

Protecting the Travel Consumer

## Safety in Holiday Accommodation

Response to EU  
Commission - Call for  
Regulation to Protect  
Holidaymakers



holidaytravelwatch

In Support of Quality Holiday Travel

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## Acknowledgement

It is nearly 10 years since the death of our Founder, Brenda Wall. Her outstanding determination and courage, led to a new dialogue between the Consumer and The Travel Industry. Such dialogue has created a greater awareness of corporate behaviour and the need for Safety & Consumer Protections that benefit both the Consumer and The Travel Industry.

At the time of her death, the issue of Safety in Holiday Accommodation and the challenges to the Package Travel Directive were very much 'live' issues and she was determined that the work of HolidayTravelWatch would rise to meet the issues at stake.

This report is dedicated to the memory of Brenda Wall and the many thousands of UK Travel Consumers who have found themselves at the mercy of Travel Companies and the failure of State Authorities to act against sections of the Travel Industry!



## Introduction to HolidayTravelWatch

HolidayTravelWatch (HTW) has for many years campaigned on the issues of Safety in Holiday Accommodation highlighting failures in food, swimming pool, carbon monoxide, and fire safety. The EU Commission has created a Consultation on the issue of Safety in Holiday Accommodation and whilst HTW has responded to the Commission using the online tool, we consider that such tools prevent this Organisation from telling the whole Consumer story. This report should be considered as a supporting document to our submissions via the online tool; the information herein will have a sobering effect!



HTW is British based consumers organisation founded in 1995. Through 18 years of operation, it has provided information, advice and assistance to over 270,000 holidaymakers, through its dedicated helpline and website. This should however be put into context with the 65,000,000 individual trips taken by British Citizens in 2005<sup>1</sup>. It suggests that HTW only receives a small proportion of all complaints, however, these holiday complaints tend to reflect the more serious element of contractual, illness and injury difficulties faced by the consumer. HolidayTravelWatch is entered onto the EU 'Transparency' Register – ID Number – 63992152960-12<sup>2</sup>. The Organisation currently provides information and advice, assisting some 90% of all travel consumers who contact HTW, to find a resolution to their travel complaint. The remaining complainants are then given the opportunity to progress toward litigation, through travel law specialists. It is estimated that more than 90,000 holidaymakers have received such legal assistance, and have achieved in excess of £25,000,000 in compensation for their holiday complaints, holiday illness and injuries.

Frank Brehany  
Consumer Director/Managing Director  
HolidayTravelWatch – 28 November 2014

## The EU Commission Questionnaire – HTW's Responses:

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<sup>1</sup> Lord Treisman – FCO Reception March 2006

<sup>2</sup>

<https://webgate.ec.europa.eu/transparency/regrin/consultation/displaylobbyist.do?id=63992152960-12>



**Introduction:**

The EU Commission has ordered a Consultation on the issue of Safety in Holiday Accommodation.<sup>3</sup> Within that Consultation, the Commission sets out key issues through its supporting documentation. In all there are 42 questions which have been answered using their online response tool. Our answers are replicated in this section and are used in support of further information within this report that demonstrates why Consumers consider that they suffer detriment within the holiday product.

We consider that it is important to define what we mean by ‘detriment’; it is defined as ‘loss, damage, disadvantage or injury’ or ‘a cause of loss of damage or injury’<sup>4</sup>.

Q1.

Can you give reference(s) to tourism accommodation safety regulations at national level in specific country or countries?

A-Q1.

We must consider this question from the Consumer perspective; would Consumers be able to find tourist accommodation safety regulations at either a National or EU level? Judging by the calls we receive to our helpline we can advise that they are not able to find, let alone access that information. With regards to their safety complaints, they are often met with the mantra from accommodation owners and tour operators that they ‘fully comply’ with local or national standards, without making any reference to the said regulations they seek to rely on; it is clear that Consumers have to navigate a patchwork quilt of mantra vs. poor access to effective regulation; this Consumer detriment must be addressed.

Q2.

Do you consider that the existing rules at national level are adequately addressing risks and

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<sup>3</sup>

[http://ec.europa.eu/dgs/health\\_consumer/dgs\\_consultations/ca/consultation\\_20141130\\_tourism\\_en.htm](http://ec.europa.eu/dgs/health_consumer/dgs_consultations/ca/consultation_20141130_tourism_en.htm)

<sup>4</sup> <http://dictionary.reference.com/browse/detriment>

therefore efficiently ensuring the protection of consumers? Please indicate your reasons and any evidence to support your position.

A-Q2.

Again we must consider this from the Consumer perspective. We shall be submitting a separate report which demonstrates the Consumer experience and detriment. This response and that submission will therefore provide a clear answer to the question as to whether Consumers consider that existing rules adequately address the risks apparent in holiday accommodation; it is clear to this Organisation that despite EU Surveys, the real Consumer experience does not agree with the positive assertion within the question that existing rules provide protection.

Q3.

Is the existing 86/666/EEC Recommendation sufficient to meet the safety requirements in tourism accommodation safety?

A-Q3.

In stating the obvious, 86/666/EC is a recommendation; it could be viewed as a Standard, but, like a Standard, it does not have the force of law. As our separate report reveals, it is clear that some enterprises within tourist destinations, or it can be argued, some Travel Companies, either do not pay heed to National Regulation or anything written into National Regulation that may stem from 86/666/EC; perhaps this lack of compliance is wider than we have suggested? We consider that in the event that legislation exists or where the provisions of 86/666/EC are acknowledged, there is a failure in enforcement or perhaps accommodation owners and tour operators are simply not motivated to adopt and comply with a regulatory regime? If others think that we are not correct in this analysis, then how do they answer the Consumer experience set out in our separate report?

Q4.

If you have evidence of the opposite, which are the areas which need improving?

A-Q4.

We would refer DG SANCO to our separate report, sent by e mail on 28/11/14. We would

recommend that areas of concern are fire safety, carbon monoxide safety, swimming pool safety, food safety, kid's club safety and balcony safety. We would also strongly recommend the introduction of a robust enforcement mechanism, licensing and sanctions against property owners and tour operators (cross-referencing their responsibilities with The Package Travel Directive).

Q5.

How are the existing rules enforced (by whom, when, how often, etc.)?

A-Q5.

Again we will refer to the experience of the Consumer as related to our helpline. When Consumers come to us with their complaints they will often relate how they have been unable to engage let alone seek enforcement of any rules. Many complain that they cannot establish the responsible enforcement body which has led them to conclude that the holiday product that they have purchased operates in an unregulated market. A good example of this is the recent tragic discovery of a young [man found drowned in a hotel pool in Cyprus](#). According to newspaper reports 2 people were arrested for allegedly operating an unlicensed hotel and swimming pool; the report claims that applications had been made in 2013 but no licences had been granted. We spoke with holidaymakers who were at the hotel at the same time that this incident occurred and they expressed concern that the tour operator had allegedly failed to make the necessary checks to see if the hotel had complied with local Regulation. HolidayTravelWatch can only conclude that enforcement on holiday accommodation is at best shoddy and we suspect that such laissez-faire practices, if this report is correct, are widespread throughout the holiday market.

Q6.

How do you rate the effectiveness of the existing market surveillance mechanisms?

A-Q6.

Please see our response at Q5 above. We would comment that from a UK perspective that we

have tried to engage on the issue of Carbon Monoxide in holidays. We have found that where we directly engaged with the Health & Safety Executive (HSE) they in return have not openly engaged with Campaigners. When concerns on enforcement or public information or legislation is expressed, it is obvious that apart from the clear irritation experienced through the raising of these views, that the HSE nonetheless maintains a close working relationship with the fuel lobby and we suspect the leisure industry; if our perception is correct this leads to a potential danger arising for holidaymakers within the accommodation arena who are expecting a robust enforcement of Regulation! In addition, when inquiries are carried out within the UK Parliament, members of the Travel Industry are solicited for their opinion by politicians about a regulated Carbon Monoxide issue, but not the opinions of the Campaigners; how can that be considered to be a healthy and balanced approach to create the conditions for either a light-touch or fully regulated environment to protect the UK holidaymaker against Carbon Monoxide? We also note that those tasked with monitoring and developing safety and therefore by implication, enforcement through '[Memorandum of Understanding](#)' (GEMA/OFGEM/HSE), refuse to provide information as to their activities under Freedom of Information Laws, thus leading to the clear impression that the whole issue of Carbon Monoxide is associated with light-touch regulation and enforcement; not only does this reveal a lack of transparency but such a finding fairly reflects the Consumer experience of trying to establish dialogue with enforcement bodies. In our opinion it creates a Consumer detriment that leads to a less than robust and regulated market; these patriarchal positions leads in our view to a mind-set in the creation of legislation that 'Industry is good; Consumer bad' and provides a weak deliverance of public information on safety issues and an almost non-existent enforcement system. In terms of a wider safety issue within Holiday accommodation, the Carbon Monoxide experience of this organisation within the UK perhaps reflects a wider malaise on a wide range of safety issues?

