

TOURISM MUNICIPALITIES IN SPAIN WITH EMPHASIS ON THE ANDALUSIAN MODEL

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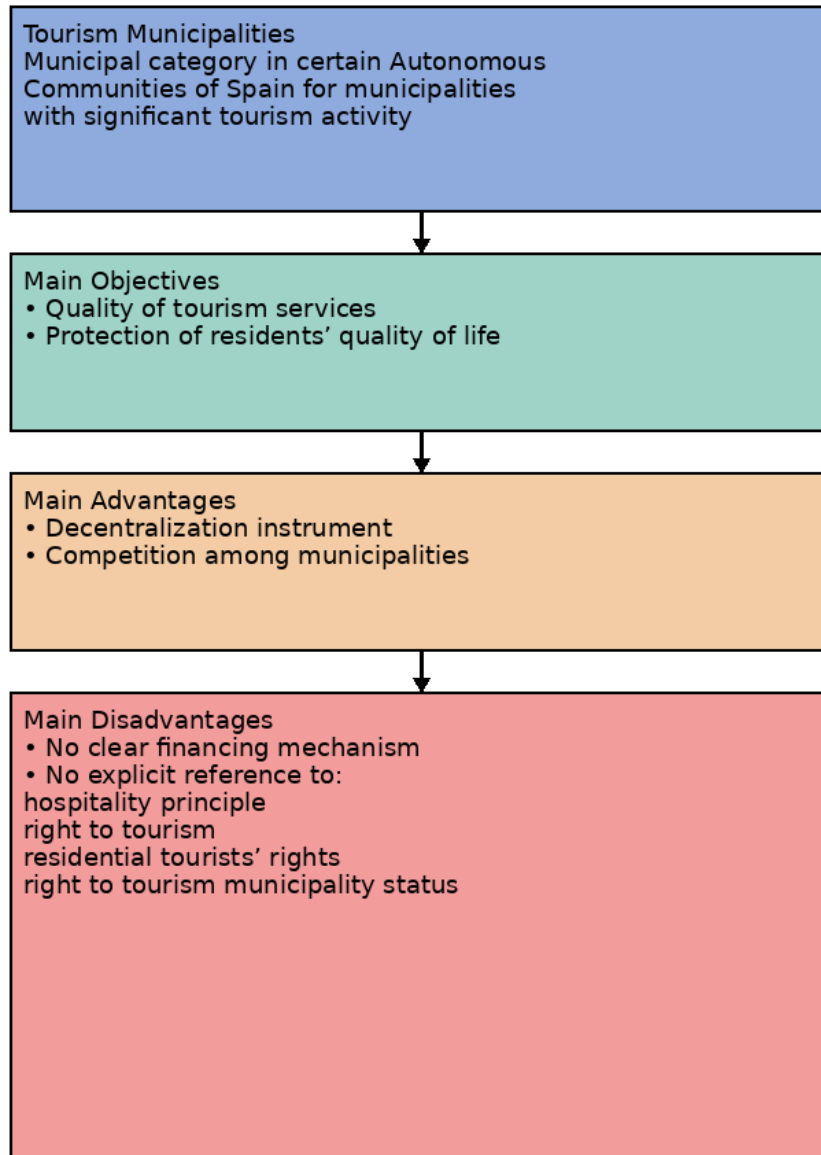
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Abstract

The institution of tourism municipalities in Spain is regulated in differentiated form by those Autonomous Communities that have chosen to adopt it and applies to municipalities characterized by significant tourism intensity and seasonal population fluctuations. The framework seeks primarily to ensure quality in the provision of services to occasional traveling tourists, a goal closely linked to the broader objective of safeguarding residents' quality of life. However, the establishment of an effective financing mechanism remains unresolved, raising questions about the long-term viability of the model. In addition, the article offers the first comprehensive assessment of the normative deficits of tourism municipalities, advocating the integration of hospitality and right-to-the-city principles. Through doctrinal review and an analysis of the Andalusian case, it further proposes the introduction of a "right to tourism municipal status".

