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Part B: Overtourism

General Report

According to a commonly accepted definition, 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”. Although in many countries overtourism does not seem to be high on the agenda either in public policies or in public debate, in many other countries it is; in those countries the negative environmental, social and economic effects, due to excessive and non sustainable development of tourism, have recently become a frequent topic of discussion and are being gradually addressed by public policies, legislation and even the courts.

I. The main negative effects due to overtourism discussed in the public debate and/or addressed by legislation and the courts are:

- (a) saturation of the carrying capacity in urban and non-urban areas; deterioration of living conditions in residential neighbourhoods [particularly in city centres and small towns]; substantial increase of living costs and real estate prices, especially for housing intended to younger generations and/or families with low and middle incomes; lack of properties available for long-term rent, due to short-term accommodation [mainly via platforms]; overcrowding in tourist destinations [city centres, coastal areas, islands etc]; insufficiency of infrastructures; traffic congestion and lack of parking areas for tourist buses, increase of traffic load on the network leading to small villages and other tourist destinations, arrival of large number of cruise ships and daily visitors; increase in energy and water consumption;
- (b) significant damage to landscapes, seascapes, risks for cultural and natural heritage sites and monuments and other vulnerable destinations; construction of hotels and other tourist facilities, intensified land use, particularly in coastal areas and the islands;
- (c) excessive development of the tourism sector who tends to become the predominant economic activity and gradual decline of agriculture and of commerce and services intended to meet the needs of local residents.



An extensive presentation of various impacts of overtourism can be found in the national report of **Portugal**: **(i)** Implications related to housing crisis: The massive proliferation of short-term local accommodation units, especially in Lisbon and Porto, is considered to have become one of the main causes of the housing crisis. Critics and several opposition parties argue that the conversion of long-term accommodation into temporary rental facilities for tourists has limited the traditional rental market, inflated rents and property prices, displaced long-term residents (gentrification) and affected the character of historic neighbourhoods. Several demonstrations were organised by civic movements and residents' associations demanding strict regulation of LA and there has been political pressure on city councils (Lisbon, Porto) and the government to implement measures: definition of zones where new LA licences were suspended or restricted and tax incentives for owners to convert LA into long-term rentals are some of the controversial measures initiated by public authorities. **(ii)** Pressure on infrastructure and public services: In areas of high tourist concentration, public transport, waste management, sanitation, security and even health services are overstretched. Residents and local associations complain about the deterioration of the quality of life, due to the pressure on these services, and demand better planning and investment to accommodate both residents and tourists or even limit the number of visitors. **(iii)** Congestion and noise: Excessive numbers of tourists, especially in certain areas (monuments, historic neighbourhoods), cause severe pedestrian and road congestion. Vehicles such as tuk-tuks and tourist buses contribute to noise and pollution. Residents of neighbourhoods such as Alfama, Bairro Alto (Lisbon) or Ribeira (Porto) complain about the constant noise and the difficulty of getting around. In Sintra, car access to the mountains has been restricted because of the traffic chaos caused by visitors. In Lisbon, there have been specific protests against the proliferation and lack of regulation of tuk-tuks. **(iv)** Environmental impacts: In coastal areas (Algarve) and natural areas (Azores, Sintra, Gerês), excessive numbers of visitors raise concerns about erosion, littering, pressure on water resources and disturbance of wildlife. The environmental impact of cruises (air pollution in the ports of Lisbon and Funchal) is also criticised. Environmental NGOs and citizens demand limited access to more sensitive sites and promotion of sustainable tourism. **(v)** Loss of identity and authenticity: Excessive touristic development replaces traditional trade with souvenir shops, standardised restaurants and services aimed exclusively at tourists, thus resulting in the loss of character and identity of neighbourhoods. Residents' associations and cultural movements deplore this situation and defend the protection of local commerce and traditions. Examples of neighbourhoods with strong resistance: Lisbon: Alfama, Mouraria, Graça, Bairro Alto, Cais do Sodré, Baixa. Porto: Historic Centre, Ribeira. Sintra: Historic area of the Serra (traffic congestion and visitors). Algarve (pressure on beaches and resources).

In **Greece** activities related to the tourism sector are considered by the legislature, the political authorities and various stakeholders involved in these activities to be one of the most important factors for the country's economic growth. Given the considerable contribution of tourism to the income of part of the population and to government revenues, the negative effects of excessive,



poorly planned and poorly managed development are generally underestimated. However, as the harmful impacts have become increasingly apparent, particularly in the Cyclades islands, on coastal areas and, more recently, in urban areas [the volcanic island of Santorini, a major tourist attraction, is one of the cases studied in the report prepared by TRAN Committee, “Overtourism: impact and possible policy responses”], reactions to curb excesses are becoming increasingly common and the discussion on overtourism is a topic of public debate, regularly making the headlines in daily newspapers. The impacts of hyper-tourism, without explicit reference to this term, are the subject of concern in land-use and urban planning, and in particular in studies carried out by the relevant ministerial departments responsible for drawing up these plans. The plans and the accompanying studies report, based on concrete data and emerging trends: -problems resulting from the gradual saturation of the carrying capacity of urbanised regions, -saturation of the carrying capacity of rural areas on the outskirts of towns and villages which lack urban planning and are developing in an uncontrolled manner, -degradation of rural areas where agricultural activities are being abandoned in favour of hotels and other tourist facilities, -problems resulting from inadequate infrastructure, - problems related to the overexploitation of natural resources. In **Hungary** the growth of tourism has been publicly discussed in the context of restrictions on short-term accommodation services; this led several local authorities to adopt regulations restricting the relevant services. In **the Netherlands** liveability issues, in particular in Amsterdam, such as housing problems, abundance of shops for tourists, nuisance caused by tourists etc; public order problems in coastal holiday areas; problems around major summer festivals are being discussed in public debate.

