

LEGAL IMPACTS OF COVID19 ON TOURISM IN EUROPE

Rita Ilona GÁL*

1. Introduction

Numerous aspects of tourism merit extensive discussion. This is a global phenomenon and one of the most important contributors to the economy at every level. It offers an excellent opportunity for people to meet new cultures, discover and explore unknown or well-known destinations, make lifelong memories, and get unforgettable experiences.

The history of the development of tourism goes back a long time. Travel was undertaken as early as by the Ancient Greeks and Romans. Most of their journeys were due to their profession, but in some cases, they traveled for leisure, too. It was mostly for religious, sporting (Olympics) and health purposes.¹ Nowadays, tourism has been shaped by the industrialization of passenger transport (mainly, aviation), the professionalization of travel agencies, and the hotel sector.²

Above all, the most important feature is that tourism is a system. The natural, social, cultural (commonly called socio-cultural), political, economic, and technical factors are in deep interaction with tourism and with each other, too.³ Any change in any factor may lead to substantial progress, but at the same time, it can cause serious problems, too.

* PhD student, Doctoral School of Law and Political Sciences, University of Szeged.

¹ MICHALKÓ, Gábor: *Turizmulógia*. Budapest, Akadémiai Kiadó, Budapest, 2012. 141.

² MICHALKÓ, Gábor: *A turizmuselmélet alapjai*. (Turizmus Akadémia 1.) Székesfehérvár, Kodolányi János Főiskola, ²2007. 139–140.

³ LENGYEL, Márton: *A turizmus általános elmélete*. Budapest, Heller Farkas Gazdasági és Turisztikai Szolgáltatások Főiskolája, Kereskedelmi és Idegenforgalmi Továbbképző Kft., 2004. 100–106.

In my paper, I am going to present the issues of over-tourism in the European Union and the current situation caused by the SARS-CoV2 pandemic in the travel industry, which might bring about changes in the long term.

2. Tourism in Europe

2.1. European Tourism in 2019

The number of international tourist arrivals is the most commonly used measure of tourism growth at the global level. According to the latest data compiled by UNWTO,⁴ this number was 1,458 million in 2019, of which 744.293 million people traveled to a European destination.⁵ Countries of the European Union hosted 578.995 million travelers in that year.⁶

Ranking the states by the number of tourist arrivals, half of the top 10 countries are members of the European Union.⁷

Tourism also plays a leading role in global economic growth, too. In the European Union, based on the data of WTTC,⁸ the contribution of the travel and tourism sector to the GDP of the region totalled 9.5%. Tourism employs 22.6 million people, accounting for 11.2% of total employment in the European Union.⁹

The above number of 1,458 million travelers means 3.5% of growth in 2019 compared to the previous year.¹⁰ The forecast of UNWTO estimated about 3–4% of growth in performance through the year 2020.¹¹

⁴ United Nations World Tourism Organization.

⁵ Including also the following states: Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Russian Federation, Tajikistan, Turkmenistan, Uzbekistan, Israel, and Turkey.

⁶ World Tourism Barometer. *UNWTO*, vol 18. August/September, 2020. 23. <https://tinyurl.com/bdz4hnm4> (last access: Oct 4, 2020)

⁷ In order 1st: France, 2nd: Spain, 5th: Italy, 9th: Germany, 10th: United Kingdom. *Ibid.* 18.

⁸ World Travel and Tourism Council.

⁹ WTTC: *EU – 2020 Annual Research: Key Highlights*. <https://wttc.org/Research/Economic-Impact> (last access: Oct 4, 2020) (Country / Regional data, it can be read after downloading.)

¹⁰ UNWTO op. cit. 6.

¹¹ International tourism growth continues to outpace the global economy. (Performance in this estimate refers to changes in the number of international tourist arrivals, not the economic aspect.) <https://tinyurl.com/2eujhuk2> (last access: Nov 27, 2022)

2.2. Europe as a destination – strengths and challenges

Europe is the most popular destination among UNWTO tourism regions,¹² and there seem to be numerous reasons behind this.