Graphical Abstract



Keywords: hospitality, occasional traveling tourists, right to the city, residential tourists, right to tourism municipal status

1. Introduction: Tourism Municipalities

Tourism has evolved into one of the most dynamic social and economic activities of contemporary societies (Kardoulia, 2017). Besides, tourist destinations are increasingly perceived in subjective terms, shaped by a variety of psychological, sociological, cultural

and motivational factors associated with consumers themselves (Vargas-Sánchez, 2018). Tourism is fundamentally related to the use of leisure time by individuals who seek recreation, cultural enrichment, or personal fulfillment, whether within their own country or abroad. Just like hospitality, it is intrinsically linked to the highest spheres of human private life and philosophy (Maniatis, 2023). It is far more than an individual choice; it is a complex interaction between visitors and host communities. On the one hand, tourists aspire to experience attractive destinations, distinctive landscapes, cultural heritage and urban vitality. On the other hand, local societies increasingly orient their development strategies toward accommodating visitors, responding to their expectations and, at the same time, deriving economic and social benefits from tourism-related activity.

This interaction produces a distinctive and sometimes delicate relationship. Host communities invest resources, infrastructure and cultural capital in order to position themselves as desirable destinations. Visitors, in turn, contribute to local economies through consumption, but also shape urban spaces through their presence and patterns of behavior. As tourism flows intensify, particularly in Southern European countries, cities and regions are required to balance hospitality with the protection of residents' quality of life. Tourism thus becomes not merely a sector of economic activity, but a multidimensional social phenomenon that affects housing markets, public spaces, environmental conditions, mobility systems and cultural identity.

Within this framework, local self-government plays an essential role (Breton, 2021). Municipal authorities are often the first institutional level confronted with the practical consequences of tourism: increased demand for public services, pressure on infrastructure, seasonal population fluctuations and the management of public space. Although regional or national authorities may design overarching tourism strategies, it is at municipal level that tourism is experienced in concrete, everyday terms. Waste management, water supply, transport systems, urban cleanliness, cultural programming and public safety are all directly influenced by visitor numbers. Consequently, cities must develop governance mechanisms capable of reconciling economic opportunity with environmental responsibility and social cohesion.

The contemporary debate on sustainability provides an essential lens through which to understand these challenges. Sustainable tourism is no longer interpreted solely as an

environmentally friendly variant of conventional tourism. Rather, it is increasingly conceived as an integrated approach that encompasses environmental protection, economic resilience, social equity and cultural continuity. In environmental terms, urban destinations must mitigate pollution, manage resource consumption and protect natural and coastal ecosystems. Economically, tourism should generate stable employment and diversified local development, avoiding excessive dependence on a single sector. Socially, the benefits of tourism should not undermine residents' access to housing, public space or essential services. Culturally, cities must preserve their identity and heritage, ensuring that commodification does not erode authenticity.

Spain offers a particularly instructive context for examining these dynamics. As one of the world's leading tourist destinations, it has experienced both the opportunities and the tensions associated with high visitor numbers. From coastal resorts and island territories to historic urban centers such as Seville, Barcelona or Granada, Spanish municipalities have been required to innovate in the management of tourism flows. In certain regions, the response has included the establishment of a specific institutional category: the 'Tourism Municipality'. This designation recognizes municipalities where tourism constitutes a predominant activity and where seasonal population increases generate specific governance needs.

The emergence of tourism municipalities reflects a broader recognition that cities with significant visitor flows require differentiated policy instruments. The designation may entail enhanced planning capacities, targeted financial support, strategic branding initiatives or coordinated promotional policies. Beyond administrative classification, however, the model signals a shift in perspective: tourism is acknowledged as an integral component of urban life that must be governed in a manner consistent with sustainability principles and the well-being of residents.

From the standpoint of quality of life, the tourism municipality model raises important questions. Can such a designation contribute to improved environmental management, more equitable distribution of economic benefits and better protection of cultural heritage? Does it foster integrated planning that aligns tourism development with long-term urban resilience? Or does it risk reinforcing a growth-oriented approach that prioritizes visitor

numbers over local needs? These questions are particularly relevant in the context of contemporary European debates on overtourism and climate change.

The present study is based on the analysis of primary sources, including legislative texts, as well as a substantial body of Spanish-language scholarship. It applies thematic coding with a focus on institutional and normative dimensions. This methodological approach identifies structural gaps, particularly in Spanish doctrine, which has predominantly focused on service quality but has not developed an in-depth rights-based perspective or systematically engaged with related guarantees, such as the fundamental principle of hospitality.

More specifically, the study initially focuses on urban tourism and on the closely related policy choice to establish and implement the institutional category of the tourism municipality (2).

