

EASY ITALIA: BEST PRACTICES 2010 – PROTECTION OF TOURIST RIGHTS

1)

AN ITALIAN CITIZEN ASKS: Good evening, during our stay in a hotel in a small town in the province of Florence, my wife slipped into the tub. Due to the lack of anti-slip stickers, she fractured her wrist. We called the Police and, once arrived, they found out that the tub wasn't equipped with suitable non-slip stickers and hand grip support indeed. The hotel keeper also admitted it. Since then, 15 days have passed and I have not received any answer by the insurance agency yet. Can you help me obtain more information about it?

ANSWER: From the conversation we had with the officers in charge of claims at the insurance agency of the hotel, we find out that the file concerning the accident is under process at the Claim Office of Florence and it will be closed when our customer, at the end of her recovery time predicted by the hospital prognosis, will send the medical documentation attesting her healing or complications.

We provide the customer with the contact details of the Claim Office of Florence and with the file identification number, so that he can verify the stages of the process of his file. We also inform the customer that, once the file will be closed, if he considers the accident compensation as not adequate to the damage suffered he will be entitled to safeguard his rights applying to Consumer Associations, gathered in the National Council of Consumers and Users, or to the Europe Direct Service, according to the charter of tourist rights (Law 135/01, art.4)

2)

A SPANISH TOURIST ASKS: I am in Rome on holiday: I rented a flat for two people through the online booking service of an estate agency. As there are some aspects not complying with the contract I signed I would like to get advice on how to safeguard my rights. The building where the flat is located has no lift, the jacuzzi is not working and the sheets are not regularly changed. I repeatedly complained about it to the owner of the estate agency. I have already been reimbursed for Euro 100,00 for the lack of the elevator but as I consider this compensation as not sufficient, I would like to know if I am entitled to further forms of protection.

ANSWER: We informed the customer that according to **the charter of tourist rights** (L.135/2001, art.4), as regard the problem with the lift, the agency has provided to compensate the customer by giving him back part of the amount paid. As regard the lack of the other services provided by the contract, he can reach a compensation agreement with the owner of the agency or with the owner of the estate agency, or by making a complaint through **ECC- EUROPEAN CONSUMER CENTER** (<http://www.ecc-netitalia.it/>) .

3)

AN ISRAELIAN TOURIST ASKS: Good morning, we would like to get your support in order to have our rights recognized. Until a few days ago we stayed in a hotel where we suffered many inconveniences. In particular, some services advertised on the hotel website haven't been provided. We would like to ask for a compensation but we haven't been able to get in touch with the owners. We don't want to apply to a consumer association nor take legal actions against the hotel owner.

ANSWER: We contacted the hotel and reported the customer complaint. We also informed them that the customers requires a compensation for his ruined holiday. In particular, he asks 10% of the amount paid for his stay (according to the regulations listed in the hospitality section of the charter of the tourist rights, art 4 of the L.135/2001). Following to our report, the hotel accepts to compensate the customer with the amount requested to apologize for the inconveniences he suffered.

4)

AN ITALIAN TOURIST ASKS: Good evening, I'm currently on holiday in Rome and I'm staying in a hotel. I booked two double rooms but, due to a misunderstanding, I was left without a room for one night. When I asked to pay for it, I was first required a certain amount, a few hours later a larger one. I asked clarifications about the hotel prices and they told me that prices may change according to the occupancy. This is the reason why they are not displayed in the lobby or inside the rooms. I would like to know how I can report this fact, that appears to me as an injustice.

ANSWER: We first recommend the customer to make sure that prices are not exposed in any place of the hotel. According to the principle of disclosure of prices, customers have the right to see the prices of offered services clearly displayed in the hotel hall. Such prices are transmitted by hotel management to the territorially competent provincial administration on a yearly basis (L.135/2001,art 4).

