



Position Paper

Preliminary ANEC position paper on Consumer Requirements in Tourism Services

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Executive Summary

With this paper, ANEC wishes to reiterate its call for the development of a **European horizontal legislative framework covering the safety (and quality) of all services to consumers**, including tourism services. The framework should make use of the comitology procedure and be complemented by a stakeholder review process. The framework could then be followed by the development of service-specific legislation and be underpinned by standards specifying precise requirements¹. Given that the tourism sector is global by nature, international standardisation should also be pursued to support the implementation of related public policies.

Furthermore, the following **consumer-relevant aspects** ought to be addressed in standardisation work related to tourism services at both European and international level:

Safety: Consumers expect at least an equal level of safety of services provided abroad as received in their home countries.

Information Provision: information provision constitutes one of the most important elements in ensuring service safety.

Accessibility: A large number of people with disabilities are still facing problems in accessing services in the tourism and transport fields.

In addition, like in other services areas, a series of elements should be used to define a common yardstick for tourism services standardisation including¹:

1. *Core competences* (professional qualifications of service providers)
2. *Equipment and premises* (link to core competences with respect to safety)
3. *Pre-contractual stage and contract conclusion* (information provision, accessibility principles, ...)
4. *Content of contract* (quality requirements in standards)
5. *Post-contractual stage* (customer satisfaction standards)
6. *Monitoring and inspection* (include monitoring and inspection provisions in standards)

Finally, sustainability should be considered a guiding principle for both legislative and standardisation activities.

¹ For more details, see [ANEC position on service standardisation](#) (ANEC-SERV-2007-G-061final), October 2007



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Introduction

In the delivery of tourism services (such as hotel accommodation, diving and skiing, extreme sports and adventure holidays and health tourism), it needs to be ensured that all consumers - including people with disabilities and elderly people - are provided with safe, reliable and accessible services.

In this paper, we stress that, in order to meet consumers' needs and expectations, a new framework for European tourism policy addressing safety, information provision and accessibility ought to be developed. We explain that this policy should be based on a European legislative framework for the safety (and quality) of services where the use of standards could be made to specify detailed requirements. We also encourage international standardisation work in view of supporting the implementation of public policies in this area. Furthermore, we detail the six levels of analysis which ought to be made in all services standards. Finally we give examples of services standardisation activities in which we are involved.

1. Safety, Information provision and Accessibility: essential requirements for consumers

1.1 Ensuring a high level of safety for consumers

For the EU region as a whole, it is estimated that half-a-million Emergency Department treatments, 18,000 hospitalisations and 200 fatalities may be due to sports-related services annually but there are indications that this represents an understatement of the problem². It is also estimated that there are about 19,000 injuries per year associated with fairgrounds and amusement parks throughout the EU³. Finally 50,000 Europeans in the EU 27 are injured when taking part in water sports or boating activities. Moreover, drowning is the second leading cause of death in young people (from infants until 18 years old) in Europe. Nearly 70 % of European tourists spend their holidays at a waterside location, with significant opportunities to be involved in water recreational activities. It is believed that tourists are at higher risk of being injured than the local population, as they are more likely to participate in the more unusual sports and activities, and are unfamiliar with the environment⁴.

The above data shows the importance of ensuring a high level of safety for consumers in the area of tourism services, including sports and leisure. Consumers

² Dutch Consumer Safety Institute study on behalf of the European Commission on "Risks of certain sports and recreational activities in the EU" (2003) and EuroSafe Alert, Vol. 2, Issue 3, November 2007, p.4, European Commission Co-Financed Project Beprasa (Best Practices On Skiing Safety)

³ European Commission report 'Assessment of Best Practice in Fairgrounds and Amusement Parks in relation to Safety of Consumers (2005)

⁴ Protecting Children and Youths in Water Recreation, Safety Guidelines for Service Providers, European Child Safety Alliance, EuroSafe (2008)



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themselves expect such a high level of safety (and quality to a certain extent) for any service they receive whether it be provided in their home countries or abroad. Unfortunately this is not always the case in Europe (for example, hotel fire safety regulations differ greatly from country to country).

We therefore welcome that the safety of services and sport or leisure services was identified as a priority by the European Commission in its 2003 report on the Safety of Services for Consumers⁵ but regret that no follow up actions have been taken. In this context, we wish to reiterate **our call for the European Commission to introduce a European legislative framework for the safety of services**. This framework should make use of the **comitology procedure** and be complemented by a **stakeholder review process** following the model of the European Ecodesign of products policy and its implementation process. It should then be **followed by the development of service specific legislation and when needed, underpinned by standards detailing or specifying particular requirements**.⁶ ANEC also recommends that the cooperation between EU policy-makers and standards organisations is increased to ensure a consistency of approach.

