

Regulating Airbnb in Amsterdam: EU Law Dimensions and Local Lessons

*Seminar Regulating Short-Term Rentals
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*Dion Kramer
Assistant Professor of EU Law
Vrije Universiteit Amsterdam*

I

A Changing Vision on Tourism

Changing Visions



Airbnb and the City

Het Parool

Het bedrijf Open Huis zegt dat het huizen in Amsterdam wil opkopen om ze vervolgens via Airbnb te verhuren. Oprichter Paul van Beneden ontkent dat het om een grap of stunt gaat.

Nouschka van der Meijden 12 juni 2017, 19:18



De site biedt aan huizen op te kopen om ze vervolgens via Airbnb te verhuren. BEELD SCREENSHOT

Airbnb says Amsterdam old town home sharing ban is 'damaging'

By Reuters

June 26, 2020 6:42 PM GMT+2 • Updated 4 years ago

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Airbnb and the City



Amsterdam 2018/2019:

Local alderman:

“Neoliberal European rules prevent Amsterdam from effectively regulating the short-term rental sector.”

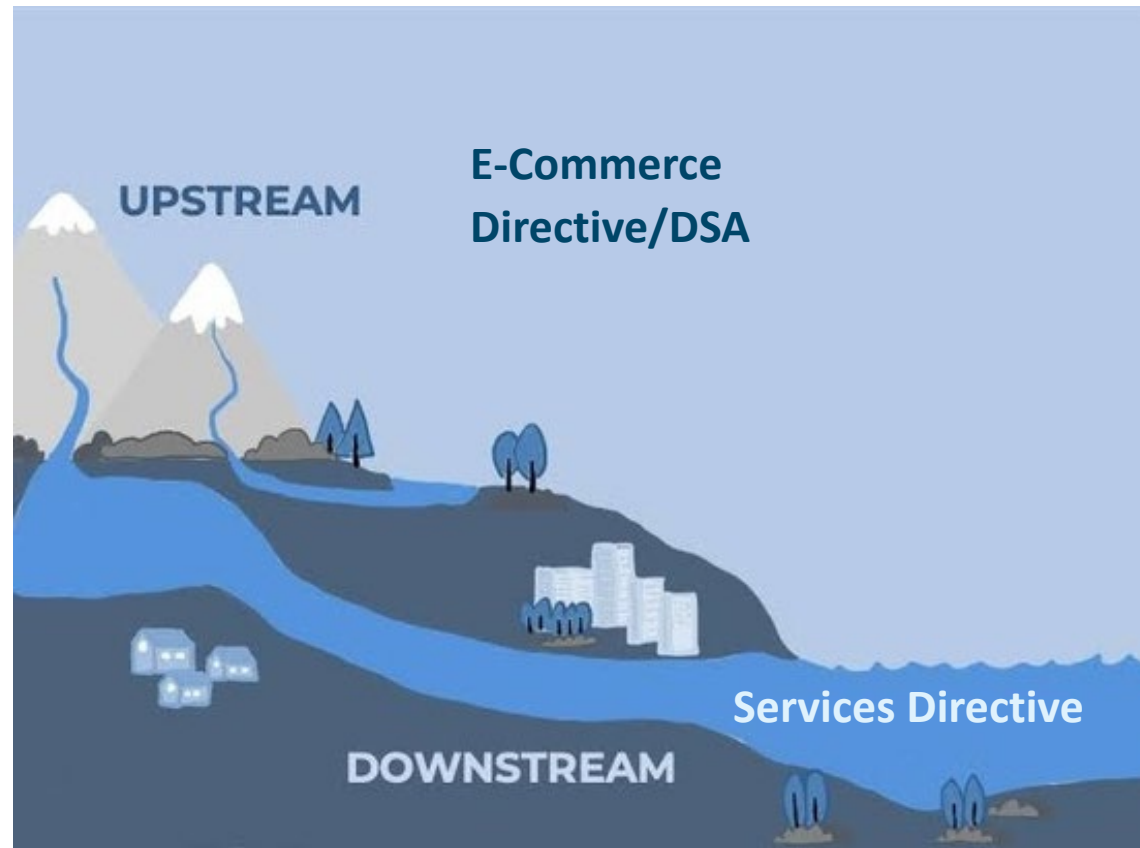
Responsible minister:

“European directives stand in the way to act against the platforms.”

