



Travel Law

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Perhaps more than in other sectors, travellers are likely to see the impact on consumer law when they arrange to travel in 2021 after the end of the transition period. EU protections on package travel reflect modern practices but are complicated and may need simplifying after EU Exit. Cross-border trading will be affected in various ways, not all of them positive. There are a number of major issues. These are: Insolvency Protection; Linked Travel Arrangements; Timeshare; Compensation for Flight Cancellation, Delay and Overbooking; and Mobile Roaming Charges. There are many aspects of a traveller's holiday and travel experience that remain protected by the UK government umbrella when it is no longer part of the EU.

Threats



The COVID-19 pandemic hit the travel industry hard. The way we will travel has changed and the impact will be felt for many years to come. The industry will need stability and we are encouraged that the government has committed to retaining EU protections such as compensation for flight delays, cancellations and overbooking.

However, we could see the end of the guarantee of free mobile phone roaming throughout the EU. Travellers will need to check whether their mobile phone company has changed its mobile roaming charges before they travel to the EU, Switzerland, Norway, Iceland or Liechtenstein. They may be charged for using their mobile device in these countries if their operator has reintroduced roaming charges.



190m

EU DATA CONSUMPTION IN JULY-SEPT 2018 COMPARED TO 15.7M IN THE SAME PERIOD BEFORE THE END OF ROAMING CHARGES.

There are also significant questions in relation to the EU-wide civil justice system (post-EU Exit) and to what extent UK consumers can enforce their rights abroad. Equally, The Court of Justice of the EU (CJEU) interprets EU law. Its purpose is to ensure the uniform application of EU law across all member states.

The UK is no longer a member of the EU, but the CJEU will continue to play a role in UK law. Another threat has been the changes which will happen with pet passports. From January 1, 2021, you will not be able to use the existing pet passport scheme. Instead, you'll need to follow a different process, which takes four months.



97%

THE REDUCTION IN UK AIR TRAVEL IN 2020 DUE TO THE COVID-19 PANDEMIC

*House of Commons Transport Select Committee

However, there is a growing and urgent need to clarify the status of EU agreements for UK travellers; for example it is particularly important you get travel insurance with the right cover if you have a pre-existing medical condition. This is because the European Health Insurance Card (not valid after December 31) covers pre-existing medical conditions, while many travel insurance policies do not. The question remains whether the holiday and travel experience will remain positive when the UK has left the EU. There is a growing and urgent need to clarify the status of EU agreements for UK travellers.

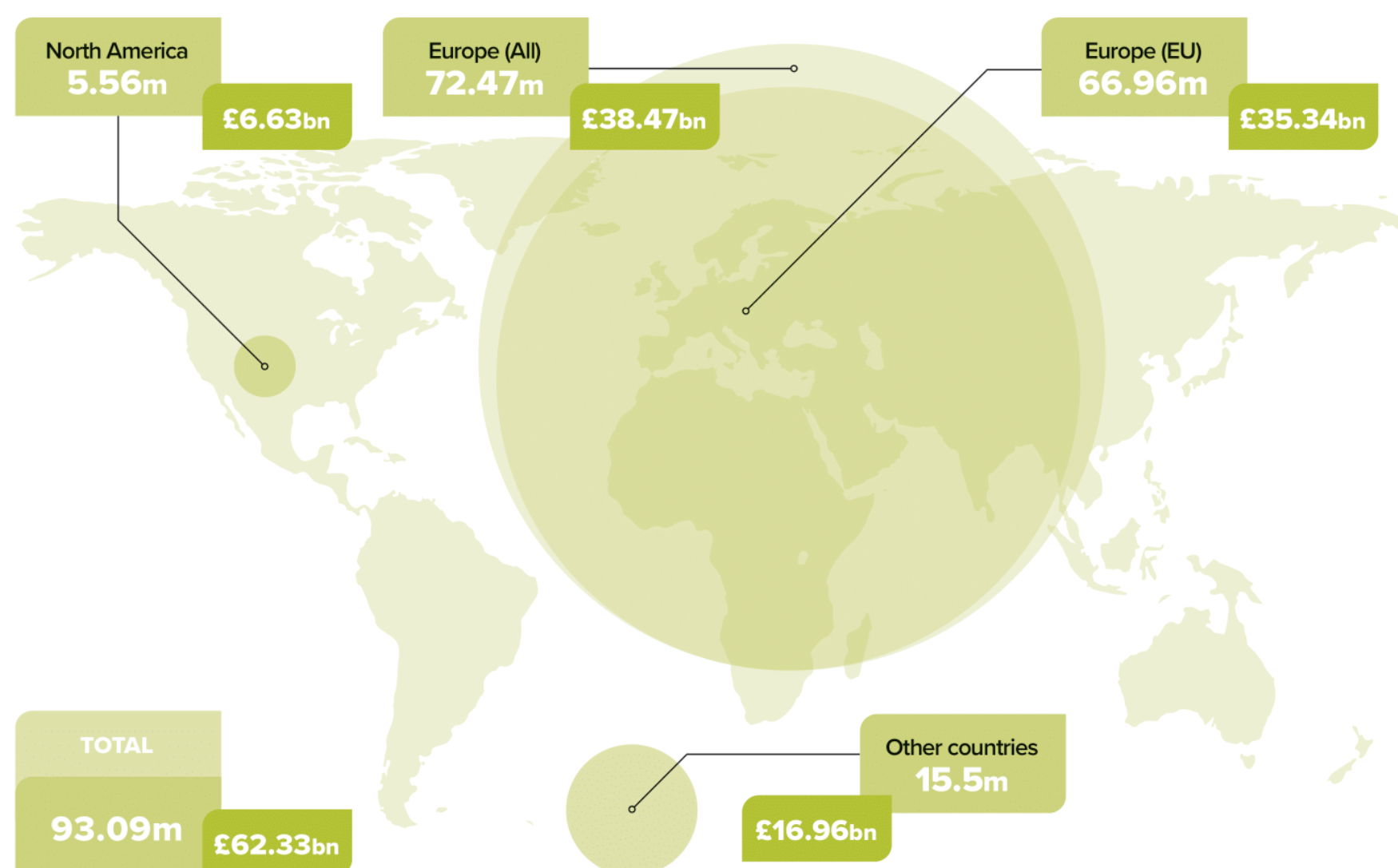


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Opportunities

The legal framework applied by the EU to the package travel sector may well undergo significant changes. EU Exit may be a way of ensuring that certain elements can be clarified and perhaps amended. Improvements could be made for travellers, traders and regulators. Many benefits enjoyed by UK travellers, such as protection from timeshare and holiday club mis-selling, are EU in origin. EU Exit could provide an opportunity to reduce consumer confusion by streamlining some of the more confusing concepts from the regulations.

UK visits and spending abroad, 2019



SOURCE: Office for National Statistics, Travel Trends, 2019



The right to roam charges

Travellers making calls abroad have been a problem for mobile phone users since the devices were invented. These so-called 'roaming charges' were often very expensive but an EU initiative changing telecoms rules meant they were abolished and consumers could effectively 'roam like at home'. Such provisions have become very important for UK holidaymakers. The government has set an ambitious target of 'no less protection' for consumers as the UK leaves the EU.

Nevertheless, the ambition to leave the EU Digital Single Market and questions over regulations requiring reciprocal agreement with the remaining EU 27 member states seem to provide significant barriers in reaching that goal. In fact, it remains unclear whether the current charging regime can be retained. Current government guidance is that guaranteed free roaming will come to an end on January 1, 2021 and travellers should check with their operators.