

## QUESTIONNAIRE FOR CONSUMERS

### *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. The aim of this survey is to learn more about consumer's expectations and preferences in this respect.

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](http://ec.europa.eu/consumers/rights/travel_en.htm). Below, you will find a list of questions, which should help us to prepare an initiative 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](mailto: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.

**SECTION A: ABOUT YOU**

Please provide details about yourself below.

Name (optional)	
Location (country) (compulsory)	
Telephone number: (optional)	
E-mail address:(optional)	

**SECTION B: 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.*

- Using ticks, indicate which of the following travel-related products or arrangements you think require special consumer protection rules (e.g. information and liability requirements, insolvency protection in case of bankruptcy, etc.)? (compulsory)

<b>Accommodation, transport and/or other tourist services</b> purchased as a package for an inclusive price (i.e. <b>current definition of a package travel under the PTD</b> )	
<b>Accommodation, transport and/or other tourist services</b> purchased <b>on the internet from the same site</b> where consumers can assemble the content of the package	
<b>Accommodation, transport and/or other tourist services</b> purchased on the internet <b>from different sites which are clearly linked</b> on their web pages	
Cruises	
<b>Transport and tourist activities where the service covers a period of less than 24 hours</b> (e.g. return flight and ticket to Wimbledon tennis match)	
<b>Transportation which includes accommodation</b> (e.g. overnight boat/train trips in a cabin with bed, etc)	
Packages purchased for solely <b>business purposes</b>	
Packages purchased for solely <b>leisure purposes</b>	
Packages purchased for <b>mixed purposes (private&amp; business)</b>	
<b>Packages occasionally organised by a company</b> 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)	
<b>Packages occasionally organised by a non-business organisation</b> (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> )	

**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, in your opinion, the following information should be provided..*

2. 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 ( <i>please specify</i> )	
Other ( <i>please specify</i> )	
Other ( <i>please specify</i> )	

3. 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)

<b>Information on:</b>	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				

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<b>Information on:</b>	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)				

4. 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, paper, fax)	On websites	Other (please specify)	No formal requirement needed
At the pre-contract stage					
In the Contract					
Before Departure					

5. Who should be **responsible for providing information** to you after you have signed a contract? (optional)

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

6. 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)

7. 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

**SECTION D: LIABILITIES, OBLIGATIONS AND RESPONSIBILITY FOR CONSUMER DIFFICULTIES**

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

Seller of the package (The party <b>who receives the payment</b> directly e.g. travel agency)	
The <b>provider of the service</b> 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> )	

9. 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)

10. 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 <b>who receives the payment</b> directly e.g. travel agency)	
The <b>provider of the service</b> 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> )	

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

**SECTION E: CONTRACT CHANGES**

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

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

14. After the contract is signed, the current legislation requires the organiser to inform the consumer as quickly as possible if they have to change significantly any of the ‘essential

***Questionnaire - Definition of Policy Options and Impact Assessment***

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terms’ of a package holiday. Using ticks, indicate which of the following elements you consider as being an “essential term” of the contract? (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)	

15. There can often be a long period of time between publication of a package travel brochure and when a consumer books a holiday. During this period, costs for the seller may have increased and as a result, they may need increase their listed prices. If the seller has communicated clearly in the brochure that possibility, on a scale of 1-5 (where 1 = not acceptable and 5 = fully acceptable), indicate how acceptable it is for the seller of a package travel to **change the price listed in brochures** for the reasons listed below? (Please score all that apply) (compulsory)

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	
None of the above – all prices in the brochure should be fixed	
Other (please specify)	

16. There can often be a long period of time between signing the contract and departure. During this period, costs for the seller may have increased/ decreased. If the seller has communicated that possibility to you, on a scale of 1-5 (where 1 = not acceptable and 5 = fully acceptable), indicate how acceptable it is for the seller of a package travel to **change the price agreed in the contract** for the reasons listed below? (Please score all that apply) (compulsory)

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	
None of the above – all prices in the contract should be fixed	
Other (please specify)	

17. When should be the cut-of 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)

18. Is there any 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**

19. Is there currently an adequate level of protection provided under the PTD when purchasing package travel? (compulsory)

YES  NO  Do not know

20. If you have answered NO, please identify which aspects should be modified

21. Would you be more willing to purchase travel packages from a seller in another EU country if you have the same rights in all the EU countries? (compulsory)

YES  NO  Do not know

22. If a “Travel Protection Label” was to be introduced at the EU level which indicated which travel products and/or combination of products were protected under the legislation, how would this influence your decision on which products to purchase? Please indicate statement which most applies to you

<b>Most likely to purchase</b> those products with label, even if my preferred product is not available under a label	
Would <b>definitely consider</b> whether product is under the label or not	
Whether or not a product is protected or not <b>would not influence</b> my decision	
<b>Price is more important</b> than protection and whether or not a product carries the label	
None of the above	

23. 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	

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

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***Thank you very much for completing this questionnaire.***