Q7.

What are in your view the main issues related to enforcement of existing legislation? How could the implementation of existing instrument be improved?

A-Q7.

We consider that the main issue in relation to the lack of enforcement is the lack of clear and comprehensive legislation which deals with/covers aspects of safety within holiday accommodation. We consider that on a wide range of areas (Swimming Pools, Fire, Carbon Monoxide, Food Standards, Water Supplies/Sanitation, dealing with outbreaks of illness in hotels and Publication of data to indicate associated safety issues, trends and solutions) there is a failure in strategy, legislation and enforcement. There is a great need to specify in clear legislation the duties and obligations of holiday property owners and to cross-check those responsibilities with the responsibilities imposed on Tour Operators through the Package Travel Regulations. We note the Commission's surveys and consider that whilst they provide a window into the travel market we would disagree on some of its conclusions. Why? Because we are fearful that such surveys could be used by those expressing a contrary opinion to our own, that legislation is disproportionate when balanced against the 'actualite' expressed in the Commission's survey. For example, the Commission survey provides the finding that some 2% have suffered with a holiday illness/injury. [In 2006](#) (since reviewed and updated), we concluded that the cohort of those suffering with holiday illness rested between 5 - 10% and produced a cost to the UK economy of over £240m pa in dealing with the issue of returning holiday illness. If those findings are replicated across the EU, it presents a clear rationale as to why legislation is important, particularly on enforcement, otherwise the continuance of the status quo will provide a form of State/EU aid for the failures committed by accommodation owners and tour operators and will confirm to Consumers that they must continue to suffer detriment within their holidays. We hope that this illustration reveals to the Commission why we consider that a firm legislative approach is necessary and having such a regime will provide for the necessary enforcement required.

Q8.

What areas do you feel could benefit most from more cooperation between Member States in the area of tourism accommodation safety? What would be the main challenges?

A-Q8.

We take the view that this question suggests light-touch regulation or an increase in the current Industry centric and controlled initiatives. We do not support such an approach. We repeat the issues within our answers above and would encourage the Commission to develop a firm legislative approach. If such an approach were to incorporate some Standards (on the basis that

such Standards have been formed/created through a balanced and non-Industry dominated drafting committee), this is something we could support provided there were clear obligations imposed, with robust enforcement and sanctions. The challenge is to create a legislative instrument that would cover a wide range of safety issues as suggested in our answer at Q7 above.

Q9.

How is tourism accommodation defined in your national relevant legislation?

A-Q9.

This is an interesting question! Whilst we would defer to other expertise on this issue, we have nonetheless discovered within the UK arena that there is no clear definition on tourism accommodation in whatever form it may present! We have discovered however that there are definitions contained within Taxation Rules and Valuation Rules for rateable or local taxation of property. In fact under HMRC (Her Majesty's Revenue & Customs) it simply states; "The words 'holiday accommodation' are not expressly defined". The majority of other holiday accommodation definitions rest within dictionaries or within travel company definitions. [There is however an acceptance under The UK Regulatory Reform \(Fire Safety\) Order 2006](#) where premises is essentially defined as any premises other than a domestic premises. This is the closest legal definition to 'holiday accommodation' that we could detect within the UK and this is supported by the [UK government's guide](#) as to the obligations placed on an owner of holiday accommodation. The difficulty of definition and indeed necessary Regulation to protect holidaymakers in holiday accommodation from fire hazards is perhaps best demonstrated by a commentary from the [Cornwall Fire Service](#) (they summarise the 2006 Order) when they state:

"The Order requires fire precautions to be put in place 'where necessary' and to the extent that it is reasonable and practicable in the circumstances to do so".

The issue of definition is further complicated within the Carbon Monoxide arena. Along with fellow Campaigners, we lobbied the UK government to incorporate some 40 amendments to the then Energy Bill. Out of those amendments, only one made the Statute book, that requiring rented properties to install Carbon Monoxide alarms. The UK government however would only accept its inclusion into the Energy Bill if its provision were subject to a further Consultation because they held the fear that 'Industry' may be subjected to unfair burdens and costs. The

Department for Communities and Local Government held its Consultation and it will be helpful for this Consultation if our words on definition within the holiday context are repeated:

“At first glance, Section 150 of the Energy Act 2013 would appear to suggest that its provisions will only be enforceable against a Landlord. They will be recognised by the usual Agreement between the Lessor and the Lessee. Their relationship is guided by their Tenancy Agreement which promotes the rights and obligations between them for the term of that Agreement.

[Section 150](#) makes clear that:

(1) The Secretary of State may by regulations make provision imposing duties on a relevant landlord of residential premises in England for the purposes of ensuring that, during any period when the premises are occupied under a tenancy—

(a) the premises are equipped with a required alarm (or required alarms), and

(b) checks are made by or on behalf of the landlord in accordance with the regulations to ensure that any such alarm remains in proper working order.

The key words for the purposes of determining relevancy with regards to holiday accommodation are:

1. Relevant Landlord;
2. Residential Premises;
3. Premises;
4. Tenancy.

At Section 150 (10) of the Energy Act 2013 it provides a definition for the aforementioned key words:

1. Landlord – “means a landlord in respect of a tenancy of residential premises in England who is of a description specified in regulations”. We note that it refers by definition to a Landlord in England; we would hope that similar provisions are encouraged within the devolved jurisdictions of the UK?
2. Residential Premises – “means premises all or part of which comprise a dwelling”;

3. Premises – “includes land, buildings, moveable structures, vehicles and vessels”. We note that this includes ‘land’ – could this be held to include land upon which a tent or permanent caravan or mobile home is situated (this is perhaps indicated by the expression ‘moveable structures’ & ‘vehicles’)? It clearly incorporates buildings which we take to mean in the ordinary course of interpretation to be any fixed structure on land? Finally, we note the expression ‘vessels’; this will surely incorporate narrow-boats for hire, cabin cruisers and other river or off-shore boating?

4. Tenancy – “includes any lease, licence, sub-lease or sub-tenancy (and “landlord” is to be read accordingly)”. The key phrase here is ‘Licence’. In simple terms, the owner of holiday accommodation, in whatever form, creates a contract with a holidaymaker for the use of that accommodation. In doing so, the Landlord of the accommodation is granting a licence, in other words, a formal or written permission to occupy that premises for an agreed term.

It must therefore follow, that in any consideration made by the Minister, he must have regard to this wider cohort of ‘tenant’, the holidaymaker. In our view, this category of ‘letting’ should not be precluded from the important protections potentially offered by this provision.

In making these considerations, the Minister should be aware of the [estimate](#) that at any given time in the UK there are anywhere between 750,000 & 1.5m UK citizens taking a holiday or short break in the United Kingdom.

Holidaymakers will have made Agreements with landlord’s or Property Owners on a short-let and be licensed to stay in a variety of holiday accommodation such as, mobile homes, resort parks, holiday cottages and static tents; do they not deserve the protections offered by Section 150?

**We therefore call on the Minister to ensure that his exercise of Power under this Section is exacted against Landlords/Owners of holiday properties which should include, cottages, houses, holiday parks, holiday resorts, caravan parks, mobile home parks, individual caravan & mobile home owners and boats which should include those owned by boat operators be they river, canal or off-shore operators, or individual boat owners. Each of these landlords or owners contract with Consumers and they provide a ‘licence’ as part of the Tenancy for that Consumer to lawfully occupy that property.**

We also call on the Minister to have regard for the unintended consequences or continuation of a ‘de facto’ State Support or Subsidy (as outlined in the previous section above) and to re-



examine the proportionality of its continuance as measured against the overall benefit that could be applied to Tenants and Landlords by implementing this measure.

