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Report

drawn up on behalf of the Committee on the Environment,
Public Health and Consumer Protection

on safety of holidaymakers and other travellers

Rapporteur : Mr M. PROTOPAPADAKIS

PE 83.783/fin.

At its sitting of 19 April 1982, 7 July 1982 and 8 July 1982, the European Parliament referred the motion for a resolution tabled by Dr Sherlock and Miss Hooper on fire safety in hotels (Doc. 1-14/82), the motion for a resolution tabled by Sir David Nicolson on accidents to holidaymakers and other visitors whilst abroad (Doc. 1-64/82), the motion for a resolution tabled by Mr Collins on safety in safari parks (Doc. 1-493/82) and the motion for a resolution tabled by Mr Boyes on examination of photographic equipment at airports in Member States (Doc. 1-500/82) pursuant to Rule 47 of the Rules of Procedure to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible and to the Committee on Transport and the Legal Affairs Committee for an opinion.

At its meeting of 23 June 1982 the Committee on the Environment, Public Health and Consumer Protection decided to draw up a report and appointed Mr Protopapadakis rapporteur.

The committee considered the draft report at its meetings of 26 May 1983 and 1 December 1983. At the last meeting it adopted the motion for a resolution as a whole by 12 votes to 1 with 1 abstention.

The following took part in the vote: Mr Collins, chairman; Mr Ryan, vice-chairman; Miss Hooper, vice-chairman; Ms Weber, vice-chairman; Mr Protopapadakis, rapporteur (deputizing for Mr Del Duca), Mr Bombard, Mr Eisma (deputizing for Miss Spaak), Mr Enright (deputizing for Mr Muntingh), Mr Forth, Mr Ghergo, Mrs Lentz-Cornette, Mrs Maij-Weggen (deputizing for Mr Alber), Dr Sherlock, Sir Peter Vanneck (deputizing for Mr Johnson).

The opinion of the Legal Affairs Committee is attached. The Committee on Transport decided not to deliver an opinion as it had already considered the motion for a resolution tabled by Mr Boyes on examination of photographic equipment at airports in Member States (Doc. 1-500/82) in the Junot report (Doc. 1-842/82).

The report was submitted on 5 December 1983.

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The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

MOTION FOR A RESOLUTION

on safety of holidaymakers and other travellers

The European Parliament,

- having regard to the motion for a resolution tabled by Dr SHERLOCK and Miss HOOPER (Doc. 1-14/82),
- having regard to the motion for a resolution tabled by Sir David NICHOLSON (Doc. 1-64/82),
- having regard to the motion for a resolution tabled by Mr COLLINS (Doc. 1-493/82),
- having regard to the motion for a resolution tabled by Mr BOYES (Doc. 1-500/82),
- having regard to the Communication from the Commission to the Council on initial guidelines for a Community policy on tourism (COM(82) 385 final)¹,
- having regard to the resolution on fire safety regulations in hotels in the European Community²,
- having regard to the report drawn up by the Committee on the Environment, Public Health and Consumer Protection and the opinion of the Legal Affairs Committee (Doc. 1-1149/83),

¹ EC Bulletin, Supplement 4/82

² OJ No. C 163, 10.7.1978

- A. whereas there has been a great increase in tourism and travel in the Community,
- B. whereas tourism and travel contribute to economic development, the cultivation of international relations and the education and recreation of travellers,
- C. whereas travellers and holidaymakers have a right to expect travel and holiday organizers and the competent authorities to take the necessary steps to ensure their protection from all forms of danger during their journeys or holidays,
- D. whereas tourism and travel are a large job-creating sector,
 - 1. Expresses its desire that a policy of encouraging constant improvement in the safety conditions relating to travel and lodging of travellers and holidaymakers be applied in the Community;
 - 2. Calls on the Commission to draw up a Community Code setting out the basic principles governing the safety of travellers and holidaymakers and, in particular, fire-protection measures in hotels and other places lodged in and visited by travellers and holidaymakers,
 - 3. Calls on the Commission to take, as soon as possible, the necessary action to introduce a simpler uniform certificate of entitlement to medical treatment and inform the public accordingly, so as to ensure that travellers and holidaymakers in all the Community Member States have the insurance cover afforded to them by the social security legislation of their own countries, and information on how to seek appropriate medical treatment;
 - 4. Calls on the Commission to make proposals for harmonizing the requirements as to the professional qualifications needed in the travel and tourism sector in the Community Member States, to ensure that individuals responsible for protecting travellers and holidaymakers from hazards possess the appropriate skills;

