



ADR In the Aviation Sector and the Sector of Tour Operators



**Package Travel & ADR
The Belgian Travel
Complaints Commission**

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Commission de Litiges Voyages asbl

Introduction

- an alternative for the courts
- only between travellers and package travel organizers and retailers
- specific legislation (16/02/1994)
- Arbitration or Mediation

Important dates

- 1983: creation
- 1987-2000: more associations
- 1993: GD Economy
- 1999: GD Justice
- 2001: ECC Network
- 2004: Mediation procedure
- 2011: BELMED

Purpose

- To obtain an optimal quality in the package travel sector
- To find a simple and effective method to resolve conflicts
- To facilitate acces to justice

A few elements

- EU Recommendations
(98/257/EC -2001/310/EC)
- Non profit structure
- Parity principle

A few elements (2)

- Model contract/terms
- Free choice of the traveller
- As simple and flexible as possible
- Transparency and impartiality

Arbitration: competence

- Arbitration clause
- Exclusions
- Regulation document
- Art. 1676 to 1723 Belgian Code judiciaire

Arbitration: preliminary requirements

- Complaint on the spot
- Confirmation after the return (1 month)
- Tentative to find a solution (4 months)

Arbitration: procedure

- Complaint to CLV (questionnaire)
- Hearing
- Decision
- Communication of the motivated and binding decision within 3 months
- No appeal

Arbitration:the arbitrators

- Parity:
 - 1 president
Independant lawyer
 - 2 arbitrators Travel sector
 - 2 arbitrators consumers associations

Mediation

- Voluntary
- Mediation/conciliation
- Regulation document

Mediation: how does it work?

- Convention between parties
- 50 €
- 1 mediator: independent and impartial
- Prescription
- Active role of the mediator
- Minimal formalities
- Maximum flexibility

Mediation: the results

- Agreement on the solution: transaction
- Enforcement
- If failure: further steps remain possible

Mediation: advantages

- Win-win situation
- voluntary
- impartial mediator
- confidential
- informal
- simple
- low costs
- equity principle
- very easy access to justice

Conclusion: which problems?

2010 (arbitration):

- Accommodation (42%)
- Transport (11%)
- Complaints with several components (9%)
- Excursions – tours (8%)
- Cancellations (6%)
- Contracts (6%)
- Passports and visa (5%)
- Overbooking (4%)
- Others (9%)

Conclusion: How many cases?

Tendency of the last years : fewer cases

- Arbitration 2010

85

- Mediation 2010

91

51/57

Conclusion:

- Success?
- Arbitration or mediation?

For more information:

www.clv-gr.be