The holiday category of Tenant and Landlord surely deserves protection from CO, otherwise we will have the disjoint of a Consumer moving from their own private property to a holiday accommodation and suffering a detriment in their rights on CO protection – this should not become an unintended consequence of any Ministerial decision making under Section 150!”

**We are also concerned about the exclusion of food related issues from this Consultation.** We note the Commissions reliance on [EC Regulation 178/2002](#). We have examined this Regulation and note that it does not contain the phrases, ‘holiday’, ‘travel’, ‘hotel’, ‘tour’ but makes reference to a definition of ‘food business’ in which it would no doubt be said that hotels are in the business of ‘distribution of food’. The exclusion of food from this discussion on safety in holiday accommodation is in our view a grave error because whatever the provisions of 178/2002 it is clear that the Consumer experience tells of poor food production, large outbreaks of illness at hotels and zero enforcement of the protections offered by Article 6, 7, 8 & 14. This Organisation has provided extensive evidence on this issue to DG Sanco & Justice since 2007 in discussions concerning The Package Travel Directive.

It is clear that definitions or lack of them and legislation or lack of effective regulation fails to fully protect Consumers and pays homage at the altar of light-touch regulation!

Q10.

Are the definitions of type, size, height and age of tourism accommodation establishments present in existing legislation suitable?

A-Q10.

The question appears to reflect construction issues to which this organisations does not have the relevant expertise, however, we would refer to our answer at Q9 which reveals the problems associated with definitions.

Q11.

Are the requirements listed above present in the existing national legislation?

A-Q11

We would refer to our response at Q10.

Q12.

Would the consideration of requirements regarding CO (carbon monoxide) safety issues be beneficial? Please indicate the advantages for both consumers and enterprises.

A-Q12.

We would refer to our comments at Q5 & 9 above which are both relevant to the issue of Carbon Monoxide. The Commission should note that we shall be submitting a separate report which will highlight the Consumer experience. We absolutely agree that the importation of Carbon Monoxide issues into EU-wide Legislation would be beneficial; beneficial to Consumers who can book with confidence away from the fear that they could be poisoned or killed by Carbon Monoxide. Additional benefits would flow to the State; it would not have to invest in the care of those injured through direct health services or on-going care. Beneficial effect would also be experienced by the Leisure Industry; they would be working to a uniform legal obligation, the costs of installation would be 'shared' by the industry through the volume of acquired systems but most importantly, the Leisure Industry could demonstrate their commitment to safety and use such a commitment as a key selling point to Consumers so promoting the quality of their product.

Q13.

Is risk management integrated in relevant national legislation?

A-Q13.

This is evident within The Regulatory Reform (Fire Safety) Order 2006 but we cannot detect similar provisions elsewhere; the question is surely 'Do enforcement bodies take action to ensure that they are completed?' We have no doubt that the Travel Industry will offer examples of their own risk assessments; we have also had the opportunity to examine such documentation which in our view, raises a number of important questions concerning the skill and care exercised in their completion when measured against the Consumer experience.

Q14.

Is the difference in existing regulatory frameworks likely to affect the safety of tourists? Is this impact rather related to the enforcement of such framework? Could you please provide some concrete examples?

A-Q14.

We consider that differing systems of 'regulation', in what is after all a single tourist market in the EU, presents an imbalance in that market of expectation of protection and enforcement of those protections to the detriment of the Consumer. Our separate report demonstrates such detriment from the experiences of the Consumer; these reveal the failure of safety and enforcement.

Q15.

Are the differences in the regulatory environments in the EU member States affecting tourism businesses, especially in their cross-border operations? Is this impact rather related to enforcement of the existing legal frameworks? Can you please provide concrete examples?

A-Q15.

We would refer to our answer at Q14 above. Further we would also suggest that as particular problems arise in countries/resorts, the Consumer perception will play a role in affecting the fortunes of those countries/resorts and those companies selling the holiday product. The most obvious and perhaps extreme example of this can be seen within the holiday market of Egypt and Tunisia. Whilst that example does not represent the European market, we are certain that sick hotels, carbon monoxide deaths, fire, will undoubtedly contribute to a shift in Consumer purchasing. We hold the view that if the European Single Market tolerates an unregulated holiday safe market, Industry will suffer repeat fluctuations in Consumer spending, Countries/Resorts will have to brand and re-brand to deal with the absence of Consumers, Member States will continue to offer poor regulation and enforcement, thereby affecting the external view of their country as a whole, Member States will have to suffer the consequences that flow from illness/injury post-holiday – this presents a clear picture of a fragmented Single Market which offers nothing to the Consumer.

Q16.

Please quantify the current administrative burden for tourism enterprises to comply with existing safety regulations.

A-Q16.

This question lies beyond our direct experience and expertise, however, we do not accept the premise that underpins the 'Think Small First' principle; the question to be asked is this – “Does the status of SME really allow for their exclusion from protective legislation on the issues of fire, carbon monoxide, unsafe swimming pools, unsafe food production; can the death or injury of one person be justified for their exclusion?”

Q17.

Please indicate what are the most burdensome/costly aspects for tourism enterprises to comply with national legislation on safety.

A-Q17.

This question lies beyond our direct experience and expertise.

Q18.

Which are the main concerns of smaller tourism accommodation providers in relation to compliance with existing safety rules?

A-Q18.

This question lies beyond our direct experience and expertise.

Q19.

How can the compatibility best be ensured of safety measures and rules with accessibility requirements which are relevant for persons with disabilities and older persons?

A-Q19.

We would suggest that expert guidance be obtained from disability groups and occupational therapists in order to begin to understand and plan for the inclusion of this important market group into any legislation. As an Organisation we can offer plenty of examples of less able bodied holidaymakers suffering detriment through the booking process of a holiday. We would

suggest that you examine the issues raised in our separate report which will demonstrate the problems faced by able-bodied holidaymakers; those experiences command the question, “How would less-able bodied holidaymakers fare in an emergency without real protective legislation or enforcement in place?”

Q20.

Beyond accessibility issues, which are in your view the aspects regarding safety in tourism accommodation for ageing population which should be considered?

A-Q20.

We would suggest, Food & Water Safety (many have pre-existing medical conditions and failures in these areas could severely affect their health), Fire, Carbon Monoxide, Swimming Pools.

Q21.

Beyond accessibility issues, which are in your view the aspects regarding safety in tourism accommodation for people with disabilities which should be considered?

A-Q21.

We would suggest, Food & Water Safety (many have pre-existing medical conditions and failures in these areas could severely affect their health), Fire, Carbon Monoxide, Swimming Pools.

Q22.

Which are in your view the aspects regarding safety in tourism accommodation for persons under 15 which should be considered?

A-Q22.

We would suggest, Food & Water Safety (in cases of large outbreaks of illness the young and old tend to be the population group that suffer the worst symptoms), Fire, Carbon Monoxide, Swimming Pools and Kid’s Club Safety.

Q23.

Do you have data or quantitative evidence on injuries and accidents pointing to safety issues in tourism accommodation? If yes, please provide such data or evidence.

A-Q23.

Yes. In addition to our separate report on these issues, we shall also include previous reports submitted to the EU Commission highlighting the Consumer experience and the detriment that they have suffered with. Within these reports there are commentaries on trends related to complaints.

Q24.

Which are in your view the main challenges related to the collection of such data and how can they be best addressed?

A-Q24.

The challenge from the perspective of HolidayTravelWatch relates to the capture of the Consumer data and sanitising the said data to direct the reader's eye away from the names of hotels, tour operators and so on. Through our collection of reports we have instead concentrated on the experience of the Consumer as these reveal the nature of that experience and the consequences that flow from such an experience. With regards to Travel Industry data, they clearly have such data (assuming of course that they have created an analysis around that data), and such data stems from Customer Complaints Forms (written or electronic), resort assessment forms, weekly/monthly tour representative or resort manager reports, complaints to their helpline, monitoring forms of social media, insurance reporting forms which exist to our knowledge. The challenge for the EU Commission is to extract that data which the Industry may be reluctant to either physically supply or simply refuse to do so.