5. Calls on the Commission to study the effectiveness of passenger checks at airports in the Community Member States and, if necessary, to augment them, having first considered any adverse effects they may have on certain types of luggage, e.g. photographic material,
6. Calls on the Commission to take the necessary steps to enhance the vigilance of the bodies responsible for maintaining law and order in areas through which travellers and holidaymakers pass or in which they stay;
7. Calls on the Commission to study the question of the safety of travellers on non-scheduled forms of transport and propose measures to protect travellers more effectively against accidents on such forms of transport;
8. Stresses to the Commission the necessity (a) for the measures to be proposed to be simple, practical and constructive and not to entail complicated bureaucratic procedures and expenditure disproportionate to the economic and social benefits such measures may confer, (b) for the matters relating to this to be handled in such a way as not to denigrate a particular tourist organization or Member State in the eyes of public opinion, and (c) once more urges the Council and Commission to bring about the gradual removal of border controls within the Community;
9. Instructs its President to forward this resolution to the Commission.

EXPLANATORY STATEMENT

1. A special feature of life today, particularly in the Community, is the frequency with which members of the public travel on business and for pleasure, and their heavy involvement in activities relating to tourism. It is therefore worth examining what protection is provided for the lives and health of travellers and holidaymakers.
2. It is essential to protect and provide medical care for travellers and holidaymakers both during travel and during their stay away from their permanent place of residence, as well as while they are visiting places of interest.
 - A. Safety during travel
 3. Travelling always involves an element of risk, no matter what means of transport a traveller uses. This is evidenced by the variety of insurance schemes which cater for the traveller.
 4. The usual risks are the breakdown of the means of transport, sickness during the course of the journey, theft and political unrest. The figures available on the frequency of accidents caused by the risks mentioned above are not sufficiently precise and detailed, so we do not have a clear picture of the extent of the risk in each case, with separate figures for each country which concerns us.
 5. However, experience and rational thinking lead us to the conclusion that regular (scheduled) forms of transport have a better accident record than unscheduled forms of transport (chartered flights, tourist buses and private vehicles).
 6. An important reason why unscheduled forms of transport are less safe is that drivers, especially drivers of private vehicles (cars and tourist buses), are unfamiliar with road conditions and suffer from fatigue; they overestimate their own stamina and the performance of their vehicles and they place too much reliance on the roads and road signs. This last

observation applies chiefly to motorways, which the general public tend to regard as high-speed roads, whereas they ought really to be regarded as roads providing safety and comfort. A shortening in journey times is a natural consequence when the basic rules of driving are observed on such roads.

7. As for the danger of falling ill or having an accident while travelling, the problem a traveller faces is that of finding out what insurance cover he has in a foreign country and where he can get appropriate medical treatment.
8. Finally, theft and all forms of crime, as well as political unrest, are factors which can considerably complicate travel and substantially reduce the amount of travel taking place. Air travel is particularly vulnerable to such risks. Despite the measures instituted to step up security (the searching of passengers, police presence at airports, etc.), the danger remains considerable, while suspicions have been expressed that such checks may have a deleterious effect on certain types of luggage (photographic material). People travelling in private vehicles, especially at night and on roads that are not very busy, are also at risk from the dangers outlined above.

B. Safety while staying in a foreign country

9. The risks facing travellers staying in a foreign country are as follows: sickness, accidents with local transport, accidents during visits to tourist sights (e.g. zoos, precipitous sites) and while taking part in various sports (e.g. skiing, sailing, etc.) and hotel accidents.
10. Sickness and accidents while travelling are covered by remarks made above.
11. The safety of sightseers and of people taking part in sporting activities deserves particular attention because tourist sights tend by their very nature to be dangerous. However, it would require excessive amounts of money and well-organized supervision by the public service responsible (with all the unfortunate consequences that would entail) to create safety standards in these areas comparable with those prevailing in our familiar urban environment. It would not be realistic to call for an immediate

survey to be carried out and measures to be taken at every tourist sight in the Community countries. The only measures which the authorities responsible can realistically and directly be expected to take are:

- (a) informing visitors of possible dangers,
- (b) training the staff responsible, not just so that they can give the visitors the appropriate assistance but so that they may identify hazards and ask the competent services to take the appropriate steps.

12. Moreover, safety in hotels is an essential factor, because hotels are an extension of the traveller's familiar urban environment. Information bulletins and statistics, as well as personal experience, lead us to conclude that most hotels fulfil safety requirements. The only noteworthy danger as far as hotels are concerned is the risk of fire. Although it occurs rarely, fire in hotels worries people greatly and discourages travel because, when it does happen, it creates panic and causes mass deaths. It is therefore worth examining whether the fire safety measures in force today are adequate (see report on fire safety in hotels in the EC, Doc. 1-95/78, Written Questions Nos. 1098/80, 1283/81 and 130/82 and Docs. 1-64/82, 1-493/82 and 1-500/82). If they prove to be inadequate, they must be supplemented, without going to excessive lengths which would entail disproportionately high costs.

