second quarter of 2020, the EU foresees an economic recovery and will **continue providing economic support mechanisms**;
- Common European data spaces will aim to maximise the use and re-use of data and address the fact that 80% of industrial data is still collected and never used;
- A renews effort to **support connectivity** by enhancing broadband access in rural areas and deploying 5G and 6G mobile communication networks;
- An **initiative on algorithms** and the development a **European e-identity** to boost individuals' control over their personal data and that 'any citizen can use anywhere in Europe to do anything from paying your taxes to renting a bicycle.';
- A confirmation that the EU will move ahead on a **digital taxation proposal** if no progress is recorded in current OECD and G20 discussions.

HOTREC position:

- Minimum wage: HOTREC is of the opinion that minimum wages should remain dealt with at national level either by collective bargaining or national legislation in place. Art 151 of the Treaty of the Function of the European Union rules out the possibility for the EU to legislate on the matter. Subsidiarity should prevail;
- Energy efficiency: HOTREC hopes that Member States will include in their recovery plans renewal of buildings (in order to make them more eco-friendly);
- Tackling carbon footprint: caution and proportionality are relevant when it comes to strong increases on taxation of air travel, as this might have an impact on tourism and the local economy. HOTREC also defends the promotion of on-shore charging stations for cruise ships and for the cruise industry to well distribute the offer;
- Sure mechanism: HOTREC urges Member States to deploy the necessary guarantees so that the mechanism can be fully deployed asap;
- Common European data spaces are encouraged by HOTREC and a framework to facilitate the exchange of data among key private and public tourism entities should be considered.

22 September 2020





June 2020 Eurostat update on data on hotel occupancy rates shows impact of COVID-19 crisis



The latest figures by Eurostat on the hospitality sector show the extent of the impact of COVID-19 crisis in June 2020:

 After the disastrous months of April and May, overnight stays in hotels in the EU increased in June 2020 but only represent a fraction of what they were in June 2019: when comparing the number of overnight stays between June 2019 and June 2020, the drop

ranges from -66,6% in the Netherlands to 98.8% in Malta, with 10 EU Member States recording drops of over 90%, and only 6 EU Member States recording drops of less than 80%;

- <u>Eurostat occupancy rates</u> for EU Member States in June 2020, show that occupancy rates stayed below 20% in many major EU summer destinations such as Greece, Spain, Italy, Malta and Portugal;
- Eurostat estimates that <u>7.8 million foreign visitors</u> checked-in to hotels in the EU in June 2020, compared to 33.8 million foreign visitors in June 2019;
- The <u>turnover generated by accommodation and food service establishments in Q2 2020</u> dropped below 50% of what it was in 2015 and dropped by almost 75 percentage points compared to Q2 2019.

17 September 2020

ONLINE DISTRIBUTION

Digital Services Act - European Parliament Opinions adopted

The European Parliament's work on its <u>Digital Services Act report is moving forward</u>. While the vote on the IMCO (Internal Market) Committee's Draft Report is expected to take place on 28 September 2020 and compromise amendments have been tabled, all four consulted committees have approved their Opinions.

Points raised in the <u>TRAN Opinion</u> are of particular interest for the hospitality sector, with the committee inviting the European Commission to:



- Clarify the liability of transport and tourism platforms;
- Establish a uniform obligation for transport and tourism platforms to verify the identity and licenses of service providers;
- Enhance the relationship between stakeholders and local authorities in the STR market and mobility services via a formal governance framework;
- Move towards a level-playing field between traditional accommodation and new types of services;
- Limit the dominance of market giants with clear criteria to define "systemic platforms and to prevent the emergence of future monopolies.



- The IMCO Committee vote will adopt its Report on 28 September; a Plenary vote should take place in October 2020;
- The European Commission has announced that it will publish a proposal for a Digital Services Act in late 2020.

HOTREC position:

• See next article 'Consultation on Digital Services Act: HOTREC asks for fair treatment from major platforms'.

17 September 2020

Consultation on Digital Services Act: HOTREC asks for fair treatment from major platforms



HOTREC submitted its response to the European Commission's public consultation on the Digital Services Act on 8 September. In its response, HOTREC addresses key concerns for the hospitality sector and its relationship with major online platforms which play a key role in shaping the tourism landscape of today and have become unavoidable partners for a vast majority of establishments.

HOTREC believes that the upcoming Digital Services Act represents a major opportunity to establish a fair and balanced digital single market where platforms, as well as businesses which rely on platforms, are on an equal footing.

At present, hotels are vulnerable to unfair and anti-competitive practices imposed by dominant online intermediaries, such as narrow price parity clauses, de-ranking business users as a means of retaliation and holding on to data generated by reservations. HOTREC' submission also addresses the structure of the online intermediary market for hotel bookings, where 3 companies enjoy a market share of 92%, with one company accounting for 68,4% of this market in Europe.