The analysis then proceeds to a more concrete and specialized level, examining the case of tourism municipalities in Andalusia (3). Official statistical datasets from various authorities of Spain indicate significant imbalances between resident populations and tourist inflows in Andalusian municipalities, particularly during peak seasons. These empirical indications support the argument that tourism municipalities operate under asymmetrical conditions, especially in terms of pressure on local infrastructure and public services.

Subsequently, a critical examination is undertaken of the tourism municipality phenomenon in relation to the question of the urban balance it seeks to achieve (4).

Following these successive approaches to different dimensions of the institution, the study proceeds to a discussion of the main findings (5).

Finally, it concludes with a discussion of the legal status of tourism municipalities (6).

2. Institutional Framework of the Tourism Municipality in Spain

Urban tourism, unlike rural or nature-based tourism, is primarily concerned with experiencing the dynamism and everyday life of cities and metropolitan environments. It did not fully consolidate until the second half of the twentieth century, when urban heritage, architectural identity and cultural assets became central components of destination appeal.

From that period onward, cities were increasingly perceived not only as administrative or industrial centers but also as spaces of cultural consumption and experiential discovery.

Urban tourism focuses on the exploration of cities through their cultural, architectural, historical, gastronomic and entertainment features. The attractiveness of an urban destination often lies in the coexistence of tangible heritage, such as monuments, museums, historic districts, and intangible elements such as atmosphere, lifestyle, festivals and local traditions. The city itself becomes the product, and everyday urban life becomes part of the visitor experience.

Importantly, tourism is closely intertwined with urban development policy. Major regeneration and renewal projects have frequently been legitimized, at least in part, by the ambition to attract international visitors. Waterfront redevelopments, pedestrianization schemes, cultural districts and flagship architectural interventions have served both as tools of urban transformation and as instruments of destination branding. Cities such as New York, Paris, Rome, Venice, London, Tokyo and Barcelona illustrate how urban space can be reconfigured in order to enhance global visibility and competitiveness.

A specific expression of contemporary urban tourism is the so-called “city break”, referring to short stays, often one or two days, aimed at exploring key attractions and enjoying the atmosphere of a city. These brief and spontaneous trips, frequently undertaken during weekends, intensify visitor flows and concentrate demand within limited timeframes. While economically beneficial, such patterns may generate significant pressure on infrastructure and public spaces, especially in historic centers.

Within this broader landscape of urban tourism, a particular institutional response emerged in Spain. This refers to the model of the tourism municipality, which is especially relevant for small and medium-sized cities whose economic structure is significantly influenced by tourism. Although the formal figure of the tourism municipality is not exclusive to Spain, it is within the Spanish decentralized framework that it has acquired a more consolidated and structured form.

Other countries have developed mechanisms to recognize areas with a pronounced tourism orientation, yet terminology and regulatory approaches vary considerably. Italy, for example, refers to municipalities with a recognized tourism vocation, enabling them to benefit from targeted state support for infrastructure and visitor services, particularly in

coastal areas and historically significant towns. However, the Spanish case stands out for embedding the concept within regional governance structures and linking it explicitly to quality and planning criteria.

The institutional possibility of establishing differentiated municipal regimes in Spain can be traced back to Law 7/1985 on the Bases of the Local Regime. While the law did not formally define the tourism municipality as a separate entity, it opened the possibility of creating special municipal regimes for municipalities “*that gather other characteristics that make it advisable, such as their historical-artistic character or the predominance of tourism activities within their territory*” (Melgosa Arcos, 2011). This provision created a flexible framework within which Autonomous Communities could design specific arrangements for tourism-intensive municipalities.

Not all Autonomous Communities have adopted the tourism municipality category, and those that have done so have not followed a uniform regulatory model. Nonetheless, the underlying rationale is consistent: municipalities that attract substantial numbers of visitors face particular challenges that differentiate them from other local entities. Seasonal demographic fluctuations, increased demand for public services and the need to preserve cultural and environmental assets justify tailored governance mechanisms aimed at ensuring service quality and sustainable management.