On the contrary, as stated at the national reports: **Finland** being a remote country, does not have problems with overtourism; some problems have emerged e.g. in Lapland, mainly at Christmas time in Rovaniemi (town near arctic circle), due to short-term renting of houses, and in the northern part of Lapland (Kilpisjärvi) (disturbance caused by snow scooters); tourism can also cause problems especially for Sami people to maintain their culture (reindeer farming etc); however the situation cannot be described as a hypertourism. In **Slovakia** the impacts of tourism are not perceived as detrimental and even in protected natural areas tourism is manageable.

II. Principles and guidelines at international and/or EU level

There are no international law instruments or EU legislation that address directly and specifically the issue of overtourism and its adverse effects. However, as pointed out in national reports, various principles and guidelines are recorded both in binding and non-binding texts; these guidelines have often been useful for shaping national laws and policies aimed at managing tourism.

Relevant binding texts include, inter alia, the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement, the EU Climate Law and legislation [see General Report on Part A (climate change)], the Convention Concerning the Protection of the World Cultural



and Natural Heritage (1972), the international and EU rules concerning the protection of the environment [European Landscape Convention etc].

Several principles and guidelines regarding the regulation of tourism can be found in non-binding international texts; they serve as a policy framework or a basis for national regulations. The **Global Code of Ethics for Tourism**, adopted by the United Nations World Tourism Organisation (UNWTO) in 1999, is based on the principle of environmental sustainability; it aims to promote responsible, sustainable and accessible tourism for all and to minimise its negative impacts on society and the environment. The Code stipulates that policies and activities in this field of tourism must be carried out in line with the principle of sustainability and with respect for cultural heritage; it provides that tourism must become a beneficial activity for countries and their inhabitants and includes recommendations for the development of tourism in urban areas and agricultural regions. The **UNESCO World Heritage and Sustainable Tourism Programme** represents an approach based on dialogue and cooperation among stakeholders, to insure that tourism planning and heritage management are integrated at the destination level, that natural and cultural assets are enhanced and protected, and that appropriate tourism is developed; UNESCO recognises the increasing vulnerability of World Heritage sites by the impacts of climate change and by its potential implications for tourism.

At the European level, national reports refer to the following initiatives: The **European Travel Commission** (ETC): ETC is a non-profit organisation; in collaboration with other European Union institutions, it aims to promote tourism in Europe. In a project dating from 2024, the ETC aims to draw up a strategic roadmap for the development of tourism. At a meeting organised by companies operating in the tourism sector, in collaboration with the European Travel Commission [Destination Europe Summit 2025], the strategy developed by the European Commission for 2026 was presented by the relevant Commissioner. This strategy aims to finance tourism development projects that are compatible with the principles of climate change adaptation and sustainability; it also aims to finance investments to improve infrastructure; however, neither limits based on the carrying capacity of tourist destinations nor restitution measures are among the priority measures to address overtourism. **TRAN Committee** [Committee on Transport and Tourism] of the European Parliament has prepared a study on overtourism [Research for TRAN Committee; Overtourism: impact and possible policy responses]; the report focuses on this complex phenomenon of overtourism through a series of case studies, outlines its negative impacts, notes the absence of a strategic framework and effective planning to address it and warns against the deterioration of conditions, highlighting the consequences of the phenomenon on the future profitability of tourism activities. According to the national reports, the **NECSTOUR** network (Network of European Regions for Competitive and Sustainable Tourism) initiatives and **EUROPARC FEDERATION** Strategy and Charter for Sustainable Tourism, the **EU Transition Pathway for Tourism** (2022) are being referenced in national planning documents. Non binding texts may provide guidance to shape the content of



future binding EU or domestic regulation, aimed at countering overtourism and promoting more sustainable models of tourism development. Although in EU level the perspective of adopting inclusive and legally binding texts, targeting the phenomenon of overtourism, does not seem to be on the agenda, initiatives like the Short-Term Rental Regulation are expected in the near future.

III. The national framework: regulations, strategies and action plans

As stated in the reports, in most cases there is no overarching, single piece of national legislation aimed at addressing overtourism. Constitutional principles or provisions can serve as basis for dealing with issues related to this phenomenon: the principle of sustainable development; state obligations to protect the environment and natural resources and to preserve nature and cultural heritage; the right to a healthy environment; state obligation to protect public health are relevant. There are however legislative measures, especially environmental and urban planning regulations, as well as strategy and action plan documents that aim to manage and mitigate the impacts of tourism development: restrictions for short-term accommodation services in residential areas, regulations for the protection of nature and cultural heritage, special taxes etc. In some countries legislation and national and local strategies and action plans are very elaborate, while in other countries, despite the acuity of the problems emerging from overtourism, the measures are considered as insufficient or inadequate.

