Presentation from HolidayTravelWatch to The EU Commission Stakeholders Conference on The Package Travel Directive

Brussels 22 April 2010



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Least Favoured Options:

- Option 1 – The Status Quo
- Option 2 – Guidelines & Enforcement
- Option 4 – Repeal & Self Regulation

- Why?

➢ Imports Consumer Exclusion

➢ Articles 2 & 6 Lisbon Treaty

➢ Article 38 – Charter on EU Rights

86.5%

Agree that warning notices would be helpful!





HTW Campaign since 2006!

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Warning! If you book this holiday and become ill, you are not protected by the Package Travel Directive.

Warning! If you book this holiday and your airline fails, you are not protected by the Package Travel Directive.

Warning! If you book this holiday and your hotel is overbooked, you are not protected by the Package Travel Directive.

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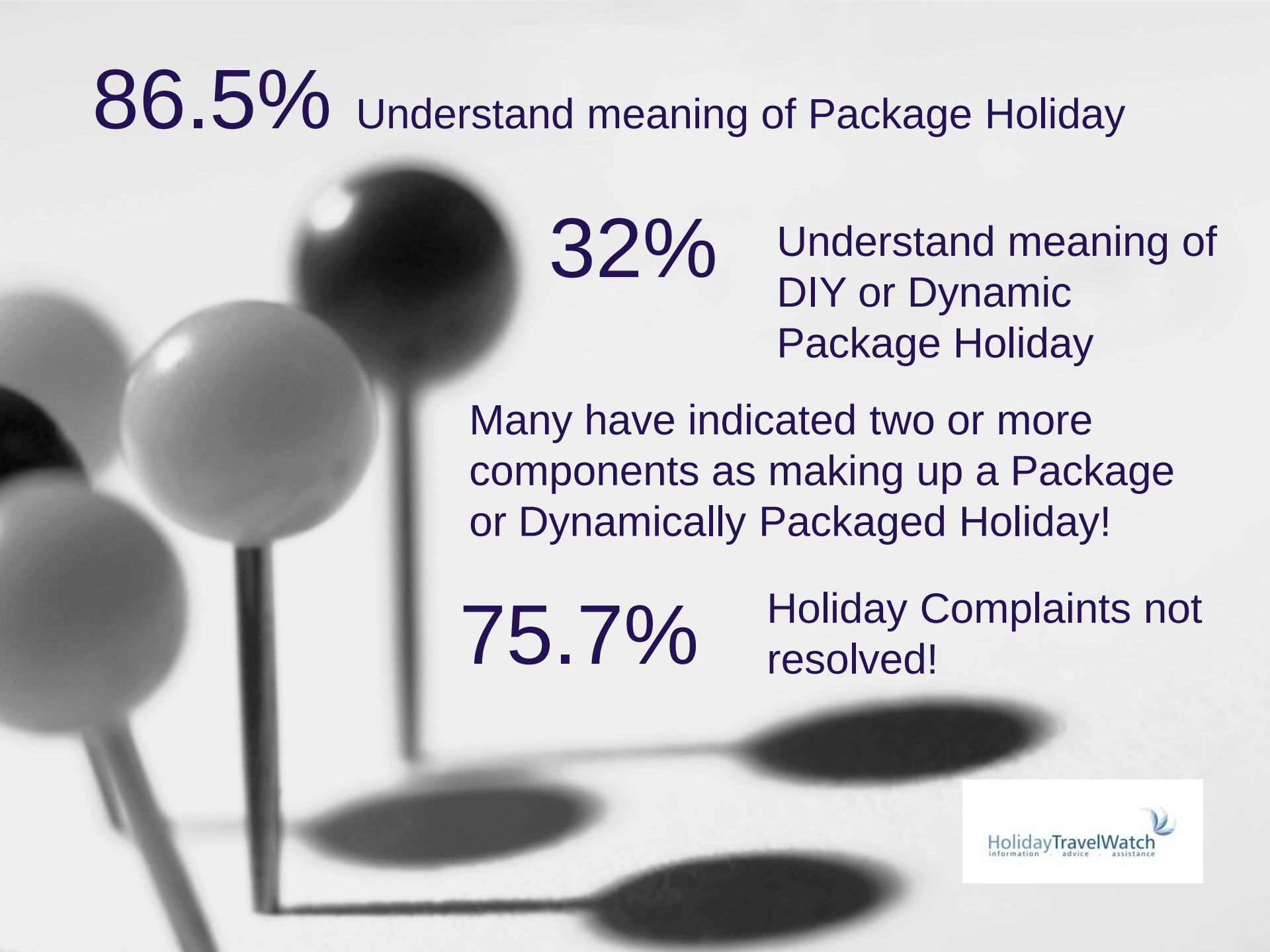
Points of Agreement/Comment:

Main Structure Maintained	✓
Scope	✓
Travel Package	✓ ?
Consumer	✓
Information: Pre-Contract/Contract/Pre-Journey	✓
Marketing Communication	?
Durable Medium/Last Minute Bookings	✓ ?
Providing Information/Assistance/Strict Liability	✓
Performance	?
Insolvency	?
Price Revision	?
Significant Change	✓
Withdrawal Rights/Cancellation Rights	✓
Full Harmonisation	✓



86.5% Understand meaning of Package Holiday

32% Understand meaning of DIY or Dynamic Package Holiday

Many have indicated two or more components as making up a Package or Dynamically Packaged Holiday!

75.7% Holiday Complaints not resolved!

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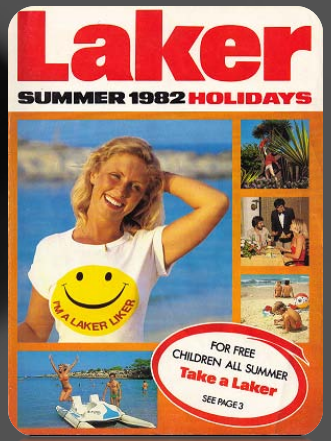
A Comparison of Pre & Post 1992 Holiday Brochures







Name of Pre 1992 Brochure:
Thomas Cook 1951
Silver Wing Holidays 1968
Laker Holidays 1982

Name of Post 1992 Comparators:	Link:
Travel Republic	www.travelrepublic.co.uk
Your Holidays	www.yourholidays.com
On The Beach	www.onthebeach.co.uk

Limits on T&C's?

- All Agents
- No Liability for:
  - Injury
  - Baggage
  - Changes etc
- Supplier Responsible

Pertinent Questions:

- Any real difference between products sold pre & post 1992?
- Any real difference between 'Flight & Hotel' & 'Traditional Package Holiday?
- Any real difference between Pre & Post 1992 Contract Terms & Conditions?

Why the Organiser/Retailer Argument is important!

- Liability & The Standards Argument
- 1300+ Case Studies
- Consumer vs multi-layered ‘agency’ contracts
- [ACCOMMODATION NOT PROVIDED ON ARRIVAL]

“I have twice written to [ONLINE PROVIDER] who passed the complaint onto the accommodation provider [ONLINE PROVIDER] who are adamant that they will only compensate us for the accommodation costs. I have also written to [TRADE BODY] who say that they are unable to help us due to the fact that [ONLINE PROVIDER] are no longer [TRADE BODY] registered”.

Why the Organiser/Retailer Argument is important!

- Consumer confusion!
- Clear Difference between:
  - Agency/Retailer purchasing complete product from Organiser
  - Agency/Retailer arranging ‘product’
- Will ‘retailers’ become the new ‘agents’?
- Will ‘retailers’ use terms and conditions to avoid?
- What will be the effect of ‘division’ of responsibilities?
- Home State must remain point of Consumer redress

Options 7 & 8 - Comment

- We support insolvency protection for standalone air tickets
  - Will it happen?
  - Powerful aviation lobby!

- ‘Maximum Plus’
  - Ancillary Services definition extended?
  - Same principle as standalone air tickets
  - Inclusion would regulate entire travel product

Impact Commentary

- Opportunity for Partnership!
- Consumers want to be loyal!
- Accept improved standards/service may cost
- Suggest Industry costs diminish during operation
- Proposals good for single market – a market that includes Consumers!



Thank You for Listening!

Je vous remercie pour votre attention!

Gracias por su atención

Frank Brehany

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