At the same time, the development of regional tourism legislation has not been free from criticism. In general, in exercising their competences in the field of tourism, all Autonomous Communities have enacted their own sectoral framework laws. Nevertheless, these have often approached tourism from an excessively partial and limited perspective, largely confined to its business dimension as a sphere of service provision and reception (Villanueva Cuevas, 2012). References to matters such as sustainability or the quality of tourist destinations, although formally present in most of these legislative instruments, frequently remain at the level of programmatic objectives. In many instances, they are not translated into concrete operative measures within the substantive provisions of the legislation, beyond mechanisms such as the declaration of saturated tourist zones or areas, the introduction of planning instruments aimed at achieving sustainable and quality-oriented tourism development, or the granting of distinctions, medals or awards recognizing the quality of particular destinations.

For example, according to one evaluative perspective, more than two decades after the entry into force of the Tourism Law of Aragon, the overall assessment cannot go beyond a stance of moderate optimism on the matter (Casanovas Ibáñez, 2025). The reference to this legislative text concerns Law 6/2003 of 27 February on Tourism of Aragon, which entered into force in 2003 as the foundational sectoral statute. This law was subsequently amended and consolidated through Legislative Decree 1/2013 and, later, Legislative Decree 1/2016 approving the revised consolidated text. Accordingly, the evaluative perspective relates to the 2003 Law as amended and codified in its consolidated versions. In substantive terms, although the legal debate has successfully been transferred to the parliamentary arena, a number of key issues remain unresolved. These include the financing of tourism municipalities, the fight against professional malpractice and unregulated activity, the role that urban planning should play in tourism destinations, and the challenge of coexistence within densely populated urban environments affected by high visitor concentrations.

This critical appraisal made by the Spanish doctrine is global and interesting, without negating the significance of the tourism municipality as an institutional innovation. On the contrary, the very institutionalization of tourism municipalities may be regarded as a noteworthy achievement, particularly in light of the fact that not all Autonomous Communities have established such a category. Where it exists, it provides an important framework through which the pressures associated with tourism can be addressed in a differentiated and territorially sensitive manner, even if its practical effectiveness depends on the depth of its implementation and the coherence of accompanying policy measures.

It is also noteworthy that the Autonomous Communities have not remained indifferent to the dramatic threat posed by the climate crisis, having recently adopted specialized legislation. As a result, tourism municipalities have become subject to new rules under Climate Change Law, which has emerged as an autonomous field distinct from Environmental Law, from which it inherently derives.

For example, in the legislation of Catalonia, the obligation of regional public authorities is expressly established, precisely for the purpose of reducing vulnerability to extreme weather events and within the framework of cooperative instruments, to urge municipalities classified as tourist destinations to adopt, within the scope of their competences, adapted planning that incorporates an assessment of specific measures to

ensure the provision of essential municipal services during periods or seasons of peak tourist influx. These services include the supply of drinking water, energy provision, waste management, transportation, urban wastewater treatment, and primary healthcare. In addition, a more recent law on climate change and ecological transition in the Valencian Autonomous Community also includes telecommunications services and further specifies the obligation of higher-level authorities to support tourism municipalities for these purposes (Mellado Ruiz, 2025).

3. The Tourism Municipality of Andalusia: Norms and Substantive Criteria

Among the Autonomous Communities that have institutionalized the tourism municipality category, Andalusia provides a detailed regulatory model. The current framework, established by Decree 72/2017, illustrates how the regional legislature has sought to articulate a coherent approach linking tourism development with quality standards and territorial governance.

As regards the legislation of this Autonomous Community, an analysis of the applicable Decree 72/2017 leads to the conclusion that quality constitutes the principal objective of the instrument (Carmen Núñez Lozano, 2018). At the same time, the purpose of this regime is not to compensate for the higher expenditure generated by the inflow of visitors, particularly where demand is strongly seasonal, but rather to preserve and to enhance the municipality's attractiveness. This is, in essence, an approach centered on the tourism sector of the economy, which is regarded as a strategic economic component for Andalusia, as indicated by Article 37.1.14 of its Statute of Autonomy.

In this respect, one might draw a parallel, purely in terms of the explicit strategic positioning of tourism within the normative architecture, with the introduction of the tourism sector in the Constitution of East Germany, in 1968. The German term employed "Touristik", which may be rendered as "tourism sector", rather than the broader and more generic term "Tourismus" (tourism). The deliberate and repeated use of this more specific formulation, while the general term does not appear anywhere in the constitutional text, can scarcely be regarded as incidental. It suggests an intention to frame tourism not merely as a social activity, but as an organized economic sector within the state's planning

architecture. At the same time, the constitutional recognition of tourism must be viewed against the broader socio-political context of the German Democratic Republic. While the State projected an image of economic organization within the socialist bloc to which it belonged, it also faced well-documented tensions relating to citizens' living conditions and mobility restrictions, symbolically associated with the existence of the Berlin Wall. In that light, the explicit constitutional reference to "Touristik" acquires a broader political and institutional significance.

