

Screening Croatia and Turkey « Package travel »

Rafael Cepas
European Commission
Directorate General Health and Consumer Protection
8 June 2006

Overview

- Background
- Commission's actions to date
- Review of the consumer policy acquis
- Directive 90/134/EEC: state of play
- The future
- Problems drawn to the Commission's attention

Background

- 1990: Council adopted Directive 90/314/EEC on package travel
- 1999: Commission adopted a Report on the Implementation of the Directive :
 - Analysis of the transposition measures taken by MS
 - Identification of problems occurred since adoption
 - Launched a discussion on better implementation
- 2000: Council adopted conclusions on the report
- 2002: EP adopted Resolution on application of the Directive.

Commission's actions to date

- 2002: Adoption of Communication on the Consumer Policy Strategy 2002-2006. A review of all the consumer policy acquis was foreseen.
- 2004: Regulation of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on Consumer Protection Cooperation)
- 2005: Directive 2005/29/EC on Unfair Commercial Practices.

Review of the consumer policy acquis

- The minimum harmonisation approach has led to differences in the degree of protection afforded to consumers.
- The sectoral approach has also led to inconsistencies between the different Directives.
- The Commission fears these differences may create internal market problems.

Directive 90/314/EEC on package travel, package holidays and package tours (PTD): state of play

- Checking the implementation of new MS completed,
- Launching infringement proceedings, if necessary,
- The same steps adopted for the whole of the consumer acquis will apply to the PTD.

The future

It could be that the PTD needs to be changed, but other ways of improving consumer protection are not excluded (e.g. directive on tourism, which could cover the entire tourism sector ; or an horizontal instrument applicable to all the consumer directives).

Problems drawn to the Commission's attention

- Improving consumer information requirements,
- Widening the scope of the directive,
- Dealing with consumer complaints.

Improving consumer information requirements

- Minimum standards that should apply to all descriptive and promotional material,
- Deadline for supplying booking/confirmation contract terms,
- Special information requirements (disabled consumers, health information, etc)

Widening the scope of the directive

- Extending the protection afforded currently to packages to separate holiday components,
- Re-definition of essential terms (e.g. package, inclusive price, pre-arranged),
- Tighter rules regarding single person supplements to avoid penalising them,
- Strict limitations on post-contract surcharging

Dealing with consumer complaints

- To state clearly the legal consequences of neglecting the obligations concerning information,
- Making consumers more readily aware of their rights of redress and how to claim these rights.