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Consumer Rights Directive – Hotels and Restaurants bookings to be severely impaired if the IMCO¹ report is confirmed at the next EP Plenary

Brussels, 28 February 2011 – The trade association of hotels, restaurants and cafés in the European Union (HOTREC) expresses its strong concerns about the direction taken by the debates in the European Parliament on the Consumer Rights Directive². Indeed, if the March plenary vote, scheduled for 8 March, confirms the report adopted at Committee level, concluding a hotel or restaurant contracts by telephone or email will become extremely difficult, fears the hospitality industry. Ms. Anna Torres, CEO of HOTREC, commented: “Compliance with the formal information requirements suggested by the IMCO Committee report will be extremely difficult for hospitality contracts concluded by telephone. Moreover, the new requirements for hospitality contracts implying a payment in advance would simply make almost impossible to conclude contracts by email or telephone”.*

These concerns from the European hospitality industry result from the IMCO proposal to delete some exemptions granted to the hotel and restaurant sector under the Distance Selling Directive (97/7/EC). As a result, if a consumer decides to conclude by telephone a restaurant or hotel contract, the trader would be obliged to provide to that consumer detailed and burdensome contractual information on a paper when he arrives at the restaurant or hotel, unless the consumer had previously provided an email address to receive such information.

The IMCO report also proposes to introduce specific requirements for distance contracts requiring a payment in advance. The requirement for the trader’s website to allow the consumer to confirm that he understood the price of the service for contracts concluded online would make impossible the conclusion of hotel/restaurant contracts by email. For contracts concluded by telephone, the requirement that the trader send on a durable medium a confirmation of the offer and that the consumer confirms the contract on a durable medium for the contract to be binding would prevent such contracts being concluded, especially for short notice hotel room or restaurant reservations.

The European hospitality industry therefore demands the European Parliament to maintain all existing derogations granted to its sector by the Distance Selling Directive, as it was proposed by the initial Commission proposal.

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***HOTREC represents the hotel, restaurant and café industry at European level. The sector counts 1,7 million businesses, with almost 92% of them being micro enterprises employing less than 10 people. The industry provides some 9,5 million jobs in the EU alone. HOTREC brings together 39 National Associations representing the sector in 23 different European countries. For further information: www.hotrec.eu**

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¹ Internal Market & Consumer Protection Committee of the European Parliament

² Proposal for a Directive of the European Parliament and of the Council on consumer rights [COM(2008) 614 Final]