



Recommendation of the Council
concerning Information and
Protection of Tourists in
Connection with Air Package
Tours

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Date(s)

Adopted on 30/10/1979
Abrogated on 12/07/2017

THE COUNCIL,

HAVING REGARD to Article 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to the Report by the Committee on Consumer Policy and the Tourism Committee of 5 June 1979 concerning the information and protection of the tourist as a consumer in connection with air package tours [CCP(79)4/TOU(79)3];

CONSIDERING the growing importance in Member countries of air package tours in national and international tourist travel;

CONSIDERING the increasing need for adequate information and protection of tourists in connection with air package tours;

RECOGNISING that the adoption by Member countries of improved standards in their national laws or in voluntary codes relating to air package tours would enable tourists to be more effectively informed and protected;

On the proposal of the Committee on Consumer Policy and the Tourism Committee;

RECOMMENDS that Member countries which have not yet done so should consider adopting measures designed to improve the information and protection of tourists in connection with air package tours through statutory provisions or voluntary arrangements developed in co-operation with the travel industry, in accordance with the guidelines set forth in the Annex to this Recommendation which forms an integral part of it.

ANNEX

GUIDELINES CONCERNING INFORMATION AND PROTECTION OF TOURISTS IN CONNECTION WITH AIR PACKAGE TOURS

A. Information Concerning Air Package Tours

Voluntary Standards of Information in Advertising and Promotional Activities

1. In most Member countries, general legislation exists prohibiting deceptive advertising and unfair marketing practices and this applies also to the promotion of air package tours. However, voluntary standards adapted to the particular situations arising in air package tours can, in many cases, deal effectively with tourist problems in this field. As a complement to legislation the preparation of voluntary codes of conduct in travel advertising has been found to significantly diminish problems of misinformation and to improve the quality of information upon which tourists can base their decisions. Voluntary standards should therefore be adopted by retail agents and tour operators to prevent difficulties for the tourist by ensuring that advertising and other promotional activities contain correct and precise details of air package tours offered. Where no voluntary standards exist or where they are deemed not to be satisfactory, Member countries should take positive action to establish standards for the marketing of air package tours.

Minimum Standards of Information in Sales Brochures

2. Brochures should contain clear, comprehensive and accurate information to enable tourists to exercise informed judgements between competitors. In particular, they should include:

- a) The legal identity of the tour operator responsible for publishing the sales brochure and for providing the travel arrangements offered;
- b) The means of travel including, where possible, the name of the carrier, the type of aircraft and the type of flight (charter or scheduled);
- c) The destination and itinerary, where applicable;
- d) The date, time and airport of departure and return;
- e) The nature of accommodation and facilities offered;
- f) Any additional facilities or special arrangements offered;
- g) The total price, together with a clear statement of the services included, period of application of the price, and the conditions under which the price can be amended;
- h) The penalties for cancellation by the tourist;
- i) The procedure for booking and the contractual conditions under which the booking should be made.

Information on Accommodation Arrangements

3. Tour operators should ensure that specific information on accommodation arrangements is readily available to tourists such as:

- a) Year of construction of hotel or of last major renovation;
- b) Number of storeys and whether there is a lift;
- c) Number of beds or rooms;
- d) Sanitary facilities;

- e) Mains voltage and heating system;
- f) Location of hotel and general surroundings (e.g. proximity to a potential source of disturbance);
- g) Relevant distances from the hotel (e.g. distance to beach);
- h) Photographs, representative sketches or pictures of the rooms or location.

4. Where possible, other relevant information should be available such as the grade of hotel where grading schemes exist.

Other Information

5. Tourists should be provided with all information necessary to comply with national or international regulations, particularly with regard to visas, exchange controls, vaccination and other health regulations.

6. Tourists should be informed whether personal insurance exists for sickness, accident, baggage and cancellation due to personal illness. Details should be provided both by the tour operator and the retail agent. Tourists should be encouraged to have adequate insurance cover without this detracting from the liability of other contracting parties. Tourists should have the opportunity to insure against delays caused by factors outside the tour operator's control, e.g. strikes.

