Tourism Law and Legislation

Assignment 1

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1. What is Tourism and Travel Law?

Tourism and travel law is the set of law rules, principles and regulations that regulate the relation between the various actors of tourism and travel, namely the tourists, the travel agents, the tour operators, the transport companies, the accommodation companies, the destination, and the public authorities. It's not a discipline in itself, but an inter-disciplinary field. It draws on the field of contract law, consumer protection law, liability (tort) law, transport law, administrative law, employment law, environmental law and international law and applies them in the context of people travelling from their regular place of residence for leisure, business or other purposes.

The essence of tourism law is about regulating transactions. Once a traveller has contracted for a package holiday or a flight, or booked a package tour or a hotel room, then a contract has been formed. Tourism law will determine the information that is required to be provided and shared before a trip, what information should be provided when a trip is cancelled, changed or underperformed and what compensation a traveller can claim for this. The Package Travel Directive (EU) 2015/2302, for instance, in the European Union, places the responsibility for the proper performance of all travel services contained in a package on the organiser of the package even if they are provided by third parties.

The public law aspects of tourism law also exist. It deals with the licensing and regulation of tourism businesses in the hands of the government, hotel classification, health and safety standards, visas and border control, tourist taxes and the protection and management of natural and cultural heritage. This encompasses national tourism acts, local planning legislation and regulations on licensing of guides and agencies.

The field is often international, as travel is likely to cross borders. States and businesses are guided by common standards set by conventions like Montreal Convention 1999 on air carrier liability and the Athens Convention on the carriage of passengers by sea, as well as soft-law instruments like the UNWTO Global Code of Ethics for Tourism (1999) and the International Code for the Protection of Tourists (2021). They supplement national law and can, when things go wrong overseas, pose tricky issues of jurisdiction and applicable law.

The term “travel law” is used sometimes in a narrower sense for the rules governing the transportation of people, including transport legislation, passengers' rights and the planning of travel documents and border formalities, and “tourism law” in a wider sense, encompassing

the entire tourism system, covering the hospitality industry, attractions and destination management. In reality the two terms are used interchangeably as a traveller's experience is a series of connected services.

The primary goal of tourism and travel law is to place visitors as consumers in a better position, as they are very often in a weaker position than their providers, when they have to pay in advance for services which they are not able to inspect; to guarantee security and safety; to establish equitable and predictable conditions for tourism entrepreneurs; and to foster a form of tourism that is sustainable and responsible, taking into account the interests of the host communities and the environment.

To sum up, tourism and travel law is the law which enables travelling and offers the necessary confidence. It establishes rights and responsibilities, assigns liability to the parties and establishes remedies if expectations are not met.

2. Why is Legal Regulation Important for the Tourism Industry?

The tourism industry is one of the world's biggest industries, with approximately 1.5 billion people traveling internationally in 2019. Many highly interdependent enterprises are involved in this industry, which has to operate safely and fairly, and otherwise it would not be able to operate. It could be explained by several headings, the importance.The importance could be explained in several ways.

Consumer protection

Tourism products are an intangible product, that is, the customer pays in advance for an experience that is not visible or testable before it is consumed, and is likely to be in a foreign country, with an unfamiliar language and legal system. This can lead to a power imbalance between traveller and provider, and an imbalance of information. The regulation establishes this imbalance by mandating informative pre-contract disclosure, prohibiting misleading advertising and unfair contract terms, and providing a traveller with a right to refund, a reduction in the price or compensation for not receiving the services promised.

Health, safety and security

Tourists depend on others for transport, food and lodging, and activities which present actual hazards. Legislation relating to fire safety, food hygiene, transport safety and adventure activities minimises risks of accidents and provides clear accountability of who is liable in the event of an accident. Advice on travel and crisis assistance related to rules also contribute to the protection of travellers in the event of a natural disaster, pandemic or political unrest.

Financial protection

In tourism, businesses frequently keep the money of customers before they have travelled. In the event of failure, travellers may lose their money or be stranded overseas. The collapse of Thomas Cook in 2019, which necessitated the return of approximately 150,000 UK travellers, demonstrates the need for insolvency protection measures like the UK's ATOL scheme and the guarantees under package travel rules from EU legislation.

Fair competition and market confidence

There are minimum standards in licensing, registration and classification. It helps protect responsible companies against unfair competition from unqualified or dishonest companies and

helps to grow consumer confidence. Trust is an essential part of the tourism industry, as a bad reputation or scandal can ruin a destination's reputation in no time.

