

LEGAL AND ADMINISTRATIVE TOOLS FOR MANAGING OVERTOURISM IN SUSTAINABLE REGIONAL DEVELOPMENT

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ABSTRACT

Tourism has become one of the most dynamic sectors of modern economies, contributing significantly to regional development. However, the rapid growth of tourist flows has led to the emergence of overtourism, which negatively affects local communities, natural environments, and the quality of tourist experiences. This paper examines legal and administrative instruments used to manage tourist flows in the context of sustainable regional development. Particular attention is paid to the relationship between environmental law and tourism management, including the concept of “use exceeding common use” under environmental law. The study also analyses practical governance tools such as zoning, pricing policies, capacity limits, and stakeholder involvement. Using examples from Lithuania and Poland, the paper demonstrates that effective management of overtourism requires an integrated approach combining legal regulation, administrative measures, and innovative management strategies.

KEYWORDS: *overtourism; sustainable tourism; environmental law; regional development; public administration.*

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Introduction

Tourism is a sophisticated and rapidly evolving sector of modern economies. Its development has been driven by globalisation, decreasing travel costs, and digitalisation. As a result, tourism has become widely accessible and plays a crucial role in regional economies. However, the rapid growth in tourism flows, fueled by globalization, falling travel costs, and digitalization, has led to the emergence of overtourism. This phenomenon poses a significant structural challenge, negatively impacting the natural environment, the quality of life of local communities, and the very quality of the tourist experience. The aim of this paper is to analyse legal and administrative tools for managing tourist flows within the framework of sustainable regional development.

The article examines regulatory and management mechanisms that enable the control of tourist traffic intensity. Particular emphasis is placed on the relationship between environmental protection law and tourism management, with special attention given to the concept of “use exceeding general use.”

The novelty of this study lies in its integration of a dogmatic and legal perspective with administrative and managerial instruments. Unlike many studies focusing solely on the economic aspects of tourism, this work frames the issue of overtourism within the framework of constitutional limitations on individual freedoms in favor of environmental protection and defines mass tourism as a form of resource exploitation requiring legal intervention.

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The primary research objective is to identify and assess the effectiveness of selected legal and administrative tools in counteracting the negative effects of overtourism. The following research hypotheses serve to achieve this objective:

1. Effective management of overtourism requires synergy between restrictive legal regulations and flexible administrative strategies.
2. The concept of “use exceeding general use” provides a solid legal basis for limiting access to areas of natural and cultural value.

A review of the literature indicates that although the phenomenon of overtourism is widely discussed by international organizations such as the UNWTO and the European Parliament, there is still a lack of comprehensive analyses combining administrative law theory with the practice of regional governance in Poland and Lithuania. The article fills this gap by examining specific instruments – such as zoning, capacity limits, and pricing policies – within a legal context.

The research methodology is based on the dogmatic-legal method (analysis of environmental and administrative law provisions), the comparative method (comparison of the experiences of Poland and Lithuania) and the analysis of case studies (Kraków, Zakopane, tourism clusters in Lithuania).

The preliminary final conclusion leads to the conclusion that the fight against overtourism cannot be based on individual actions, but must be an element of integrated management, in which the law sets the limits of exploitation and the administration provides modern tools (including digital ones) to monitor and optimize tourist traffic.