First of all, the cheap flight tickets offered by several low-cost airlines made air travel accessible and affordable for people with lower incomes, too. The next reason is Airbnb, which has the same benefit.¹³ Geographically, the Mediterranean Sea has dual importance in the shaping of European tourism. The southern countries of the continent welcome millions of tourists, who spend their vacations in the coastal regions year after year. This region is the best example of mass tourism.¹⁴ Furthermore, enormous cruise ships that navigate its waters bring thousands of tourists every year.¹⁵ The cultural and natural richness is a further feature which attracts tourists from all over the world. Among the 1154 properties inscribed on the UNESCO¹⁶ World Heritage List, over 500, i.e., approximately 45 percent of these properties, are located in Europe.¹⁷

Therefore, tourism is becoming an increasingly important and influential factor in our lives. Despite many endeavors, the tourism sector faces numerous difficulties and inconveniences. One of them is the phenomenon of overtourism. Overtourism was defined in a very clear and comprehensive way in the study entitled '*Overtourism: impact and possible policy responses*,' written for the TRAN Committee¹⁸ of the European Parliament: "Overtourism describes the situation in which the impact of tourism, at certain times and in certain locations, exceeds physical, ecological, social, economic, psychological, and/or political capacity thresholds."¹⁹

The most common feature of overtourism is the huge mass of tourists seen in the news or experienced in the case of certain destinations. The view of the

¹² UNWTO tourism regions: Europe, Asia and the Pacific, Americas, Africa, Middle East.

¹³ Responsible Travel: Overtourism – what is it, and how can we avoid it? <https://tinyurl.com/4hd34cyr> (last access: Nov 27, 2022)

¹⁴ UNEP-Mediterranean Action Plan Barcelona Convention: Mediterranean 2017 Quality Status Report. <https://www.medqsr.org/tourism> (last access: Nov 23, 2022)

¹⁵ Responsible Travel op.cit.

¹⁶ United Nations Educational, Scientific and Cultural Organization

¹⁷ World Heritage List: <https://whc.unesco.org/en/list/> (last access: Nov 20, 2022).

¹⁸ Transport and Tourism Committee.

¹⁹ Research for TRAN Committee – Overtourism: impact and possible policy responses. <https://tinyurl.com/3cy5tf6a> (last access: Nov 20, 2022)

landscape turns unenjoyable, and strolling in the tight streets remains just a dream, too.²⁰

To sum up the influence and balance of tourism in Europe, it is apparent that tourism has an uncontested role in the European economy as a real booming sector. The existence of overtourism means that any adverse change in tourist arrivals jeopardizes stakeholders in tourism, from the biggest hotel chains to the smallest family enterprises.

3. SARS-COV-2 pandemic in the European Union

3.1. The emergence of the pandemic

On December 31, 2019, the WHO²¹ China Country Office received information about an unknown type of pneumonia detected in Wuhan City, China. One week later, a new type of coronavirus called SARS-COV-2 was identified.²² The virus started to spread around the world at the beginning of 2020, and led to an unprecedented slowdown in the global economy due to the health crisis caused by the high rates of viral illness and death. It was only a matter of time before the virus appeared in Europe through global trade and tourism.

The presence of the virus was first detected in France, according to the WHO, on January 24, 2020. In a few days after the first registered Italian case on January 29, northern Italy became the second most significant focal point after China. In the days following the closure of Italy, more and more countries called on their citizens to return home, while at the same time banning the entry of foreigners (except for those who were residents or domiciled).

On March 11, 2020, WHO declared the coronavirus a pandemic,²³ and Austria, as the first among the European Union member states and in the

²⁰ Responsible Travel op. cit.

²¹ World Health Organization.

²² Konzuli Szolgálat: <https://konzuliszolgalat.kormany.hu/koronavirus> (last access: Oct 24, 2020)

²³ WHO: Coronavirus disease (COVID-19) pandemic. <https://tinyurl.com/2surtsx4> (last accessed: Nov 23, 2022).

Schengen Area²⁴, closed down its land border with Italy. Other member states started to introduce border control for entering from other countries, too.²⁵

3.2. Role of the European Commission

The European Commission had to cope with this situation. Both the drastic reduction of inbound tourism from the external borders of the European Union and the discouragement of outgoing travel by European citizens [EU citizens] aimed to slow down the spread of the virus.