13. Finally, if travel is to confer on society the great benefit of bringing peoples together and furthering international relations, and if it is to contribute to European Union, understanding among the peoples must be cultivated. A sign of this understanding is the willingness of each member of the public to judge the conditions he meets in the countries he visits not by the scale of values he uses in his own country but by the standards that have developed in the countries he is visiting, as these are adapted to the ecological environment of each particular country. The same applies when local people seek to form an estimate of their visitors: they must use the scale of values of the visitors' countries. This willingness cannot be called into being by EEC directives or regulations. It can, however, be fostered if all the competent administrative bodies express such a spirit in their every action and if, when they make criticisms, it is obvious from the way they are made that the sole aim of the criticism is to rectify a deficiency and not to condemn individuals or countries.

MOTION FOR A RESOLUTION (Document 1-14/82)
tabled by Mr SHERLOCK and Miss HOOPER
pursuant to Rule 47 of the Rules of Procedure
on fire safety in hotels

The European Parliament,

- recalling the disturbing number of fire deaths in European hotels over the past decade,
- recalling that a survey, carried out by the British Consumers' Association in 1979, of 171 hotels throughout Europe, revealed that only 32 could be considered to have achieved a satisfactory level of fire safety precautions,
- recalling the report on fire safety regulations in hotels (Doc. 95/78) adopted by the European Parliament in 1978 which requested the Commission to act on this matter urgently,
- regretting that the Commission, in its reply to Written Question 1098/180(1) announced that it intended to discontinue its work on a draft directive in this area,
- believing that, with the ever-increasing amount of tourist and business travel within the Member States, with corresponding increase in pressure on hotel facilities, the need for Community action is urgent,
- whereas a Community code, confining itself to certain basic principles of fire safety which are common to fire dangers in all Member States would not only guarantee Community citizens a basic level of protection wherever they be travelling but would also contribute to the elimination of unequal conditions of competition in the hotel trade,

- believing therefore that Articles 100 and 235 of the Treaty of Rome provide an adequate legal basis for action by the Commission,
- 1. Calls upon the Commission to draw up a harmonized code dealing with the principles of fire safety in hotels and laying down minimum standards;
- 2. Requests that this code be implemented within the Community by means of a Directive;
- 3. Hopes that it will be practical, within the framework of such a Directive, to make provision for the issuing of a European certificate of conformity to hotels achieving the required level of fire safety;
- 4. Instructs its President to forward this resolution to the Council and Commission of the European Communities.

(1) OJ No. C 312/35, 29.11.1980

MOTION FOR A RESOLUTION (Document 1-64/82)

tabled by Sir David NICOLSON

pursuant to Rule 47 of the Rules of Procedure

on accidents to holidaymakers and other visitors whilst abroad

The European Parliament,

- concerned about the distress and suffering experienced by holidaymakers and other visitors who are subject to accident or illness whilst in foreign countries,
- believing that the number of such accidents is increased by inadequate or non-existent safety standards for hotels and for coaches and other hire vehicles, and by the absence of enforcement of these where they do exist,
- believing that the suffering from accidents is increased by:
 - the inability of many communities to deal with accidents amongst the large tourist population for which they cater,
 - the low standards of medical care in certain countries,
 - the lack of adequate training of tour operator personnel to handle emergencies,
 - the lack of clear guidelines by insurance companies providing travel cover as to the procedures to be followed in emergencies,
 - the lack of minimum standards of such insurance cover, and
 - the difficulty and cost of successfully bringing litigation in foreign countries,
- noting the Commission's answer to Written Question 1283/81,
- having regard to the importance of the tourist industry to the economy of the Community and the need to ensure the highest standards of safety and protection for tourists.

1. Urges the Commission to pursue with vigour its studies on the problems of safety in hotels;
2. Requests the Commission to undertake similar studies into standards of safety for coaches and for hire vehicles and into standards of insurance in connection with these;
3. Disagrees with the Commission that the standards of medical care are a matter domestic to each country where the country or area concerned encourages and benefits from a recognized, organized and regular tourist trade, and requests the Commission to consider ways of encouraging Member States to meet certain minimum standards of medical care for tourists;
4. Requests the Commission to study ways of ensuring that tour operators employ only adequately trained courriers;
5. Requests the Commission to study the possibility of requiring that the costs of repatriation should be covered by all travel insurance policies providing medical cover;
6. Requests the Commission to study ways of facilitating the pursuit of civil legislation by tourists injured abroad and by others suffering damage whilst in Member States other than their own;
7. Requests the Commission to study ways of enforcing greater disclosure
 - by insurance companies of the terms and conditions of policies to any party with prima facie evidence of accident, loss or injury, and of the procedures to be taken in case of accident or other emergency,
 - by tour operators in brochures, promotional literature and travel confirmation advices of the availability and standard of medical assistance available at the tour location,
 - by vehicle hire and coach operators of the terms and conditions of their insurance cover and their liability thereunder;
8. Urges the Commission to propose appropriate legislation at the conclusion of these studies;
9. Instructs its President to forward this resolution to the Council and the Commission of the European Communities, and to the Heads of Government of the Member States.

