

**EASY ITALIA: 2<sup>nd</sup> Quarter 2011 BEST PRACTICES – TOURIST LEGAL RIGHTS PROTECTION**

**1)**

**A FRENCH TOURIST ASKS:** During a weekend in Naples (from 26/05 to 29/05) we bought two cards named "CAMPANIA ARTECARD" (the rechargeable card to travel and discover the cultural heritage of Naples and its Region). We were surprised that we could not use the cards to visit the "Museum of the Treasure of Saint Gennaro" because the museum seemed not to be included in the museums' circuit provided by the card. We paid the entrance 8 € per person.

Thanks in advance for the information you will be sending us. If necessary, we kept our tickets as an evidence and we could provide you with them.

**ANSWER:** We inform the customer that we contacted the "Campania ARTECARD" Call Center in order to enquire about the above-mentioned problem. We found out that the following cards do not include the entrance to the Museum of the Treasure of Saint Gennaro (in this case, the ticket must be paid as an extra):

- Castles of Naples Card;
- Archaeology of the Gulf Card;
- Bourbon palaces and surrounding areas Card.

As in the first place the customer did not provide us with specific information about the card he had purchased, we could not provide the "Campania ARTECARD" Call Center with the requested information (type of card, day of purchase, etc.), so we had to contact back the customer and ask him about the name of the Card, which it was "Naples and the Phlegrean Fields": it costs 16 € per person and it includes a visit to the museum of the Treasure of Saint Gennaro.

After we got this information we contacted back the Call Center: it was confirmed that "ARTECARD - Naples and the Phlegrean Fields" does include in its itinerary the entrance to the Museum of the Treasure of Saint Gennaro, but does not include the exhibition entitled "The 10 Wonders of the Treasure of Saint Gennaro: The Jewels". This exhibition, in fact, is organised by the Museum of the Treasure of Saint Gennaro in cooperation with the Superintendence for the Historical, Artistic and Ethno-anthropological heritage of the Museum of Naples and with the patronage of the President of the Republic and the Presidency of the Senate. It is an exceptional and temporary event (from April 8<sup>th</sup> to June 12<sup>th</sup>, 2011), run by private, and it is not included in the Convention "ArteCard" and therefore provides for the payment of an additional ticket.

**2)**

**AN ITALIAN CITIZEN ASKS:** I would like to report that a proloco (tourist information and promotion office at local level) in the province of Rome has been working illegally for years by selling tickets. I have already reported it to the port authority, financial police, inspection service of proloco and to the maritime police. In addition, the abuse was reported to the relevant office of Rome Province. How long will it take to get a reply?

**ANSWER:** We inform the customer about the current legislation: the lead time of the Province of Rome to the reports of citizens are usually 30 days, as the Public Relations Office informed us. In addition, we checked that the claim was filed by the customer to the right office:

- claim sent on June 8<sup>th</sup>, 2011, on behalf of the Association of which the customer is a member;
- sent to: Department XIII "Services for tourism, sport and youth policies".

By talking to the customer we found out that this problematic situation has not changed for years, especially during summer time, a period of high tourist season, and it has been reported to several authorities without any resolution.

The customer thanks us for the information and the instructions we have provided to her.

3)

**AN ITALIAN TOURIST ASKS:** I contacted you with reference to a controversy arisen with the owner of a farmstead located in South Tyrol. I did my research for holiday accommodation on line, I chose the above-mentioned farmstead and I sent my request for booking to them. I was contacted back via e-mail by the owner of the place, who specified in it the bank details for the payment of a deposit of 150 € (to be made by bank transfer, out to her).

The farmstead was booked from 10/07/2011 to 16/07/2011, but, unfortunately, my wife was hospitalized on June 20<sup>th</sup> and so I had to send another e-mail to the owner in order to convey the cancellation of the trip. She replied that she wanted to make some research about the specific law in force; however, she also told me in advance that she could not return the deposit. Till today, I did not receive any news from her, that is why I am asking Easy Italia for an help in order to provide me with information about my rights as a tourist.

**ANSWER:** First of all, we inform the customer about the cancellation procedure after payment of the deposit, as required by the Charter of the Rights of the Tourist (art. 4 L. 135/2001) :

"When a down payment is required as a confirmation deposit, it must be returned or attributed to the performed service, in case of execution. If the person who paid the deposit is in default, hoteliers withdraw from the contract and keep the down payment as a refund for the received damage. Conversely, if the hotel is in default, the customer can withdraw from the contract and claim twice the amount of the deposit".

Please note that the legal regulation of the contract signed by you and the owner of the accommodation are defined by Articles 1321 et seq., 1385, 1783 et seq. of the Civil Code.

In addition, we contacted the manager of the website through which the customer made the reservation. He confirmed his availability to contact the customer in order to mediate between him and the owner of the farmstead. Anyway, the website could not be considered as part of the contract, which was signed between the owner and the customer. Finally, we provided the client with some contact details of consumer associations in his province of residence.