On March 16, 2020, the European Commission published a communication regarding the temporary restriction on non-essential travel for tourists arriving from third countries to the EU. The communication was valid for a month at first, and later it was extended several times. The Schengen-associated countries²⁶ also adopted this recommendation.²⁷

3.2.1. *Protecting European Citizens*

Article 20 of the Consolidated version of the Treaty on European Union defines the term '*EU citizen*' as follows: 'Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to and not replace national citizenship.'²⁸ European citizenship has both obligations and rights for its citizens. Article 23 of the Treaty regards the protection of citizens in third countries. 'Every citizen of the Union shall, in the territory of a third country in which the Member State of which he is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of

²⁴ States of the Schengen Area: European Union member states (except Bulgaria, Croatia, Cyprus, Romania, and Ireland) and the 4 Schengen associated countries.

²⁵ Member States' notifications of the temporary reintroduction of border control at internal borders pursuant to Article 25 and 28 et seq. of the Schengen Borders Code <http://bit.ly/4lmr28T> (last access: Feb 20, 2023) 8.

²⁶ Schengen associated countries: Iceland, Liechtenstein, Norway, and Switzerland.

²⁷ COM (2020) 115 final. Communication from the Commission COVID-19: Temporary Restriction on Non-Essential Travel to the EU. CELEX: 52020DC0115.

²⁸ 2012/C 326/01 Consolidated version of the Treaty on European Union. Article 20.

that State. Member States shall adopt the necessary provisions and start the international negotiations required to secure this protection.’²⁹

This means that EU citizens are allowed to ask for help from any consular or diplomatic authority of any member state without discrimination if the state to which they belong has no representation.

The European Commission was the institution responsible for all assistance related to the coronavirus. Within the framework of its coordination activities, it organizes the repatriation of EU citizens and cooperates as a co-financier in support of member states.

3.2.2. Repatriation of European citizens from third countries

Cooperation between member states and the EU regarding EU Citizens in third countries has been realized in different fields. To handle the pandemic situation, a practical package of information has been established. Since citizens in third countries tried to get home by commercial or charter flights at the beginning of the lockdown, EU delegations kept contact with local authorities to operate airports for as long as possible. The expiration of visas became a real danger in case of lingering returns. The extension procedures and waivers received efficient support from the EU. The delegations of the EU, in cooperation with the member states, prepared a list of EU citizens who wish to return home as part of a commercial trip or a trip organized by the governments of the member states. Extensions and exceptions were needed at the major transit hubs, too. During the lockdown, returning home and transit travel were continuous. Therefore, these measures were inevitable.³⁰

The Emergency Response Coordination Centre harmonized the tasks between member states and the European External Action Service. This made the repatriation of EU citizens possible through the EU Civil Protection Mechanism [UCPM].³¹

600,000 EU citizens managed to arrive home by mid-May due to the support and measures of the EU.³² Within the framework of the UCPM, until December

²⁹ 2012/C 326/01 Consolidated version of the Treaty on European Union. Article 23.

³⁰ Coronavirus: Consular Support to EU Citizens in third countries. <http://bit.ly/411mdkW> (last access: Feb 20, 2023)

³¹ European Commission: Crisis management and solidarity. <http://bit.ly/3Km3MRZ> (last access: Feb 20, 2023)

³² European solidarity in action. <http://bit.ly/3Ihn9ZN> (last access: Feb 20, 2023)

3, 2020, the member states managed to transport more than 100,000 EU citizens, of whom 90,060 were EU citizens. Between January and July 2020, repatriation flights helped bring people home from 85 countries to Europe.³³

3.2.3. Transit arrangements

The European Commission issued a communication on March 3, 2020 regarding the temporary measures due to Covid19 regarding the transit of EU citizens to their own country and the facilitation of their repatriation from a third country and their subsequent return home.

The communication provided guidelines for the member states to pay attention to and help EU citizens and their families trying to return home to their states in the event of border closures and afterwards. The measure provides transit to EU citizens and citizens of Schengen Associated Countries and their family members, irrespective of their nationality, and third-country nationals who are long-term residents or those holding long-term visas.³⁴

3.2.4. Lifting travel restrictions

On June 30, 2020, the Council of the European Union adopted a recommendation regarding several third-country residents beginning to lift their travel restrictions on July 1, 2020.³⁵ This meant that travel restrictions were unchanged for the Schengen area, and entry was available only in special cases. Special cases were the EU-coordinated repatriation of European citizens by the UCPM, and the transit of European citizens within the borders of the European Union to their state under the communication³⁶ of the European Commission.