Q25.

In your view, to what extent does reluctance to make available data on accidents and injuries due to possible reputational costs may have an impact on safety issues?

A-Q25.

Whilst it is undoubted that the release of such information has the potential to damage reputations, we consider that this argument is without merit. It is simple; if such data is shared, it is entirely possible that such data could be structured in a way that protects the identity of tour operators and placed into a uniform central database structure. With regards to hotels and resorts, again a similar process could be adopted, but, we would encourage those details be

shared with the relevant health and enforcement authorities for further action. It therefore logically follows that apart from a structural analysis of data, it presents an opportunity for that data to form part of the enforcement process. There is an argument that repeat offending hotels and resorts (and possibly tour operators) could be entered onto an EU blacklist similar to that created against airlines [which have been banned](#) by the EU; the argument for the banned airline list was to inform the Public on safety issues and that the enforcement authorities were taking resolute action thereby increasing Consumer confidence in the airline sector – we submit that the same argument applies for holiday accommodation!

Q26.

What would in your view be the most appropriate and effective system to collect minimum harmonized data on accidents and injuries?

A-Q26.

We would refer to our answer at Q24 and add that relying on the hope that the provision of Travel Industry data, without a regulatory obligation to provide that data, will not succeed. We would strongly urge that there be a regulatory requirement on travel companies to provide an annual agreed data-set with sanctions for any failure to do so. The benefit of this would be to provide an accurate overview of the travel market which would then enable the EU Commission and Parliament to make strategic decisions on how to enhance the Single Market in Tourism for both Consumer and Industry alike whilst satisfying the objectives on Tourism contained within the Lisbon Treaty.

Q27.

How would European safety standards help improve consumer safety in tourism accommodation? What would be the main drawbacks? Please elaborate your answer both from a national and a European perspective.

A-Q27.

This Organisation is not averse to the creation of Standards for inclusion within a legislative environment. The Consumer Director for HolidayTravelWatch and author of these responses is currently an active member of the ASHRAE SSPC161 Committee on the creation of a Standard on Cabin Air Quality and has recently joined the BSI ACE/1 Committee and its work on Cabin Air

Quality. However, the issue of standards is principally driven by a particular industry and therefore in many cases, there are questions raised over the format of such Committees and the Standards that they create. An example can be found in the successful [challenge raised by HolidayTravelWatch](#) along with Pilot and Crew representatives with CEN over the Standards prEN4618 & prEN4666. The objection raised against these important Standards was that they had been constructed with a very heavy Industry bias and that the Committee forming the Standards had constructed them without considering important non-Industry information. There are currently similar arguments raging against DIN, ASD-Stan and AFNOR. Another example relates to the [BSI Standard on Adventure Travel](#). HolidayTravelWatch was present at its launch and noted from the composition of the Committee that created the said Standard that it was created with a very heavy Travel Industry bias and we could not detect any real presence of Travel Consumer Organisations. There is no question that Standards have a role to play, but, they must always be enforced by legislation for implementation, enforcement and sanctions. It is also important for the Commission to realise that such Standards do not attract legitimacy simply because they have been created; it is important that they have been created with a balanced and fair representation of all stakeholder opinion!

Q28.

If you have examples of national standards regarding tourism accommodation safety, do you have evidence that they have helped improve safety levels for consumers?

A-Q28.

We would again refer to our answer at Q27. We are not aware of how a Standard has improved safety; if one exists, we would suggest that any improvement is minimal and would need legislative support to ensure uniform adoption of its provisions.

Q29.

Is dedicated fire safety/safety training for tourism accommodation services regularly provided in national curricula or in vocational training? If so, what subjects are covered?

A-Q29

This is outside of our immediate expertise and experience, however, the mere fact that so many



variances exist suggests that this area is 'hit and miss' and offers a detriment to Consumers within the Single Market. It is our view that training matters must form a central part of any new regulation on safety in holiday accommodation.

Q30.

Are there specific job profiles dedicated to safety in tourism accommodation? If so, what subjects are covered?

A-Q30.

This question lies outside our area of expertise and experience.

Q31.

Do you have evidence against/in favor of the effectiveness of addressing safety in tourism accommodation at national/local/European level?

A-Q31.

We have no specific evidence other than that offered through our response at Q9. That information revealed that there was a poor level of implementation, interpretation and definition at National Level. By contrast, EC Regulation 261/2004 reveals a clear benefit from offering Consumer Legislation at European level and the success attached is not only for Consumers, but we would also argue, airlines who have the opportunity to market the excellent record they enjoy on flight delays and cancellations or where they arise, how effectively they look after their customers. We fear that National government's will, if allowed to maintain the status quo, seek to adjust the goals of greater protections within holiday accommodation because of pressures from respective National Lobbies from the Travel sector; Consumers deserve better than this!

Q32.

Which would be the advantages of approaching safety issues at national / local / European level, both from a consumer and a service provider perspective? Which would be the main disadvantages?

A-Q32

We would refer to our answer at Q31. We would further add that it is our preferred option that legislation is created at European Level; this would present a greater certainty for the Consumer on the question of standards and liability, greater certainty for Travel Companies, a greater opportunity for the good hoteliers (and there are many) to shine above those within this sector as demonstrably offering a good and safe product. We would also suggest that the introduction of such Legislation is not only beneficial to the development of the Single Market but also with the stated aims of the Lisbon Treaty on Tourism.

Q33.

Which would be the advantages of European legislation in terms of improved safety levels on tourism accommodation safety?

A-Q33.

We would repeat our response at Q32 above.

Q34.

Could the same advantages be achieved by improving enforcement and/or market surveillance of existing national legislation?

A-Q34.

The theme of our responses suggest that the EU Commission and Parliament should not be persuaded to take the route of light-touch regulation. We take the view that whilst the Travel Industry will protest that they have greatly improved the product since the mid-1990's, there are plenty of examples flowing through our helpline, demonstrating that there is a long way to go via self-regulation; we refer to the various reports we shall send to DG SANCO in support of this position.

Q35.

What experiences have been gained by using non-regulatory approaches in your country?

A-Q35.

From the perspective of HolidayTravelWatch, the closest experience we hold on self-regulation

concerns the issue of cabin air quality in aircraft. Whilst the manufacturers and airlines scour the globe to create the 'acceptable' standard for use by them and possible incorporation into National Legislation, many do not overtly adopt such Standards because they are not legally obligated to do so. Referring to our response at Q27, we are not confident that even where Standards exist (regardless of how they have been structured or created), that they will be adopted with the goal of improving the holiday product. If the 'benefits' of Standards are to be adopted, then they must be supported fully by legislation.

Q36.

Which would be the practical advantages of the use of self-regulation at European level?

A-Q36.

We see no advantages unless they are reinforced by regulation; failure to do so will distort the Single Market and continue to offer detriment to Consumers. We have serious concerns as to who would police or be the gate-keepers of self-regulation!

Q37.

What would in your view be the role of the Commission or other EU institutions in the context of self-regulation?

A-Q37.

We cannot see how the EU Commission could actively enforce self-regulation because Standards adoption is voluntary. If legislation gave powers to the Commission to police such Standards then it removes the voluntary nature of Standards and therefore they too would have to be incorporated into Legislation.

Q38.

Could the MBS Methodology be used as a basis for the compilation of best practices and the identification of self-regulatory norms, with appropriate adaptations?

A-Q38.

In considering this methodology, we take the view that you would have to form a Stakeholder Committee that represents balance between Industry and Consumers, to ensure that the

methodology is fair to all parties. Initiatives such as the MBS Methodology could in our view only be effective through the imposition of a Legal Obligation to adopt its provisions with appropriate enforcement and sanction provisions.

Q39.

Which adaptations to the self-regulatory instruments currently in place would be necessary to fully achieve their objectives?

A-Q39.

We are not clear on the nature of the question; we would suggest that all relevant standards that have the potential to improve safety in the holiday product be adopted (noting our comments at Q38 above), within European Regulation to give full force and obligations to their provisions. We argue that taking such steps secures the Single Market for the benefit of all stakeholders and satisfies the goals on Tourism contained within the Lisbon Treaty.