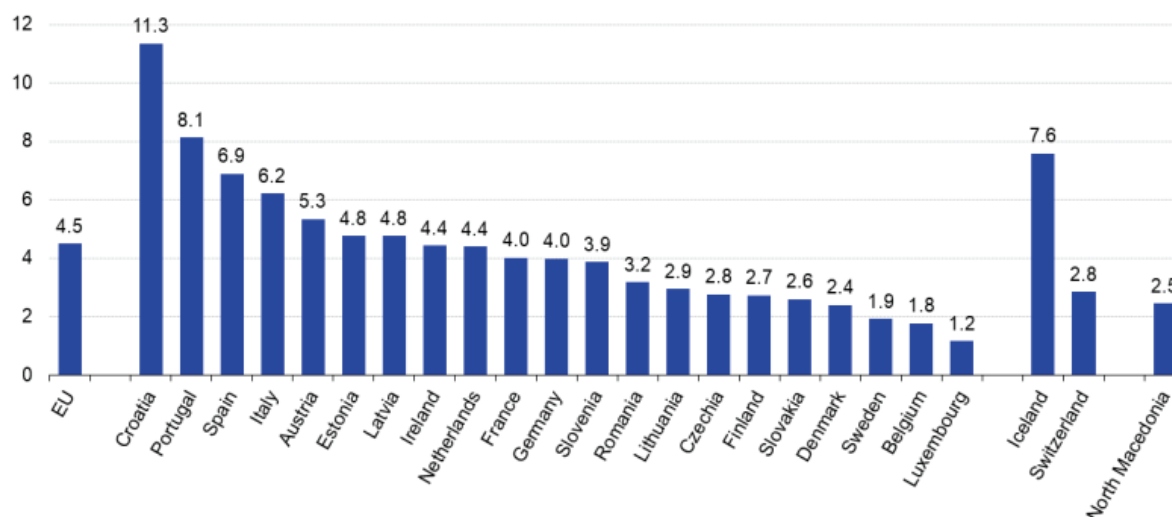
1. The Concept of Overtourism

“Tourism is a sophisticated activity of any national economy (Rukuižienė, 2022). This statement of Rukuižienė (2022) becomes more and more true with each passing year. Over the centuries and decades, tourism development intensified, reaching mass scale in the 20th century. Thus, as the country’s socio-economic development progressed, so did tourism.

According to Dodds and Butler (2019), the first development of mass tourism occurred in the 1960s when, as a result of the development of national social policies, paid holidays were introduced in many industrialized countries. This first and main wave of tourists was followed by a second one in the early 21st century, with the arrival of tourists from destinations like China. At the same time, travel costs decreased significantly thanks to the economic development of the tourism industry and the emergence of new business models, such as low-cost airlines and Airbnb Dodds and Butler (2019) or other digital booking platforms, and the progressive simplification of cross-border travel regulation, especially in Europe. Tourism has become affordable for many people.

It is therefore not surprising that in many countries tourism revenues constitute a significant part of gross value added. On average for the EU, tourism accounted for 4.5 % of the gross value added created in the EU during 2019, with big variation across the EU: from 11.3 % in Croatia to 1.2 % in Luxembourg (note that data was not available for Malta and Cyprus) (Eurostat, 2025).

Tourism direct gross value added, as share of total gross value added in the economy (% , 2019)



Note: EU aggregate estimated for this publication using available data.

eurostat

The problem arises when tourism becomes excessive, when the number of arriving tourists exceeds the accommodation capacity of the destination.

If tourism is defined by the UNWTO as having a carrying capacity of “the maximum number of people that may visit a tourist destination at the same time, without causing destruction of the physical, economic and socio-cultural environment and an unacceptable decrease in the quality of visitors’ satisfaction”, then, on the contrary, “overtourism” refers to tourism that exceeds this maximum number of people, causing destruction of the physical, economic, or socio-cultural environment and an unacceptable decrease in the quality of visitors’ satisfaction (UN WTO, 2018).

Further, UNWTO proposes other definitions: “the impact of tourism on a destination, or parts thereof, that excessively influences perceived quality of life of citizens and/or quality of visitors experiences in a negative way” and “destinations where hosts or guests, locals or visitors, feel that there are too many visitors and that the quality of life in the area or the quality of the experience has deteriorated unacceptably.” (Statista.com)

As an example to explain the declining quality of life and negative opinions about overtourism among local residents, the percentage of Spaniards who believe there are too many incoming tourists in their area is as high as 32%. The percentage of Germans who would strongly support the introduction of a tourist fee for admission to popular cities is 18%. The percentage of Italians who would strongly support tourists booking tickets to popular destinations is 22% (Statista.com).

Cosatti’s study describes the phenomenon of “collective displacement”, in which people leave the city not only for economic reasons but also because they no longer recognize their neighborhoods. This leads to a “symbolic abandonment” of the city by those who no longer feel they belong. Residents feel excluded from their own public spaces, which are crowded and inaccessible. Local services (e.g., grocery stores) are replaced by souvenir shops and tourist-oriented establishments. Research based on mobile phone data shows that for every 1,000 tourists arriving in Venice’s historic center, 140 permanent residents leave the city temporarily or permanently (Cosatti, 2025). A similar problem is observed in other European cities, primarily located in the Mediterranean basin, including Barcelona. There, a conflict of interest between residents and tourists is noted, and the city authorities are blamed for inadequate city management (Felix, Souza, 2023). In

such places, tourism becomes the dominant economic model, and the local economy shifts towards serving tourists rather than meeting the needs of residents.

