

QUESTIONNAIRE FOR INDUSTRY ORGANISATIONS

Review of the Package Travel Directive

BACKGROUND

The Package Travel Directive (hereafter referred to as the **PTD**), which came into effect in 1990, is aimed at protecting consumers in the area of package travel. Some of the most important rules concern the liability of package organisers and retailers, who must accept responsibility for the performance of the services offered. The Directive also prescribes the minimum information that must be given to consumers and contains provisions on the security to be provided in the event of insolvency.

The travel sector has evolved considerably, especially with the development of the internet and the rise of low-cost air carriers. Consumers are also now putting together their own holiday components from different providers, instead of opting for pre-arranged packages. The Commission is considering reviewing the PTD in order to reflect the current market situation. This issue has already been the subject of number of studies and consultations available on DG SANCO's website http://ec.europa.eu/consumers/rights/travel_en.htm.

The aim of this survey is to evaluate the size of existing problems and assess possible policy options in terms of their economic, social and environmental impacts and comparing their relative merits, in order to identify a preferred policy option. Below, you will find a list of questions, which should help us identify advantages and drawbacks for each possible course of action on EU level on special consumer protection in the area of package travel. We recognise that some questions will be difficult to answer precisely; please give your best estimate where possible. Beyond the scope of these questions, please feel free to provide additional information at the e-mail address: sanco-b2@ec.europa.eu

We would like to receive your completed questionnaire by **7 February 2010**. Please also note that the **maximum time to complete each of the sections is 90 minutes**. **Partial responses will not be saved**. This means once you start filling in the questionnaire, you have to answer all compulsory questions to submit your response. You can, however, preview the whole questionnaire in a document format (pdf). Received contributions will be published on the Internet. It is important to read the specific privacy statement attached to this consultation for information on how your personal data and contribution will be dealt with

For organisations: Since the launch in June 2008 of the Register for Interest Representatives (lobbyists) as part of the European Transparency Initiative, organisations are invited to use this Register to provide the European Commission and the public at large with information about their objectives, funding and structures. It is Commission policy that submissions from organisations will be considered as individual contributions unless the organisations have registered. (<http://ec.europa.eu/transparency/regrin/>)

SECTION A: ABOUT YOU AND YOUR ORGANISATION

Please provide **details about yourself and your organisation** below.

Name:	
Organisation name:	
Telephone number:	
E-mail address:	

Please indicate the **percentage of your member companies** with the following characteristics:

Number of employees:	<10	<input type="text"/>	<50	<input type="text"/>	<250	<input type="text"/>	>250	<input type="text"/>
Annual turnover:	<€2m	<input type="text"/>	<€10m	<input type="text"/>	<€50m	<input type="text"/>	>€50m	<input type="text"/>

Please indicate which EU Member States are covered by the **operations of your member companies**: (Please tick)

Austria	<input type="checkbox"/>	Germany	<input type="checkbox"/>	Netherlands	<input type="checkbox"/>	Across EU-27	<input type="checkbox"/>
Belgium	<input type="checkbox"/>	Greece	<input type="checkbox"/>	Poland	<input type="checkbox"/>	EFTA/EEA	<input type="checkbox"/>
Bulgaria	<input type="checkbox"/>	Hungary	<input type="checkbox"/>	Portugal	<input type="checkbox"/>	Candidate Countries	<input type="checkbox"/>
Cyprus	<input type="checkbox"/>	Ireland	<input type="checkbox"/>	Romania	<input type="checkbox"/>	Far East	<input type="checkbox"/>
Czech Republic	<input type="checkbox"/>	Italy	<input type="checkbox"/>	Spain	<input type="checkbox"/>	North America	<input type="checkbox"/>
Denmark	<input type="checkbox"/>	Latvia	<input type="checkbox"/>	Slovakia	<input type="checkbox"/>	Other Country	<input type="checkbox"/>
Estonia	<input type="checkbox"/>	Lithuania	<input type="checkbox"/>	Slovenia	<input type="checkbox"/>		<input type="checkbox"/>
Finland	<input type="checkbox"/>	Luxembourg	<input type="checkbox"/>	Sweden	<input type="checkbox"/>		<input type="checkbox"/>
France	<input type="checkbox"/>	Malta	<input type="checkbox"/>	United Kingdom	<input type="checkbox"/>		<input type="checkbox"/>