As pointed out at the report of **Austria**, legislation in the relevant areas [building regulations, nature conservation regulations] fall in the competence of the provinces; therefore, different standards exist. a) According to building regulations in Vienna [land use and development plan], in residential zones the commercial rental of short-term accommodation is not permitted without a permit, pursuant to the Bauordnung für Wien, and a similar provision is now in effect for short-term rentals outside residential zones; in order for the permit to be granted, the majority of the apartments in the building must still be used for residential purposes, the consent of all (co-)owners of the building is required and some other conditions must be met [the rental must not be located in a residential zone or allotment garden, no housing subsidies must have been used for the construction of the building]; this does not apply to short-term rentals not exceeding 90 days per calendar year (so-called “home sharing”); the landlord (host) does not need to obtain an exemption permit but he is obliged to pay a local tax and cannot give up permanently his residence. The offering of a rental on the Internet in violation of building regulations is a punishable administrative offense. b) According to nature conservation laws in Salzburg, the provincial government can designate by decree quiet zones where tourist activities are prohibited (Salzburger Naturschutzgesetz).

In **Croatia**, while there is no single regulatory framework solely dedicated to the management of hypertourism, several regulations and organizational structures address the allocation of responsibilities and the management of tourism. These frameworks are designed to ensure that



tourism development occurs sustainably, especially in areas affected by excessive tourist activity, and to reduce the negative impacts of hypertourism. A number of Environmental Protection and Spatial Planning laws regulate tourism: (a) Environmental Protection Act establishes the framework for protecting the environment, ensuring that tourism development does not adversely affect natural resources. It mandates environmental impact assessments (EIAs) for major tourism projects, ensuring that the effects of these developments on ecosystems, air quality, and water resources are carefully evaluated before approval. (b) Spatial Planning and Construction Act regulates the planning of tourism-related infrastructure. It includes measures to limit the overbuilding of tourist accommodations in sensitive areas (e.g., near the coastline or UNESCO World Heritage sites) and requires sustainable management of tourism-related land use. (c) Nature Protection Act safeguards protected areas, including national parks, nature parks, and cultural heritage sites. It is particularly relevant for managing the impact of tourism on environmentally sensitive areas and ensures that development in such areas respects biodiversity and natural resources. (d) Croatia has implemented tourism taxes and fees as tools to address the negative effects of excessive tourism, including congestion and environmental degradation. These taxes are designed to encourage responsible tourism by making visitors more conscious of the costs and environmental impacts of their travel, generate funds for sustainable tourism development, environmental conservation, and infrastructure improvement in tourist areas. The Croatian Tourism Tax is one such example; the tourism tax rates can vary depending on the destination. These funds are allocated to improving local infrastructure, promoting sustainable tourism practices, and addressing the negative environmental impacts of tourism. (e) Zoning laws and capacity limits are also used to manage tourism's spatial distribution and mitigate overcrowding. These include zoning regulations that designate certain areas as tourism development zones and prevent over-tourism in sensitive areas such as protected natural reserves or historical sites. In some popular tourist destinations, local authorities impose capacity limits for attractions and beaches, ensuring that the number of tourists does not exceed the carrying capacity of the environment. For example, Dubrovnik has introduced measures to limit cruise ship arrivals, reduce the number of tourists entering the old town at any given time, and regulate the number of visitors to sensitive sites like the City Walls. Moreover, in Croatia (f) the Tourism Development Strategy (2021-2027) is a national policy that focuses on sustainable tourism. The strategy aims to diversify tourism offers, reduce the pressure on overcrowded destinations, and promote year-round tourism. It emphasizes the development of sustainable tourism practices that benefit both local communities and the environment, the promotion of alternative tourist destinations to reduce the concentration of tourists in popular spots like Dubrovnik and Split, encouraging off-season tourism to avoid high-season overcrowding and to spread the economic benefits of tourism more equally throughout the year. The strategy also emphasizes the need for a balanced approach to tourism development that aligns with environmental protection and social sustainability, with a special focus on preserving natural and cultural heritage from the pressures of hypertourism. As pointed out at the report, (g) Regional Strategies and Local Planning also address the challenges of excessive tourism: Split-Dalmatia



County's Tourism Development Strategy includes measures to mitigate the effects of hypertourism; in Istria, there have been efforts to limit the growth of mass tourism and promote sustainable agricultural and rural tourism as a way to diversify the tourism market.

In the **Czech Republic**, there are currently no legal regulations that specifically address hypertourism. Tourism management in general falls under the responsibility of the Ministry for Regional Development; local and regional governments (municipalities and regions) also play a significant role in regulating tourism within their territories, having the authority to approve and implement development plans and to support local tourism businesses. In **France** legislation adopted recently [November 2024] introduced regulations for short-term accommodation; the legislation is mainly concerned with housing crisis due to excessive development of tourism activities. A national strategy for managing tourist flux was adopted in 2023. A relevant Vademecum was published in 2024. In addition a special Council [Conseil interministériel du tourisme (CIT)], presided by the prime minister has been created in 2017 to address the principal issues related to the development of tourism and to implement the principle of sustainability. In **Finland** so far there is no legislation; there is only a new proposal to restrict renting of houses intended for dwelling use in town plan and building permits; according to the proposal it should be possible to rent in short-term only 90 days per year [municipalities may extend this time limit (maximum 180 days)].

