



Advancing sustainable cruise tourism: The European Union regulatory challenge

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Abstract

This work examines the European Union (EU)'s contribution to the transition towards more sustainable cruise tourism. Against the backdrop of the sector's continued expansion and the growing concerns surrounding its environmental and social impacts, it analyses how the EU is influencing the sustainability of cruise activities. The work first outlines the EU's general framework for addressing the sustainability of the sector, identifying the Union's competences and the main sustainability frameworks of its regulatory approach. It then addresses EU action in practice, focusing on two key areas of intervention: the decarbonisation of maritime transport and the protection of working conditions on ships. Building on this analysis, the work critically evaluates the extent to which the current EU approach can deliver genuinely sustainable cruise tourism. It argues that, despite important regulatory advances, the existing framework is fragmented and insufficiently tailored to the specific challenges posed by the cruise sector. The work concludes by advocating the development of a dedicated EU policy in this field capable of reconciling environmental, social and economic objectives within a comprehensive vision of sustainable cruise tourism.

Key words

Sustainable tourism, cruise tourism, European Union, Greenhouse Gas emissions, seafarers' working conditions

Resumen

El presente trabajo examina la contribución de la Unión Europea (UE) a la transición hacia un turismo de cruceros más sostenible. En un contexto de continua

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expansión del sector y de creciente preocupación por sus impactos ambientales y sociales, analiza cómo la UE está contribuyendo a mejorar la sostenibilidad de las actividades relacionadas con los cruceros. En primer lugar, el trabajo describe el marco general de la UE para abordar la sostenibilidad del sector, identificando las competencias de la Unión y los principales marcos de sostenibilidad de sustentan su enfoque regulador. A continuación, aborda la actuación de la UE en la práctica, centrándose en dos áreas clave de intervención: la descarbonización del transporte marítimo y la protección de las condiciones laborales a bordo de los buques. Partiendo de este análisis, el trabajo evalúa críticamente en qué medida el enfoque actual de la UE puede garantizar un turismo de cruceros verdaderamente sostenible. Sostiene que, a pesar de los importantes avances normativos, el marco existente sigue estando fragmentado y no se adapta suficientemente a los retos específicos que plantea el sector de los cruceros. El trabajo concluye abogando por el desarrollo de una política específica de la UE en este ámbito, capaz de conciliar los objetivos medioambientales, sociales y económicos desde de una visión integral del turismo de cruceros sostenible.

Palabras clave

Turismo sostenible, turismo de cruceros, Unión Europea, emisiones de Gases de Efecto Invernadero, condiciones de trabajo de la gente del mar

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1. Introduction

The relationship between tourism and sustainability is complex. Tourism can be both very positive and damaging for sustainable development.² It can provide a growing source of opportunities for enterprise development and employment creation, bring tangible economic value to natural and cultural resources and be a force for inter-cultural understanding and peace (United Nations Environment Programme—UNEP—and UN Tourism 2005, 10). Conversely, tourism can place direct pressure on fragile ecosystems causing environmental degradation and wildlife disruption. It can also exert considerable pressure on host communities, leading to the dislocation of traditional societies, compete for scarce resources, and significantly contribute to local and global pollution.

This complexity is particularly evident in coastal and maritime tourism,³ a growing tourism sector which constitutes approximately 50 percent of all global tourism (Northrop 2022, 5). Ocean tourism is highly dependent on the quality of coastal and marine ecosystems to attract visitors, but the growing degradation of marine environment (to which tourism itself contributes) is putting the sustainability and viability of the industry, along with the local communities that rely on it, at risk. Coastal and maritime tourism is, nowadays, unsustainable:

Mass tourism in and around coastal cities leads to higher costs of living and relatively lower purchasing power for many locals. This situation is exacerbated by the seasonal nature of coastal and marine tourism, in particular in islands, contributing to job insecurity, low wages and high workload, affecting the wellbeing of locals and their access to resources. Additionally, the economic gains from tourism are not distributed equally, with large foreign companies and tour operators typically receiving disproportional benefits. When comparing the true socio-economic impacts, the costs of attracting and retaining mass tourism arrivals often outweigh the benefits (Northrop 2022, 5).

Cruise tourism exemplifies this type of tourism. From an *economic perspective*, and despite the disruption caused by the COVID-19 pandemic, it is a growing sector that makes a significant contribution to economic activity. In 2024, The cruise industry contributed an estimated 98.5 billion US dollars in gross domestic product (GDP) to the global economy, supporting 1.8 million jobs worldwide (Tourism Economics and Cruise Lines

² According to the United Nations Brundtland Commission, sustainable development is defined as development that “meets the needs of the present without compromising the ability of future generations to meet their own needs” (World Commission on Environment and Development 1987).

³ UN Tourism defines *coastal tourism* as “land-based tourism activities such as swimming, surfing, sunbathing and other coastal leisure, recreation and sports activities which take place on the shore of a sea, lake or river. Proximity to the coast is also a condition for services and facilities that support coastal tourism” (UN Tourism *Glossary of tourism terms*: see <https://www.unwto.org/glossary-tourism-terms>). “Maritime tourism” refers to “sea-based activities such as cruising, yachting, boating and nautical sports and includes their respective land-based services and infrastructure”. According to the EU Commission, “maritime tourism covers water-based activities (e.g. boating, yachting, cruising, nautical sports) and includes operations of landside facilities (chartering, manufacturing of equipment and services)” (European Commission 2014a). Maritime or nautical tourism, in fact, encompasses two main types of activities: cruise tourism and nautical sports tourism. While the former is mainly focused on leisure and recreation, the motivation of the latter is to carry out nautical sports activities, being a more “active” tourism (Bedmar Fernández 2006, 12).

International Association—CLIA—2026). That same year, total passenger visits rose to nearly 186 million, generating a global spend linked to global cruise tourism (including cruise line purchases, passenger and crew spending, shipbuilding, and cruise line staff wages) of 93.4 billion US dollars.