Indicate which of the following best describes **your member’s operations**. Please tick all that apply (optional)

My members are organisers of travel combinations (where ‘combinations’ implies more than one component of a trip (i.e. two or more of transport, accommodation and tourist activities))	<input type="checkbox"/>
My members are sellers of pre-packaged combinations or deals containing any two of transport, accommodation and tourist activities	<input type="checkbox"/>
My members are sellers of combinations which are put together at the request of the consumer and purchased at the same time	<input type="checkbox"/>
My members are sellers of one travel component (e.g. flight-only, hotel only, or city tours only), but my members websites provide links to other websites where consumers may purchase other components	<input type="checkbox"/>
My members are sellers of stand-alone purchases of transport, accommodation and/or tourist activities	<input type="checkbox"/>
My members are service providers (in the areas of accommodation/transport/tourist services e.g. a hotel)	<input type="checkbox"/>
My members are none of the above (<i>please specify role</i>)	<input type="checkbox"/>

If your members have a significant market share of the national or EU market for a particular travel component or aspect, kindly provide information on this in the box below. *Please note that this information is important for assessing (and avoiding) disproportionate impacts of any changes to the PTD on specific markets, countries or travel products* (optional)

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SECTION B: DEFINITIONS, TERMINOLOGIES AND SCOPE OF THE DIRECTIVE

The Package Travel Directive (PTD) covers pre-arranged holiday packages which combine at least two of the following: (1) transport, (2) accommodation, (3) other tourist services not ancillary to transport or accommodation and accounting for a ‘significant proportion of the package’. Consumers are covered where: (a) at least two of the above elements are sold at an inclusive price (disregarding separate billing) and (b) the service covers more than 24 hours or includes an overnight accommodation.

1. Using ticks, if a new PTD were introduced, indicate which of the following travel-related products or arrangements you think should be **within the scope**? (compulsory)

Accommodation, transport and/or other tourist services purchased as a package for an inclusive price (i.e. current definition of a package travel under the PTD)	
Accommodation, transport and/or other tourist services purchased on the internet from the same site where consumers can assemble the content of the package	
Accommodation, transport and/or other tourist services purchased on the internet from different sites which are clearly linked on their web pages	
Cruises	
Transport and tourist activities where the service covers a period of less than 24 hours (e.g. return flight and ticket to Wimbledon tennis match)	
Transportation which includes accommodation (e.g. overnight boat/train trips in a cabin with bed, etc)	
Packages purchased for solely business purposes	
Packages purchased for solely leisure purposes	
Packages purchased for mixed purposes (private& business)	
Packages occasionally organised by a company which normally does not organise packages (e.g. package travel to Oktoberfest in Germany organised and sold by a bank for best clients once a year)	
Packages occasionally organised by a non-business organisation (or not-for-profit organisation) which normally does not organise packages (e.g. package travel to Vatican for Christmas celebration organised and sold by the local church)	
Do not know	
Other (<i>please specify</i>)	

2. What percentages of the products you currently sell include ‘other tourist services’ in sole combination with transport or in sole combination with accommodation as defined above? (compulsory)

<10% 10-20% 20-30% 30-40% >50% Not applicable

3. Would you agree with the term ‘significant proportion of the package’ (when referring to other tourist services) being clarified as a fixed minimum percentage of the overall package price? (optional)

YES NO Do not know

4. If **YES**, which of the following percentages do you agree with? (optional)

10% 20% 30% 40% 50% Other (specify)

SECTION C: INFORMATION REQUIREMENTS

The current PTD requires that certain specific information - which is comprehensible, accurate and not misleading - is made available to consumers at either the pre-contractual stage, in the contract, or simply **'in good time'** prior to the start of the journey. The following questions are intended to indicate, at which stage, you believe the following information should be provided.