The Digital Services Act can also be a tool to establish a coherent framework to address illegal online offers of services and improve the governance of collaborative economy services such as short-term rental accommodation and address the negative side-effects they create.

While HOTREC's submission details several issues which have arisen over the past ten years for hotels with the rapid development of the platform economy, it also urges the EU Institutions to pay close attention to developments which may affect restaurants and bars now and in the future, such as fake reviews, unfair competition with collaborative economy services and exposure to a dominant and oligopolistic online booking market.

17 September 2020

HOTREC 2020 Hotel Distribution Study shows increasing dependence on online intermediaries

HOTREC conducted its biennial study on the European hotel distribution market at the beginning of 2020 in collaboration with the University of Applied Sciences of Western Switzerland Valais (HES-SO Valais Wallis). This is the fourth study since the series began in 2013.

The study focuses on the evolution of distribution channels within the European hotel industry



- The market share of OTAs has steadily increased in the European hotel sector from 19,7% in 2013 to 29,9% in 2019, while the share of direct bookings has
 - decreased across Europe by over 10 percentage points from 57,6% in 2013 to 45,5% in 2019;

Booking Holding

Expedia Group

- The 3 main players within the OTA market remain Booking Holding, Expedia Group and to a lesser extent HRS, with an aggregated market share of 92%. Booking Holding alone has a market share of 68,4%, up by more than 8 percentage points since 2013;
- 56% of hoteliers feel pressured by OTAs to accept platforms terms and conditions (e.g. regarding cancellation policy, special discounts) that they would otherwise voluntarily not offer).

A summary of the study is available here.

17 September 2020

TOURISM

Council is urged to adopt the Recommendation on harmonization of borders



September 2020, the European Commission adopted a proposal for a Council Recommendation to ensure that any measures taken by Member States that restrict free movement due to the coronavirus pandemic are coordinated and clearly communicated at the EU level.

OTAs in Europe: who controls

the market?

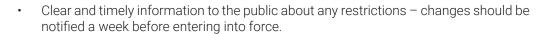
Hotrec

Aggregated market

The Commission's proposal sets out four key areas where Member States should work closer together:

- Common criteria and thresholds for Member States when deciding whether to introduce travel restrictions. The criteria would be based on:
 - Total number of newly notified COVID-19 cases per 100 0000 people in a given area in a 14-day period;
 - The percentage of positive tests;
 - The number of COVID tests carried out per 100 000 people)
- Mapping of common criteria using an agreed colour code;
- A common framework for measures applied to travellers from high-risk areas; Member States should not refuse the entry of persons travelling from other Member States (e.g. in Hungary, on 28 August 2020 the government announced the closure of the country's borders to foreign nationals). Member States that introduce restrictions to free movement based on their own decision-making processes could require:
 - Persons travelling from an area classified as 'red' or 'grey' to either undergo
 - Undergo a COVID-19 test after arrival COVID-19 testing being the preferred option;

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Next steps:

- The <u>Commission's proposal for a Recommendation</u> will be discussed by the Council with the aim of an adoption in the coming weeks;
- Consensus is needed.

HOTREC's position:

- HOTREC co-signed a <u>statement</u> together with more than 60 other public and private representatives of travel and tourism (called the Manifesto Alliance Network) in support of the Commission proposal;
- Border restrictions unilaterally issued by Member States are disrupting the travel plans and decreasing the confidence of travellers;
- A well-coordinated, predictable and transparent approach to the adoption of restrictions on freedom of movement is necessary to prevent the spread of the virus, safeguard the health of citizens as well as maintain free movement within the Union, under safe conditions.

16 September 2020

Council adopts Recovery Plan

On 27 May 2020, the European Commission proposed a Recovery Plan to overcome the COVID-19 crisis. After very intense discussions the Heads of State or Government of the European Union reached a unanimous agreement, on 21 July 2020, on a €750 billion post-COVID-19 Economic. The European Recovery Plan will be financed by a joint loan from the European Commission on behalf of the EU27. Its overall budget of €750 billion will be made up of €390 billion in grants (compared



to the \leq 500 billion originally planned). The share of repayable loans amounts to \leq 360 billion instead of the initial \leq 250 billion. It was agreed that the Union shall use the funds borrowed on the capital markets for the sole purpose of addressing the consequences of the COVID-19 crisis. New net borrowing activity will stop at the latest at the end of 2026. The repayment shall be scheduled until 31 December 2058

Next steps:

- Member States to present their proposals of recovery plans to the European Commission;
- The proposals of financing to be approved by the Council.