Q40.

What is the most effective way to monitor voluntary safety measures?

A-Q40.

Yes

Specific to these responses, we offer via e mail to DG Sanco our latest report dealing specifically with the issue of Fire and Carbon Monoxide Safety in Holidays.

In addition, we offer additional reports previously offered to the EU Commission which demonstrate the Consumer Detriment which offers some insight on statistical or trend analysis.

Those reports are:

1. Comment on the present EU Package Travel Directive – 19/10/07;
2. Comment on the present EU Package Travel Directive – 17/4/09;
3. Comment on the present EU Package Travel Directive – 28/1/10;
4. EU BIS PTD – Protect the Consumer – 28.11.13;
5. EU Fire Safety Report – 4/11/13;
6. CSI Fire Safety Report – March 1999;
7. HTW – DCLG – Carbon Monoxide Report – 28/3/14.

Q41.

What are your views on knowledge sharing regarding voluntary tools across the EU (benefits/drawbacks, potential difficulties, success stories, etc.)?

A-Q41.

Whilst the EU are to be congratulated on the volume of information they present, such information is often not obvious in its location, particularly for Consumers - in our view there needs to be a more obvious portal and clear route path to that information. With regards to more technical information this is more difficult to access a good example of how difficult it is to find information simply requires a visit to the EASA website! With regards to knowledge sharing, despite our involvement with EU Politics since 2007, we have never been invited to offer views or take part in any knowledge sharing initiative.

Q42.

Do you have any other comments or suggestions regarding tourism accommodation safety?

A-Q42.

We would refer to a supporting report to these responses along with additional information to demonstrate Consumer detriment. We would hope that the Commission and Parliament will seize this opportunity to regulate safety in holiday accommodation and not be swayed by the siren voices of the Travel Industry for less or light-touch regulation. European Consumers are looking to the Commission and Parliament to live up to the promises contained within the operation of the Single Market and the Lisbon Treaty; action in this area will in our view secure a high quality tourism product for all!

## Fire Safety – The Holidaymakers Experience

In providing responses to the EU Commission we shall highlight in this report the experiences of holidaymakers where fire breaks out in a hotel complex. Some of the experiences are outside the European area, however, they lend support to those EU examples whose lack of safety features reveal what we consider is an avoidable malaise within holiday safety.

### Turkey 2014:

The first example relates to a holidaymakers experience who visited the resort of Marmaris in Turkey during the summer of 2014. They expressed many complaints with their hotel, mostly related to hygiene and service and have provided photographic evidence in support. In addition to those complaints were concerns related to fire safety; these Consumers have provided photographic evidence which demonstrates their concerns and they require no further comment:





### **Crete 2014:**

The second example relates to a holidaymaker's experience in Crete during July 2014; their letter to HTW is reproduced below and requires no further comment from HTW:

"The reason for getting in touch relates to an unfortunate experience I had earlier this month on a holiday I purchased from your organization.

### **Faulty Fire Protection System**

Between 24th July and 8th August 2014 I and my family stayed at the Hotel Orion Rethymnon, Crete. Shortly after our arrival it became clear that the hotel's fire protection system was faulty as all 6 of the automatic fire doors in the hotel were being held open by rolled-up magazines or wooden wedges and blocks.

### **Automatic Fire Doors**

Automatic fire doors play a critical role in building fire protection systems. Once a fire alarm has been activated, the doors should automatically shut to prevent the spread of smoke and/ or fire and thereby provide vital additional time to enable people to escape to safety. There are UK and European regulations that cover this aspect of hotel operation. The failure of an automatic fire protection system can significantly increase the risk of loss of life and also lead to criminal prosecution.

### **Slow Response**

While I raised this problem with TUI/Thompson/First Choice on Saturday 26th July, it took 6 days for the fire protection system to be fixed. The electromagnetic door releases were not functional until Thursday 31st Jul.2 of 7

### **Problem Returned**

Furthermore, at the end of the holiday - one day before we left for home, the automatic fire doors had had black plastic tie-wraps refitted that would have prevented them closing in the event that the fire alarm was activated. Consequently, a critical part of the fire protection system was again disabled. This problem was not rectified even though I directly emailed TUI's Head Office as soon as I noticed.

### **Compensation**

It is difficult to provide adequate compensation for the increased risks that I and my family were exposed to during our holiday. I believe my experience provides evidence that TUI failed to execute its responsibility for customer safety. Clearly, if I had any concerns about the safety of TUI hotels I would not have booked the holiday.

I would like to stress that I have not enjoyed writing this letter – I would much prefer to be expressing my gratitude for a great holiday experience. Nevertheless, given the serious nature of the problem with the hotel and the time taken to resolve the issues, I feel that TUI/Thompson/First Choice was in serious breach of its undertakings and the Company should refund the full cost of the holiday.

I have enclosed supporting evidence (time table of events, photographs and copies of email correspondence) and look forward to hearing from you shortly.

## **1. Time Table of Events**

### **1.1. Events Summary**

The key events are as follows:

Friday 25th July (1am) Arrived at hotel with my wife and three children.

Saturday 26th July I attempted 5 attempts to communicate with your company by phone and 2 attempts by email. All attempts were unsuccessful.

Sunday 27th July: I showed TUI/Thompson/First Choice rep the rolled-up magazines holding one of the fire doors open on the first floor.

Monday 28th July: The rolled-up magazines and wooden wedges were replaced. The doors were instead held open by black plastic tie wraps.

Tuesday 29th July I called TUI head office and spoke to [NAME]. After I emailed pictures to her, a Thomson rep was on-site within an hour taking pictures.

Wednesday 30th July TUI company investigation supported by its third party fire protection specialist.

Thursday 31st July A Thomson Crete area manager/team leader called me at 1.22pm. She explained that TUI had completed its investigation and stated that she was not a specialist in fire protection systems but the third party company had assured her that black plastic tie wraps were part of the release system. During the call I looked at one of the fire doors and immediately noticed that the black plastic tie wraps had been removed. The doors were operational.

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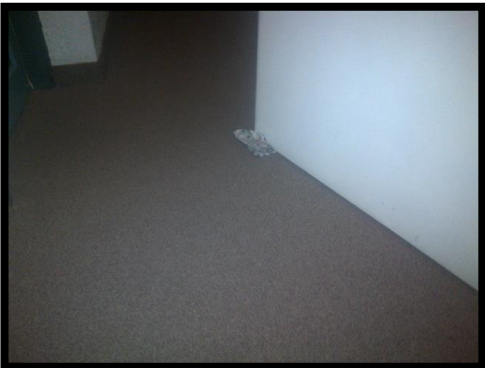
Wednesday 6th August Black tie-wraps were replaced on all 6 fire-doors in the hotel. These disabled the automatic fire door release system. I contacted TUI head office but received no response and the tie wraps remained in place until we left the hotel at 9pm on 7<sup>th</sup> August.

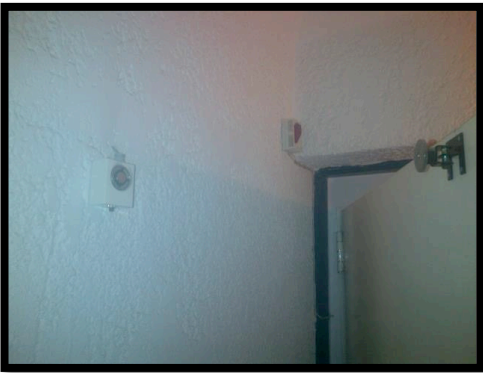



## 1.2. Ineffective Communications



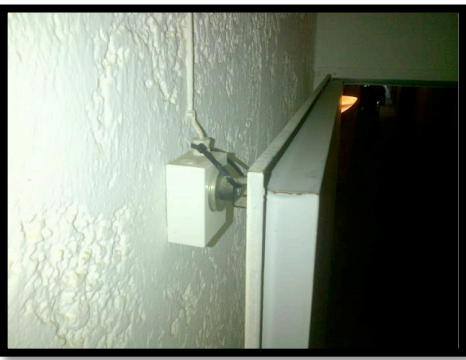
Running any large organization is a complex undertaking but regardless of how well a business is run, it is inevitable that problems will arise. Consequently it is essentially that an effective system of communication is in place to enable problems to be resolved – particularly if they are of an urgent nature. Specific points regarding my attempts to communicate with TUI are as follows:

- I made 5 calls to First Choice and Thomson service desks on 26th July and was unable to connect to an individual who was able or willing to respond to my queries;
- I sent two emails one to the First Choice contact address provided in the hotel and one to TUI Head Office:
  - Head Office Email sent on Saturday 26th July – no response
  - First Choice - Service Desk - Email sent on Saturday 26th July. I received an automated response that stated: “We'll be on the case within the hour and aim to have your query resolved within 24 hours”. I eventually received a response on the morning of Monday 28th July which simply stated that the service desk would follow-up with the First Choice rep for the Orion Hotel.