5. On a scale of 1-5, indicate how important it is for you to receive information on the listed aspects in order to purchase a travel package? (5 = Essential, 4 = Very important, 3 = Important, 2 = Slightly important, 1 = Not important and 0 = Do not know) (compulsory)

Amount to be paid (money or %) on account and the schedule for paying balance	
Other tourist activities included in the total price	
Destination and the means and quality of transport to be used	
Health requirements e.g. vaccinations required, "safe" practices	
Meal plans	
Name, address and telephone number of the organizer's and/or retailer's local representative or, failing that, of local agencies on whose assistance a consumer in difficulty could call	
Insurance possibilities or options	
Passport and Visa requirements	
Travel and holiday itinerary	
Type and quality of accommodation and its location	
Travel time, intermediate stops and transport connections/transits and details of the place to be occupied by the traveller (e.g. cabin or berth on ship, sleeper compartment on train)	
Whether minimum number is required for package to take place and deadline for informing consumer of cancellation if numbers not achieved	
Other (please specify)	
Other (please specify)	
Other (please specify)	

6. Indicate at which stage(s) you believe each of the following information should be compulsory to provide, if at all? **Please leave blank if you do not know or you believe it should not be compulsory** (optional)

Information on:	In the brochure	Pre contract	In the Contract	Before Departure
Amount to be paid (money or %) on account and the schedule for paying balance				
Other tourist activities included in the total price				
Destination and the means and quality of transport to be used				
Health requirements e.g. vaccinations required, "safe" practices				
Meal plans				
Name, address and telephone number of the organizer's and/or retailer's local representative or, failing that, of local agencies on whose assistance a consumer in difficulty could call				
Insurance possibilities or options				
Passport and Visa requirements				
Travel and holiday itinerary				
Type and quality of accommodation and its location				

Information on:	In the brochure	Pre contract	In the Contract	Before Departure
Travel time, intermediate stops and transport connections/transits and details of the place to be occupied by the traveller (e.g. cabin or berth on ship, sleeper compartment on train)				
Whether minimum number is required for package to take place and deadline for informing consumer of cancellation if numbers not achieved				
Other (please specify)				
Other (please specify)				
Other (please specify)				

7. The PTD does not specify the form in which information is to be provided to the consumer. Assuming all information has to be provided in the same form at each stage, indicate the form in which you believe this information should be provided? (compulsory)

	On paper or other printed means	On durable medium (e.g. emails, fax, cd-roms)	On websites or other marketing material	Other (please specify)	No formal requirement needed
At the pre-contract stage					
In the Contract					
Before Departure					

8. Who should be **responsible for providing information** to consumers after the contract is signed? (optional)

The Organiser/ Tour Operator The Retailer/ Seller/Travel Agent Other parties (specify)

9. Which of these do you consider to be a **last minute booking**? (compulsory) Bookings made:

7 - 14 days before departure 3 - 7 days before departure 2 days before departure 24 hrs before departure or less Other (specify)

10. Do you think there is a need for special rules regarding information requirement for last minute bookings given the short period of time between signing the contract and departure. If YES, please specify

11. Currently, what is the average cost to your members of providing information (in order to meet the requirements of the Directive) to consumers for an average trip? (Please select preferred option as a % of the overall trip price or in €) (compulsory)

0.5% 1% 1.5% 2% >2% Other (specify)

€1 - €2 €2 - €5 €5 - €10 €10 - €20 Other (specify)

12. Where possible, please provide a breakdown of all costs associated with different information requirements below (e.g. costs of re-printing brochures, binding obligations of what should be included in marketing material, etc) (optional)

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13. What suggestions do you have for reducing costs for your members arising from existing obligations to provide information to the consumer and by what percentage do you think these measures might reduce costs? Please explain your answer (optional)

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SECTION D: LIABILITIES, OBLIGATIONS AND RESPONSIBILITY FOR CONSUMER DIFFICULTIES

14. Please provide information on cases where prompt assistance has been provided to consumers in difficulty by your members due to failures which are attributed to a third party or due to force majeure. (optional)

How many such cases occur per 1000 travel packages?	
What is the average cost of assistance provided for each case (in €)?	