HOTREC position:

- At least 20% of the Recovery funds should be dedicated to Tourism;
- HOTREC welcomes the REACT mechanism, and hopes that Member States ask for a generous portion of its €55 billion budget to be used on Tourism;
- In the short-term liquidity for the companies is key. Measures such as lowering VAT for the hospitality sector; tax relation; rental relief; loan guarantees; compensation of loss turnover; social contributions relief; subsidy wages are key for the sector to survive;
- In the long term, investments need to be done in terms of infrastructure, so that the industry is able to reply to the digital challenge and become more environmentally





- EU funding for renewal of buildings, build a skilled workforce, to reduce food waste, to lower the carbon footprint is essential;
- Big portion of funds should be allocated in structural funds: easier for companies to access:
- Grants should be favored orver loans;
- Effective and long-standing financing is needed (hospitality sector was the first one to open and the last one to close).

16 September 2020

Member States continue lifting travel restrictions to third countries



On 7 August 2020 and following the <u>European Commission recommendation</u> on the gradual lifting of the temporary restrictions on non-essential travel into the EU, the Council updated the <u>list of countries</u> for which travel restrictions should be lifted, namely: Australia; Canada; Georgia; Japan; New Zealand; Rwanda; South Korea; Thailand; Tunisia; Uruguay; China (the latter subject to confirmation of reciprocity).

The **criteria** to determine the third countries for which the current travel restriction should be lifted cover in particular the epidemiological situation and containment measures, including physical distancing, as well as economic and social considerations. They are applied cumulatively.

For countries where travel restrictions continue to apply, the following categories of people should be exempted from the restrictions:

- EU citizens and their family members;
- Long-term EU residents and their family members;
- Travellers with an essential function or need, as listed in the Recommendation.

Schengen associated countries (Iceland, Lichtenstein, Norway, Switzerland) also take part in this recommendation.

Nevertheless, the Council recommendation is not a legally binding instrument. The instrument shall be revised every two weeks, in case there is a change in the criteria.

HOTREC position:

- HOTREC welcomes a phased approach when it comes to the opening of the border;
- Criteria based on the epidemiological situation and the capacity for countries to adopt containment measures if needed is welcome.

16 September 2020







On September 2020, the Joint Research Centre published a study on "Behavioural changes in tourism in times of COVID-19".

Overall, the study concluded that the COVID-19 health crisis is affecting consumer willingness to travel and destination preferences. The study predicts that a decline of tourist arrivals in EU between 38% and 68% in 2020 will probably take place and that between 6.6 and 11.7 million jobs could be at risk of reduction in



working hours or be translated into permanent jobs losses in 2020. The solution is likely to be local and European, calling for efficient multi-level governance and the reshaping of Smart Specialisation Strategies towards sustainability. It adds that opportunities exist in new digital and green solutions and business models, in the diversification of the tourism value chains and making places less tourism-dependent. Finally, it concludes that optimal use of support programmes can speed up short, medium and long-term recovery.

HOTREC position:

- HOTREC agrees that infrastructural reforms need to be proposed by Member States, to implement greener and digital solutions and to help the sector overcome the COVID-19 crisis;
- EU funds for up-skilling and re-skilling are part of the solution;
- Member States should present their proposals via the recovery plans as soon as possible;
- Infrastructural funds should be largely used by Member States;
- Grants should be favoured over loans.

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SHORT TERM RENTALS

European Court of Justice backs French law on municipal authorisation for STR property rental



Municipalities can require a prior authorization from STR accommodation hosts and can regulate rentals for overriding reasons relating to the public interest, such as the prevention of long-term rental housing shortages, according to a preliminary ruling issued by the European Court of Justice (ECJ) on 22 September 2020.

The ruling – <u>Cases C-724/18 and C-727-18</u> respectively opposing Cali Apartments and HX to the Attorney General of the City of Paris – sets

a pathway towards the establishment of further national and local rules aiming to oversee and control STR property offers around Europe.

According to the Court, the <u>EU Services Directive</u> applies "to legislation of a Member State relating to activities consisting in the repeated short-term letting, for remuneration, whether on a professional or non-professional basis, of furnished accommodation to a transient clientele which does not take up residence there."

As such, the Court reminds that national and local laws governing authorisations schemes for STR accommodation must address a specific type of activity and be limited in geographical scope, proportionate to the desired objective and justified by the overriding reasons of public interest, such as dealing with the worsening conditions for access to housing and the exacerbation of tensions on the property markets.

The preliminary ruling arose in the context of a long-standing legal dispute between the City of Paris and two landlords, who rented out studio apartments without authorisation from the city. Under the French Construction and Housing Code, a change of use of residential premises is subject to prior authorisation and the repeated short-term letting of furnished accommodation to a transient clientele which does not take up residence there constitutes such change of use.

HOTREC position:

HOTREC welcomes the European Court of Justice's preliminary ruling and believes that
it provides an important precedent to establish coherent regulatory schemes for local
oversight and regulation of STR accommodation, for which the Digital Services Act
should provide a consistent and predictable framework at EU level (our press release
here).