In the second decade of the 21st century, the problem of overtourism was addressed by the European Parliament's Committee on Transport and Tourism (TRAN), commissioned by the European Parliament. Pointing out at the outset that the problem is a more complex and multifaceted phenomenon than overcrowding, they proposed the following definition: "Overtourism describes the situation in which the impact of tourism, at certain times and in certain locations, exceeds physical, ecological, social, economic, psychological, and/or political capacity thresholds" (Peeters, 2018). This definition introduces another dimension beyond the social, ecological, and economic, namely the political. In this respect, it is mainly about local authorities not keeping up with the pace of change (e.g., the sudden influx of Airbnb listings or the influence of social media or popular trends on the popularity of a given location, such as the Swiss town of Iseltwald after a Korean TV series). Officials lack the tools to monitor and limit tourist traffic. Regulations are not keeping up with emerging business models (such as short-term rental platforms). The authorities lose trust among residents, leading to protests and "touristophobia". Political capacity is exceeded when the city/region's governance system "surrenders" to the pressures of tourism, resulting in spatial chaos and resident anger.

However, one should not confuse tourism and mass tourism excessively, as Koens et al. rightly point out (Koens, 2018). Mass tourism refers to a large number of tourists visiting a given location, while overtourism refers to situations where their presence causes negative consequences for residents and the city. In other words, mass tourism refers to the scale of the phenomenon, while overtourism refers to its problematic consequences. It should be emphasized that mass tourism is not a negative phenomenon; it can be effectively managed. However, overtourism is associated with negative consequences: noise, crowds, overcrowding, expensive housing, and inadequate infrastructure.

Overtourism is therefore a term that encompasses all the negative consequences associated with the development of the tourism sector. It includes the excessive exploitation of natural resources in tourist areas, the degradation of their cultural heritage, and the negative impact on the local social and economic environment.

2. Legal Framework of Tourism and Environmental Protection

The legal framework for tourism should be viewed primarily through an anthropocentric lens. Tourism is a sphere of human activity where people travel and temporarily spend time outside their everyday surroundings for broadly defined recreational purposes (UN WTO, 2010). A key element of tourism is therefore mobility, which is a direct emanation of personal freedom. This freedom, as one of the fundamental human rights protected by both international law and constitutional acts, sets limits on the interference of public authorities, which cannot arbitrarily exclude an individual from exercising this right (Csapó, 2025). It should be emphasized, however, that this freedom is not absolute; its limits are determined by the rights of other people and by the need to protect common goods, which include the natural environment.

Contemporary legal scholarship emphasizes the evolution of human rights toward the so-called third-generation rights (solidarity rights), encompassing the right to live in a clean and sustainable environment. This concept finds strong anchorage in Article 74 of the Constitution of the Republic of Poland, which imposes upon public authorities the obligation to protect the environment as a common good, as well as in Article 54 of the Constitution of the Republic of Lithuania, which establishes the duty of both the state and its citizens to protect nature from harmful impact (Zębek, Zilinskiene, 2021).

At the statutory level, this right is operationalised through Articles 5 and 8 of the Polish Act – Environmental Protection Law (consolidated text: Journal of Laws of 2025, item 647). In turn, Article 4 of the Lithuanian Law on Environmental Protection (TAR, 2024, No. 2024-11201) provides a legislative definition of ecosystem quality standards, recognising the ecosystem as a paramount public interest. Environmental protection constitutes an obligation not only of state authorities but also of every inhabitant thereof. The use of natural resources must be grounded in the principle of sustainable development (Górski, 2019).

A peculiar legal paradox arises in this context: the freedom of tourist mobility of one individual may infringe upon the right of another to the preservation of an intact environment – whether that other person is a tourist seeking aesthetic values or a member of the local community. Resolving this conflict requires the legislator to engage in a precise balancing of competing interests (the so-called balancing test). In this process, the protection of the sustainability of natural resources takes precedence, which finds its justification in Article 1(2) of the Environmental Protection Law (Dolnicar, Greene, 2025), defining environmental protection as a set of measures enabling the preservation of ecological equilibrium. Accordingly, the protection of the ecosystem becomes a *sine qua non* condition for the exercise of any other freedoms in the future.

The realisation of this imperative rests upon the principles of prevention and precaution, as well as the EU principle of “polluter pays” (polluter pays principle). These principles legitimise the intervention of administrative authorities at the very moment a risk of degradation arises, thereby constituting the legal basis for imposing climate-related charges and introducing visitor limits grounded in tourism carrying capacity indicators (Directive 2004/35/CE). It is undeniable that the law of sustainable and responsible regional development is indisputably linked to environmental elements. The key to developing this concept is applying the principles of integral ecology to the processes of sustainable regional development (Szewczak, Szewczak, 2020, 189).