Furthermore, we must highlight that service safety begins with well-trained, skilled and qualified personnel. It is thus of the utmost importance that the issue of staff training and qualifications is addressed in any relevant legislation, standards or codes of conduct. This should not only include safety, security and hygiene issues, but also disability awareness - both with regard to core competences of (tourism) service providers and also skills related to the operation and maintenance of equipment and premises. Risk assessments and emergency rescue planning should be carried out regularly by tourism service providers and accident reports should be compiled. Safety measures should be documented and monitored to make sure expected results are obtained.

1.2 The importance of information provision

ANEC considers that **information provision constitutes one of the most important elements in ensuring service safety**. Indeed, misunderstanding between the service provider and the consumer; a language barrier or a simple lack of preparation for an adventure activity (e.g. through lack of experience) could put the financial security of consumers at risk or pose high risks of injuries and accidents. This is even truer as consumers more and more often enjoy tourism services outside their regions or countries, in terrains and cultures which they are less familiar with. We are convinced these risks could in many cases be avoided through better information provision (e.g. on safety implications) before the actual service provision or the contract conclusion.

The information provided to consumers should include information about the service provider, a clear and detailed description of the service, applicable

⁵ [European Commission Report on the Safety of Services for Consumers](#)

⁶ For more details, see [ANEC position on service standardisation](#) (ANEC-SERV-2007-G-061final)



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restrictions, terms and conditions, the applicable industry codes, insurance and guarantees, billing and payment issues, complaint, redress and dispute resolution availability, as well as accessibility of information ([see point 1.3](#)). Safety-related information should also be provided whenever relevant. For instance, in the case of sports and leisure, information about health and safety risks that could potentially result from the service provision should be given to consumers before any engagement, including any contraindication for specific health conditions or level of preparedness.

A 2006 study on services standards⁷ commissioned by ANEC found that European regulations give more detail on pre-contractual requirements, whereas standards appear only to contain pre-contractual information requirements if the standard relates to contract-making. As a result, we believe that **information requirements should be systematically addressed in service standards**. Those standards should take into account the requirements set in Article 22 of the Services Directive⁸ which require end-users to be provided with access to comprehensive, comparable and user-friendly information. Information provision should also include rules on marketing and advertising and should in particular take into account any accessibility principles in order to ensure that all consumers are able to access the service.

Finally, ANEC deems that any complaints and redress/dispute resolution systems should be easily accessible to all. Any responses or decisions that follow a complaint should be provided in a timely, fair and transparent manner, and information on consumer advice agencies (e.g. European Consumer Centre Network) should be increased.

1.3 Accessibility of tourism services

Access to mainstream services, as well as to the built environment, is a basic consumer right⁹. Despite the UN Convention on the Rights of Persons with Disabilities¹⁰, which all EU Member States have signed, a large number of people with disabilities are still facing problems in accessing services in the tourism and transport fields. Although the rights of people with disabilities in the transport sector are already – if only partly - addressed in recent EU legislation, the EU has yet to offer adequate and equal rights to people with disabilities in the area of tourism services.

With currently about 65 million people with disabilities in Europe and 650 million worldwide, providing accessible and safe facilities, together with accessible

⁷ ANEC study '[Service standards: defining the core consumer elements and their minimum requirements](#)'

⁸ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market

⁹ Updated ANEC Policy Statement on Design for All (ANEC-DFA-2007-G-043rev)

¹⁰ The [UN Convention on Rights of Persons with Disabilities](#) entered into force on 3 March 2008



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information, is a basic requirement that can also bring benefits to businesses when achieved by the tourist industry.

Furthermore, demographic change is one of the social megatrends that will impact tourism in the near future: in 2020, roughly 20% of the European population will be aged over 65¹¹; worldwide, the population over 60 will double in 2050 compared with 2005¹². This older population will often have considerable purchasing power and is therefore likely to travel more for reasons of tourism. Consequently, there will be even greater reason for accessibility aspects to be considered by the tourism service providers.

Accessible tourism services benefit all tourists and can increase profitability of the service provider, regardless of the size of the provider, and give companies a competitive advantage, especially in the tourism field where accessible services are regrettably still the exception. Representative consumer organisations should be involved in all work towards making tourism services accessible.

ANEC consider it key to **develop a standardised way to provide information on accessible services and facilities in tourism sectors**. Of course, the information provision should be available in alternative formats so as to be accessible by all consumers, irrespective of their abilities (e.g. print format, on-line content, audio and video formats)¹³. Information provided over the Internet (including downloadable documents) needs to be accessible for visually-impaired people or others who use assistive technology to access information on websites. This of course implies that such websites are designed accessibly in the first place. Thus, we believe compliance with the international accessibility guidelines WCAG 2.0 (second version of W3C) level A should be required.