15. How often (as a % of all cases in the last 2 years where damages have been claimed by consumers) has *force majeure* been a reason to deny compensation by your members?

<1% 2-5% 5-10% 10-15% >25% Don't know

16. The PTD provides the possibility for the organiser to cancel the travel package on the grounds that there are too few participants if this is notified in the contract. Please provide details on how this possibility is used by your members. (optional)

How many such cases occur per 1000 travel packages?	
On average, how many days prior to the planned day of departure is notice provided to the consumer that the travel package has been cancelled?	

17. In your opinion, who should be the responsible party for **assisting a consumer with problems** during package travels? Tick all that apply (compulsory)

Seller of the package (The party who receives the payment directly e.g. travel agency)	
The provider of the service where the difficulty arises (who may receive the payment indirectly, e.g. airline or hotel which is not organising the package)	
The organiser of the package (tour-operator)	
Other (<i>please specify</i>)	

18. If you ticked more than one box and/or believe the responsible party should vary by circumstance, please provide reasons for your answer in the space below. (optional)

19. In your opinion, who should be the responsible party for **the proper performance of the services as stated in the contract**? Tick all that apply (compulsory)

Seller of the package (The party who receives the payment directly e.g. travel agency)	
The provider of the service where the difficulty arises (who may receive the payment indirectly, e.g. airline or hotel which is not organising the package)	
The organiser of the package (tour-operator)	
Other (<i>please specify</i>)	

20. If you ticked more than one box, please provide reasons for your answer below. (optional)

21. Please provide information on how much on average (in € annually per company) your members currently pay into national insolvency protection schemes, as required by the Directive. Please provide any additional information regarding strengths and weaknesses of these schemes. (optional)

22. Please identify (and quantify, where possible) any costs associated with complying with the current PTD that arise for your members (optional)

Cost item	Average Cost/€ per package trip
Liabilities for proper performance	
Providing assistance for consumers in difficulties	
Insolvency protection	
Compliance costs for companies selling cross-border	
Other (please specify)	

SECTION E: CONTRACT CHANGES

23. In which situations, if any, do you think consumers should have a **right to withdraw from the contract** before departure **without** paying any compensation (optional)

Questionnaire - Definition of Policy Options and Impact Assessment

24. In which situations, if any, do you think consumers should have a right to cancel the contract before departure **by paying compensation** (optional)

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25. The current legislation requires the organiser to inform the consumer as quickly as possible if they have to change significantly any of the ‘essential terms’ of a package holiday. Indicate which of the following elements you consider as being an “essential term”. Please tick all that apply (compulsory)

Possible Essential Terms	Tick
Changes in overall price	
Change in carrier (airline, train service provider etc.)	
Changes in travel times and/or dates	
Changes in travel/holiday destination	
Change in accommodation (e.g. different hotel)	
Changes in components of additional services (e.g. sightseeing tours, entertainment packages)	
Changes in itinerary of additional services	
Change in the payment schedule	
Change in special requirements which both parties accepted (e.g. facilities for disabled person)	
Other (specify)	

26. What are the main reasons for changes to the price agreed in the contract? Please identify the estimated percentage of the occurrence of price changes due to each reason in last two years. Also, please state how much on average each reason tends to increase the price (use minus (-) sign, for price decrease). (Please tick all that apply) optional

Information	% occurrence	% level of price changes
Variations in transportation costs, including the cost of fuel (fuel surcharges)		
Variations in taxes, duties and fees chargeable for services such as landing taxes, embarkation/disembarkation fees at ports and airports		
Variations in exchange rates applied to the package		
Other (please specify)		
Other (please specify)		

27. When should be the cut-off point for allowing any price changes (either UP or DOWN) from what was agreed in the contract (e.g. due to variations in transportation costs, taxes, duties or exchange rates etc.)?

