

QUESTIONNAIRE FOR CONSUMER 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 which EU Member States your organisation covers: (Please tick)

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

SECTION B: CONSUMERS' EXPERIENCES WITH PACKAGE TRAVEL

1. Please estimate the percentage of consumers who you believe are **fully aware** of the protection available to purchasers of 'package travel' under the PTD (optional)

<5% 5 - 10% 10 - 20% 20 - 50% >50%

2. On average, how many complaints do you receive (or are you aware of) on an annual (yearly) basis from consumers relating to package travel holidays? (optional)

<10 10 - 25 25 - 50 50 - 75 75-100
 100 - 250 250- 500 500 - 1,000 1,000 - 2,000 >2,000

3. Please provide an indication of how complaints break down between different types of travel arrangements (compulsory)

TYPE OF TRAVEL ARRANGEMENT	% of complaints
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 have available statistics	
Other (please specify)	

SECTION C: 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.

4. 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)

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)	
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)	
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)	
Do not know	
Other (please specify)	

SECTION D: 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 consumers 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				

Questionnaire - Definition of Policy Options and Impact Assessment

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

SECTION E: LIABILITIES, OBLIGATIONS AND RESPONSIBILITY FOR CONSUMER DIFFICULTIES AND CONTRACT

11. 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>)	

12. 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)

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13. 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>)	

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

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SECTION F: CONTRACT CHANGES

15. 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)

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16. 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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17. 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 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)	

18. 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)	

19. 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 consumers, 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)	

20. 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)

21. 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

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

YES NO Do not know

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

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24. Do you believe consumers would be more willing to purchase packages from a seller in another EU country if they have the same rights in all the EU countries? (compulsory)

YES NO Do not know

25. 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>)	

26. 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>)	

27. 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. How is this likely to influence consumers' decisions on which products to purchase? Please indicate the statement which would apply in most cases

Consumers are most likely to purchase those products with label, even if a preferred product is not available under a label	
Consumers would definitely consider whether product is under the label or not	
Whether or not a product is protected or not would not influence consumers' decisions	
Price is more important to consumers than protection and whether or not a product carries the label	
None of the above	

28. 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	

29. 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	

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

Thank you very much for completing this questionnaire.