Sustainability and host communities

Excessive tourism can have adverse effects on the environment, cultural heritage and the living conditions of people. Governments can control these impacts through planning laws, rules for protected areas, visitor restrictions and tourist tax. Some such measures are the Venice access fee for day visitors in 2024, or the prohibition of short-term rentals in major tourist cities.

Workers' rights

It provides employment to millions of people, many of whom have seasonal, low paid or informal employment. They are covered by employment law in terms of working time, pay, health and safety and equal treatment. Cooperation and dispute resolution between heads of state. Tourism is international, and regulation offers uniformity of standards, the principle of access to court, and complaint procedures and alternative dispute resolution to facilitate efficient solution of problems. Legal governance is crucial in general terms since it is the basis of confidence that tourism relies on. It ensures the safety of travellers, workers and communities, provides a level playing field for business and helps the industry grow safely, in a stable and sustainable way.

3. Three Areas of Tourism Activity that Require Legal Regulation

The tourism system as a whole is under legal regulation in almost all its aspects. Three areas demonstrate particularly well the need for regulation: package travel and package tour operator services, passenger transport and accommodation services.

3.1 Package Travel and Tour Operator Services

Tour operators and travel agents package travel, accommodation and other services into one package offered at one price. The traveller pays well in advance, and does not have any direct contracts with the hotels, airlines or local suppliers that actually provide services. If left unchecked, each party could point fingers at the other parties when it goes wrong and the traveller will have no remedy. As a consequence, before the booking, the organiser is obliged to provide clear information, assume the liability for the performance of all the services forming part of the package, limit the right to increase the price, provide the right of rescission without any penalties in the case of unavoidable and extraordinary circumstances, ensure that the organiser assists the traveller in the event of a difficulty, and ensure that the organiser is protected from insolvency. This regulation is necessary due to the risks of a complex, prepaid product would otherwise be borne largely by the consumer.

3.2 Passenger Transport

Transport is a dangerous way of travelling – particularly air travel – and is often delayed, cancelled, overbooked and bags lost. The passengers are not really bargaining and they typically accept the terms of the carrier. Therefore, there are two levels of regulation: International and national safety law are many and define strict technical and operational requirements on aircraft, ships, coaches and trains. Passenger rights law prescribes minimum standards of treatment. The EU has provided air passengers with rights to care and rerouting or refunds, as well as the right to receive a fixed compensation of €250 to €600 in the case of long delays, cancellations and denied boarding, under Regulation (EC) No 261/2004. The Montreal Convention 1999 establishes guidelines with regards to carrier liability for death, injury and baggage. This requires regulation since the risk of failure can be serious or costly.

3.3 Accommodation Services

Hotels, guesthouses, campsites and short-term rentals offer a temporary residence to travellers, who are entrusting their lives to the premise they have booked, which they must presume to be

safe, clean and as advertised. This includes the building and fire safety, food hygiene, licensing and registration, official star classification, accessibility for people with disabilities and protection of guests' personal data, including through the GDPR, among others. New challenges have arisen with the rise of online platforms for short-term rentals, such as unregistered homes, tax evasion, and housing shortages in popular tourist destinations. Local authorities have established business rules for many areas, including registration and the number of days for renting.Many local authorities now have business rules related to short term rentals, such as registering and limiting the number of days rented. There needs to be a regulation in place to ensure the safety of guests, fair competition between traditional and platform-based providers, and a balance of tourism and local residents' interests. In each of these areas the regulation tackles the same issues: unequal bargaining power, safety issues, and the broader implications of tourism on society.

References

Athens Convention relating to the Carriage of Passengers and their Luggage by Sea (1974, as amended by the 2002 Protocol). International Maritime Organization.

Convention for the Unification of Certain Rules for International Carriage by Air (Montreal Convention), 1999.

Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements. Official Journal of the European Union, L 326.

Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights. Official Journal of the European Union, L 46.

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (General Data Protection Regulation). Official Journal of the European Union, L 119.

Regulation (EU) 2024/1028 of the European Parliament and of the Council of 11 April 2024 on data collection and sharing relating to short-term accommodation rental services.

UNWTO (1999) Global Code of Ethics for Tourism. Madrid: World Tourism Organization.

UNWTO (2021) International Code for the Protection of Tourists. Madrid: World Tourism Organization.

UNWTO (2020) International Tourism Highlights, 2020 Edition. Madrid: World Tourism Organization.