8 weeks before trip 6 weeks before trip 4 weeks before trip 20 days before trip

Prices should be binding Other (please specify)

28. What should be a maximum acceptable level of price changes from what was agreed in the contract? (compulsory)

<1% 2-5% 5-10% 15-25% >25% It shouldn't be specified Prices should be binding

SECTION F: FUTURE REGULATORY FRAMEWORK

29. Using a scale of 1 - 5 (where 1 = not at all important and 5 = very important), rate the following aspects of the current PTD, indicating which you consider to be the most important aspects **requiring regulatory update?** (compulsory)

Removal of cross border barriers in the form of differing or additional requirements at national levels	
Including other (modern) channels of marketing communication (apart from the brochure) in the scope of the Directive (e.g. the internet)	
Clarification/updating of definitions and crucial terminology in the Directive (e.g. “consumer”, retailer, organiser, essential terms of the contract, etc.)	
Clarifying the scope of the Directive	
Extending the scope of the Directive	
Other (<i>please specify</i>)	

30. Using a scale of 1 - 5 (where 1 = not at all important and 5 = very important), rate the following aspects of the current PTD, indicating which you consider to **require harmonisation across the EU?** (compulsory)

The scope and definitions in the PTD	
The information requirements	
The liabilities of organisers/retailers	
Rules regarding cancellation/withdrawal by consumers	
Rules regarding changes in price and essential terms by providers	
Rules regarding insolvency protection	
Establishment of a pan-European fund or scheme for insolvency	
Other (<i>please specify</i>)	

31. One way of increasing consumers' awareness could be the introduction of a package travel label (logo) or trust mark on offers to inform consumers of whether a given product is covered by the PTD or not. Using a scale of 1 - 5 (where 5 = very highly effective and 1 = not effective), rate the following possible outcomes of introducing such a label. (compulsory)

It will help consumers to understand whether they are protected or not	
It will provide greater regulatory clarity for businesses and provide a more competitive framework for the market	
It will help public authorities - in monitoring the market and enforcing the PTD requirements	
Other (<i>please specify</i>)	

32. Please provide an estimate of the total extra cost that would be incurred by your members annually due to a potential introduction of a requirement to clearly label travel offers and contracts that fall within the scope of the PTD. Please provide any cost estimates in €.

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Questionnaire - Definition of Policy Options and Impact Assessment

33. Which of the following ways of ensuring the protection of consumers would you prefer? Please give reasons for your answer (optional)

A more up-to-date EU Directive	
Repeal of the Directive and the use of other existing legislation <i>(please give examples of such legislation in the space 'other' below)</i>	
Issuing of detailed guidance for businesses	
Undertaking awareness campaigns	
Industry self-regulation	
None of the above	
Other <i>(please specify)</i>	
Reasons for answer	

34. Using a scale of 1 - 5 (where 1 = not at all important and 5 = very important), rate the following possible obstacles to cross-border trade stemming from the rules in the current PTD? (compulsory)

Obstacles to cross border trade	Rating
Divergent information requirements	
Different scope of the protection rules	
Divergent definitions	
Different insolvency schemes	
Different national rules concerning liability and obligations of the contractual parties	
Other <i>(please specify)</i>	

35. If the rules regarding package travel were to be harmonised across Member States, you would expect the level of cross-border sales for your members to... (tick one) (optional)

Increase a lot Increase a little Not change Decrease a little Decrease a lot

36. The current PTD rules on insolvency pertain to package travels only and do not cover stand alone products. However, following a recent spate of airlines going bust (bankrupt), it is important to consider the level of protection currently being offered to consumers. Please note that there will be a possibility to provide more detailed comments on this matter in the context of a forthcoming consultation on air passenger rights. Do you think it should be compulsory, optional or not required at all when buying **standalone airline tickets** (i.e. not as part of a package) to provide specific protection (or insurance) so that passengers would be **reimbursed for money paid** over or repatriated **if the airline went bankrupt?** (compulsory)

It should be compulsory and included in the price	
It should be optional (passengers may choose whether to buy, but all airlines must offer it, i.e. optional insurance)	
Airlines should not be required to offer protection	
Do not know	

37. Finally, if you want to provide additional information, please do so below.

Thank you very much for completing this questionnaire