Therefore, sustainable tourism should ideally remain within the limits of ‘general use’. However, when it evolves into overtourism, it must be legally reclassified as ‘use exceeding common use’. This reclassification justifies the implementation of administrative and legal instruments, such as capacity limits, zoning, and environmental fees, ensuring that the ecosystem is not exploited beyond its regenerative capacity (Koenig, Postma, Papp, 2018).

The foregoing conclusion applies to all stakeholders within the sector: from individual tourists to institutional entities such as tour operators, accommodation providers, and carriers. The essence of legal regulation reduces to the assumption that the use of the environment should be of a passive (contemplative) nature, rather than active or invasive, leading to the anthropogenic transformation of the terrain. At the moment this subtle boundary between recreation and exploitation is crossed, the state bears an imperative to activate instruments of an authoritative nature (measures of administrative law: permit systems, zoning) as well as protective nature (measures of civil law: protection against negative immissions). These measures jointly delineate the boundaries of permissible tourist activity within the paradigm of sustainable regional development (Kulczyk, 2013).

3. Administrative Instruments for Managing Tourist Flows

Proper tourism management to counteract overtourism requires a comprehensive and multi-level approach that moves away from the traditional focus on mere visitor growth towards social, environmental and economic sustainability. It is necessary to move away from treating the increase in tourist numbers as the main indicator of success. Destination Management Organisations (DMOs) should focus on profitability and the impact of tourism on the quality of life of local communities, not just on the number of arrivals (Żemła, 2020). Management must consider the physical, ecological, psychological, and social limits of a given site’s capacity. Exceeding these limits leads to resource degradation and increased conflict (Taiminen, 2018). Sustainable tourism development further emphasizes balancing economic growth with environmental preservation and community well-being to ensure long-term viability. Advanced data analytics enables real-time decision-making and proactive visitor flow management. The use of geolocation data, social media, and sensors allows for predicting peak visitation and implementing crowd management strategies, for example, by redirecting tourists to less crowded areas. Artificial intelligence (AI) allows for targeting specific tourist groups and offering them niche, authentic experiences, thus contributing to the dispersion of tourist traffic (Kavoura, and all, 2025).

Tourism management cannot be conducted in isolation from spatial planning and the needs of permanent residents. Residents must be active participants in the planning process to prevent alienation and the phenomenon of “touristophobia”. Instead of aggressively dispersing tourists throughout cities (which can lead to the gentrification of residential areas), dynamic zoning is sometimes suggested, which protects residents’ privacy in their daily lives (Żemła, 2020).

Local authorities must have tools to control the negative effects of mass tourism. Regulations limiting the number of tourist apartments (e.g., Airbnb) are necessary to counteract rising rents and the housing shortage for locals. Introducing fees for access to common areas (e.g., historic centers) or applying variable prices depending on the season can help reduce crowds during peak hours. Examples from Venice and Dubrovnik demonstrate the need to limit the number and size of cruise ships calling at ports.

Combating overtourism also means offering tourists alternative forms of recreation that are less burdensome for popular destinations. Promoting agritourism, ecotourism, and lesser-known cultural attractions allows for the burden to be spread across a larger area and brings economic benefits to peripheral regions. Responsible tourism requires educating visitors about respect for local traditions, protecting natural resources (e.g., water conservation), and minimizing waste.

The solution to the problem of overtourism, which is slowly appearing in Poland (in Zakopane, Krakow, and seasonally in seaside or mountain resorts) is sustainable management.

Measure Code	Measure Category	Description
MS 1	Laws and Law Enforcement	Regulations directed at tourists (e.g., alcohol/drug consumption, forbidding access to specific locations or at certain times).
MS 2	Spatial Distribution	Redistributing tourists to other areas via promotion, new attractions, better transport, or organized tours.
MS 3	Capacity Increase	Improving infrastructure to handle higher volumes (e.g., traffic management, security, and waste management).
MS 4	Pricing & Taxation	Increasing prices at specific times or for specific groups (e.g., taxes) to mitigate negative impacts.
MS 5	Seasonality Reduction	Spreading demand throughout the year via targeted promotion and off-season attractions.
MS 6	Green Measures	Environmental initiatives: eco-certification, green fuel, green buildings, and environmental taxes.
MS 7	Development Control	Stopping or preventing uncontrollable growth via zoning, laws, and caps on hotel or short-term rental (Airbnb) capacity.
MS 8	Stakeholder Involvement	Improving the participation of local stakeholders in tourism marketing and development.
MS 9	Real-time Information	Providing live data to tourists regarding crowdedness, transport options, and optimal visiting times.
MS 10	High-Quality Tourism	Adjusting the tourism offer to attract specific, high-value types of tourists.
MS 11	Resident-Centric Development	Stimulating developments for locals, such as affordable housing, local shops, and better working conditions in the sector.
MS 12	Access Caps	Implementing dynamic or fixed limits on the number of people allowed at a destination or attraction.
MS 13	De-marketing	Reducing or completely halting promotional activities for the destination.
MS 14	Awareness Campaigns	Educational efforts directed at tourists to prevent negative behaviors or stimulate positive ones.
MS 15	Monitoring	Improved tracking and data collection regarding tourism impacts and flows.
MS 16	Research	Conducting formal research to better understand destination dynamics and challenges.