In **Greece** several national rules concerning the exercise of tourism activities, such as norms and standards for hotels and other tourist accommodation, rules for the rental of pleasure boats, aim at limiting mass tourism, promoting high-quality and diversified tourism and extending the tourist season. This orientation is also incorporated into land use plans. Legislation defines the concept of carrying capacity in relation to tourism: the maximum number of tourists/visitors that a tourist destination is capable of accommodating, taking into account existing tourist facilities and infrastructure, without detrimental effects on the natural or urban environment, without degrading the quality of tourist services offered and while respecting the needs of the local community and tourists/visitors to that destination. The Climate Law also introduced a definition for the concept of carrying capacity, which is crucial both for the phenomenon of climate change and for the phenomenon of overtourism. To address problems arising from short-term rental platforms, the legislator has defined minimum conditions for this type of rental, limiting the maximum rental period to 60 days per year for islands with fewer than 10,000 inhabitants and 90 days per year for other destinations. In addition, the taxation of income from this lucrative activity has been regulated. A more recent law [2024] introduced measures to limit the negative impact of visitors arriving on cruise ships. For cruise ship visitors who disembark en masse on the popular islands of Mykonos and Santorini in the Cyclades archipelago during the summer period [1.6-30.9], the fee is set at €20 per person. For other ports in the country and during the same period, the fee is set at €5 per person. For the period from 1 October to 31 October and from 1 April to 31 May, the fee is set at €12 for the ports of Mykonos and Santorini and €3 for other destinations. For the period from 1 November to



31 March, the fee is set at €4 for the ports of Mykonos and Santorini and €1 for other destinations. The revenue from this cruise tax is earmarked for public expenditure on infrastructure improvements and, under the terms of the law, for the promotion of tourism [sic]. On three small islands: the Paxoi Islands near Corfu, the island of Ithaca near Kefalonia and the island of Symi near Rhodes, the local authorities, in an attempt to limit the effects of overtourism, have taken the initiative to introduce a tax of €3 per person, imposed on those who visit these islands just for the day without staying there. The Greek National Tourism Organisation (GNTO) is a public law entity responsible for promoting tourism and managing various tourism activities under the supervision of the Ministry of Tourism. In **Hungary** the NCCS-2 [National Climate Change Strategy] includes objectives for tourism and the National Tourism Development Strategy follows the principle of coexistence. The growth of tourism has been publicly discussed in the context of restrictions on short-term accommodation services; several local authorities have adopted relevant regulations. The mobility point system in Budapest for rentable e-scooters is also aimed at reducing the impact of excessive tourism on transport and community; several districts and municipalities have restricted the rental of this type of equipment and have banned parking on their territory. Traffic restrictions on certain road sections and areas are implemented as well (e.g. in Budapest, weekend closure of the low quay of Pest, reservation of the Chain Bridge for pedestrians, cyclists, public transport and taxis).

In **Italy** overtourism has been a significant topic of discussion and various measures are being implemented, including restrictions on short-term rentals, bans on certain tourist activities and regulations to manage tourist flows. While there is not a single piece of legislation specifically addressing hypertourism, there are regulations and policies that distribute responsibilities for managing tourism, including measures to mitigate its potential negative impacts. These regulations involve national, regional, and municipal authorities. The efforts are primarily focused on preserving the cultural and environmental integrity of popular destinations like Rome, Venice, Florence, and Sardinia. Most significant measures aim at: a) regulating short-term rentals, requiring licenses and registration to better manage their impact on neighborhoods and address concerns about displacement of residents; b) reducing environmental impact and protect natural resources (limited access with reservations to the Path of Love in Cinque Terre); c) introducing bans on loud speakers to reduce noise pollution (ban on key boxes used by short-term rental owners in Florence); d) reducing congestion through traffic management plans, encouraging public transportation, walking and cycling (new rolling rules in the Amalfi Coast); e) protecting the cultural heritage (restrictions on cruise ship access to Venice). The Italian Tourism Code, whose main objective is the promotion and protection of the tourism market, while not specifically targeting overtourism, can also provide tools for a more sustainable management of tourism by regulating the influx of tourists and encouraging tourism practices respectful of the environment and local culture. Tourism planning operates at multiple levels, with the central government setting overall policy and promoting Italian tourism internationally, while regions have considerable autonomy in planning



and implementing specific tourism initiatives. This decentralization can sometimes lead to inconsistencies in planning and implementation across different regions.