ANEC supports, in principle, initiatives like the accessibility scheme introduced by some hotel chains¹⁴ and trusts these examples can pave the way to more openness of the industry towards standardisation in the longer term. In the sectors of catering and accommodation, it has been shown that the implementation of best practice brings benefits for the customer and service provider alike.

¹¹ as identified in a recent [European Commission' study on the competitiveness of the EU tourism industry Study on the competitiveness of the EU tourism industry](#), November 2009

¹² ['Regions 2020 Demographic Challenges For European Regions'](#) – Background document of the European Commission Directorate general for Regional Policy (2008)

¹³ [ANEC comments on AFNOR feasibility study on accessibility of transport and tourism services for disabled persons](#), August 2009 (ANEC-SERV-2009-G-044)

¹⁴ E.g. the initiative of the hotel chain Scandic to give complete information on accessibility to its guests and is user of the Norwegian standard on accessible tourism destinations



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2. Six elements in all services standards¹⁵

ANEC conducted a Research and Testing study¹⁶ in 2007 which identified six core consumer elements in services standards. These reflect six levels of analysis which ought to be used in developing a common yardstick for reviewing existing and future EC rules on services and technical standards:

- Core competences: From a consumer perspective, it is of the utmost importance whether the service is executed by someone with the requisite skills, training, education, and knowledge.
- Equipment and premises: This element should be taken to include not only safety, security and hygiene issues, but also accessibility.
- Pre-contractual stage and contract conclusion: These need to reflect information provision, accessibility principles, rules on marketing and advertising.
- Content of contract: The regulations in the EU are not comprehensive and consistent except for cancellation and withdrawal rights.
- Post-contractual stage: There is a need to apply the ISO 10001-10003 series of standards on customer satisfaction in the standardisation work.
- Monitoring and inspection: Include monitoring and inspection provisions in the standards and apply ISO 10002 on complaints handling.

These elements are particularly applicable in the tourism sector. In this context, we call for tourism standards to be measured against these elements.

ANEC also promotes the use of the following documents in the drafting of (tourism) services standards:

ISO/IEC Guide 76: 'Development of service standards - Recommendations for addressing consumer issues';

ISO/IEC Guide 71 'Guidelines for standards developers to address the needs of older persons and persons with disabilities' (and its European implementation as CEN/CENELEC Guide 6).

3. ANEC involvement in tourism standardisation activities

3.1 Standardisation initiatives

Although standardisation has contributed significantly to product improvement, it has had limited success in the field of services where activities have been merely concentrated on peripheral areas of tourism services. This limited success is largely

¹⁵ See also [ANEC position on service standardisation](#) (ANEC-SERV-2007-G-061final) and ANEC study '[Service standards: defining the core consumer elements and their minimum requirements](#)'



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due to the lack of awareness on the part of service providers as to how they can benefit from standardisation, as well lack of systematic information on services.

ANEC has been monitoring the standardisation work on tourism for many years, both at national level and at European level in CEN/TC 329 'Tourism Services'. Unfortunately, much of this work has been diverted into peripheral areas, such as diving services or language study tours.

A recent CEN feasibility study in the framework of Second Programming Mandate M/371 on Services looked into the area of tourism services¹⁷ and the solutions standards could offer in this field. The project may lead to more tourism-related standards work at the European level in the coming years.

As the tourism industry mainly comprises SMEs, it is important any future standard (or legislation) takes into account the feasibility of meeting the requirements by small businesses.

Considering tourism will continue to increase in the future, especially that involving long-haul travel¹⁸, ANEC believes international standards are needed to ensure a high level of safety for all consumers whatever their home country. We particularly share Consumer International's view¹⁹ that international standards bring benefits to consumers and the tourism industry. They allow consumers to make comparisons and informed choices among tourism services all over the world, while ensuring tourism services meet their expectations, so reducing complaints. They also increase the assurance of compliance with regulatory requirements.

For these reasons, ANEC has a liaison status in the recently established ISO TC 228 'Tourism and Related Services' and its subgroups WG 2 'Health tourism services' and WG 7 'Adventure tourism'. This TC was established following representations by ISO/COPOLCO, ISO's Committee on Consumer Policy, which deemed tourism to be a priority issue for consumers. ANEC is also involved in new ISO work on adventure tourism, an increasingly popular type of tourism service with a higher risk factor.

3.2 Adventure tourism services

There is today a consumer trend towards so-called experience or adventure tourism activities. Most of these activities, such as mountaineering or rafting, carry higher risks for consumer health and safety than more traditional activities. Bearing in mind the increasing availability of low cost travel, consumers are more and more often following these activities abroad. This makes them particularly susceptible to injuries or accidents in terrain and cultures they are less familiar with and where misunderstandings in communication are more likely to happen.