Cruise tourism, however, also has important environmental, human and social impacts (see, for example: Lloret Romañach *et al.* 2021, Fosse 2022, Fosse *et al.* 2022). Regarding the *environmental dimension* of the cruise industry, the challenges are numerous, ranging from atmospheric pollution generated by ship propulsion systems (particularly CO₂, NO_x, SO_x, and particulate matter emissions from the combustion of fossil fuels) to ocean degradation caused by the discharge of harmful substances into the sea, leading to habitat degradation, biodiversity loss, and long-term damage to marine ecosystems (Herz and Davis 2002). The *human and social impacts* of cruise tourism should not be underestimated. As Longo examines in his contribution to this Special Issue, employment on cruise ships is often characterised by high work intensity and excessively long working hours without adequate rest periods. Such conditions frequently lead to violations of crew members' labour rights (Teberga 2021) and, in some cases, to health problems (Lee *et al.* 2014, Kim *et al.* 2018). In addition, cruise tourism significantly affects destination port cities, where its presence is associated with challenges related to urban mobility, congestion, and overtourism (Ros Chaos *et al.* 2018).

Cruise tourism and the regulatory responses developed to address to the challenges posed by this tourism model provide an ideal case study for critically assessing the concept and understanding of “sustainable tourism”. As noted in the editorial introduction to this Special Issue, what makes tourism “sustainable” is not only the activity itself, but the way in which decisions regarding its management and development are made. From this perspective, cruise tourism offers a particularly revealing context in which to assess whether regulatory frameworks effectively balance the sector's foreseeable economic, social, and environmental impacts in accordance with the principles of sustainable tourism.

The European Union (EU) constitutes a particularly relevant case for such an analysis. Europe is the second biggest cruise market after North America both in terms of source of passengers and as a cruise destination. Moreover, about 97% of the world's fleet of cruise ships is built in Europe (CLIA 2024a). Given the sector's economic significance and the EU's regulatory powers in areas such as tourism, environmental protection or social policy, examining the EU regulatory response in this field offers valuable insights into how the principles of sustainable tourism are translated into legal and policy action.

Against this background, this work pursues two objectives. First, it seeks to identify how the EU is addressing the challenge of making cruise tourism more sustainable. Second, to critically assess the EU's regulatory response through the lens of “sustainability”, as defined in this Special Issue, to identify its main strengths and weaknesses. To this end, Section 2 presents the general EU framework for promoting “sustainable cruise tourism”, identifying the Union's competences in this area (2.1) and the main sustainability framework underpinning its regulatory approach (2.2). Section 3 analyses the EU regulatory action aimed at reducing some of the main environmental and social impacts of cruise tourism. This is illustrated through two selected examples: the decarbonization of maritime transport (3.1) and the improvement of working conditions

on ships (3.2). Section 4 offers a critical reflection on the very concept of “sustainable cruise tourism” and argues for the development of a comprehensive and dedicated EU policy in this field. Finally, Section 5 presents a series of concluding remarks.

2. The EU regulatory framework for promoting “sustainable cruise tourism”

This Section examines the EU’s overall approach to addressing the challenge of sustainable cruise tourism. Before analysing specific regulatory measures in this field, it is necessary to outline the broader legal and policy framework within which EU action has developed. Given the cross-sectoral nature of cruise tourism, the EU’s intervention is based on competences spanning several policy areas, including tourism, environmental protection, transport or energy. Within this context, this section first presents the EU’s main competences in relation to cruise tourism and then identifies the main sustainability frameworks of the EU regulatory approach to this tourism model: the European Green Deal sustainability framework, the new European Commission approach to a sustainable blue economy and the so-called EU’s “Transition Pathway for Tourism”.

2.1. The EU main competences related to cruise tourism

The EU does not possess exclusive competences to regulate cruise tourism throughout Europe. On the contrary, EU powers in this field are complementary to those of Member States. The Treaty on the Functioning of the European Union (TFEU) classifies tourism as a “supporting, coordinating and complementary action” (Art. 6.d TFEU). This competence is recognized in Art. 195 TFEU, the sole Art. of Title XXII, dedicated to “tourism”:

1.- The Union shall complement the action of the Member States in the tourism sector, in particular by promoting the competitiveness of Union undertakings in that sector.

To that end, Union action shall be aimed at:

(a) encouraging the creation of a favourable environment for the development of undertakings in this sector; (b) promoting cooperation between the Member States, particularly by the exchange of good practice.

2.- The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall establish specific measures to complement actions within the Member States to achieve the objectives referred to in this Article, excluding any harmonisation of the laws and regulations of the Member States.

According to this provision, the EU is competent to complement the action of the Member States in the tourism sector. It can, therefore, provide technical and financial assistance to them to develop sustainable cruise tourism. However, the EU’s powers do not include the harmonisation of the laws and regulations of the Member States.

Along with this, the EU holds shared competences with Member States in several areas, including social policy (Arts. 151 to 161 TFEU), economic, social and territorial cohesion (Arts. 174 to 178 TFEU), environment (Arts. 191 to 193 TFEU), transport (Arts. 90 to 100 TFEU) and energy (Art. 194 TFEU). The EU’s powers in these fields enable it to adopt measures that, while serving broader objectives, have an impact on cruise tourism.

For instance, pursuant to Arts. 191-193 TFEU, UE environmental policy aims to contribute to preserve, protect and improve the quality of the environment; to protect human health, to pursue prudent and rational utilization of natural resources; and to promote measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change. The EU environmental policy can have a significant impact on the cruise tourism sector, affecting its operations, costs and competitiveness. Thus, EU environmental regulations require cruise operators to adopt cleaner fuels and comply with the EU Emissions Trading System. Policies promoting port decarbonisation push ports to provide cleaner infrastructure like onshore power. These measures incentivise greener practices, reduce local air pollution, and contribute to the sustainability of the cruise industry.

Similarly, under Art. 151 TFEU, EU social policy aims to promote employment, improve working and living conditions, ensure equal treatment of workers, provide adequate social protection according to need, foster social dialogue, develop human resources to achieve a high and sustainable level of employment, and combat social exclusion. These policies can have a significant impact on the cruise tourism sector by shaping labour conditions, workers' rights, and social protections for crew members. Consequently, cruise lines operating in EU waters must guarantee fair wages, safe working conditions, and adequate rest periods, which may increase operational costs but enhance crew welfare.

