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**Subject:** CAR - REVIEW OF TRAVEL TRADE LEGISLATION

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**From:** falconholidays.ie  
**Sent:** 13 June 2008 12:41  
**Subject:** CAR - REVIEW OF TRAVEL TRADE LEGISLATION

Niall O'Connor,  
Commission for Aviation Regulation,  
Alexandra House,  
Earlsfort Terrace,  
Dublin 2.

5<sup>th</sup> June, 2008

RE: Commission Notice CN 4 / 2008 – REVIEW OF TRAVEL TRADE (bonding & licensing)  
LEGISLATION

Dear Niall,

I refer to the commission's notice as of the 22<sup>nd</sup> of May relating to terms of reference for a review of travel trade licensing and bonding legislation.

ITOF have actively sought and openly welcome such a review. Such a review gives an opportunity to bring the context of legislation from 1995 that comprises requirements of the time but bear no reflection to the realities of today's environment and the significant travel options available to consumers. The 1995 Act imposes Tour Operators and Travel agents as the only travel sector businesses required to afford consumer protection in the form of 'bonding'. Notwithstanding this, ITOF acknowledges the need for consumer protection but within the context of a regulatory regime which is balanced and proportionate.

ITOF wish the following to be noted in relation to the draft terms of reference;

- 1) Clarity of what is under review – ITOF believe that this is as indicated within your documentation, solely a review of the travel trade licensing provisions and not a full review of the Package Holidays and Travel Trade Act, 1995. The Commission is no doubt aware of the review by the EU Commission by way of consultation of Directive 90/314/EEC of 13 June 1990, as transposed into law by way of the above referenced Package Holidays and Travel Act, 1995.
- 2) ITOF is anxious to ensure within the terms of reference that it allows assessment of the current position between organisers who are clearly within the scope of the legislation and competitors such as hotel brokers, airlines etc, who are free to operate outside the scope of current legislation and who gain a significant competitive advantage as a result. Whereas the current broad terms of reference is only indicating consideration as to "whether the regulatory requirements are being by-passed". Thus, it is likely that working within the confinement of "regulatory requirements" may not allow for appropriate assessment of consumer protection and competition.

Allowing for our comments above, we are happy with the broad terms of reference as outlined in your document.

We congratulate the Minister for Transport, Noel Dempsey T.D., along with the commission for

initiating such a review and look forward to progression and completion of same.

ITOF are available to participate at any stage of the review process.

Yours sincerely,

Damien Mooney  
President

#### About ITOF (Irish Tour Operators Federation)

The Irish Tour Operators Federation is a non-commercial organisation that represents the main outbound tour operators from Ireland. The members are American Holidays, Budget Travel, Crystal Holidays, Falcon/JWT Holidays, Panorama & Airtours Holidays, Sunworld Holidays, Stein/Slattery Travel and Topflight. All members are bonded and are licensed by the Commission for Aviation Regulation as required by legislation.

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