³³ COVID-19: EU-Coordinated Repatriation of EU Citizens. <http://bit.ly/3xRXHFC> (last access: Feb 20, 2023)

³⁴ 2020/C 102 I/02. Communication from the Commission COVID-19 Guidance on the implementation of the temporary restriction on non-essential travel to the EU, on the facilitation of transit arrangements for the repatriation of EU citizens, and on the effects on visa policy. CELEX: 52020XC0330(02)

³⁵ Council agrees to start lifting travel restrictions for residents of some third countries. <http://bit.ly/3Y1AmMb> (last access: Feb 26, 2023)

³⁶ 2020/C 102 I/02. Communication from the Commission COVID-19 Guidance on the implementation of the temporary restriction on non-essential travel to the EU, on the facilitation of transit arrangements for the repatriation of EU citizens, and on the effects on visa policy. CELEX: 52020XC0330(02)

The inner borders of the European Union were reopened in the summer of 2021, though with restrictions. In connection with the reopening of internal borders, the European Union is compiling rules for entry into the Schengen area on a website called Re-open EU. The information is updated every 24 hours and is available in 24 languages so that all citizens can make well-informed travel plans within the EU.³⁷

4. Changes in the tourism of the European Union due to Covid19

4.1. Tourism and Transport package

Among the measures taken by the European Commission, the Tourism and Transport package issued on May 13, 2020 has to be noted. This package includes three guidelines and one recommendation.

The communication entitled *'Tourism and Transport in 2020 and beyond'* emphasizes the need for opening internal borders as soon as possible and the gradual removal of the limiting factors of free movement. In this context, it should be noted that there should be no discrimination between EU citizens when crossing internal borders. Therefore, when the borders between Member States are opened, the free movement of persons must be ensured, regardless of whether the person crossing the border is a citizen of that State or not. Concerning tourism, the communication presents the sensitivity of tourism in the Member States based on its seasonal nature and its intensity. Hence, it points out the role and vulnerability of the tourism sector in different regions of the area. Although lifting restrictions was a desired intention and purpose of the EU, the document highlights the possible danger of a premature opening.³⁸ The communication cites as follows:

“However, lifting measures too quickly could cause a sudden resurgence of infections. Until a vaccine or treatment is available, the needs and benefits of travel and tourism must be weighed against the risks of facilitating the spread of the virus

³⁷ Re-open EU. <https://reopen.europa.eu/hu> (last access: Dec 1, 2022)

³⁸ COM (2020) 550 final. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Tourism and transport in 2020 and beyond. CELEX: 52020DC0550

and a resurgence of cases, which could require reintroduction of confinement measures.”³⁹

On May 15, 2020, the Commission issued Communication from the Commission EU Guidance for the progressive resumption of tourism services and for health protocols in hospitality establishments – Covid19 to promote the restart of tourism and to share practical information.

This document contains all the criteria that had to be considered by member states when restrictions were planned to be lifted. These conditions regard different areas of protection against the virus. It had to be demonstrated that there was a significant and sustained reduction in the spread of the disease; the incidence of Covid19 was at a low level. Since the sudden increase in the number of cases means an additional burden on the health sector, it was necessary to consider whether the capacity of the health system allows for any mitigation. Tourists contribute to the increasing number of cases, as well. Surveillance and monitoring had a dual role. On the one hand, these prevented tourists from bringing the virus to the region. On the other hand, they were a way of preventing tourists from being infected by locals. Testing people was as essential as contact tracing was. In these fields, international cooperation and information sharing were of crucial importance, mainly in countries at the forefront of international tourism. The existence of mechanisms of communication and coordination was essential both for national authorities and tourism stakeholders. They could get information about the measures and other possibilities through digital devices and online platforms.⁴⁰

4.2. Traveling within the EU+ Area

During the pandemic, the development of vaccines was one of the most significant steps forward. The vaccination strategy with vaccines approved by the European Medicines Agency made travel possible within the European Union and in some other states. Furthermore, it contributed to easier and safer tourism, too.

³⁹ Ibid.