Moreover, by virtue of Art. 194 TFEU, Union energy policy, while respecting environmental preservation goals, shall aim to, among others, promote energy efficiency and energy saving and the development of new and renewable forms of energy, in a spirit of solidarity between Member States. The EU's energy policy can have a substantial impact on the cruise tourism sector by influencing fuel use, energy efficiency, operational costs, and the adoption of low-carbon technologies.

2.2. Sustainability frameworks of the EU regulatory approach to cruise tourism

Within the scope of these powers, the EU regulatory response to align cruise tourism to sustainability has been built around three complementary sustainability frameworks: a) the European Green Deal sustainability framework; b) the new European Commission approach to a sustainable blue economy; and c) the EU's Transition for Tourism.

2.2.1. The European Green Deal sustainability framework

The European Green Deal (EGD) (European Commission 2019a) is Europe's overarching sustainability framework for achieving net zero carbon emissions by 2050, economic growth decoupled from resource use, while leaving no person and no place left behind. The "Fit-for-55 package" of measures has been designed to ensure the EU has cut its emissions by 55% by 2030. As will be discussed in Section 3, this has major implications for cruise tourism, notably through the extension of the EU Emissions Trading System to the maritime sector, the requirements on Alternative Fuels Infrastructure, which affects both shipping in all forms, and ports and their stakeholders, and the FuelEU Maritime Regulation, which it is envisaged will lead to legislation on the uptake of cleaner maritime fuels (European Commission: Directorate-General for Maritime Affairs and Fisheries *et al.* 2023a, 23).

2.2.2. The new European Commission approach to a sustainable blue economy

In 2021, the European Commission introduced a new approach for a sustainable blue economy in the EU, to align marine activities with the goals of the EGD (European Commission 2021a). Thus, the blue economy strategy is being deployed in conjunction with the European Commission's Fit-for-55 package. According to this approach, a sustainable blue economy promotes economic growth, social inclusion while ensuring the environmental sustainability of oceans and seas. This requires balancing exogenous trends affecting maritime tourism in Europe, such as growing global tourism (which can lead to over-tourism), the emergence of new market segments, changes in demand patterns, an ageing society, increased awareness of and a quest for sustainability and quality, and geopolitical instability (European Commission: Directorate-General for Maritime Affairs and Fisheries *et al.* 2023a, 16). Blue economy contributes to climate change mitigation by developing offshore renewable energy, decarbonizing maritime transport and greening ports; it also makes the economy more circular by renewing the standards for ship recycling. Likewise, developing green infrastructure in coastal areas will help preserve biodiversity and landscapes, while benefitting tourism and the coastal economy.⁴

2.2.3. The EU's "Transition Pathway for Tourism"

Also, in 2021, the European Parliament invited the European Commission to establish a new EU strategy for sustainable and strategic tourism aligned with the Digital Agenda, the EGD and the UN Sustainable Development Goals. In May 2021, the European Council called on the European Commission to propose an "EU Agenda for Tourism 2030", which was endorsed by the Council of the EU in December 2022.

In endorsing the EU Agenda for Tourism 2030, Member States highlighted the importance of the process of co-creation with stakeholders and led by the European Commission under the Transition Pathway for Tourism (European Commission: Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs 2022). This strategy calls on the tourism industry to reduce energy, waste, water and pollution and, at the same time, to better meet the increasing demand for sustainable tourism. Also, it calls to the introduction of innovative tourism services and improve the sustainable management of destinations, and to invest in skills to ensure the availability of a qualified workforce (European Commission: Directorate-General for Maritime Affairs and Fisheries *et al.* 2023a, 16).

Within these three axes, the EU has adopted a very significant set of binding rules aimed at reducing many of the environmental and social impacts of cruise tourism. There are also many non-regulatory guidelines, standards, labels and incentive schemes to encourage shipping in general, and the cruise industry specifically, to go beyond the regulatory minimum. This is the case of the European Maritime Safety Agency (EMSA)'s "Guidance on LNG Bunkering to Port Authorities and Administrations", published in 2018 (EMSA 2018), or the one on "Shore-Side Electricity: Guidance to Port Authorities and Administrations" of 2022 (EMSA 2022). These non-regulatory measures, among

⁴ See: European Commission, *Sustainable blue economy* (https://oceans-and-fisheries.ec.europa.eu/ocean/blue-economy/sustainable-blue-economy_en?prefLang=es).

many others, can assist cruise tourism industry actors in furthering the sustainability of the industry and moving beyond regulatory compliance.

In sum, the EU does not possess a specific competence or a dedicated regulatory framework for sustainable cruise tourism. Instead, its intervention is shaped by a range of sectoral and complementary competences along with cross-cutting sustainability frameworks that, while pursuing distinct priorities and objectives, collectively provide the EU the regulatory basis for addressing the challenge of making cruise tourism more sustainable. Against this background, the following Section examines how this multi-layered framework has been translated into concrete regulatory measures to reduce some of the principal environmental and social impacts of cruise tourism.

3. The EU regulatory action in practice: reducing the environmental and social impacts of cruise tourism

To illustrate the EU's regulatory contribution to support cruise tourism in moving forward on sustainability, this Section will now focus on two key areas: the EU policy framework for the decarbonisation of maritime transport and the EU efforts to ensure minimum working conditions in ships. These are two areas in which EU action has had a significant impact on the cruise sector while operating alongside the regulatory frameworks developed by two international organizations: The International Maritime Organization (IMO) and the International Labour Organization (ILO).

3.1. Case 1: The EU regulatory action to decarbonize maritime transport

3.1.1. Cruise industry and GHG emissions

Transport, along with energy, agriculture and industry, is one of the economic sectors that contribute the most to Greenhouse Gas (GHG) emissions. Transport accounts for approximately 14% of global CO₂ and other GHG emissions (Pachauri and Meyer 2014, 46). In the EU, it accounts for 25% of its total GHG emissions.⁵

Within transport, although maritime transport is considered the most energy-efficient mode, it continues to be one of the main sources of GHG emissions.⁶ Indeed, maritime transport is a sector that is still highly dependent on fossil fuels (especially heavy diesel) and, as a consequence of its combustion, a significant volume of GHGs and other air pollutants are released into the atmosphere: among them, large quantities of carbon dioxide (CO₂), methane (CH₄), nitrogen oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulphur hexafluoride (SF₆), nitrogen oxides (NO_x) and sulphur oxides (SO_x) (EEA and EMSA 2021, 38). According to the International Maritime Organization (IMO), in 2018, GHG emissions from total global maritime transport amounted to 1,076 million tonnes, accounting for 2.89% of global anthropogenic GHG emissions (IMO 2020). Within the EU, that same year, emissions from maritime transport

⁵ See: EEA, *Transport and mobility. Key facts* (<https://www.eea.europa.eu/en/topics/in-depth/transport-and-mobility>).