Lithuania does not have a regulatory framework specifically designed to address the problems of overtourism. However, various general environmental and territorial planning laws provide mechanisms that can mitigate tourism-related impacts. These laws include preventive and control measures but are not targeted at overtourism per se. Municipalities, however, may adopt local planning rules or restrictions in response to specific tourism pressures. Lithuania's Tourism Roadmap, approved in 2024, focuses on creating a favourable ecosystem for sustainable tourism, promoting innovative and data-driven tourism, and enhancing resilience and competitiveness in the tourism sector. **Malta** addresses the environmental, spatial, and social impacts of tourism through the National Tourism Strategy 2021–2030 and the National Environment Policy and the level of planning is defined as a hybrid of national and regional/local. **Montenegro** does not have a separate, clearly defined and applied regulatory framework especially for overtourism, but management strategies emphasize the need for sustainable tourism and the rationalization of tourist flux.

In **Portugal** the absence of specific national legislation to address overtourism, is considered as “particularly strange given that (Lisbon) is included in the European Parliament's Research for the TRAN Committee - Overtourism: impact and possible policy responses”. There is no mention of overtourism in the Tourism Strategy 2027 (ET2027), the National Strategic Plan for Tourism. The Tourism Strategy 2035 is currently being drafted, but it is not yet known whether it will address this issue. An explanation may probably be the following: tourism in Portugal accounted for around 13% of GDP in 2023, during the post-pandemic recovery, and is expected to exceed 20% of national GDP in 2025. **Romania** currently does not have a national action plan specifically dedicated to excessive tourism, in the sense of an officially adopted strategic document that would include integrated measures, clear objectives, and intervention tools for preventing, controlling, or mitigating the effects of overtourism. This absence affects the coherence and efficiency of public policies in the field. In **Slovenia** a new Hospitality Act is currently under consideration in the Parliament, aimed at regulating short-term tourist rentals of apartments (through digital platforms). The law requires registration of apartments rented for tourist purposes and limits the possibility of such rentals to 30 days unless the municipality allows longer rentals. The law also establishes a basis for municipalities, when preparing municipal spatial plans, to take into account the needs of sustainable development of tourism, the local population's interests, and the carrying capacity of the local community or specific areas within the local community. Responsibilities assigned to the various bodies (advisory, decision-making): The Government is responsible for adopting more detailed conditions, criteria, and development incentives for tourism in the form of secondary legislation. Within the Ministry of Economy, Tourism, and Sport operates the Directorate for Tourism, which prepares regulations in the field of tourism, implements procedures for granting tourism development funds, cooperates with tourism stakeholders etc. The planning and marketing of



Slovenia's comprehensive tourist offer is carried out by the Slovenian Tourist Board. It is a public agency established by the government, funded from the state budget, a designated portion of the tourist tax, and its own revenues. Planning, organizing, and implementing the promotion of tourism development at the level of a tourist area is the responsibility of municipalities.

There is no single piece of national legislation in the UK aimed at addressing overtourism. This is primarily dealt with via a multi-pronged strategy that combines policies and local initiatives to mitigate the negative effects of overtourism. Some examples include:

- Local authorities using planning restrictions to limit the number of holiday homes/hotels in their local area. For example, the area of Kent has a “Sustainable Tourism Action Plan”, which lays out 16 key action areas and aims to protect and enhance community, climate and nature for the long term value not only of the local tourism industry but also of the planet.
- Certain cities (eg Edinburgh) are discussing introducing a tourist tax. The Visitor Levy (Scotland) Act became a law in Scotland in September 2024. This piece of legislation allows councils in Scotland to tax paid overnight accommodation.
- Scotland has also introduced a licensing scheme for the short-term rental market. The scheme is mandatory for all short-term let accommodation across Scotland and requires anyone operating a short-term let property to obtain a licence from their local council.
- The UK Government has a sustainable tourism framework that emphasizes minimizing environmental impact. This consists of collection of initiatives, policies and strategies. As pointed out, although there is no centralised, national plan to address the problems resulting from excessive tourism activity in the UK, certain local areas of the UK have introduced initiatives to mitigate the effects of overtourism.

IV. Some landmark cases and court decisions

In most countries, administrative litigation, particularly litigation concerning environmental and planning law cases, is the dominant channel through which the relevant disputes are brought before the national courts [control of the legality of administrative acts or omissions]. The main arguments of the parties are: the balance between the economic benefits of tourism (increased revenues, job creation) and the negative consequences of overcrowding, rising costs of living, and environmental degradation; the cultural impact of overtourism that can dilute the authentic character of a place, lead to depopulation in historic city centres and negatively affect the lives of residents [see also infra the case of a luxury golf resort in Croatia]. The proportionality test is applied by the courts.