Furthermore, it is noteworthy that the Andalusian framework has institutionalized significant quantitative limitations of a demographic nature. On the one hand, a prerequisite for obtaining the status of "Tourism Municipality of Andalusia" is that the municipality's registered (*de jure*) population must not exceed one hundred thousand inhabitants. On the other hand, it is important to highlight that, by virtue of this Decree, the requirement that the municipality have more than five thousand inhabitants, introduced by the 2006 reform and, according to scholarship, of doubtful legality, has been abolished. The substantive requirements for attaining the condition of tourism municipality are linked to the following:

- a. The assisted tourist population, comprising those who do not hold the status of registered residents of the municipality but have a temporary stay therein for reasons of tourist visitation or overnight accommodation in tourist establishments;
- b. The tourism offer, which must display such consistency and attractiveness as to be capable of generating a flow of visitors to the municipality;
- c. The municipal tourism quality plan, which must provide for measures aimed at improving services and provisions;
- d. The assessment elements, among which appears the element: *'m) Existence of an urban planning instrument that provides for endowments of free spaces and other facilities that meet the minimum reserves required by urban planning legislation, with justification of its impact on the assisted tourist population'* (Rivero Ysern, 2008).

On the one hand, the declaration of a municipality as a tourism municipality entails obligations for the Administration of the Autonomous Community of Andalusia, which is required to give priority consideration to the municipality within the planning and promotion actions of its economic plans, where this is compatible with their objectives and, where appropriate, with the earmarked nature of their financing. In substance, what is

established is the municipality's entitlement to be a beneficiary of the planning and promotion actions of sectoral economic plans, as scholarship has already observed with regard to the previous regime in this field. It should be noted, however, that the relevant regulation avoids using the term "right" to describe the relationship between the municipality concerned and the Autonomous Community (Maniatis, Adamopoulos, 2025), a choice that reflects a conservative spirit, perhaps designed to shield regional financial resources from an enforceable claim. Nevertheless, fundamental rights do not belong exclusively to natural persons, such as citizens, and to private-law legal persons, exemplified by companies; they may also be held by public-law legal persons that form part of the institution of local self-government. Moreover, at the level of legislative technique, it is uncommon to regulate a legal relationship by referring to obligations or duties on one side while simultaneously refraining from acknowledging symmetrical rights on the other.

On the other hand, tourism municipalities are required to implement actions aimed at strengthening and improving those activities and services that have an impact on tourism. Other obligations imposed directly by the Decree include the following:

- a) Introduce mechanisms for citizen participation and for the involvement of economic and social stakeholders in all tourism planning processes that are carried out.
- b) Integrate the conservation of cultural and natural heritage into tourism planning, paying particular attention to intangible heritage and to the municipality's own values, customs and traditions.
- c) Promote universal accessibility of local tourism resources.
- d) Commit to tourism that respects the environment and its inhabitants, takes account of the destination's carrying capacity, and recognizes the limitation of the territory's natural resources.
- e) Raise awareness among the local population and the assisted tourist population of the importance of responsible tourism practice, promoting egalitarian, educational and outreach activities on tourism and sustainable development.

It should be emphasized that the reference to intangible heritage and to the municipality's own values, customs and traditions is original within the framework of Andalusian rules on tourism municipalities. It constitutes an opening, among other things, to the maritime

values and coastal identities of those legal persons along the region's shoreline, such as Roquetas de Mar and Níjar in Almería, Tarifa and Conil de la Frontera in Cádiz, as well as Almuñécar in Granada and several localities in the province of Málaga, including Nerja, Benalmádena and Torremolinos. The number of municipalities officially recognized as tourism municipalities of Andalusia has been forty-six. However, the term "hospitality" does not appear anywhere in the Decree, although it might arguably be regarded as implicit, *inter alia*, in this set of obligations. In any event, it is problematic to regulate the category of tourism municipality in such detail without highlighting human-rights-related values and fundamental principles directly connected to tourism, such as the right to travel safety and the principle of hospitality (Maniatis, Adamopoulos, 2025).