⁶ See fn 6.

accounted for 13.5% of total GHG emissions from transport⁷ and 18% of global CO₂ emissions from international maritime transport (EEA and EMSA 2021, 38).

The cruise sector is made up of a relatively small volume of ships and consequently represents only a small part of the shipping industry. The international fleet of cruise ships operated by CLIA member cruise lines is estimated at 327 (CLIA 2026), less than 1% of the world's commercial fleet (CLIA 2024b). However, its large tonnage, together with the long duration of its journeys and the characteristics of its itineraries, make cruise ships a very important source of atmospheric pollution, especially along the main cruise routes (the Caribbean, the Mediterranean, Northern Europe, Alaska, South America and Antarctica, and the Asia-Pacific area). These emissions occur both on the open sea and on the coast. Nevertheless, the impact of those emissions released in ports, where cruise ships spend long periods of time,⁸ are particularly harmful, as cruise ships terminals are usually located very close to densely populated cities.

3.1.2. The EU strategy to decarbonize maritime transport⁹

Despite its significant environmental impacts, international maritime transport remained for years the only mode of transport excluded from the EU's emission reduction commitments. It was not until 2013 that the EU signalled its intention to take the lead in this field by establishing complementary measures to the IMO's regulatory framework, in line with the Paris Agreement. That year, the European Commission launched a strategy aimed at progressively integrating the sector into the EU's broader emissions reduction framework (European Commission 2013). This strategy was based, first, on the introduction of the obligation of monitoring, reporting and verifying CO₂ emissions from large ships using EU ports and, second, on the establishment of GHG reduction targets for the maritime transport sector.

The 2015 adoption of Regulation (EU) 2015/757 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, known as the "MRV Regulation", was the first step towards the adoption of a market-based measure for maritime emissions (EU 2015a). This instrument establishes several obligations for companies, Member States and EU Institutions. In particular, companies shall monitor CO₂ emissions, fuel consumption and other parameters for each of their ships; and submit to the European Commission and to flag States (States in which those ships are registered) a satisfactorily verified emissions report for each ship that has performed maritime transport activities in the EEA.

In June 2021, a new EU target was set through the European Climate Law (EU 2021): to reduce GHG emissions to at least 55% by 2030 and to achieve climate neutrality by 2050. To implement that new target, a package of several legislative proposals was launched. Known as the "Fit for 55" package, the proposals included two relevant initiatives in the current area. The FuelEU Maritime Initiative, aimed at increasing the share of renewable and low-carbon fuels in the fuel mix of international maritime transport, has subsequently led to the adoption of the Regulation (EU) 2023/1805 of the European

⁷ See: European Environment Agency (EEA), *EEA greenhouse gas—data viewer* (<https://www.eea.europa.eu/data-and-maps/data/data-viewers/greenhouse-gases-viewer>).

⁸ See fn 6.

⁹ For a more detailed analysis, see Abegón Novella 2024.

Parliament and of the Council, of 13 September 2023, on the use of renewable and low-carbon fuels in maritime transport (EU 2023).

The second proposal was to revise and possibly expand the EU's Emissions Trading System (EU ETS) to maritime transport. The EU ETS, the world's first international emissions trading system, established by the Directive of the European Parliament and of the Council of 13 October 2003 (EU 2003), covers about 45% of EU GHG emissions, and is a fundamental piece in the EU's strategy to tackle climate change. It has been progressively built up in successive phases to adjust the system to increasing levels of ambition and to extend its material scope. In 2018, the need was made explicit to incorporate maritime transport among the sectors of the economy that should contribute to the reduction of GHG emissions (EU 2018). EU legislators agreed to the expansion of the EU ETS in November 2022 and, since January 2024, the EU ETS has been extended to cover CO₂ emissions from all large ships (of 5000 gross tonnage and above) entering EU ports, regardless of the flag they fly.¹⁰

It should be noted that these measures have not been adopted by the EU to regulate atmospheric pollution from cruise ships; they are applicable to maritime transport in general, including the transport of goods and passengers. However, these measures are very relevant for cruise tourism because they are applicable to large tonnage ships (of above 5000 gross tonnage), such as cruise ships. Thus, the entry into force of these regulations is forcing the cruise industry to adopt measures to reduce its environmental impacts.

3.1.3. Synergies between EU action and the global IMO regulatory framework

While the EU, as a regional international organisation, has jurisdiction to establish rules for its Member States and within its borders, some of the measures that it has adopted to reduce GHG maritime emissions go beyond its geographical scope and have clear extraterritorial elements. This is evident in the MRV Regulation, which extends to both operators and emissions outside the EU, insofar as it includes monitoring and reporting obligations to be applied in a non-discriminatory manner to all ships regardless of their flag (EU 2015a, 57) and in respect of CO₂ emissions released during their voyages within ports of call under the jurisdiction of a Member State as well as during voyages between an EU port and a non-EU port (EU 2015a, Art. 2).

Something similar happens with the Regulation (EU) 2023/1805 on the use of renewable and low-carbon fuels in maritime transport, which is addressed to ships with a gross tonnage (GT) above 5000, in a non-discriminatory manner to *ships regardless of their flag* and in respect not only to the energy used during their stay within a port of call under the jurisdiction of a Member State or the entirety of the energy used on voyages from a port of call under the jurisdiction of a Member State to another port of call under the jurisdiction of a Member State, but also to one half of the energy used on voyages arriving at or departing from a port of call under the jurisdiction of a Member State, where the previous or the next port of call is under the jurisdiction of a third country (EU 2023, Art. 2). Likewise, the extended EU ETS scheme includes obligations for

¹⁰ See: European Commission, *Reducing emissions from the shipping sector* (https://climate.ec.europa.eu/eu-action/transport/reducing-emissions-shipping-sector_en).

shipping companies to pay for all CO₂ emissions from intra-EU voyages and for half of them in the case of extra-EU voyages.