II

Upstream versus Downstream

EU free movement law



III

Regulating Downstream

A Welcoming Start: 2013-2015

Box 1. Overview of Amsterdam's rules on short-term vacation rentals in 2014

Downstream

1. Hosts should be legally resident in the properties they rent out (with a registration in the municipal database on that address).
2. Hosts can be homeowners or tenants with permission from their landlords.
3. Hosts have to declare municipal and tourist taxes.
4. Properties cannot be leased to more than four persons.
5. Properties need to conform to fire safety regulations.
6. Nuisances have to be avoided and neighbours informed.
7. Properties can only be rented out for 60 days per year.

Towards a 'Crackdown' 2016-2020

Box 2. Overview of rules on January 2021 (new rules in italics)

Downstream

1. Hosts should be legally resident in the properties they rent out (with a registration in the municipal database on that address).
2. Hosts can be homeowners or tenants with permission from their landlords.
3. *Hosts should obtain a yearly permit from the municipality.*
4. *No permits are granted for three neighbourhoods in the city centre (annulled by judiciary in 2021).*
5. *Properties can only be rented out for 30 days per year.*
6. *Every rental period has to be notified to the municipality.*
7. Hosts have to declare municipal and tourist taxes.
8. Properties cannot be leased to more than four persons.
9. Properties need to conform to fire safety regulations.
10. Nuisances have to be avoided and neighbours informed.

The 'Airbnb Ban'

Airbnb says Amsterdam old town home sharing ban is 'damaging'

By Reuters

June 26, 2020 6:42 PM GMT+2 · Updated 4 years ago



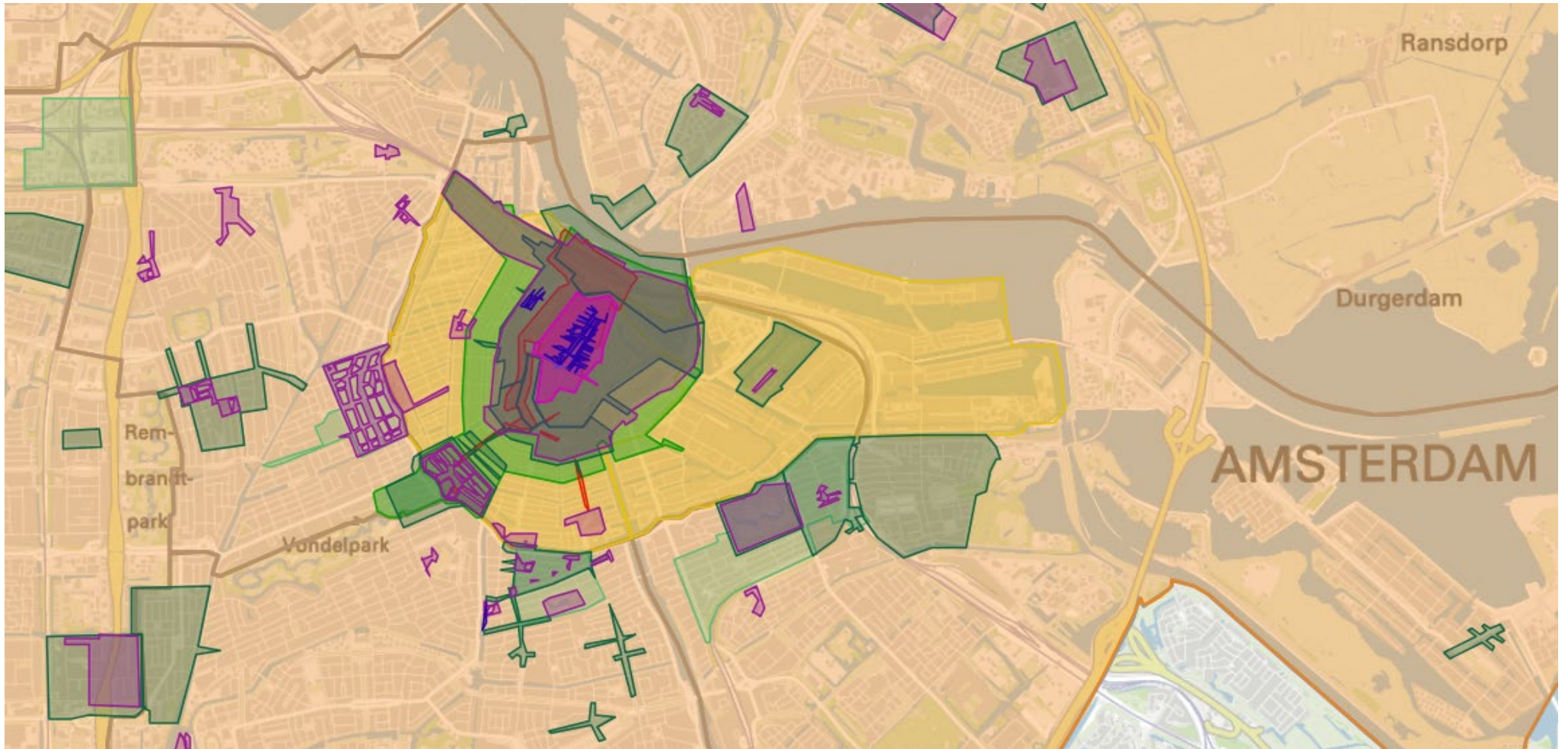
Amsterdam:

Ban would restore “the disrupted balance between residential living and tourism”, protecting “residents against the bustle and nuisance caused by tourism in their direct living space – ie in the hallways, the gardens and on the balconies.”

Council of State 2023:

- Accepts ***justification***
- But finds the ban ***disproportionate*** (under EU law)
- However, treating short-term renting as a ***service*** means a reversal of the *status-quo* of zoning law.

From 1 April 2026: 15 day-limit in Centrum & De Pijp



III

Enforcing Upstream

A Welcoming Start: 2013-2015



Dutch (The Dutch version prevails. De Nederlandse versie heeft voorrang).

MEMORANDUM OF UNDERSTANDING (MOU)

Overeengekomen door de gemeente Amsterdam en de eigenaar/beheerder van het platform Airbnb teneinde de op dit platform door derden aangeboden toeristische verhuur van woningen en woonboten op verantwoorde wijze te doen plaatsvinden.

DEFINITIONS

English (The Dutch version prevails. De Nederlandse versie heeft voorrang).

MEMORANDUM OF UNDERSTANDING (MOU)

Agreed upon by the municipality of Amsterdam and the owner/administrator of the platform Airbnb in order to ensure that the rental of homes and houseboats to tourists by third parties, as offered on this platform, takes place in a responsible manner.

DEFINITIONS

Towards a 'Crackdown' 2016-2020



airbnb

Dutch (The Dutch version of the document is available in the Dutch language).
Nederlandse versie heeft de voorrang).

MEMORANDUM OF UNDERSTANDING (MOU)

Overeengekomen door de gemeente Amsterdam en de eigenaar/beheerder van het platform Airbnb teneinde de op dit platform aangeboden toeristische vakantiewoningen en woonboten op verantwoorde wijze te laten plaatsvinden.

DEFINITIES

MEMORANDUM OF UNDERSTANDING (MOU)

the municipality of Amsterdam and the administrator of the platform Airbnb to ensure that the rental of homes and boats by third parties, as well as the place in a

Multi-Level Politics

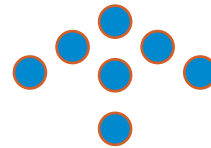
Minister:

“being tough on platforms is risky in light of the E-Commerce Directive”



Amsterdam lobbies for national legislation targeting downstream & upstream

Multi-Level Politics



MP's amend 'disappointing' Airbnb Act: platforms are obliged to enforce registration number



