

## **CLAIMS FROM BRITISH TOURISTS AGAINST HOTELIERS**

- According to ABTA claims for food health incidents have increased between 2013 and 2016 in 780%. ABTA has also informed that between January and September 2016 the increase has been 131%.
- This increase is not consistent with the results of the satisfaction surveys carried out by specialized companies and with the data provided by the British Public Health Authorities. In Spain (Mainland, Balearic and Canary Islands) only 5% of the incidents are related with food health.
- These claims are exclusive of British customer behavior and are not consistent with the performance of other emitting markets.
- These claims are promoted by “farm claims” and “claims collectors” and follow a common pattern: affect package holidays and clients do not inform the hotelier of the incident before leaving.
- TT.OO. and hotelier are the ones who must provide proof that incidents have not happened. Customers are not required to sustain their claims with any evidence.
- Spanish hoteliers are reacting to this unjustified situation diverting bed allocations from British TT.OO. to other emitting markets.
- Following ABTA recommendations Spanish hoteliers are implementing measures regarding all British tourists during their stay monitoring client behavior and consume, even requiring statements about any claims when finishing their holidays. That is a nuisance for honest tourists and cumbersome for hoteliers.
- The Spanish Hoteliers Association (CEHAT) is demanding Spanish Courts to declare as void clauses in the contracts between TT.OO. and hoteliers regarding unsustainable claims from customers.
- ABTA Chief Executive has remarked that this “situation is a serious problem for their members, the whole tourist industry and for consumers alike”. The British Ministry of Justice has conceded that is a real problem deserving close attention.
- ABTA has proposed the Ministry of Justice to take some initiatives:
  - Action from the Claims Management Regulator (CMR) regarding “claims collectors” and their relationship with solicitors and portals dealing with these false claims.
  - Action from the Financial Conduct Authority.
  - Increasing of the “small claim track limit” from 1000 to 5000 pounds.
  - The overseas cases should not be excluded of the measures adopted through the 2012 Civil Legislation Reform aimed to curtail false claims.
  - Medical evidence must be provided by claimers. Apparently some progress is taking place (Wood&Wood vs. TUI Travel PLC, 2017 case).
  - This kind of claims should be included in the same portal as personal injuries.
- British Parliament is discussing the Prisons and Court Bill. It addresses some on these issues but others that are required to solve this problem are not contemplated in this Bill.

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