The global reach of EU measures has sparked opposition from non-EU countries and the shipping industry. The proposal to extend the EU ETS to aircraft emissions in 2008 was met with a similar response, as numerous states and many airlines strongly opposed the European Commission's plans. Beyond their extraterritorial effects, or precisely because of them, however, the measures adopted by the EU appear to be contributing positively to reinforce the IMO's global regulatory framework. In this regard, it should be recalled that the European Commission itself recognised in 2013 that "the EU has a strong preference for a global approach led by the IMO, as the most appropriate international forum to regulate emissions from shipping" (European Commission 2013, 4). It therefore expressed its willingness to remain committed to international developments in the area and to monitor and propose new actions in the framework of IMO deliberations.

Indeed, there are already evidence of synergies between the EU and the IMO. Thus, the adoption of the IMO's Data Collection System in 2016, one year after the adoption of the MRV Regulation, shows the EU action's potential to boost the adoption of equivalent measures within the IMO (European Commission 2019b, 5). But also in the other direction, as a result of the approval of that global measure and of the fact that ships calling into EEA ports since 2019 have had to report under both the EU MRV Regulation and the IMO Data Collection System, in February 2019, the EC put forward a proposal to amend the EU MRV Regulation to take appropriate account of the global Data Collection System with a view towards streamlining and reducing the administrative effort for companies and administrations as far as possible and facilitating the simultaneous application of the two systems (European Commission 2019b, 2). In any case, the measures adopted by the EU have not implied an abandonment of international fora (European Commission 2021b, 5). On the contrary, while the deployment of the EGD carries on in this field, the EU appears to be strongly determined to continue influencing and driving action at the international level.

3.2. Case 2: The EU regulatory action to improve working conditions on ships

3.2.1. Working conditions on cruise ships

The cruise industry is highly labour-intensive, requiring a substantial workforce to operate. It is estimated that approximately 2,500 employees are needed to serve a cruise ship carrying 6,500 passengers.¹¹ As a result, in 2019, the industry generated over 500,000 direct jobs (including both crew members and shore-based personnel) and paid more than 21 billion US dollars in salaries (CLIA 2020). Nevertheless, as in most maritime occupations, working conditions aboard cruise ships are often demanding and physically intensive (Teberga 2021). Work on cruise ships is characterised by long hours and seven-day work weeks interchanged with long rest periods, creating physically and mentally demanding conditions for crew members. Prolonged separation from loved ones, confined living spaces and occupying tight quarters with crew members from various previously unfamiliar backgrounds (particularly for staff working in the hotel

¹¹ See: Roundtable Human Rights in Tourism, 2018. *Worker's rights* (<https://www.humanrights-in-tourism.net/card/138>).

part of the ships), also shape the experience of seafarers. Furthermore, differences between cultures can result in reports of harassment in some cases (European Commission: Directorate-General for Maritime Affairs and Fisheries *et al.* 2023a, 93).

To deal with it, the ILO has adopted an extensive international regulatory framework that seeks to guarantee minimum standards on working and living conditions of seafarers on ships. The key instrument of this legal framework is the Maritime Labour Convention (MLC).¹² This treaty, which revises and consolidates 37 existing conventions and the related recommendations, was adopted by the 94th Session of the International Labour Conference (Maritime) on 23 February 2006 and came into force on 20 August 2013. 110 States have ratified the convention.

This convention sets out in one place seafarers' rights to decent conditions of work on almost every aspect of their working and living conditions (minimum age, employment agreements, hours of work or rest, payment of wages, accommodation, food, health and safety protection, etc.).¹³ (International Labour Organization—ILO—no date-a.). The MLC also contains important innovative compliance and enforcement components based on flag State inspection and for port State control. Additionally, the ILO has developed several resources such as Guidelines for flag State inspections and for port State control to help train inspectors and to assist national legal counsel and officials involved with ratification and national legal implementation.

3.2.2. The main EU instruments to improve working conditions on ships

The MLC applies to a wide range of ships operating on international and national or domestic voyages. It is therefore also applicable within the EU. The EU strongly supports the MLC and has transposed large parts of the Convention in its legislation even though it is party neither to ILO nor to the Convention itself.¹⁴ This was achieved through the Sectoral Social Dialogue Committee for Maritime Transport, which puts in contact the organisations representing management and labour in the maritime sector. Thus, the social agreement concluded by the European Community Shipowners' Association (ECSA) and the European Transport Workers' Federation (ETF) was implemented into EU Law with Council Directive 2009/13/EC, and the Directive 2013/54/EU of the European Parliament and of the Council of 20 November 2013 concerning certain flag State responsibilities for compliance with and enforcement of the MLC.

Along with that, the EU has supplemented the MLC with regulation of its own, addressing aspects like minimum requirements, including age limit (EU 1999a), medical fitness (EU 1999a), and training (EU 2015b, 2022); conditions of employment, including hours of work and rest (EU 1999a, 1999b), annual leave (EU 1999a) and employee rights (EU 2001, 2008, 2015c); health and safety (EU 1989, 1992, 2017) and social security protection (EU 2004); and inspections (EU 1992, 1999b, 2013, 2017, 2022). It is worth noting

¹² Maritime Labour Convention, adopted in Geneva on 23 February 2006 (*UNTS*, vol. 2952, 2013, n° 51299, 6).

¹³ See: International Labour Organization (ILO): *MLC, 2006: What it is and what it does* (<https://www.ilo.org/international-labour-standards/maritime-labour-convention-2006-0/mlc-2006-what-it-and-what-it-does>).

¹⁴ See: European Commission, *Mobility and Transport, Employment and working conditions* (https://transport.ec.europa.eu/transport-modes/maritime/seafarers/employment-and-working-conditions_en).

that some of these instruments simply endorse the agreements reached between the organisations representing management and labour in the maritime sector.

