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**HOTREC¹ comments on
the Working Document on
the Council Directive 90/314/EEC of 13 June 1990 on
package travel, package holidays and package tours**

HOTREC thanks the Commission for giving it the opportunity to comment on the future revision of the Package Travel Directive.

The text issued in 1990 was in the form of a Directive. As explained in the Working Document, given the minimum harmonisation of the Directive, a number of Member States adopted national provisions going beyond the level of consumer protection foreseen in the Directive.

Some of the national associations members of HOTREC, have replied directly to the consultation, giving thereby detailed information about the implementation of the Directive in their countries.

As an “umbrella” organisation, HOTREC has to concentrate on overall, generally shared comments.

The first one relates to question 1 & 2 of the consultation (definitions)

HOTREC associations would appreciate a restriction of the scope of the Directive to a “pre-arranged combination of not fewer than two of the following...:

- (a) transport; and
- (b) accommodation

or

- (a) transport; and
- (b) tourism services other than accommodation”

¹ HOTREC represents the hotel, restaurant and café industry at European level. It counts 1.4 million businesses, with 92% of them being micro enterprises employing less than 10 people. The micro and small enterprises (having less than 50 employees) in the hospitality industry representing 99% of businesses make up some 64% of value added. The industry provides some 8 million jobs in the EU alone. HOTREC brings together 40 National Trade and Employer Associations representing the interest of the industry in 25 different European countries.

In this context, the term “transport” should explicitly refer to the transportation from the place of residence of the consumer to the destination stipulated in the package travel contract. It should not cover leisure facilities or complementary transport to or from local points of interest, from or to the hotel.

HOTREC is of the opinion that the combination of accommodation and other tourism services, not ancillary to accommodation, should not be covered by the Directive for the reasons explained below.

This call for restriction of the scope of the Directive is directly linked to the provision in the Directive relating to a guarantee scheme (question 17 of the consultation).

Even when hotels offer services not considered as ancillary to accommodation, their situation differ greatly from that of the organisers/travel agents:

- hotels generally do not receive substantial payment in advance the consumption of their services;
- credit cards details usually only secure cancellation fees.

Furthermore, contrary to tour operators/ travel agents, a hotel always has tangible assets and, therefore, does not pose the same risks of insolvency.

As a conclusion, hotels should, under no circumstances, be requested to provide an evidence of security, as requested by Article 7 of the current Directive.

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We remain at your full disposal for further information on the point of view of the hotel industry and look forward to being involved in the further discussions on the review of the Package Travel Directive.