The Andalusian model combines strategic economic positioning, demographic thresholds, qualitative planning requirements and sustainability-oriented obligations within a single regulatory framework. Its practical significance lies not merely in formal designation, but in the attempt to reconcile tourism intensity with governance and long-term territorial balance.

4. Tourism Municipalities and Urban Balance

The concept of the tourism municipality is rarely discussed explicitly within the broader theoretical discourse on urban collective entitlements. Nevertheless, a functional connection can be identified in the way tourism governance intersects with residents' interests.

Tourism-intensive municipalities often experience tensions between economic dynamism and residents' quality of life. The prioritization of visitor needs may, in certain circumstances, affect housing availability, public space usage and social cohesion. Against this background, the tourism municipality framework can be interpreted as an attempt to institutionalize balance.

Although Spanish regulation does not establish a formal doctrinal link between tourism municipalities and broader urban theory, it does incorporate criteria, such as public open space provision and citizen participation, that resonate with concerns about equitable access to urban resources. By requiring participatory mechanisms and emphasizing

compatibility between tourism and local life, the regime implicitly recognizes that sustainable tourism cannot disregard residents' interests.

In this sense, the tourism municipality does not create a new legally enforceable individual right for either tourists or residents; rather, it restructures tourism governance around shared institutional responsibilities. The emphasis on responsible practices, environmental limits and cultural continuity suggests that tourism development must remain compatible with the everyday functioning of the city.

It has already been observed that, in the Spanish legal system, there is no direct link between the right to the city and tourism municipalities. However, the relevant regulations institutionalize public open spaces as one of the criteria for a municipality to qualify as a tourism municipality. At the same time, access to public spaces constitutes a key element of the content of this right in comparative law (Maniatis, Adamopoulos, 2025).

The absence of explicit reference to theoretical formulations does not diminish the practical relevance of the framework on tourism municipalities. On the contrary, it may reflect a pragmatic approach focused on operational criteria rather than abstract declarations. The Andalusian model demonstrates how regulatory instruments can integrate sustainability considerations into tourism policy without resorting to formal rights-based terminology.

Ultimately, the tourism municipality represents an institutional attempt to align economic strategy with urban equilibrium. Its effectiveness depends on implementation, monitoring and genuine participation. Where these elements are present, the model may contribute to reinforcing quality of life and long-term resilience in tourism-intensive cities.

5. Findings Discussion

The findings of the present research may be summarized as follows:

a. Challenge to the effectiveness of the financing mechanism for tourism municipalities

Scholars have consistently highlighted the question of financing as a central and unresolved issue affecting the operational viability of tourism municipalities. More specifically, with regard to Andalusia, doctrinal analysis does not speak of a formally established insufficiency of funding. Rather, it adopts a more nuanced formulation in the context of commenting upon the new regulatory framework. In particular, as one scholar

expressly notes, the purpose of the tourism municipality regime in Andalusia “*is not to compensate for the higher expenditure generated by the influx of visitors, but rather to maintain and enhance the municipality’s tourist attractiveness*” (Carmen Núñez Lozano, 2018). This clarification is significant, as it indicates that the declaration does not primarily operate as a financial equalization mechanism designed to offset the costs borne by tourism-intensive municipalities. An even more striking approach focuses on the comparable experience of the same institution within the Autonomous Community of Aragon. Although the legal framework in that case is no longer recent and has been in force for more than two decades, regulatory shortcomings are presented as persisting. Legislative texts have been enacted and subsequently amended over a long period, yet the problem of ensuring adequate financial support for tourism municipalities remains unresolved. Consequently, the issue cannot be characterized as a merely formal or technical legal problem, such as one relating to legislative drafting, but rather as a more substantive and practical matter. The financing question ultimately reflects the absence of sufficient political will to sustain an institution which, by its very nature, requires a differentiated approach in terms of financial coverage and incentives. In other words, the tourism municipality remains a relatively recent and, in any event, innovative institutional construct, and therefore necessitates a targeted and coherent policy commitment in order to become fully consolidated in practice. Moreover, it should be borne in mind that this institution represents an emblematic instrument for contemporary Spain. It confirms, on the one hand, the country’s international prominence through tourism development, and, on the other, its democratic orientation and decentralization through the strengthening of local self-government. Municipalities, by definition, are closer both to citizens and tourists than other levels of public authority, and the tourism municipality constitutes a concrete manifestation of this proximity in the field of tourism governance.

b. Insufficient recognition of the distinct rights of classical residential tourists and of occasional traveling tourists

Spanish scholarship has explicitly highlighted a fundamental conceptual distinction of major importance between two principal categories of tourists (Fernández Rodríguez, 2020). According to the terminology employed by this author, one may distinguish, on the

one hand, the “classical residential tourist” (*clásico turista residencial*) and, on the other, the “occasional traveling tourist” (*turista viajero ocasional*).