(A) Cases concerning the protection of natural environment and cultural heritage

High Administrative Court of the Republic of Croatia [Usoz-96/2012-8]. Issues related to hypertourism have been the subject of litigation in Croatia in the case of the Srđ Hill Golf Resort project, a luxury golf resort including golf courses, hotels, villas and apartments, on the Hill overlooking Dubrovnik. This high-profile case serves as a clear example of how large-scale tourism



developments have sparked legal disputes due to concerns over environmental degradation and excessive tourism pressure. Local residents and environmental groups, notably the initiative “Srđ je naš” (“Srđ is ours”) and Friends of the Earth Croatia (Zelena akcija), opposed the project due to concerns over environmental impact, strain on local resources, and the potential exacerbation of overtourism in the UNESCO-listed city. In 2013, a local referendum saw 84% of participating citizens vote against the project. In the dispute, the main legal issues raised by the environmental groups and local citizens concerned: (a) the environmental impact of the project: the parties alleged that the Environmental Impact Assessment (EIA) was imperfect and accounted insufficiently for ecological and hydrological impacts; (b) public participation: the parties claimed procedural violations, especially the lack of meaningful public consultation as required by Croatian and EU law; (c) threat to cultural heritage: they argued that the project endangered Dubrovnik’s UNESCO World Heritage status due to overdevelopment and strain on infrastructure; (d) sustainability: they asserted that the project would exacerbate hypertourism, further burdening the city already overwhelmed with visitors. Developers, on the other hand, claimed that all permits and assessments were obtained in accordance with national and EU legal frameworks; they stressed the economic benefit, arguing that the project would generate employment and boost the local economy; they invoked property rights and investment protection. Croatian courts annulled the project's environmental and location permits, citing legal irregularities. The developers initiated international arbitration proceedings (under ICSID) against Croatia filing a US\$500 million claim against Croatia under bilateral investment treaties and alleging unfair treatment and loss of potential profits [the arbitration is still ongoing]. In addition to the arbitration, Razvoj Golf filed lawsuits against Friends of the Earth Croatia, seeking damages of approximately €30,000. The lawsuits against NGOs for their role in halting the project raised major concerns about freedom of expression and public participation in environmental matters. These actions were perceived by many as strategic lawsuits against public participation (SLAPP-style lawsuits), aiming to silence opposition and deter public criticism. Such legal pressures threatened the financial viability of the environmental organization. The national report points out that although in the case of Srđ Hill Golf Resort climate change was not the central issue, this case underscores the judiciary's role in scrutinizing tourism projects that may exacerbate environmental and infrastructural strains. These cases may serve as a foundation for future legal interpretations that will tackle the challenges of overtourism more directly in the context of climate change and sustainable development.

Italy, Council of State ruling [no 6943/2024]. The case concerned the installation of provisional structures, functional to development of tourist activities [providing services to visitors], in the dune area of Sabaudia, in the Parco Nazionale del Circeo, a Special Area of Conservation of Community Importance. According to the court decision, the need to submit to prior impact assessment procedure all interventions not directly related and necessary to the maintenance of a satisfactory conservation status of the species and habitats present in the protected site, but potentially capable of having a significant impact on it, results from Council Directive 92/43/EEC [on the conservation



of natural habitats and of wild fauna and flora], regardless of the type of activity carried out and of the type of construction works. The Council of State ruled that the installation without prior impact assessment procedure was illegal.

Italy, Council of State ruling [no 3258/2025]. The case concerned the approval by the Municipality of Pisa of projects for the restoration of paths along the city walls; the projects were challenged by the owners of a neighbouring property. The Court annulled the act because the administration had not properly balanced the conflicting interests by failing to adopt measures to prevent overlooking and to assess the impact on tranquillity and privacy. The Council of State highlighted, however, the phenomenon of so-called overtourism, subject of growing interest on the part of national and international institutions (UNWTO).

Greece, Council of State: According to the case law of the Council of State, when drawing up development and urban planning instruments, state authorities must take the necessary measures to ensure the protection of the environment, optimal conditions for the life and health of the inhabitants and economic development, in accordance with the principle of sustainability; this obligation has a constitutional basis. The protection of fragile ecosystems and their carrying capacity also has a constitutional basis [fragile systems include small islands, particularly in the Cyclades, coastal areas, protected traditional villages and highly productive agricultural areas]. See, for example, CEH 1037/22: annulment of the authorisation for a project to develop tourist facilities on the island of Ios in the Cyclades; CEH 164/22: annulment of the general urban development plan for the island of Paros in the Cyclades; CEH 3526/17, 1025/17: rejection of appeals for misuse of power, seeking the cancellation of a plan establishing protected areas on the island of Santorini - the contested plan aimed to protect the landscape and agricultural areas threatened by tourism development and massive housing construction; see, however, CEH 2564/22: the appeal lodged by the municipality for the annulment of a permit allowing the construction of a large luxury hotel and several facilities serving this activity in the island of Mykonos, major tourist attraction worldwide, was rejected on its merits. See also CEH 657/19: the allegations concerned excessive tourism development in the region and the impact on aquatic resources; the judge refuted these allegations based on the environmental impact study of the project in question, CEH 1055/19: according to the applicant, the rental of a building in the vicinity of his property on the short-term platform threatened the city of Nafplio; the appeal sought to overturn the administration's failure to introduce restrictions on short-term rentals; it was dismissed as inadmissible. The aforementioned decisions CEH 1037/22, CEH 164/22, CEH 3726/17 (Cyclades islands) highlight the links between climate change and overtourism.