## 2. Fire Door Pictures

	<ul style="list-style-type: none"> <li>○ Automatic fire door held open by rolled magazine;</li> <li>○ Time picture taken 8.56am on 28 July 2014;</li> <li>○ Location, first floor to left of hotel if looking at the hotel with back to the sea.</li> </ul>
	<ul style="list-style-type: none"> <li>○ Detail of rolled magazine holding fire door open;</li> <li>○ Time picture taken 8.56am on 28 July 2014;</li> <li>○ Location, first floor to left of hotel if looking at the hotel with back to the sea.</li> </ul>

	<ul style="list-style-type: none"><li>○ Detail of electromagnet automatic fire door release assembly;</li><li>○ Time picture taken 8.56am on 28 July 2014;</li><li>○ Location, first floor to left of hotel if looking at the hotel with back to the sea.</li></ul>
	<ul style="list-style-type: none"><li>○ Detail of electromagnet automatic fire door release assembly;</li><li>○ Automatic fire door held open by black plastic tie-wrap;</li><li>○ Time picture taken circa 21.51pm on 28 July 2014;</li><li>○ Location, first floor to left of hotel if looking at the hotel with back to the sea.</li></ul>
	<ul style="list-style-type: none"><li>○ Detail of wooden block preventing closure of automatic fire door;</li><li>○ Time picture taken circa 22.04pm on 28 July 2014;</li><li>○ Location, third floor to left of hotel if looking at the hotel with back to the sea.</li></ul>
	<ul style="list-style-type: none"><li>○ Detail of electromagnet automatic fire door release assembly;</li><li>○ Automatic fire door held open by black plastic tie-wrap;</li><li>○ Time picture taken circa 22.04pm on 28 July 2014;</li><li>○ Location, third floor to left of hotel if looking at the hotel with back to the sea.</li></ul>

	<ul style="list-style-type: none"> <li>○ Detail of electromagnet automatic fire door release assembly;</li> <li>○ Automatic fire door held open by black plastic tie-wrap;</li> <li>○ Time picture taken circa 2pm on 7 August 2014;</li> <li>○ Location: first floor.</li> </ul>
	<ul style="list-style-type: none"> <li>○ Detail of electromagnet automatic fire door release assembly;</li> <li>○ Automatic fire door held open by black plastic tie-wrap;</li> <li>○ Time picture taken circa 2pm on 7 August 2014;</li> <li>○ Location: second floor.</li> </ul>
	<ul style="list-style-type: none"> <li>○ Detail of electromagnet automatic fire door release assembly;</li> <li>○ Automatic fire door held open by black plastic tie-wrap;</li> <li>○ Time picture taken circa 22.04pm on 28 July 2014;</li> <li>○ Location: third floor.</li> </ul>

### **Tenerife 2014:**

The third example of concerns over fire safety can be seen in the re-produced letter from a holidaymaker, whose family experienced an electrical fire in a hotel in Tenerife. HTW again re-produces the letter it has received and offers no further comment:

“Dates of travel; Outward date 12/07/2014, Return, 26/07/2014

Persons travelling; 4 Adults and 2 Children

Hotel and package booked; Be-Live Playa la Arena, Puerto Santiago, Tenerife.

Dear Sir/madam I wish to bring to your attention several concerns as to our recent holiday we have taken via your company Jet2 Holidays at the above hotel, this holiday in our opinion has been utterly ruined by information omitted from your brochure, as well as due to the actions and comments made by your resort staff when requesting support due to serious events which

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occurred whilst on holiday, we also have serious concerns as to the hotels safety, safety issues that in our opinion should have been identified and acted on by Jet2 on behalf of its customers prior to Jet2 allowing its customers to stay there, such as ensuring that a working fire alert system and competent fire management policy was in place, more seriously on becoming aware of these safety concerns Jet2 representatives should have taken a more proactive approach, which they failed to undertake.

Whilst in Tenerife your representatives were made fully aware of our concerns, a complaint form was completed and submitted to the Jet2 resort representative [NAME], a copy of which is enclosed. Although your representative was made aware early within the holiday, none of our concerns were fully resolved by the time our holiday came to its end, one specific and serious incident was subjected to a meeting via the hotel management in which your resort representative [NAME] was party to, however again issues again remain unresolved and we are far from satisfied with both the support we received and the outcome of this meeting, due to the omission of information in your brochure, the lack of and inappropriate support which was provided by Jet2 holidays following the serious incident which took place on the 16/07/2014, we have for most of our holiday been subjected to enormous stress and anxiety, this in-turn has affected certain members of our families physical health by exacerbating on going but usually stable health conditions, whilst during our stay we endured a overall fear for our health and safety, and spent the rest of our holiday unable to relax or sleep. The issues this letter refers to in our opinion require immediate investigation so as to protect other travellers.

I hope by submitting this complaint, Jet2 holidays will undertake a thorough investigation as well as appropriate action, due to the effects of this holiday has had on ourselves we are also seeking a full refund of our holiday costs, due to the omissions in the brochure as well the effects that the inadequate support by resort representatives had on ourselves and the ability to enjoy our holiday, if we remain unsatisfied with how jet2 holidays handle this complaint we will seek support via ABTA, as a last resort we feel the use of mainstream and social media remain possibilities to highlight and empathise our serious concerns.

If requested we are able to supply videos, photographs and numerous witnesses, one of whom is an active fire service officer, may I also direct your attention to the travel site tripadvisor in which you will find numerous supporting accounts by other guests.

Our complaints are as follows;

Our most serious complaint involves around an incident which occurred on the 16/07/2014, a timeline of events was compiled soon after and is included with this complaint. On reading the timeline of events you will find serious failures by the hotel in ensuring the safety of its guests and the inadequate response by Jet2 resort representatives, as well as the following.

The events on the 16/07/2014 showed the hotel to have non-working fire and smoke warning equipment in both the corridors and hotel rooms as well as not having an effective evacuation policy. In our opinion prior to placing guests in this hotel Jet2 should have ensured this hotel was using effective smoke and fire warning equipment as well as having a competent fire management process to ensure the safety of its customers.

On becoming aware of the serious failures by the hotel in managing this situation, Jet2 resort representatives, should have been far more proactive in their approach, ensuring they were

working in the best interests of their customers, [NAME] comments and actions did not appear to show she did, in contrast she appeared to be attempting provide false information which was in the best interests of the hotel, despite the many witnesses and video and photographic evidence she appeared to support the [hotels](#) stance that the event was a minor event and that we as customers were over reacting,

[NAME] support to our families following the event was significantly poor and insulting, especially when confronted with information by the UK fire officer, and caused her to subsequently retract her statement, whilst at the same time telling customers she was acting on instructions by the hotel, a statement which clearly shows a deliberate attempt to mislead Jet2 customers. I also believe the issues such as failure to inform Jet2 of the events by the hotel prevented Jet2 from providing adequate support, whilst the inadequate fire prevention equipment in the hotel and poor evacuation policy should have been referred for more serious investigation by Jet2 to senior management of Jet2.