The former, by virtue of a longer or repeated stay at the destination, retains at least the possibility of adjusting future choices, learning from past experience, or re-engaging with the local market under improved informational conditions. The latter, by contrast, consumes services in a context characterized by urgency, temporality, and, in many cases, non-repetition. Where the service provided proves deficient, the negative experience is, in practice, largely irreversible: the tourist is unlikely to return to the same provider or to have a meaningful second opportunity to reassess the service. In this respect, frustration of expectations acquires particular intensity, as it arises within the sphere of leisure, rest, or vacation time. It is notable that this dimension of life is especially sensitive for the individual.

Moreover, on the basis of the literature reviewed, there does not appear to exist a fully developed doctrinal construction that simultaneously articulates this distinction in explicit terms and, at the same time, links the category of the occasional traveling tourist to a specific situation of heightened legal vulnerability. Yet, from a *de facto* perspective, it is evident that the occasional traveling tourist is more likely to approximate the novel figure of the “vulnerable consumer” in contemporary consumer law, without this implying that such vulnerability is present in every instance of consumption, and to a greater extent than the classical residential tourist. This observation takes on particular significance in legal systems such as the French one, where, in tourism law, there is a legislative trend toward the explicit exclusion of certain consumer protection provisions (Lachière, 2020).

Furthermore, it should be emphasized that the theoretical approach to the institution of the tourism municipality does not appear to have meaningfully incorporated the distinction between the aforementioned categories of tourists, even to a limited extent. This distinction is not expressly established in legislation; however, it clearly emerges from regulatory provisions relating to tourism municipalities, which are designed to address municipalities characterized primarily by inflows of occasional traveling tourists, as opposed to residents or individuals maintaining a registered residence within the municipal territory, who are not taken into account for the purposes of acquiring tourism municipal status.

In this context, it would be both appropriate and desirable for the legislation of each Autonomous Community to modernize its framework by taking into account this fundamental distinction among tourism beneficiaries. In particular, greater emphasis could be placed on recognizing the autonomous status of the residential tourist and encouraging their active participation in the processes and governance of the tourism municipality in that capacity.

By way of illustration, this intermediate category of users could be encouraged to organize and be represented through the establishment of relevant associations. In addition, their views and evaluations of municipal services, especially those provided to tourists, could be systematically collected and considered, for instance through structured surveys or consultative mechanisms. This strategy may contribute to improving the perceptions of occasional traveling tourists and, potentially, to enhancing the attractiveness of the destination for this category of visitors.

6. Conclusion: Toward a Right to Tourism Municipal Status

As regards the norms on tourism municipalities, there is no established tendency to employ the expression “right to a tourism municipality” or any equivalent legal formulation. However, in practical terms, a new institutional claim appears to be emerging for municipalities that satisfy the relevant criteria, insofar as the designation carries with it expectations of differentiated treatment and strategic recognition.

In this context, Spanish legal scholarship has, for decades, gone beyond describing a mere regulatory competence in the field of tourism and has explicitly referred to a “right” of the Autonomous Communities to promote and regulate tourism within their territorial scope (Penzón, 2000). Building on this doctrinal foundation, the present analysis advances the concept of a “right to tourism municipal status” as an emerging normative construct within contemporary tourism governance.

Besides, it is noteworthy that, in light of the aforementioned distinction between classical residential tourists and occasional traveling tourists, the tourism municipality should be understood as a dynamic institutional framework capable of both integrating and enhancing the status of the former category, while ensuring a high standard of hospitality for the latter.

Last but not least, it may be appropriate to consider the explicit recognition of individuals' right to tourism and to hospitality (Maniatis, Cortés-Ramírez, 2020), together with a broader reconsideration of comparative tourism law from the perspective of vulnerable actors. This concerns not only the tourist, who has been described in the literature, in certain specific circumstances, as a “de facto incapable person” (*incapaz de hecho*) (Bareiro, 2006), but also institutional actors, such as tourism municipalities in their relations with other public bodies.

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