MOTION FOR A RESOLUTION (DOCUMENT 1-493/82)

tabled by Mr COLLINS

pursuant to Rule 47 of the Rules of Procedure

on safety in safari parks

The European Parliament

- A - deeply shocked by a fatal lion attack on visitors to a Belgian safari park on 16 May 1982,
- B - concerned that the highest safety standards should be applied in safari parks throughout the European Community,
1. Calls on the European Commission urgently to draw up a safety code to apply to safari parks;
 2. Calls on its responsible Committee to investigate safety aspects of safari parks;
 3. Instructs its President to forward this resolution to the Commission and Council of the European Community.

MOTION FOR A RESOLUTION (DOCUMENT 1-500/82)

tabled by Mr BOYES

pursuant to Rule 47 of the Rules of Procedure

on examination of photographic equipment at
airports in Member States

The European Parliament,

- A - aware that X-ray machines at airport security points can damage photographic films,
 - B - believing that there is a cumulative effect when films have multiple exposures to X-rays,
 - C - in the knowledge that there is no consistency in the way airport security officials in Member States approach the problems of photographers. Some Member States insist on all photographic equipment being X-rayed, others allow manual checks, others insist on the shutter being released in the presence of a security official etc.,
 - D - aware that this inconsistency can lead to conflict between travellers and security officials,
1. Calls upon the Commission to report on the varying methods used by airport security personnel to check photographic equipment;
 2. Calls on each Member State to allow travellers to have the right of a manual inspection;
 3. Instructs its President to forward this resolution to the Commission and to the Head of each Member State.

OPINION OF THE LEGAL AFFAIRS COMMITTEE

Letter from Mr Rudolf LUSTER, vice-chairman and acting chairman of the committee to Mr COLLINS, chairman of the Committee on the Environment, Public Health and Consumer Protection

Subject: - Motion for a resolution, Doc. 1-14/82 of 11 March 1982;
- Motion for a resolution, Doc. 1-64/82 of 1 April 1982.

Dear Mr Collins,

On 12 March 1982 the Legal Affairs Committee was asked for its opinion on the motion for a resolution on fire safety in hotels (Doc. 1-14/82).

On 19 April 1982 the Legal Affairs Committee was asked for its opinion on the motion for a resolution on accidents to holidaymakers and other visitors whilst abroad (Doc. 1-64/82).

At its meeting of 13 July 1982 the committee appointed Mr VIE draftsman of an opinion on these two questions.

The committee considered these questions during its meeting of 19 January 1983 and, having heard its draftsman, unanimously reached the conclusions given below¹, which it has instructed me to bring to your attention.

The Legal Affairs Committee supports any initiative, be it at national or international level, which aims to improve the safety of travellers.

¹ Present: Mr Luster, acting chairman, Mr Vie, draftsman; Mr Dalziel, Mr Janssen van Raay, Mrs Macciocchi, Mr Megahy, Mrs T. Nielsen (deputizing for Mr Jans), Mr Slegenschmidt, Mr Tyrrell and Mr Vetter

With more specific regard to the motion for a resolution contained in Doc. 1-14/82, the Legal Affairs Committee welcomes the fact that the Commission, in contrast to its previous position¹, 'is at present engaged in studies on the problem of safety in hotels and could, if appropriate, put forward proposals on this matter in the light of their findings'².

It is not for the Legal Affairs Committee, therefore, to adopt a position at this stage on proposals which have yet to be submitted. Once the Legal Affairs Committee has been consulted on these proposals, it will be able to study them in detail, paying particular attention to their legal basis.

The Legal Affairs Committee also endorses the requests set out in the motion for a resolution contained in Doc. 1-64/82, notably in paragraphs 2, 4, 5, 6 and 7 thereof, in which the Commission, which is empowered to act on its own initiative, is called on to conclude its studies connected with the safety of travellers. As for paragraph 3, while the Legal Affairs Committee takes the view that the Community does not have the power to lay down standards governing medical care, which fall within the competence of the Member States, it fully supports the request made to the Commission, 'to consider ways of encouraging Member States to meet certain minimum standards of medical care for tourists'.

Moreover, the Legal Affairs Committee will consider the proposals which emerge from the Commission's studies in depth, paying particular attention to their legal basis.

Yours sincerely,

(sgd.) Rudolf LUSTER

¹ See the answer to Written Question No. 1098/80 in OJ No. C 312, 29.11.1980, p. 35

² See the answer to Written Question No. 1283/81 in OJ No. C 43, 17.2.1982, p. 16