Slovenia: The **Constitutional Court** [U-I-32/24 of 5 June 2024] reviewed a municipal ordinance regulating navigation on the Soča River in the Municipality of Kobarid, which restricted access to designated entry-exit points and introduced a user fee. Complainants claimed this violated their



economic freedom and equality before the law. The Court held that the ordinance did not disproportionately interfere with free economic initiative and that the navigation regime, including the fee, was justified by legitimate aims such as public safety and environmental protection. It emphasized that the Soča River is a protected natural asset, and its use must follow specific conservation rules. The Court also rejected claims of unequal treatment between kayakers and other river users, finding that the differences in legal regulation were based on materially distinct situations.

Albania, Constitutional Court [pending case] In the report a pending case is presented, concerning legislation that limited protection standards and introduced leave to construct so called-strategic investments in protected areas, aiming at the development of tourism industry.

(B) Cases concerning risks for urban areas and residential neighborhoods

Italy, Constitutional Court [decision no 94/2024]: Proliferation of short-term leases and the resulting increase in tourist flows can lead to the urban transformation of entire districts and centres, with significant repercussions on the management of local public services. The regulation of public services falls within the competence of the regional legislator; thus the regional legislator has competence to intervene and to regulate the intended use of buildings, in accordance with the principles laid down by the national legislator. The intended use of the building determines the urban load, is linked to the need for facilities and public spaces, and affects the orderly planning of the area.

Italy, Administrative Court of Bolzano [decision no 281/2024]. The case concerned the refusal to grant authorisation for renting holiday flats, in application of a provincial law which imposes a restriction on private rental for tourists, in order to protect resident population and to assure that development of tourist activities is compatible with the available facilities. Dismissing the appeal the judge stated that the limitation was compatible: -with European law, allowing restrictive property measures, if not applied in a discriminatory manner, for public interest purposes (EUCJ 1 June 1999 C-302/97; EUCJ 7 September 2022 C-391/20) and -with the Constitution, setting limits to the principle of freedom of private economic initiative.

Italy, Administrative Court of Emilia Romagna [decision no 308/2025]. The case concerned refusal to grant planning permission for short-term rental. Municipal building regulations require a minimum surface area for housing units intended for tourist accommodation in the historic city; the judge considered the choice reasonable, since it aims at protecting the market of small housing units and residents belonging in various categories (such as singles, students and non-resident workers) that would otherwise be excluded from living in the historic centre. The presence of a permanent resident population other than tourists is valued as a factor that allows for the continuity of craft



activities and personal services, avoiding the proliferation only of restaurants, cafés or shops selling products for tourists.

In the report of **The Netherlands** several court decisions are mentioned: The municipality of Amsterdam, in order to prevent the shopping facilities in the city centre from targeting exclusively tourists and to combat this so-called monoculture that creates the feeling of a city no longer belonging to the people of Amsterdam, in anticipation of a new zoning plan, established rules to prevent new tourist shops. In application of this regulation, the municipality of Amsterdam took action against a new tourist cheese shop. The **AJD** ruled that the ban on the establishment of new tourist shops in the city centre is not in conflict with the European Services Directive. This ban does not distinguish between domestic and foreign companies. The municipality is entitled to consider the ban necessary for the liveability of the city. In addition, the measures concerning tourist shops are suitable for achieving greater diversity in the range of shops and does not go further than the necessary limit. Furthermore, the municipality had no other, less drastic measures available to achieve the same result. As such, the establishment of the ban constitutes a “justified and proportionate restriction on the freedom to provide services”, according to the **AJD** [however, enforcement action against the particular store was disproportional in this case, as the company had already been setting up the shop a long time before the ban on new tourist shops came into effect] (judgment of 19 December 2018, ECLI:NL:RVS:2018:4173).

In another case, a canal tour boat company appealed against a decision by which operating licences for passenger transport vessels were modified, from licences granted for an indefinite period into licences for a fixed period. The municipality had based this policy, inter alia, on the importance of liveability as a compelling reason of general interest according to the European Services Directive. The **AJD** noted that the studies submitted clearly show that Amsterdam is already a very busy city and that scenarios for 2030 calculate a significant increase of the number of tourists; however, all the research reports submitted do not show that passenger shipping is partly responsible for some of the nuisance experienced by residents and that this activity is therefore partly the cause of pressure on the quality of life. The research reports mainly show that the nuisance comes from pleasure boating. No documentation proves that passenger shipping puts pressure on the liveability in Amsterdam. The **AJD** also notes that some nuisance is inherent to living in a busy city centre, like Amsterdam. According to the judge, without further motivation from the board of the municipality, liveability cannot be used as a basis for the justification of the relevant policy (judgment of 25 September 2024, ECLI:NL:RVS:2024:3732).

In a case about a zoning plan for the remaining construction options on a quay (Wilhelminakade) in Rotterdam, the appellant argued that the zoning plan does not set clear limits to the growth of cruise shipping and does not elaborate on structural measures for limiting cruise shipping. The **AJD** ruled that these aspects cannot be assessed substantively in the proceedings concerning the assessment of



the zoning plan; in fact the zoning plan does not result in an increase of cruise shipping. However, the council must include the effects of cruise shipping in the assessment of the partial aspects of the zoning plan, such as air quality (judgment of 30 August 2023, ECLI:NL:RVS:2023:3305).