Source: Own elaboration on the basis of Peeters, and all, 2018. Research for TRAN Committee – Overtourism: impact and possible policy responses, European Parliament, Policy Department for Structural and Cohesion Policies, Brussels, [http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU\(2018\)629184](http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU(2018)629184), 93–94.

Managing overtourism requires the application of various tools. Regulatory measures include access restrictions, such as tourist fees or so-called climate fees in spa towns (Wołowiec, Podolchak, 2022), as well as entry limits to tourist attractions, including difficult-to-enforce admissions to national parks or mountain trails. Spatial dispersal of tourists is achieved by preparing maps and alternative routes for tourist paths and promoting less-frequented attractions. Capacity limitations involve managing accommodation facilities, including the implementation of EU Regulation 2024/1028 regarding the collection of data on short-term rental services, which must be introduced in all EU countries by May 20, 2026. In Poland, this will be implemented through the Short-Term Rental Act, while Lithuania is currently in the preparation phase. Although the regulation came into effect in April 2024, member states were given 24 months to create the necessary infrastructure, such as a single digital contact point for data exchange with platforms. There is not yet a unified, integrated “licensing package” for Airbnb, but work on the registration system is ongoing. Economic instruments include taxes and pricing mechanisms, such as dynamic ticket pricing or entry fees. Environmental policies focus on protecting natural resources through emission regulations and sustainable practices. Stakeholder participation is crucial – during decision-making related to managing tourist traffic in the region, both external and internal stakeholders must be considered, including residents, local entrepreneurs, and policymakers. Digital tools, such as artificial intelligence and data monitoring using GPS technology, represent an advanced method for analyzing tourist flows, allowing for precise determination of their routes, time spent in specific locations, and behaviors. An example is the Mobile Phone System for Tourism Traffic Analysis (TelSKART), which is an innovative method using data from mobile network operators to study tourism traffic.

4. Tourism as Use Exceeding Common Use

As indicated in point three, the legal foundation for analysing the impact of tourism on the environment is the distinction between general use and use exceeding the framework of general use. Both under Polish law (Article 4 of the Environmental Protection Law) and Lithuanian law (Article 4 of the Law on Environmental Protection), general use serves exclusively to satisfy personal needs, including rest and recreation. This model of activity is typically carried out without the use of specialised equipment, facilities, or aggressive marketing support and – as a rule – is of a gratuitous nature.

In the process of reclassifying tourism from general use to special use, a pivotal role is played by contemporary destination marketing. Aggressive promotion of destinations, frequently based on influencer marketing mechanisms, generates so-called induced demand, which artificially concentrates mass human flows in locations of limited ecosystem capacity (Camilleri, 2017). From a legal perspective, this means that the phenomenon of overtourism is not merely the result of the spontaneous exercise of individual personal freedoms, but rather the effect of deliberate commercial stimulation. The fact that such demand is “produced” for the profit-driven purposes of private entities constitutes an additional justification for state intervention (Handsuh, 2018). If advertising transforms the natural environment into a “must-see” product (*must-see destination*), then the state, in protecting the common good, has both the right and the obligation to regulate access to that product, thereby counteracting its excessive exploitation.

The boundary of general use is exceeded across three key dimensions of overtourism: the scale effect (the criterion of cumulativeness), excessive economic exploitation (the criterion of commercialisation), and excessive expansion of tourist infrastructure (the criterion of invasiveness).

The first dimension of overtourism is linked to the natural human impulse to explore the world and rest in the natural environment, encompassing the visiting of historical sites and contact with nature. This cognitive instinct is today economically stimulated through aggressive promotional campaigns, generating pressure to visit specific locations. It is worth referring here to the record-breaking tourism figures recorded in Kraków or Lithuania in the post-pandemic period, which demonstrate that “general use” has transformed into mass pressure.