B. Contractual Rights of the Air Package Tourist

Travel Contracts

7. Travel contracts for air package tours should conform to the following basic principles:
- a) All contracts should be in written form;
 - b) All contracts should either reproduce all the detailed information that sales brochures should contain or make reference to a distinctly identified sales brochure which conforms to the minimum standards of information;
 - c) All deposits paid by the tourist should be supported by a receipt from the tour operator or retail agent making clear reference to the agreed terms of the contract;
 - d) All contracts should give full details of place and procedure for the tourist to obtain redress in the event of unsatisfactory performance of the contract;
 - e) No contracts should include any terms unduly limiting liability of those carrying out the contract.

8. Member countries should, where possible, encourage the preparation of model forms of contracts by national travel trade associations in consultation with consumer representatives and government agencies. The model contracts should incorporate the principles referred to in paragraph 7 and should be available for use by tour operators and retail agents.

Variations to Prices

9. Tourists should be informed as soon as material alterations become necessary in the price of the package tour. Retail agents and tourists who have made reservations should be informed of variations without delay and the following principles should be observed:

- a) A tour operator or retail agent should not make an additional charge to a tourist after the contract has been agreed unless he can show that the increase was unavoidable and due to circumstances which amount to force majeure;

- b) A tour operator or retail agent should not be entitled to make any additional charge to the tourist for any circumstance whatsoever, less than a minimum of 20 days before the date of the commencement of the tour.
- c) In the event of a price increase prior to the period referred to under b) above caused by circumstances which amount to force majeure, the tourist should be entitled to cancel the tour and receive a refund of all monies less reasonable expenses.

Cancellation of the Tour or Significant Variation to Services by the Tour Operator or Retail Agent

10. In the case of cancellation of the tour or any significant variation to services, such as altering destinations, which is not clearly or specifically provided for in the contract and is made before the commencement of the tour, the tour operator or the retail agent should offer the tourist the choice of:

- a) An alternative tour of comparable standard if available; or
- b) A refund of all monies paid,
 - Less reasonable expenses in the case of a force majeure situation,
 - Plus reasonable compensation for disturbance in all other cases.

11. In the case of any significant variation after the commencement of the air package tour, the tour operator shall ensure that:

- a) The facilities subsequently offered are of equal or better standard; or
- b) An adequate refund is made,
 - Less reasonable expenses in the case of a force majeure situation,
 - Plus reasonable compensation for disturbance in all other cases.

12. Significant variations to the tour can result also from hotel and airline overbooking. Every effort should be made to avoid overbooking which delays tourists or causes substantial disruption. Member countries, in co-operation with the industry and consumer representatives, should give close attention to the question of adequate compensation for tourists inconvenienced because of hotel or airline overbooking.

Minor Variations to the Services

13. In the event that minor variations are made to the services, the tour operator should offer substitute facilities of an equal or better standard, or adequate refunds or reductions on the total price of the package.

C. Legal Responsibility, Complaint Handling and Redress Facilities

14. Many of the problems for tourists which occur after the air package tour has been completed could be resolved by a clear allocation of respective responsibilities between the retail agent and the tour operator. Member countries should consider whether there should be specific provision for the tour operator as the organiser of the air package tour to be made responsible for the correct fulfilment of the contract.

15. Member countries should ensure that machinery is developed by retail agents and tour operators to handle and resolve complaints.

16. Many problems occurring for tourists in connection with air package tours, particularly in foreign countries, are made worse by isolation or separation from traditional sources of advice or

redress. Accordingly, tour operators should indicate, if possible, a responsible individual in the receiving country to whom tourists can turn in the event of dissatisfaction or need for advice.

17. Without prejudicing the rights of tourists to institute legal proceedings, institutional arrangements should be made to ensure that an independent complaints board or similar organisation is available to mediate or obtain redress expeditiously when complaints cannot be resolved by the machinery referred to in paragraph 15. In this connection, the availability of standard complaints forms would be desirable.

D. Regulation of the Profession of Tour Operators and Retail Agents of Air Package Tours

18 In order to avoid the problems posed for tourists by failures of tour operators and retail agents of air package tours, high standards are required in the profession with particular regard to commercial probity, solvency and business conduct. Member countries should consider taking, where necessary, regulatory or other measures to ensure the observance of such standards.

19. The travel industry should ensure that, in the event that business failure occurs, sufficient funds are available through such measures as bonding, reserve funds or other schemes to minimize the loss to the tourist. Where the travel industry does not take adequate measures, statutory schemes to ensure compensation should be considered.

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