In a another case, the municipality council wanted to redevelop the old Rijnhaven transshipment port in the Feijenoord area into a residential area with catering facilities, a city beach and a city park. The appellant argued that the future intensification of cruise activities on the Wilhelminapier, resulting in heavy transport to and from the Wilhelminapier, should have been taken into account from a point view of air pollution. The **AJD** ruled that according to the calculations the values are well below the limit. Therefore the judge cannot assume that the mere fact that various activities [including the alleged intensification of cruise activities at the Wilhelminapier, in the vicinity of the contested area] may indeed not have been included in the calculations, leads to the conclusion that limit values will not be respected due to these activities. In this regard, the AJD takes into account that cruise ships at the Wilhelminakade will be able to use shore power from mid-2025, that, as a result, the cruise ships will no longer have to run their engines to produce electricity and that a generator ban for cruise ships at the Wilhelminapier will soon be introduced making shore power mandatory for moored cruise ships in the near future (judgment of 16 April 2025, ECLI:NL:RVS:2025:1726).

A judgment of 2024 (ECLI:NL:RVS:2024:3416), concerns a fine of € 11,600 to a lady who rents a seven-room house in Amsterdam and has a permit for holiday rentals. A municipal supervisor conducting an digital investigation discovers that the house is being offered for rent on short-term accomodation platforms for six people and that a month earlier, the house had been rented to five people. This shows that the owner had violated the conditions of her permit for holiday rentals; the permit states that she may rent the house to four tourists maximum. The AJD notes that the Amsterdam council imposes fines in accordance with the Housing Ordinance and that the fine regime should be proportionate, taking for example into account the number of nights etc. However, this was not the case in Amsterdam; the fine table in the Housing Ordinance being in conflict with the principles of the general regime was therefore non-binding. The Amsterdam city council must establish a fine regime for holiday rentals in accordance with the principle of proportionality, introducing more differentiation. Still, according to the judge, the lady has committed an offence; the AJD therefore determines the amount of the fine itself [€ 2,900].

Czech Republic: Certain legal disputes have addressed the adverse effects of excessive tourism, particularly in popular tourist destinations. For example, in a case [no 73 A 1/2022] the applicant, as a business owner in the tourism sector, objected to the change in the zoning plan of the municipality of Dolní Vestonice. As a result of the change, it was not possible to build new structures intended for short-term recreation in designated areas. The measure was a consequence of tourism impacts on the quality of life of the municipality's residents. The Regional Court in Brno dismissed the



application. It stated that the adopted changes are entirely legitimate and sufficiently elaborated and justified. The reasons that led the municipality to develop and approve the change to the zoning plan include the requirements of permanently residing citizens in the municipality for peaceful living on one hand; on the other hand stands the ownership right of the applicant and her right to develop business activities. However, if tourism in the municipality reached an unbearable limit according to citizens' opinion, it is logical that the municipal council had to respond adequately to such a situation, whereas restricting the construction of additional accommodation capacities in populated areas in the municipality appears to be a proportionate solution both for permanent residents and for preserving tourism in the municipality and maintaining opportunities for business activities.

Slovenia: The cases mostly concerned disputes over the constitutionality and legality of municipal regulations that indirectly limited the tourist burden on a locality. Opponents of such regulations claimed violations of the principle of equality (in relation to local residents), violations of the right to free economic initiative, and disguised taxation. In a case [**Constitutional court** U-I-140/95 of 13 June 1996], the complainant argued that the municipal regulation violated constitutional equality by charging holiday home owners five times more for parking than local residents, despite owners fully funding infrastructure and causing less environmental impact. While questioning if tourism's benefits outweigh its harms to locals, the Court emphasized that mitigating negative effects on permanent residents is a legitimate goal. The regulation's aim to ease these impacts through lower fees for residents is constitutionally permissible, provided the differentiation is reasonable and appropriately linked to that goal.

Spain: There are local court decisions requiring local governments to adopt measures to prevent the harmful effects of tourism, such as noise and disturbances, and limiting tourist accommodation. STS November 19, 2020 (appeal 5959/2019) ruled on the scope of the planning authority of the municipalities in order to regulate the use of tourist accommodations -singularly tourist housing- in the general urban development plans. In the same direction, STS January 21, 2023 (appeal 8318/2021). Also, local provisions relating to the limitation of housing for tourist use were appealed. The Supreme Court has declared that local councils can limit such housing to protect the right to housing and the environment.

UK: There have not been any "landmark cases" in the UK relating to hypertourism. However, some examples of the type of litigation that has arisen from the development of the tourism industry in the UK include: • R. (on the application of Austin) v Wiltshire Council [2017] EWHC 38 (Admin): a local resident brought a challenge against Wiltshire Council's decision to grant planning permission for the development of a holiday lodges and associated development in a country park. The High Court dismissed the judicial review claim, finding that the grant of planning permission had been lawful. • R. (on the application of Corbett) v Cornwall Council [2020] EWCA Civ 508: the Court of



Appeal found that a local planning authority had been entitled to grant planning permission for the extension of a caravan park within a designated area of great landscape value. The Court concluded that although the proposal conflicted with policies in the local development plan aimed at protecting areas of great landscape value, it complied with policies aimed at supporting sustainable tourism, and the local authority was entitled to conclude that it accorded with the development plan as a whole.