5)

AN ITALIAN TOURIST ASKS: I'm calling on behalf of a group of 17 people returning from Tunis to Italy by sea, with a ticket purchased through a travel agency in Pordenone. On May 1st we didn't manage to reach Civitavecchia because that day it was a bank holiday in Tunisia and there was a staff reduction at the harbour. Our departure was therefore postponed to the following day. Beyond the annoyance of changing date and route (we had to take a ferry to Palermo first and then another one to Civitavecchia), we suffered financial inconvenience because we had to buy the Palermo-Civitavecchia ferry ticket and we missed the flight taking us home. I submitted our refund request (specifying the amount requested by each of us) to the ferry company within 7 days, as established by law, but the company declined its. The company didn't accept their responsibility for the event occurred. According to them circumstances were beyond their control. Is it possible to take further action? Is it possible to get at least a partial refund for the damage suffered?

ANSWER: We informed the client about the regulatory framework applicable to their case: art.6 General Conditions of the Ferry Company they traveled with, which in turn refers to the art. 405 – 406 -408 of the **Code of Navigation**. We also provide the customer with the contact details of the ferry company customer care assistant, to whom we explained the problem. On the basis of the information collected it is clear that a possible resolution of the controversy can only be reached by taking legal action. The carrier will have to prove that it has no liability for the passenger damages and that the harbour is responsible for it. Furthermore, passenger rights to be assisted even during bank holidays in the harbour should be verified.

6)

A GERMAN TOURIST ASKS: Last month I stayed in a hotel in Venice, where I didn't receive the service I expected. When I booked I specifically required a quiet room with a nice view but, once arrived, I got assigned a room on the first floor over a crowded street. What can I do to claim my rights?

ANSWER: We inform the client that, according to the charter of tourist rights (art. 4 L.135/2001), tourists can claim for a non or improper performance of the contract by sending a recorded delivery letter to the seller or trip organiser within 10 working days after the trip return date. In this specific case, as more than a month has passed since our customer returned from his journey, he can apply to a consumer association (www.tuttoconsumatori.it) that can help him handling his claim and support him in judicial or extra-judicial proceedings. Furthermore european citizens can apply to the Europe Direct service (n. 00800 67891011) from every place in the E.U. Or send an e-mail by filling out a form available at <http://ec.europa.eu/europedirect.it>.

In conclusion, we inform the client that as far as economic disputes regarding tourist services are concerned , there are extra-judicial manners to assert rights, such as conciliation and arbitration. Conciliation can also be sought through consumer associations, before the arbitration and conciliation commissions of territorially competent Chambers of Commerce.

As far as the resolution of disputes regarding consumption in the countries of the European Union and the European Economic Area is concerned, you can have information about the "European Consumer Centres Network - ECC Net" from the website www.euroconsumatori.org.

7)

A VENEZUELAN TOURIST ASKS: I asked the Tax Refund form at a shop in Florence, but they asked me my accountancy VAT number and the name of the company I'm working for. I wonder if this procedure is correct as I'm simply a tourist and I don't have any accountancy VAT number.

ANSWER: We suggested the client to verify whether the shop adheres to the initiative and has the Tax Refund logo displayed. In this case, the shopkeeper only has to ask the tourist's passport and personal details and then give him the form that allows to cash the tax refund.

8)

AN OPERATOR OF THE TOURIST INFORMATION OFFICE IN FORLI'-CESENA ASKS: We are calling you on behalf of a hotel keeper who needs assistance for the following problem: an Italian tourist has booked 7 nights at his hotel, but after the first night he has decided to leave. Is the hotel keeper entitled to get a compensation for the nights he lost?

RISPOSTA: We inform our customer that according to the charter of tourist rights (L. 29 March 2001, n. 135, art. 4) when booking, it is always advisable to send a fax, a letter or an e-mail containing the duration of the stay, the agreed services and the applied rates, to be kept along with the booking confirmation, as proof of booking. This procedure obviously protects both the client and the hotel keeper's rights and duties. However, it is important to know that some aspects of the accommodation contract are ruled by habits and customs and that they represent a regulatory framework, in the absence of specific laws. In this specific case, as the hotel keeper doesn't have a proof of the booking, he can't claim a compensation.