22 September 2020

Airbnb to hand over host data to German authorities to collect due taxes

Airbnb will hand over short-term rental (STR) landlord data for tax collection purposes to Hamburg fiscal authorities, following several years of legal proceedings. The data will be used to identify due taxes to be paid by STR rental landlords over the past ten years. Hamburg authorities will also seek to share the data with other Federal State authorities in Germany.



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Income from Airbnb rentals are taxable if they exceed 520 euros annually and the total income is above the basic tax allowance (9408 euros for single-person household). In the case of tax evasion, a fine or imprisonment of up to five years is possible, whereby particularly serious cases can also be punished with up to ten years in prison. Regardless of the penalty issued, the tax evaded from the past ten years must be paid back, including default interest of six per cent

Hamburg officials announced on Wednesday, 2 September that their right to legally access the company's data was achieved by a task force made up of the city's tax authorities and counterparts at a national level and from other states in Germany. The officials turned directly to Airbnb Ireland to obtain the data and requested help from Irish authorities.

HOTREC position:

- There should be a level regulatory field between short-term rental hosts should abide by the same rules as professional hoteliers, including compliance with fiscal obligations;
- HOTREC considers that the EU framework must be continuously adapted to market developments and properly implemented in order to take account online platforms' liability and data exchange requirements with authorities under the changing market circumstances.

17 September 2020

COMPETITION

Commission findings on Vertical Block Exemption Regulation identify issue of hotel price parity clauses



On 8 September, the European Commission published a Staff Working Document that summarises the findings of the evaluation of the Vertical Block Exemption Regulation ("VBER"), together with the Vertical Guidelines. The Commission also commissioned an external evaluation support study, in order to analyse more in-depth certain areas and specific vertical restrictions such as resale price maintenance and parity clauses.

The evaluation study and the staff working document pay specific attention to narrow price parity clauses in the hotel sector, noting that prices are imposed by the OTA platforms hotels and citing evidence that such practices undermine competition and consumer choice.

Next steps:

- The Commission will launch an impact assessment to look into the issues identified during the evaluation with a view to having revised rules in place by 31 May 2022;
- Stakeholders will have the possibility to comment on the inception impact assessment and to provide their views in the context of a public consultation, which is planned for the end of this year.

HOTREC position:

- HOTREC considers that online intermediaries should not be able to impose narrow MFN clauses (also known as narrow price parity clauses) on business partner hoteliers;
- The 30% market share threshold on the distributor side used to assess a dominant position in the VBER context is not the most relevant to assess market dominance in online platform markets.

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Member States start using the SURE mechanism



By the end of August 2020, the European Commission proposed granting more than 85 billion euro in financial assistance to sixteen Member States under the <u>SURE instrument</u> in order to support national short-time working schemes.

The aid will be distributed once it has been formally approved by the EU Council and once all 27 Member States have given a national guarantee to ensure that SURE will be fully

operational.

The loans granted to Member States through the SURE instrument will have an "average maturity of 15 years", and the interest rate will depend on market conditions at the time at which the European Commission raises capital from investors.

HOTREC position:

- HOTREC believes that Sure is a very useful tool to help fund the short-time work and income compensation schemes already put in place by many Member States;
- Sure should cover all workers employed in the hospitality-tourism sector, including those with non-standard forms of employment, such as seasonal workers, part-time workers, and workers employed in the subcontracting chain;
- It is important that all companies in the hospitality-tourism sector are supported to
 ensure job protection for their worker. This will be crucial for a gradual and full relaunch
 of the sector as Europe progressively exits the pandemic and consumer confidence
 slowly returns;
- Member States should provide guarantees to the Fund and present their requests to the European Commission as soon as possible.

16 September 2020

European Commission issues guidelines on seasonal workers

On 16 July 2020, the <u>European Commission</u> <u>issued guidelines</u> on seasonal workers in the context of the COVID-19 outbreak. It provides guidance to national authorities, labour inspectorates, and social partners to guarantee the rights, health and safety of seasonal workers, and to ensure that seasonal workers are aware of their rights.

The guidelines cover a range of aspects, such as:



- The right of seasonal workers to work in an EU Member State regardless of whether they are EU nationals or come from countries outside the EU;
- Suitable living and working conditions, including physical distancing and appropriate hygiene measures;
- Clear communication to workers of their rights;
- Undeclared work;



• Social security aspects.

HOTREC position:

- Seasonal workers, regardless of their status, whether they are EU citizens or thirdcountry nationals, including those working regularly abroad on their own accord, or are posted for example through temporary work and recruitment agencies should enjoy all the rights included in the guidelines;
- It is essential that seasonal workers and their employers have all the information they need both about the protection they enjoy as well as the obligations they need to fulfil.

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