Compliance with these regulations primarily falls within the responsibility of States, particularly flag States and port States. However, the EU also plays a role in monitoring compliance and addressing irregularities affecting cruise ship workers. Thus, for example, in September 2024, Austria, Belgium, France, Germany, the Netherlands and Portugal inspected 78 river cruise ships and 82 companies in a joint cross-border action coordinated and supported by the European Labour Authority (ELA) and the waterborne law-enforcement network (AQUAPOL) (Centro de Documentación Europea de Almería 2024). More than 330 employees were interviewed: the suspected offenses include undeclared work, which means that workers lacked social protection; illegal employment, as migrant workers were employed without the necessary working permit or visa in the EU. The inspectors also discovered breaches of minimum wage rules; too long working hours due to incorrect working and resting time registrations; and other labour law and nautical offenses. Legal proceedings have been initiated, and at least 100 of these instances require further investigation by the authorities of the involved Member States.

3.2.3. The links between EU and ILO action in this field

As previously noted, and unlike the EU prominent role in the decarbonization of cruise sector, leadership in this domain is clearly exercised by the ILO. The EU action has been rather aimed at strengthening the implementation of the general framework set out in the MLC, as well as adopting complementary instruments. Thus, to achieve the EU Social Agenda for Maritime Transport, the European Commission enhances seafarers' employment conditions whilst preserving the competitiveness of the European fleet by monitoring the implementation and correct application of the EU enforcement instruments regarding the ILO MLC, including approved amendments to the Convention.¹⁵

The good understanding between the two international organizations is notably, but not specifically in this field. The EU actively participates in debates and negotiations of Conventions, Recommendations, and other important texts at the institutional meetings of the ILO. At the same time, the ILO works closely with the European Commission Directorate-General for Neighbourhood and Enlargement Negotiations, the directorate-general for International Cooperation and Partnerships and the directorate-general for Employment and social affairs as well as several European Union delegations on the promotion of fundamental principles and rights at work.¹⁶ (ILO n.d.-b.). Thus, the EU-ILO partnership fosters impactful initiatives globally in support of Decent Work and the achievement of the Sustainable Development Goals (ILO 2022a, 1).

It should be noted that the collaboration between the ILO and the IMO in this area is very intense and more specific. In 2022, the Joint International ILO/IMO Tripartite Working Group (JTWG) was established to identify and address seafarers' issues and

¹⁵ See: European Commission, *Seafarers* (https://transport.ec.europa.eu/transport-modes/maritime/seafarers_en)

¹⁶ See: ILO, *European Union-ILO partnership* (<https://www.ilo.org/european-union-ilo-partnership>).

the human element.¹⁷ Exemplifying the potential of this working group, during its meeting held in London from in February 2021, the two organizations committed to act for preventing and combatting violence and harassment, including sexual harassment, bullying and sexual assault, in the maritime sector, a situation that specially affects cruise sector.¹⁸ Among others, the group recommended: launching of a joint ILO-IMO international campaign, with the support of ILO and IMO Member States, seafarers, shipowners, governmental and non-governmental organizations, to raise awareness around the issue; including the use of the terminology “violence and harassment, including sexual harassment, bullying and sexual assault” in relevant instruments and guidance under both IMO and ILO, to reflect their relevance in the maritime sector; the IMO’s Maritime Safety Committee to consider the adoption of measures, applicable to administrations and shipping companies worldwide, to address this issue—that measures would support the implementation of the IMO requirements for the safe management and operation of ships at sea—; to consider amending the MLC accordingly.¹⁹

Two main observations emerge from the cases examined. First, neither set of measures was specifically designed to address the sustainability of cruise tourism. Indeed, they were not even specifically intended to regulate cruise ships as such. This is illustrated by the judgment of the Court of Justice of the EU (CJEU) in *Mattia Manzi and Compagnia Naviera Orchestra v Capitaneria di Porto di Genova* case (CJEU 2014), in which the Court had to determine whether cruise ships fell within the scope of the then applicable Directive 1999/32 as vessels providing “regular services”. The need for such judicial clarification demonstrates that the regulatory framework was conceived in broader terms rather than with the specificities of the cruise sector in mind.

This regulatory approach reflects the EU’s limited competence in the field of tourism, where its powers are essentially complementary to those of the Member States. As a result, rather than adopting legislation specifically targeting the sustainability of cruise tourism, the Union has influenced the sector by relying on competences in other policy areas, like environmental protection, energy and social policy. The measures examined therefore affect the cruise sector only indirectly, through regulatory frameworks of general application.

Second, although these measures were not adopted with cruise tourism as their primary focus, they are nonetheless driving significant changes within the industry. In this regard, the CLIA, which has adopted a “Strategic Agenda for the European Cruise Industry: Decarbonisation and competitiveness (2024-2029) (CLIA 2024c), highlights that cruise industry in Europe is “a frontrunner in sustainability innovations—including investing billions of euros in new technologies and sustainable energy solutions that will

¹⁷ The IMO Council endorsed the establishment of the JTWG in its 127th session, from 11 to 15 July 2022. See also: ILO 2022b. The guidelines developed by the JTWG are available here: <https://www.imo.org/en/OurWork/Legal/Pages/JointIMOILOWorkingGroupsOnSeafarerIssues.aspx>.

¹⁸ According to Maritime Injury Center, most violent crimes at sea occur on cruise ships (see: *Maritime physical and sexual assaults*, <https://www.maritimeinjurycenter.com/accidents-and-injuries/physical-assaults/>).

¹⁹ See all the recommendations in ILO 2024.

be critical for wider application across the maritime industry, and beyond” (CLIA 2024a, 5).

At the same time, however, existing evidence suggests that these developments remain *insufficient, partial* and, in some cases, merely *incidental* to meet the scale of the challenges involved. The second edition of the European Maritime Transport Environmental Report (2025) concludes that the scale and urgency of environmental and climate challenges require further action and innovation (EEA and EMSA 2025, 7). Accordingly, the report highlights among its key findings that even when absolute SO_x and NO_x emissions have decreased by 74% (EEA and EMSA 2025, 45) and 5% (EEA and EMSA 2025, 47), respectively, absolute CO₂ emissions increased by 8% for cruise ships (EEA and EMSA 2025, 33). Likewise, the current state of working conditions on board cruise ships also suggests that the measures adopted by the ILO and the EU have produced unsatisfactory results, as highlighted in several reports published by *Le Monde* in 2025 (Gordon 2025), which note that “we workers are treated like machines”, and in academic studies concluding “the official defeat of seafarers’ right to decent working time” (Baumler *et al.* 2025).