In 2023, Kraków was visited by 9.4 million people, representing an increase of approximately 15% compared to 2022. Such a volume of visitors inevitably generates increased strain on infrastructure, which cannot

be classified as “ordinary” sightseeing by tourists (Główny Urząd Statystyczny 2023). In Lithuania, in turn, the number of tourists in 2023 increased by approximately 20% compared to the preceding year, reaching a level close to the record-breaking figure of 2019 (approximately 3.5 million overnight stays) (Lietuvos statistikos departamentas, 2024).

The phenomenon of such a rapid increase in the number of tourists can and de facto does lead to a permanent reduction in environmental quality standards (noise, exhaust emissions, soil degradation), which goes beyond the statutory definition of “meeting personal needs:” and becomes a burden on the common good.

The second dimension of overtourism manifests itself in the excessive economic exploitation of natural resources in particular. Organised, commercialised tourism is serviced by commercial entities such as tour operators, hotels, and carriers. In pursuit of their economic development objectives, these entities not infrequently exceed the boundaries of general use, treating natural and cultural capital as a free resource to be exploited for the purpose of generating maximum profit.

According to the latest WTTC report of 2024, the tourism sector in Poland accounts for approximately 4.8% of GDP, while in Lithuania it accounts for approximately 4.5% of GDP. This demonstrates that the natural environment constitutes the foundation of substantial private profits, which justifies the reclassification of such activity as economic use exceeding the scope of general use (WTTC 2024 Poland, WTTC 2024 Lithuania).

Such activity constitutes economic exploitation of the environment, which legitimises the imposition upon these entities of additional legal-administrative obligations and fiscal levies.

The third dimension of overtourism is invasiveness, consisting not only in the construction of hotels, but also in all manner of facilities designed to attract tourists, such as ski lifts, car parks, viewing platforms, and racing tracks. A comparable effect is likewise produced by tourists themselves through the violation of established prohibitions, such as leaving marked trails or establishing unauthorised campsites.

According to reports by the European Environment Agency, a tourist in regions of high visitor intensity (overtourism) generates on average between 1.5 and 2 times more waste per day than a permanent resident. In Lithuania, in the Neringa region (Curonian Spit), an ecological fee constitutes the sole means of financing the reclamation of land degraded by the very presence of tourist vehicles, amounting to approximately 200,000 vehicles annually (EEA 2024).

The consequence of activities undertaken within the third dimension of overtourism is the anthropogenic transformation of terrain, and in particular its degradation. In such cases, states, including Poland and Lithuania, require entities organising mass tourism to obtain authorisation from the competent public administrative authorities, for instance through permit or concession systems. A common practice is the collection of fees from tourists for entry into specific areas of natural or cultural significance. It must be emphasised that since tourists exploit resources “beyond measure”, such a fee ceases to be a classical fiscal levy and instead becomes a form of equivalent compensation for the destruction of environmental substance, which proves unavoidable given the current scale of tourist traffic.

5. Case Study: Lithuania and Poland

Taking Lithuania as an example, sustainable tourism management is based on striving to maintain a balance between ecological, economic, and socio-cultural goals.

A key element is a strategic approach and cooperation – clustering is seen as a tool for improving the economic situation of rural residents and strengthening regional competitiveness. Clusters allow for the concentration of local businesses, institutions, and organizations, which fosters innovation and better use of resources such as landscape, historical heritage, and local cuisine (Rukuiziene, 2022). Instead of maximizing profits in the short term, the main emphasis is on the sustainability of the tourism industry in the long term (Labanauskaitė and al, 2022).

An important element of sustainable management is combating seasonality, which is particularly evident in Lithuania’s coastal regions. The resort of Neringa (Curonian Spit) manages seasonality by promoting

cultural tourism outside the summer peak. Research indicates that the organization of festivals and concerts attracts tourists in winter and autumn, allowing for a more even distribution of tourist flow and the stability of the local economy (Razma, Stašys, 2025). Niche segments are also being promoted, such as eco-tourism, rural tourism and agritourism, which have a smaller negative impact on the environment than mass tourism (Labanauskaitė, Gedvilas, 2022).

Sustainable management places a significant emphasis on educating consumers and promoting ethical and environmentally friendly behavior among tourists (Šimanskienė, Petrulis, 2022). An example is the growing popularity of self-planned travel (e-tourism), which allows tourists to make more informed choices about services.