The lack of support by the hotel and Jet2 caused significant anxiety and lack of sleep, throughout the rest of our holiday we were subjected to an ongoing odour of smoke in our rooms, made worse when using the air conditioning, this subsequently ended our ability to enjoy and carry on with our holiday, if our concerns had been acted on competently at the time this may have limited any anxiety we experienced. [NAME] the Jet2 representative was invited to visit our hotel rooms so as to see and experience the conditions we were being left in, specifically the constant odour of smoke, this she declined. For the rest of our holiday we had difficulty sleeping, this caused us to spend our days tired and sleeping on sun loungers near the pool area, the effects on everyone were significant, my brothers normally stable bipolar was exacerbated, his constant worry for the safety of his two young children and wife caused him to become severely agitated.

When making the reasonable request to undertake a fire drill by activating a fire alarm from the wall to demonstrate that the system worked as well as placing working smoke alarms in the room, Jet2 [NAME] should have been more proactive and less dismissive, following our meeting on the 16/07/2014, no Jet2 representative called or visited to ensure we were satisfied or to address any concerns, although one call was made this was at the request of the hotel, following my brother Glen having approached the hotel management with a request to move rooms, he was subjected to accusations of over reacting and his request was declined, although agitated but not confrontational he requested a hotel complaint form, this appeared to upset the hotel management. On returning to the room we received a call from [NAME] with an offer to move us, her offer was as follows, "she was able to move us to another Belive hotel, however the hotel had less amenities, and operated on the same fire prevention policy, this being the use of a silent alarm system and she could not guarantee that the alarm and smoke detectors were any better, any move would be at our own expense and we had ten min to decide" in our opinion this was an unsuitable and again insulting offer, an offer which was given with unreasonable constraints in the time and the conditions imposed such as travelling to the new hotel. The support by the resort staff of Jet2 was significantly poor following the incident, as customers of Jet2 we expected far better.

During our meeting after the electrical fire, [NAME] was asked why the hotel did not have any Jet2 representation, despite the hotel folder for Jet2 stating that a representative would be available one day a week for three hours, her reply was that due to the lack of customers



booking excursions, the resort staff had felt it would be better that any guests requiring Jet2 representation would have to make an appointment, such a change and the lack of Jet2 representation at the hotel should have been made clear in your brochure, whilst the reason not to have any on site representation by the resort staff provides a very poor customer service, by Jet2 it appears staff are more concerned in generating resort profit rather than the expected support you advertise throughout your brochure.

We became aware within the first day of our holiday that the hotel operated a purely French focused service, specifically the animation/entertainment team, your advertisement for this hotel omitted to inform customers that a two tier service is in operation, although the hotel advertises activities for both adults and children it became apparent these activities were for French guests, on many occasions we were requested to leave communal entertainment areas whilst French guests were entertained, activities were announced verbally by the French entertainment team, although the hotel has its own entertainment team these are managed by the French tour operator Looke, the French entertainment team would throughout the day and evening approach French guests within the hotel and inform them of impending activities, French guests were identified by their red wrist bands, whilst other nationalities wore black wrist bands, if you made a request or enquired if you could participate in these activities you would be ignored or snapped at, making you very uncomfortable. Notably the kids activities in the kids club was not much different, whilst French children engaged in interesting activities such as acting, role play, face painting as well as physical activities, children from other nationalities children were seated in the corner of the kids club and provided colouring materials, if a non-French child attempted to participate in the French activity they were sternly informed French children only, these concerns were voiced to the hotel management and we as were other families were informed action would be taken, some improvements were made but these were short lived.

The French focus by the hotel became significantly problematic on the night of the electrical fire, when evacuating and when providing information to guests, all verbal information and announcements were either in French or Spanish, leaving other nationalities unable to understand what was occurring. Staff at the hotel appeared to be providing a far superior service when looking at the colour of your wrist band, bar tenders would ignore you whilst tending to red wrist bands, restaurant staff would reserve areas purely for red wrist bands, French guests would walk past those waiting to be seated in the restaurant, to these reserved areas. Such an important aspect of this hotel in its French focus should have been published, by Jet2, thus allowing customers to be aware prior to booking, whilst using different wrist bands to segregate guests is simply unacceptable especially when services such as hotel entertainment is advertised as being for all guests.

I hope you can appreciate this holiday in our opinion was misrepresented in your brochure, the accommodation was unsafe, the hotel fire prevention and evacuation process was inadequate and unsafe, the support pre and post the events on the 16/07/2014 was extremely poor, and below what should've been provided, whilst statements made by the Jet2 holidays resort representative were clearly aimed at misleading ourselves, your customers, on holiday we expect unbiased and fair representation, the statements made by her were clearly biased and aimed at protecting the hotel. I sincerely hope you will investigate and reply to this complaint within the next 28 days, we reserve the right to then submit a complaint via ABTA and consider

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the use of mainstream and social media to seek resolution to our complaint, I again emphasise our holiday for our entire travelling party was utterly ruined and we will therefore be requesting a full refund of our holiday.

P.S We have in our possession videos and a significant number of photos of the events, some of the photographs have been forwarded to us since returning by other guests, these can be made available to yourselves, either by supplying us with a secure email address or by digital media”.

#### **Mexico 2014:**

In July 2014, we received contact from holidaymakers caught up in a major fire incident at a hotel in Mexico. Whilst this matter rests outside the European area, it nonetheless represents the experience of the holidaymaker and supports the experience of those within the European area. We produce an extract of the complaint letter we received; we offer no further comment:

“I am writing to say how unhappy I am with the resolution you have given me in regards to my complaint, I went on holiday to Mexico and on our 5<sup>th</sup> day there as a massive fire, the hotel put our lives at risk. We was woken up by a large banging on the door it was holiday makers screaming “ get out the hotel is on fire”, there was smoke bellowing through our block ( block 6) exploding noises, windows been smash it was terrifying, after been evacuated by holiday makers ( not staff) it came apparent there was no sound for a fire alarm and the smoke alarms didn’t go off, we was allowed back into are rooms but the building hadn’t been made secure by the fire brigade, there was glass every were, all over the floor where the cabinets had been smashed but they were empty no hose inside of them. This hotel had made so many errors, no evacuation plan in place,the Fire alarms didn’t work, smoke alarms didn’t work, the cabinets with hose in when smashed were empty. The next day we raised our concerns with the hotel manager and 2 of Thomas cooks reps, there was lots of irate family1’s looking for answers, the hotel manager admitted cutting alarms to prevent panic, he offered a room change due to the fact that ours smelt of smoke and the air con was blowing out fumes.The hotel also did not go around each building to do a head count or to check that each floor/ room was safe to return to at all”.



**Turkey 2013:**

HTW continued to receive further complaints in 2014 concerning a fire at a Turkish hotel in 2013; one e mail contact advised:

“Last July myself, husband and 13 year old daughter were holidaying at the baia Lara in Turkey when the generator went on fire. Myself and daughter were in our room and were not aware of the mayhem as no alarms went off until we received a phone call from my sister in law telling us to get out. Due to the whole traumatic experience at the time I did not follow the required procedure to lodge a complaint. My priority was wanting to get home asap!”

**Barcelona 2014:**

HTW received a complaint from a holidaymaker about their experience at a hotel in Barcelona; in their initial e mail they stated:

“We were guests on 23rd floor of hotel in Barcelona (Melia Barcelona Sky). Stayed there for 3 nights in September. Fire on 5th floor, alarm did not go off and we were not notified in anyway. We had to run down fire escape because smoke was pouring into our room and waited outside for 5 hours whilst smoke billowed out of hotel. We were let back into our room to collect our stuff even though it was extremely unsafe and the smoke was still coming out. One of us required a check up at the Hospital. All belongings ruined with smoke damage. No evacuation procedure with hotelier, lack of help from hotel staff. No apologies or further information about what actually happened given by anyone”.



## Carbon Monoxide – The Holidaymakers Experience

The issue of Carbon Monoxide is difficult to quantify because there is a lack of Public awareness on this issue.

We consider that it is appropriate to set out statistical information which may help to highlight how Carbon Monoxide affects the Holiday product.