Taken together, these findings point to the need for further regulatory action. More fundamentally, they expose the limitations of the EU’s fragmented approach to cruise tourism. Most EU measures pursue broader policy objectives, such as the decarbonisation of maritime transport or the improvement of working conditions at sea, and only indirectly affect the cruise sector. Although these measures have undoubtedly contributed to reduce some of the environmental and social impacts of cruise tourism, they do not amount to a coherent regulatory framework for the sector. As a result, the EU’s current approach leaves little room for a broader reflection on the cruise tourism model itself and the structural sustainability challenges it raises. The following Section turns to this issue.

4. Is reduced-impact cruise tourism truly sustainable? The imperative of a comprehensive and dedicated EU policy on cruise tourism

The EU does not possess exclusive competence to regulate cruise tourism as such. Its powers in the field of tourism remain limited and are primarily supportive and coordinating in nature. Nevertheless, by relying on its competences in related policy areas (environmental protection, energy, social policy, among others) the EU has adopted a range of measures that have had a significant impact on the cruise industry. Some of these measures implement in Europe international standards adopted by universal international organizations, particularly the IMO and the ILO, while others are autonomous EU initiatives addressing previously unregulated matters. This article has examined two of the most significant examples (the decarbonization of maritime transport and the improvement of working conditions on ships) but they represent only part of a broader regulatory action affecting cruise tourism.

However, these regulatory measures were not conceived specifically to address cruise tourism. Rather, they pursue broader policy objectives, such as protecting the marine environment, promoting clean energy, and improving the welfare of seafarers. Consequently, the current EU approach remains *fragmented*. It addresses selected environmental and social externalities generated by the cruise sector but does not

amount to a comprehensive policy specifically aimed at ensuring the sustainability of cruise tourism itself.

Given these limitations, the adoption of a comprehensive and dedicated EU policy on cruise tourism would facilitate the transition from the current fragmented approach to a more coherent and holistic framework specifically tailored to the sector, bringing several important advantages. First, such EU policy on cruise tourism could enhance legal certainty by explicitly clarifying the applicability of relevant legal obligations to cruise ships, thereby reducing interpretative ambiguities and limiting the need for judicial clarification, as illustrated by the aforementioned CJEU judgment in *Manzi and Compagnia Naviera Orchestra* (CJEU 2014). At the same time, such a comprehensive policy could help identify and address existing regulatory gaps in the legal framework. Thus, despite the increasing breadth of EU environmental legislation affecting maritime transport, not all environmentally significant impacts associated with cruise tourism are currently subject to specific regulation. Food waste provides a clear example. Although food waste generated on board ships is classified as “garbage” under Annex V of the MARPOL Convention, which establishes rules for its collection, handling and disposal, neither international nor EU regulation contains specific legal obligations aimed at preventing the generation of food waste on board cruise ships. Existing rules focus on waste management after it has been produced rather than on waste prevention, leaving this aspect largely dependent on voluntary initiatives adopted by cruise operators, like the 4GoodFood Program launched by Costa Cruises (Costa Cruises 2018).

Secondly, the adoption of a dedicated policy would provide an institutional framework for a genuine European forum on cruise tourism governance. In the context of this Special Issue, we understand that what makes tourism “sustainable” is the process through which decision-making in tourism management and development is carried out and that such a process “requires the informed participation of all relevant stakeholders, as well as strong political leadership to ensure wide participation and consensus building” (UNEP and UN Tourism 2005, 11). The European Commission reaches the same conclusion in its *Final Report on Good Practices for Sustainable Cruise Tourism*, stating that “(a)chieving sustainability requires collaboration across the industry and with policymakers at every level from the EU down to local level” (European Commission: Directorate-General for Maritime Affairs and Fisheries *et al.* 2023a, 18). The report further emphasizes that “a very wide group of stakeholders needs to be engaged if cruise tourism is to develop sustainably” (European Commission: Directorate-General for Maritime Affairs and Fisheries *et al.* 2023a, 25), including international, European, national and local policymakers, port authorities, terminal operators, cruise lines, trade associations, travel agents, tourism operators, hotels, local authorities, cruise passengers, crew members, and host communities.

Such a governance forum would foster dialogue among the wide range of stakeholders involved in cruise tourism and facilitate the integration of their diverse perspectives into the decision-making process. By promoting more inclusive and participatory governance, it would contribute to a more balanced consideration of the economic, environmental, and social dimensions of sustainability. In doing so, it could help counter the tendency identified in the literature for governance arrangements to prioritize the economic interests of the cruise industry over environmental protection and the interests

of host communities and other affected stakeholders (Johnson 2002, van Bets *et al.* 2017, Papathanassis 2023).

Finally, and equally important, the adoption of a comprehensive EU policy would inevitably prompt a broader discussion about the sustainability of the cruise tourism model itself. To date, the EU has primarily sought to mitigate some of the sector's environmental and social impacts without questioning whether continued growth in cruise tourism is compatible with the objectives of sustainable development, and other sustainability frameworks. A dedicated policy framework would create the opportunity to address this broader question explicitly and to evaluate the future development of the sector through the integrated lens of "sustainability".

Indeed, compliance with EU regulations is often equated with "sustainability", particularly in corporate discourse (Klein 2011, 108). However, simply reducing or mitigating certain environmental and social impacts of cruise tourism seems to fall short of achieving genuine sustainability within the sector. Sustainability is a multidimensional and complex concept that, while frequently divided into distinct components, requires a holistic and integrated approach. Sustainable tourism should also embody the principles of "responsible tourism", as defined in the 2002 Cape Town Declaration on "Responsible Tourism in Destinations".²⁰ Accordingly, the management of responsible tourism must focus on three key areas: minimizing tourism's environmental impact, ensuring the equitable distribution of economic benefits among all segments of the destination, and reducing negative sociocultural effects (Klein 2011, 108). To achieve true sustainability, then, cruise tourism must consider economic viability alongside its social and environmental impacts.