⁴⁰ 2020/C 169/01 Communication from the Commission: EU Guidance for the progressive resumption of tourism services and for health protocols in hospitality establishments – COVID-19. CELEX: 52020XC0515(03)

The EU digital Covid certificate was free and valid as of July 1, 2021. It proved that the EU citizen was vaccinated, tested negative or recovered from Covid19.⁴¹ Until December 1, 2022, 83.4 % of the adult population of the European Union were fully vaccinated.⁴²

4.3. Impacts of the pandemic on tourism

Since the inner borders of the European states were closed for months, and even after their reopening, restrictions were not lifted, the tourism sector gained time to look back and reprogram itself.

The most significant impact of the pandemic on European tourism was the 68% drop in the number of international tourist arrivals in the first eight months of 2020.⁴³

Covid19 had a significant negative impact on the aviation industry, too. According to the report prepared and published by ATAG,⁴⁴ in Europe, 1.2 million of the 2.7 million aviation-related jobs were threatened by the pandemic. This analysis emphasizes that 13.5 million jobs were supported indirectly by aviation, and the current 6.5 million represent a drop of 52% compared to pre-Covid times.⁴⁵

Although the future of tourism in the European Union is full of questions, the WTTC report *'To Recovery & Beyond: The Future of Travel & Tourism in the Wake of COVID-19'* draws up four trends that may play a leading role in the restart of the whole tourism industry. The trends discussed are the followings: Demand Evolution, Health & Hygiene, Innovation & Digitisation, and Sustainability.

The first trend is Demand Evolution. Since the Covid19 era, tourism demand has turned to domestic and regional tourism, which indicates that predictability and a familiar atmosphere are the ruling factors to change the destination amid the current situation. From another perspective, it shows that although this

⁴¹ EU digital COVID certificate: how it works. <https://tinyurl.com/bv56vdpy> (last access: Dec 2, 2022)

⁴² European Commission: Safe COVID-19 vaccines for the Europeans. <http://bit.ly/3Y7hqM6> (last access: Feb 26, 2023)

⁴³ International tourism down 70% as travel restrictions impact all regions. <https://www.unwto.org/taxonomy/term/347> (last access: Oct 29, 2020)

⁴⁴ Air Transport Action Group

⁴⁵ Aviation: Benefits Beyond Borders. <https://tinyurl.com/3k8y436b> 8. (last access: Oct 29, 2020)

change is short-term, domestic and regional tourism may recover much faster than international long-haul tourism. Therefore, in the long term, it may be worthwhile to focus on domestic and regional travelers as a way of supporting local communities.

The second trend is Health & Hygiene. Health issues and the frequent use of hygienic instruments have become increasingly important, even in tourism.

The third trend is Innovation & Digitisation. On the one hand, the possibilities offered by the digital world make it easier than ever to participate in tourism, including obtaining information and contributing to the tourist experience. On the other hand, the future of tourism is not possible without adequate cybersecurity.⁴⁶

The fourth trend is Sustainability. Thinking and planning for the long term in each of the pillars of sustainable development can lead to a healthy recovery in tourism.⁴⁷

5. Conclusion

The SARS-COV-2 pandemic turned our lives upside down. International tourism broke records year after year, and global trade and transport connected the world. These features are likely to favour the rapid spread of any viral disease such as Covid19.

Although the drastic regulations and measures shocked the economy on every level, they were necessary to prevent a more serious catastrophe. This was the only way to slow down the spread of the virus until proper vaccines could be developed. Later, the vaccination programme was the key to restarting our lives and tourism.

It is a very important sector of the economy and globalised life would be inconceivable without it. Despite the pandemic situation, tourism, as always in the past, is able to find new solutions to the challenges it faces.

The role of digitalisation has been highlighted due to social distancing. At the same time, health and hygiene conditions have become more important.

⁴⁶ In cases where digital technologies influence the visitor experience, or the digital instrument is needed to enjoy the attraction, for example, geocaching or app-guided tours in cities.

⁴⁷ To Recovery & Beyond: The Future of Travel & Tourism in the Wake of COVID-19. Available after downloading from: <https://wtcc.org/Research/To-Recovery-Beyond.pdf> 2; 9–13. (last access: Oct 29, 2020)

However, it is estimated that it will take years for tourism to regain its former strength on a global scale, and domestic and regional tourism is full of advantages. Traveling a short distance is cheaper, easier and can be a spontaneous decision. Discovering nearby places can support local economies and communities. It also contributes to a deeper understanding of one's own cultural heritage and destinations.

Sustainability is not a new idea, but a path that tourism must follow.