In Poland, the problem of tourist overcrowding is observable, but there are still no developed strategies for dealing with it. Mainly “hard” tools such as legal and administrative regulations are being used rather than long-term, well-thought-out de-marketing strategies, measures against seasonality, or the shifting/dissipation of tourist traffic. The Tatra Mountains (especially Zakopane) are one of the most affected areas, with the number of visitors exceeding 5 million people annually (Portal Tatrzański). Mass tourism is replacing the former “elite” mountain tourism, and the mountains are ceasing to be a challenge and becoming merely an “attraction to tick off”. This leads to, among other things, over-urbanization, architectural chaos, and the destruction of the landscape featuring the region’s typical architecture. Traditional highlander culture is being replaced by mass-produced goods, most often imported from Asia (Kościelniak, 2025). In response to these problems, local authorities are introducing bans on certain harmful activities, such as limiting off-road vehicle usage, which harms nature and poses a threat to people (Resolution No. XII/144/2025). Further administrative restrictions are suggested, such as entry limits to the Tatra Mountains. While these solutions may improve the quality of life for residents and preserve the ecosystem, they are rather one-off and limited actions. There is a lack of comprehensive solutions that would transform incoming tourism into a desirable activity integrated into the region’s sustainable development strategy.

Experts suggest solutions that are more difficult to implement, but likely bring more economic benefits to other neighboring towns and a more even distribution of tourist inflows by, among other things, dispersing tourists in time and space and promoting alternative attractions: “all initiatives that contribute to “flattening” peak periods. These include the following:

- Queue and waiting time management.
- Promoting alternative tourist attractions (maps, tourist routes).
- Promoting quality (services provided, product offered, lifestyle combined with recreational activity, etc.).
- Dynamic control of tourist flows (monitoring the number of tourists, current information on the number of guests).
- Regulation of the accommodation rental system.
- Dispersion of tourist traffic in time (promotions, different prices during the day, out of season) and in space (taking tourist traffic outside the city center)” (Majdak, and all, 2023).

While local administrative measures addressing the negative consequences of mass tourism represent a necessary first step, the absence of comprehensive, systemic solutions integrated into a broader sustainable regional development strategy renders them insufficient to effectively counteract the multidimensional environmental, cultural, and socio-economic impacts of overtourism.

6. Discussion

In the classic tourism model, resources such as beaches and landscapes are treated as common goods, to which universal and free access is available. However, the concept of “use exceeding general use” is changing this perception. Tourist destinations, excessively promoted and sometimes even artificially created by marketers and influencers, transform them into “must-see” products. This means that the natural need for

recreation is replaced by artificially created mass pressure that exceeds the ecosystem's capacity. The tragedy of the commons in tourism lies in the fact that private entities (travel agencies, booking platforms) profit from the exploitation of resources for which they take no responsibility. They exploit the "universal right to recreation" as a cover for intensive economic activity. When tourism becomes "special use" (commercial, invasive), the line between resource use and its destruction blurs. This raises questions: should we accept that contemporary tourism almost always exceeds "common use" and therefore introduce universal fees for access to natural resources, or should we strive for legal adaptations that rigorously separate individual leisure from taxed commercial exploitation? Is it possible to tame the phenomenon of overuse through digital tools (e.g., application access limits), or is the only effective approach a radical reduction in territorial marketing, which artificially "produce" demand that destroys our common resources?

Although law provides a necessary foundation and defines the limits of "special use", in the age of mass tourism, it becomes an ineffective tool without the support of modern technologies. It is digital solutions and intelligent traffic management systems that allow for the effective enforcement of this legal framework, transforming dead regulations into a living structure for protecting shared resources. Information technologies provide tourists with the tools to make ethical decisions. Instead of "counting" attractions in the masses (as in the case of Zakopane), tourists can choose niche forms of activity, which the law should encourage through appropriate discounts or certification of green services. While "hard" prohibitions still dominate Poland (e.g., entry limits in the Tatra Mountains), modern tourism requires systems that, instead of merely blocking access, intelligently moderate it, preventing the transformation of regional culture into a mass product and protecting architectural order from chaos.

Another important element of tourism management in general, not just overtourism, is the issue of sustainable development. Managers of tourist facilities should possess so-called green competencies to incorporate not only economic but also ecological aspects into their operations (Pankiewicz, 2024, 157). Environmental education and upbringing in accordance with the principles of sustainable development are crucial. Starting in preschools and primary schools, we should shape environmental attitudes and environmental responsibility for ourselves and future generations. The concept of sustainable development, considered highly relevant today both scientifically and ideologically, is characterized by a wide range of interpretations of its goals, principles, and challenges (Szewczak, 2024, 123). The Christian inspiration for this principle refers to the biblical account of the creation of the world, which, on the one hand, defines humanity's relationship to the surrounding nature as a form of dominion, and, on the other, obliges us to selflessly care for what has been entrusted to us (Lewandowski, 2023, 171).