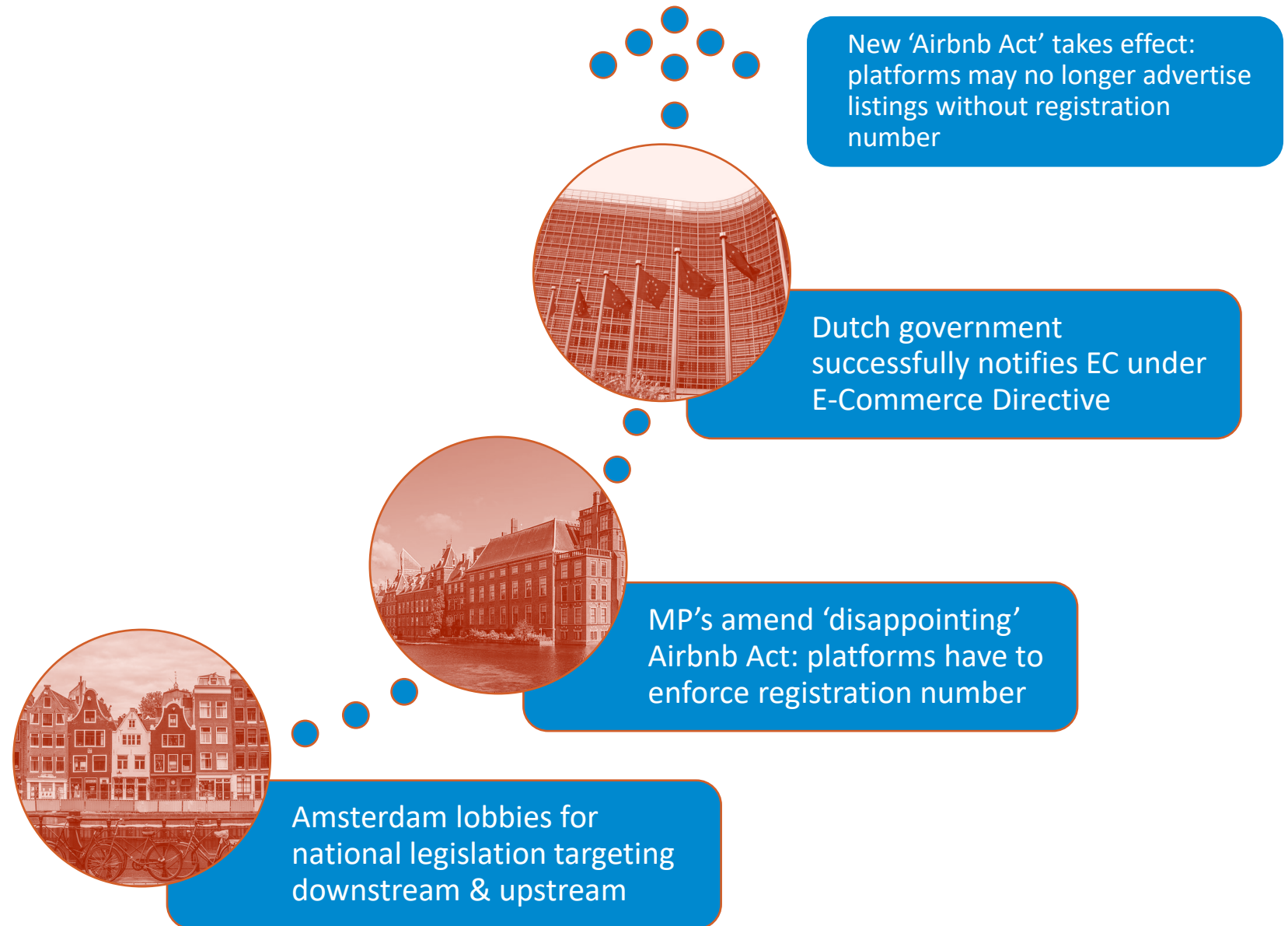
Amsterdam lobbies for national legislation targeting downstream & upstream

The Notification under the E-Commerce Directive

Justification under 3(4) E-Commerce Directive:

Protection of public policy - “large scale use of residential properties to tourists via online platforms seriously affects the **liveability** and **safety** in certain urban areas and exacerbates problems related to the supply and affordability of long-term (rental) housing.”

Multi-Level Politics



Towards a 'Crackdown' 2016-2020

Box 3. Overview of rules January 2022 (new rules in italics)

Downstream

1. Hosts are required to be legally resident in the properties they rent out (with a registration in the municipal database on that address).
2. Hosts can be homeowners or tenants with permission from their landlords.
3. Hosts should obtain a yearly permit from the municipality.
4. Properties can only be rented out for 30 days per year.
5. Every rental period has to be notified to the municipality.
6. Hosts have to declare municipal and tourist taxes.
7. Properties cannot be leased to more than four persons.
8. Properties need to conform to fire safety regulations.
9. Nuisances have to be avoided and neighbours informed.
10. *Hosts should obtain a registration number (since 1 April 2021).*

Upstream

1. *Platforms are obliged to only advertise properties with a registration number.*
2. *Platforms are obliged to inform their users about the local short-term rental rules.*

Enforcing the registration number

Airbnb starts to 'voluntarily' remove advertisements without registration number per 1 October 2021

Number of Airbnb listings in Amsterdam

September 2021	December 2021
18,000	4,500

Enforcing the registration number



Thank you for your attention!

Details to be found in:

D. Kramer, 'Airbnb, the city, and the drive
for European integration', *European Law
Open* 2025.