



## Press release

### Assessment of the new law 4/2022 of 25 February

# ACAVE considers that the end of the joint and several liability of travel agencies is key for SMEs and micro-SMEs in the sector

**March 1, 2022.- ACAVE**, the main employer in the travel agency sector in Spain, celebrates the approval of the new Law 4/2022 of 25 February on the protection of consumers and users in situations of social vulnerability and economic law that replaces the General Law for the Protection of Consumers and Users (RDL 1/2007 of 16 November), which modifies travel regulations and includes the historical requests of ACAVE.

Among the important modifications introduced by this new law, it is necessary to emphasize **mainly 2 changes**:

**1. Modification of the liability regime between the organizing agency and the seller of the combined trip, establishing a responsibility for management:** This means that each party in the process of organizing a combined trip is accountable to the traveler of the part for which it is responsible. The traveler will continue to enjoy all the protection offered by the combined travel regulations, however the responsibility will be shared between the organizing travel agency and the travel saleswoman depending on their scope of management. This will avoid situations such as the current one, in which a retail agency had to respond to the customer in solidarity with the organizer for the set of contracted services (transport, accommodation, services,...).

This change will be a before and after for many travel agencies that have not been involved in the organization of the trip and have only participated in the sale. Most of these travel agencies are SMEs and micro-SMEs and particularly during this pandemic, due to the joint and several liability attributed to them by the regulations in force until now, they have been severely exposed financially to non-compliance by the reimbursement by many suppliers, particularly in the airline industry. With the new combined travel regulations, each travel agency, travel organizer and salesperson will continue to be responsible for the actions that correspond to their area of management and the traveler will continue to enjoy full protection, but cannot be attributed to the agency selling responsibilities that correspond to the organizer and vice versa.

In any case, both the organizing agency and the seller will continue to be obliged to process the complaint on behalf of their client and keep him promptly informed of the progress of this procedure. Only in the event that it does not assume this responsibility for managing the claim will the agency assume a joint and several liability.

**2. The modification of the exclusions of the regulations of combined trips.** This section refers to a problem that arose with the so-called "occasional and non-profit travel and travel services" that are excluded from the application of the rule leading to significant situations of professional intrusion and unprotected traveler.

The new law substantially limits when this exclusion can be applied, clarifying that it is only applicable when they are trips that are not repeated within the same year and are addressed only to members of the organization that organizes them and not to the general public, all without use advertising media to promote travel.

This limitation of exclusion is an important step in the fight against professional intrusion and substantially limits the trips that could be included and that are often organized by entities and associations without guarantees for travelers. Therefore, this modification also increases consumer protection.

These legislative changes respond to some historical claims of ACAVE as explained by **Martí Sarrate, President of ACAVE**: *"Emphasize the importance of the approval of this Law which, among other very important aspects, modifies the regime of responsibility of travel agencies for the organization and / or sale of combined trips and which responds to the repeated request of ACAVe from for many years, moving from a joint and several liability between organizer and retailer to a responsibility in the field of management ". He adds that "This Law includes a large part of the requests requested by ACAVE, relating to those modifications necessary for the sector and which fall within the competences of the Spanish State to leave the Directive room for maneuver to modify them by of the Member States. As we have informed you from ACAVe, numerous meetings have been held with the Ministry and the Secretary of State for Tourism, the Ministry of Consumer Affairs and the different parliamentary groups for this purpose".*

## **About ACAVE**

The Corporate Association of Specialized Travel Agencies (ACAVe) is the employer of state-wide travel agencies based in Catalonia. ACAVe is the most representative association in Spain with approximately **450 members and around 1,000 points of sale throughout Spain**. Agencies of different types are part of the Association: holiday and corporate broadcasters, tour operators, coastal and city receptions, online and cruise agencies.

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