From an economic perspective, the cruise industry is undoubtedly of considerable importance to Europe, generating over 2 billion euros annually through the combined spending of cruise lines, passengers, and crew members (European Commission 2014b). Yet, these economic benefits come at a significant cost. Cruise ships consume vast amounts of energy and resources to operate; they contribute to what has been described as "people pollution" (Baekkelund 1999 in Klein 2011, 112), exerting intense pressure on host communities in terms of infrastructure, public services, and quality of life; and do not ensure an equitable sharing of its economic gains.

The central question, therefore, is not simply whether the environmental and social impacts of cruise tourism can be mitigated, but whether such mitigation is sufficient to justify describing one of the most emblematic forms of mass tourism as "sustainable". As Andrea Longo's contribution argues, cruise ships continue to be perceived as "places of ultimate freedom and excess, representing at once the opulence and the decline of the capitalist society". This raises a more fundamental question: can a tourism model genuinely be considered sustainable if its economic success depends on the continuous expansion of passenger numbers while a significant share of its environmental and social costs is borne by host communities and ecosystems?

²⁰ The Cape Town Declaration on Responsible Tourism in Destinations is an international declaration adopted in August 2002 at the "Responsible Tourism in Destinations Conference" organized by the Responsible Tourism Partnership and Western Cape Tourism as a side event to the World Summit on Sustainable Development (Cape Town Conference on Responsible Tourism in Destinations 2002).

Ultimately, the debate extends beyond improving the environmental performance of individual ships or strengthening labour standards. It concerns the compatibility between the industry's prevailing growth-oriented development model and the very concept of sustainability. If sustainability requires balancing economic prosperity with environmental integrity and social equity, the continued pursuit of growth as the overriding objective of cruise tourism appears increasingly difficult to reconcile with that concept. This is a core debate that neither the EU nor its citizens can afford to ignore.

The European Commission's growing interest in the cruise sector, illustrated by its aforementioned "Final Report on Good practices for sustainable cruise tourism" together with other complementary documents (European Commission: Directorate-General for Maritime Affairs and Fisheries *et al.* 2023b, 2023c), represents a promising starting point to take stock and encourage reflection. The *Pan-European Cruise Dialogue*, which aims to align the sector with the EGD and sustainable blue economy objectives, is another significant initiative that has brought together Member States, regions, municipalities, EU institutions and agencies, as well as industry actors, ports and destinations (European Commission 2022). Nevertheless, only the adoption of a comprehensive EU regulatory approach on cruise tourism can provide a clear framework for defining what truly constitutes "sustainable cruise tourism", thereby enabling a more focused and substantive debate on its environmental and social implications or the equitable distribution of economic benefits between different stakeholders. Certainly, the adoption of a wide-ranging approach would promote to take in consideration a more balanced representation of all societal interests protected by the notion of "sustainability" – and not just those of the cruising industry.

5. Closing remarks

The transition of cruise tourism towards sustainability, in line with the objectives set out in the EGD, the new approach for a sustainable blue economy and the EU's "Transition Pathway for Tourism", is an unavoidable challenge for the EU in the 21st century. However, the EU encounters certain limitations in tackling this challenge. While it shares competences with Member States in areas such of environment, transport, energy or social policy, its competence in tourism remains limited to a supporting, coordinating and complementary role. Then, within the scope of its powers, the EU has adopted a range of measures aimed at mitigating the main social and environmental impacts of cruise tourism. Yet these efforts have led to a fragmented regulatory framework, not specifically targeted at cruise tourism, whose results remain insufficient.

To continue progressing, it is necessary for the EU to adopt a comprehensive regulatory approach on the sector. This would not only contribute to enhance the coherence and effectiveness of regulatory measures but also encourage a much-needed debate on the very concept, and feasibility, of sustainable cruise tourism. Indeed, achieving a truly sustainable and responsible cruise tourism requires more than simply reducing its most visible social and environmental impacts; it demands a fundamental rethinking of the model itself.

Cruise tourism exemplifies many of the excesses of contemporary society (excessive resource use, consumerism, wastefulness) that sit uneasily with the very notion of sustainability. While these excesses are not exclusive of cruise tourism, they have

become particularly visible in this sector, prompting growing opposition from local communities and environmental organisations, amongst others. This highlights the need for a broader and more fundamental debate about what should (and should not) be regarded as sustainable tourism. Such a debate should not be constrained by assumptions like that continued growth is an inherent or unquestionable objective of public policy, an idea that the modern cruise sector has effectively managed to sustain during the last decade to a large degree by combining modernity with nostalgia (Papathanassis and Klein 2020, 59). Rather, it should remain open to the full range of regulatory responses, including measures to limit or reduce cruise activity where necessary to safeguard environmental integrity, people and local communities, and ensure that the pursuit of economic benefits does not eclipse the broader objectives of sustainable development.

Developing a comprehensive and dedicated EU policy on cruise tourism is, however, constrained by the nature of the Union's competence in the field of tourism. Under Art. 195 TFEU, the EU may only complement the action of the Member States and may not harmonise national laws and regulations. Moreover, the provision is framed in terms that place particular emphasis on the economic dimension of tourism. Indeed, Art. 195(1) TFEU provides that the EU shall complement the action of the Member States in the tourism sector "in particular by promoting the competitiveness of Union undertakings in that sector". As a result, the Treaties offer only a limited legal basis for developing an autonomous and comprehensive regulatory framework capable of equally addressing the environmental, social and economic dimensions of sustainable cruise tourism.

Reforming the Treaties to extend EU powers in this area appears unlikely in the short to medium term. However, this does not prevent the EU from articulating a specific vision for cruise tourism in the meantime. The European Commission is currently preparing the first comprehensive *EU Sustainable Tourism Strategy*, expected to be published this year. The initiative aims to promote economic development while safeguarding the environment and supporting the well-being of local communities (EU 2025). Within the framework of the strategy, the category of coastal and maritime tourism occupies a prominent place, and this is where a specific policy on cruise tourism could be included. Since a targeted consultation was launched by the European Commission in mid-2025 to gather input from authorities, businesses, civil society and tourism professionals (Kiss and Kohl 2026), it is expected that the future strategy will incorporate a more comprehensive vision of sustainability applicable to cruise ships. The outcomes of this consultation could be pivotal in determining whether cruise tourism can truly align with the global and European sustainability objectives, leaving open the question of whether the European Commission can chart a genuinely sustainable course for the sector.

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