Conclusions

The conducted legal analysis of the overtourism phenomenon in Poland and Lithuania allows for the formulation of certain conclusions. Overtourism is not synonymous with mass tourism, which refers solely to the scale of the phenomenon and can be effectively managed. Rather, it refers to a situation in which excessive numbers of tourists exceed the destination's carrying capacity, causing destructive consequences for the physical, ecological, social, economic, and political environment, leading to a deterioration in the quality of life of residents and the experience of visitors. It can therefore be concluded that overtourism is not an objective number, but rather the subjective perception of hosts based on the negative effects of inbound tourism.

Although freedom of movement constitutes a cornerstone of personal rights, in the era of overtourism it loses its absolute character. In light of third-generation human rights, the protection of the sustainability of natural resources (Article 74 of the Constitution of the Republic of Poland and Article 54 of the Constitution of the Republic of Lithuania) becomes a *sine qua non* condition for the exercise of any freedoms in the future, which fully legitimises the authoritative intervention of the state.

The key doctrinal conclusion is the recognition that mass tourism has ceased to fall within the statutory framework of "general use". Because of the scale effect (cumulativeness), its commercial character (the

exploitation of natural capital for profit), and infrastructural invasiveness, this phenomenon must be classified as use exceeding the scope of general use. Such legal reclassification constitutes an indispensable foundation for administrative authorities to introduce visitor limits (*numerus clausus*), permit systems, and fees.

Tourist and climate charges in regions affected by overtourism should not be perceived as classical taxes, but rather as forms of equivalent compensation for the excessive exploitation of common resources. Since tourist demand is today artificially stimulated through aggressive marketing (induced demand), the state bears an obligation to apply the “polluter pays” principle, shifting the costs of environmental regeneration onto entities deriving profit from its exploitation.

The legal frameworks for environmental protection in both analysed states are sufficient to address the challenge of overtourism; however, they require a transition from a passive stance toward the active management of tourist flows. The effectiveness of such measures depends upon the precise balancing of competing interests (the so-called balancing test) and the utilisation of modern tools for monitoring tourism carrying capacity.

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TEISINĖS IR ADMINISTRACINĖS PERTEKLINIO TURIZMO VALDYMO TVARIOS REGIONINĖS PLĖTROS KONTEKSTE PRIEMONĖS

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Santrauka

Šiame straipsnyje nagrinėjamos turistų srautų valdymo ir tvarios regioninės plėtros užtikrinimo priemonės. Perteklinis turizmas apibrėžiamas ne kaip masinis turizmas (kuris gali būti valdomas), o kaip situacija, kai turistų srautai viršija vietovės rekreacinę talpą (angl. *carrying capacity*), sukeldami destruktivias pasekmes aplinkai, ekonomikai ir vietos gyventojų gyvenimo kokybei. Teisinis pagrindas: svarbi straipsnio naujovė yra perteklinio turizmo vertinimas žvelgiant per naudojimo, viršijančio bendrojo naudojimo ribas, prizmę. Pažymima, kad spartus turizmo augimas sukelia neigiamas pasekmes aplinkai bei vietos bendruomenėms (perteklinį turizmą, angl. *overtourism*) ir siūlo šią problemą spręsti per veiklos, viršijančios bendrąjį naudojimą, teisinę prizmę.

Teigiama, kad dėl agresyvios rinkodaros turizmas tam tikrose vietovėse tampa invaziniu išteklių naudojimu, todėl valstybė turi teisinį pagrindą taikyti administracines priemones, tokias kaip zonavimas, patekimo ribojimai ar specialūs mokesčiai, kurie veikia kaip kompensacija už perteklinį aplinkos išteklių naudojimą. Lyginamoji Lenkijos ir Lietuvos patirties analizė atskleidžia, kad Lietuvoje dažniau taikomi strateginiai, klasterizacija grįsti sprendimai, o Lenkijoje dominuoja „kietosios“ administracinės priemonės. Galutinėje išvadoje autoriai pabrėžia, kad siekiant efektyvaus turizmo valdymo būtinas sisteminis požiūris, kai įstatymai nustato išteklių naudojimo ribas, o administracinės institucijos, pasitelkusios šiuolaikines skaitmenines technologijas ir duomenų stebėseną, užtikrina tvarią plėtrą bei vietos gyventojų interesų apsaugą.

RAKTAŽODŽIAI: *perteklinis turizmas, tvarus turizmas, aplinkosaugos teisė, regioninė plėtra, viešasis administravimas.*

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