¹⁷ CEN/AFNOR service feasibility study on the accessibility of tourism and transport services, under Second Programming Mandate M/371 on Services. See also [note 14](#)

¹⁸ The World Tourism Organisation (WTO) predicts a total number of 164 million long haul tourist arrivals from Europe in 2020. This is a yearly increase of 6.1% starting from 2000. (from 'The long haul tourism market in the EU' - 2009 report by Centre for the Promotion of Imports (CBI))

¹⁹ CI Statement of 07/09/2007 on ISO TC 228 'Tourism and related Services' Business Plan



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It is important for adventure tourism service providers to be aware of their customers' levels of experience and physical abilities in order to ensure that the level of the activities matches their skills. Training of staff needs to include risk and safety management, as well as training on the use of the equipment.

An international standard for adventure tourism could thus play a role in increasing and ensuring the safety of consumers by setting minimum requirements for the information to be provided (both before and after service), and for the actual provision of the services. ANEC therefore particularly welcomes the creation of WG 7 on 'Adventure Tourism' in ISO/TC 228 'Tourism and related Services' and calls for its standards to take account of the consumer requirements detailed in this paper.

3.3 Health Tourism Services

Medical and health tourism is a growing international trend that many consumers practise, combining rest with a wide range of health and beauty treatments (from spa services to dentistry, ophthalmology or aesthetic surgery).

Private healthcare services are of primary concern to consumers as these services may entail significant risks to health, in the case of surgery and financial wellbeing of the consumer. Despite this, health services were excluded from the scope of the European Services Directive (2006/123/EC).

Bearing in mind ANEC's call for a regulatory framework in Europe and for common standards to be developed in order to ensure the safety and quality of services, ANEC strongly supported the recent proposal to create a new CEN/PC on aesthetic surgery services. ANEC has long considered this to be a problematic area due to increased surgery tourism, disparities in service quality and safety across Europe, and the high risks associated with surgical procedures which are often downplayed when such services are marketed to consumers.

We consider a European Standard to offer potential benefits to consumers in increasing the safety, quality and transparency of such services, in particular when the consumer seeks surgical interventions abroad with little or no knowledge of the local regulations. A European Standard would also benefit the industry by way of creating a more level playing field and improving the reputation of competent surgeons in Europe.

ANEC in particular stresses the need to set clear minimum requirements for medical history checks, patient information provision, the advertising and marketing of aesthetic surgery services, the educational requirements for the health service provider/surgeon (within the limits of existing legislation), as well as any follow-up services and advice, together with transparent and fair complaints-handling and dispute resolution mechanisms.

ANEC also welcomed the ISO TC 228 WG 2 'Health tourism services' initiative on Medical Spas, as this is a growing service and considering that consumers expect the same level of safety (and quality to a certain extent) of services provided abroad as they receive in their home countries. While taking into consideration the



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country or cultural differences, an international standard could contribute to clear minimum requirements for the delivery of medical spa services by qualified establishments and for them to be able to offer complete preliminary information about safety, procedures, possible contraindications, prices, etc.

Following ANEC's contribution to the September 2009 meeting of ISO/TC 228 WG2 'Health tourism services', the phrase "customers with special needs" was added to the draft noting the need for adequate access to the services. ANEC was also successful in introducing a recommendation for companies to apply the ISO 10002 standard on internal complaints handling. ANEC succeeded in adding information on a written confirmation of bookings to the customer, as well as information relating to access, transportation, cancellation policy, other policies, clothing, etc. and urged that the languages most used by customers be used on price lists.

Finally, although a proposal for a new European standard on beauty, spas and well-being services was rejected in March 2010, standardisation work related to these services is not excluded. ANEC supports such initiatives provided there is no overlap with ISO TC 228 WG 2.

4. Sustainability as a guiding principle

Today, there is an urgent need for concrete actions at all levels of public policy towards more sustainable consumption and production. ANEC thus considers that any regulatory and standardisation actions in the field of tourism services - as in all consumer relevant sectors for products and services - should consider principles of sustainability such, as environmental preservation and protection, and Corporate Social Responsibility. Tourism services' policies and standards should be coherent, and use synergies among the different policies, including sustainability policies.²⁰

END.

²⁰ For more information, please refer to [ANEC/BEUC joint position on consumer expectations on the EU Action Plan on Sustainable consumption and Production and Sustainable Industrial Policy](#)



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APPENDIX – About ANEC

Raising standards for consumers

ANEC is the European consumer voice in standardisation, defending consumer interests in the processes of technical standardisation and conformity assessment as well as related legislation and public policies. ANEC was established in 1995 as an international non-profit association under Belgian law and represents consumer organisations from 31 European countries. ANEC is funded by the European Union and EFTA, with national consumer organisations contributing in kind. Its Secretariat is based in Brussels.

More information about ANEC and its activities is available at www.anec.eu

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