In summary, we have concluded (based on data from CO-Gas Safety & APPCOG) that:

1. **316 deaths** occur within the EU (holidays) from CO each year;
2. **14,040** injuries occur within the EU (holidays) from CO each year;
3. **In the UK**, we estimate within the holiday environment that:
  - a. **11.7 holidaymakers die** each year from CO poisoning;
  - b. **520 holidaymakers suffer with injury** from CO poisoning each year;
  - c. Each person so injured receives **an average of £10,000** in medical treatment from the NHS;
  - d. This equates to a potential **cost to the taxpayer** each year of **£5.2m** from holiday related CO poisoning.
4. We have called for:
  - a. All fuel burning devices, **including portable barbeques**, to have pre-printed warning notices on CO displayed on them, and
  - b. Each holidaymaker booking a holiday should receive a **‘Holiday Safety Certificate’** which provides for information and a positive statement that issues such as gas or fire safety have been dealt with according to law and good safe practice.
5. We have estimated that within the main holiday season in the UK (Easter to the end of October), there are approximately **1.5 million Consumers within holiday accommodation** of all descriptions.

**The issue of Public Information is therefore key in promoting Public knowledge about the dangers of Carbon Monoxide and this in turn would we believe produce not only a greater awareness but a greater data-set on this issue which could help deliver an informed view on**

**what is required to protect holidaymakers from this avoidable risk. To demonstrate, we have with other campaigners in the UK to engage the UK Cabinet Office on their responsibilities for Public Information Films. It is now over 2 years since we asked them to engage and meet with campaigners; we are still waiting for a detailed response and an indication that they are willing to engage on this issue!**

We consider that the hidden risk lies not only within hotels and complexes but within a more casual environment, such as through tents, camping, caravans and mobile homes. In offering any Consumer illustration, we have re-produced their own words and have only made amendments where we considered it to be necessary to clarify what is being said.

One example of a potential risk and how complaints are dealt with is found through this contact HTW received from a UK holidaymaker in 2014. Whilst this case is not strictly a Carbon Monoxide case (this family were exposed to the gas product and the possible toxins therein), it nonetheless illustrates issues of the failure of safety management and enforcement; we re-produce her e mail to HTW and offer no further comment:

**“FRIDAY 20TH JUNE** holiday start date for 7 nights in a prestige caravan at.....2 adults and 3 children. On arrival caravan was of a low standard of cleanliness and I was dissapointed the caravan is advertised as having top quality furnishings however the sofa and the chair although of same colouring was not of matching pattern. The kettle was thick with limescale -returned to reception was given apology and a new kettle provided. Heating would not work site maintenance called- 2 men arrived said would need change gas bottle then said boiler pressure was "dangerously high" after around 20-30 minutes was told was fixed. I was left feeling anxious and did keep checking the boiler. Partner questioned if he could smell gas but we presumed it was as the gas bottle had just been changed.

**SATURDAY 21st JUNE** visited on site fairground daughter age 7 went to kiosk to buy tokens with her pocket money saved up just £2 in total that was in 5p counted and stacked and taped into 2 bundles of £1 the man left my daughter stood for nearly 1minutes whilst I watched from the adjacent playground with my son she returned tearful and said the man was on his phone and had refused her money saying he couldnt take that I then returned the kiosk and again stood waiting I asked a attendant close by was this the ONLY place to obtain tokens he then prompted the man in the kiosk and I was served whilst he held his phone to his shoulder. I dont know why he had refused my 7yr old only 5minutes prior. I Felt the service was disgraceful and my 7yr old left upset

**SUNDAY 22nd JUNE** was preparing to go out when electric shut off. partner went to reception was spoken to rudely my a lady who said "you have plugged in too many appliances" partner explained was only 2 appliances in use. asked how long would take for someone to call was told to go out if didnt wish to wait in for maintenance, explained could not go out as was in middle of

ironing clothing and needed to make a bottle to take with us for baby. site maintenance came and electric restored.

**MONDAY 23RD JUNE** been food shopping plan was to have a meal and then visit the evening entertainment. Gas shut off site maintenance called, man named [NAME] arrived said needed to change gas bottle but the 15minutes later knocked to say he was unhappy to hook up gas supply as he belived hoses was in such a poor condition and needed replacing he also stated our gas had ran out so quick as it will have been leaking. stated he would call manager but the site gas engineer did not work at that time and he doubted very much an emergency would be called and it was likely we would be moved caravan. Manager arrived about an hour later and proposed to move us to another van of lower grade as no others available stated hoses would be fixed in the morning by on site engineer but she would find us alternative caravan for the night. Manager then returned with another man who was a gas man and confirmed hoses did need to be replaced Im not sure where this man was from however when I said quite firmly I was very upset and I was unhappy that my family had been left in danger the manager then asked the gas man what was the likely hood anything bad would have happened to which the man replied that a leak could have caused an explosion the manager then proceeded to offer me a full refund of the holiday price paid I then said I really just wanted to go home I felt unwell and was having an erratic heart rate and rythem and I had no choice but to accept the given alternative accomodation as I could not drive home to [LOCATION] feeling so unwell and my partner could not drive as he had consumed alcohol my children where hungry and tired the tea was ruined and we had missed the evening entertainment we had planned. I told the manager of the other problems we had had from the start of our holiday and how it had just gone from bad to worse she apologised and said she would go ahead and make the beds up at the alternative caravan and she was sorry we had had an awful time. We then had to pack up the caravan along with 3 hungry tired and fedup children. we was given £35 in food vouchers we did not use these as that night we just needed to get the kids fed quick which was toast and then bed we ourselves had to unload the car once more and get re organised with little motivation. on sitting down for a cup of tea the same problem was encountered with a dirty kettle full of limescale. I remember just breaking down and crying at this point this holiday was meant to be a stress free break with my family before investigations into my heart continued yet this holiday was causing me an immense amount of stress.

**TUESDAY 24TH JUNE** Had an extremley unrestful night with worrying thoughts and feeling unwell and being a long way from home. I also worried that the babys sleepiness during the Friday and Saturday was due to inhaling gas I found an article on the internet about the previous incident at a different park and felt lessons clearly had not been learned and again was troubled by thought that my family could have been in danger. Kettle was returned to reception and I spoke with a different manager again female who told me she was aware of what had happend and she was very apologetic I had again had to bring back a filthy kettle, from what was meant to be a deluxe caravan. I stated I had felt very unwell and not slept due to the worry over what may have happend. She then told me that there site engineer had confirmed there was no leak however the site maintenance man that noticed the poor condition of hoses had told me the gas had run out and that had occured so quick as the gas will have been escaping.

**WEDNESDAY 25TH JUNE** I still felt very uneasy in the caravan and was not sleeping due to the thoughts of what may have occured if the hoses had gone un-noticed and gas had been leaking.

**THURSDAY 26TH JUNE** was getting ready to go out children playing on grass adjoining caravan when I seen my 2yr old with wet hands and splashed legs- water was leaking from the waste water pipe that he was playing in at this point we immediatley packed and I gave a full run down at the reception of every problem encountered and made clear my stay had been an absolute disaster and far from the family holiday I had planned”.



HTW is concerned that in any examination of holiday accommodations, casual or formal, would detect similar failures to maintain fuel burning apparatus to a safe standard. The illustrated example begs the question; ‘How do local or National authorities inspect and enforce laws or minimal standards in caravan parks like this or throughout the UK?’

It suggests a further question and concern as to what is the standard of inspection and enforcement in hotels and resorts?

Whilst we are hopeful that this Consultation will bring true regulatory change, we are familiar with the Corfu Carbon Monoxide case as illustrated within the Commission documentation for this Consultation and wonder if anything has really changed?

## Conclusion:

We have provided responses to the EU Commission which are again re-produced within this report so as to place the Consumer experience into context.

Whilst we are encouraged that this Consultation is taking place, we are nonetheless concerned that there will be a temptation, in the current febrile ‘nationalistic’ atmosphere of the European debate, to defer to Member States or indeed encourage further development of unregulated self-regulation.

If the Commission recommended either of these routes, we would consider this to be a fundamental mistake and would consider that it would demonstrate the abdication of the EU Commission’s & Parliament’s duty to develop and promote the Single Market and the obligations on Tourism found in the Lisbon Treaty.

If our fears were manifested, it would mean that Consumers would be condemned to at least another decade of further detriment within their holiday product; we sincerely hope that the EU Commission and Parliament seize this important opportunity!

Frank Brehany

Consumer Director

HolidayTravelWatch

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