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Submitted to Reforming Competition and Consumer Policy
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About you

What is your name?

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What is your email address?

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What is your organisation?

Organisation:
ABTA - The Travel Association

Are you happy for your response to be published?

Yes

Would you like to be contacted when the consultation response is published?

Yes

Competition

1 What are the metrics and indicators the CMA and government could use to better understand and monitor the state of competition in the UK?

Please respond here.:

2 Should the CMA have a power to obtain evidence specifically for the purpose of advising government on the state of competition in the UK?

Not Answered

Please expand on your answer here.:

3 Should government provide more detailed and regular strategic steers to the CMA?

Yes

Please expand on your answer here.:

ABTA supports proposals for the CMA to be given regular steers by Government which could respond to current and relevant issues in the UK and to be given clarity about which sectors of the economy the CMA investigations should focus upon. Overall, this proposal has the potential to render the CMA more dynamic than it is at present.

4 Should the CMA be empowered to impose certain remedies at the end of a market study process?

Yes

Please expand on your answer here.:

ABTA supports this proposal, which would enable the regulator to act more quickly to address consumer detriment in the marketplace. The ability to impose remedies at the end of a market study process, without the need for a full-scale market investigation, would enable a more light-touch and agile approach on behalf of the regulator.

5 Alternatively, should the existing market study and market investigation system be replaced with a new single stage market inquiry tool?

Not Answered

Please expand on your answer here.:

6 Should government enable the CMA to impose interim measures from the beginning of a market inquiry?

Maybe

Please expand on your answer here.:

ABTA Members have indicated that they are not inclined to favour the imposition of measures against businesses prior to due process taking place, unless the subject matter of the inquiry and the risk to consumers was of a very serious nature. However, we recognise that it might be difficult to set reasonable parameters as to what would meet this threshold.

7 Should government enable the CMA to accept binding commitments at any stage in the market inquiry process?

Yes

Please expand on your answer here.:

ABTA supports this proposal, provided necessary safeguards are adopted to avoid businesses using this approach to evade more effective, and binding, remedies that could result from a full market inquiry process.

8 Will government's proposed reforms help deliver effective and versatile remedies for the CMA's market inquiry powers?

Maybe

Please expand on your answer here.:

Giving the CMA the power to review remedies already imposed without the need for a further market investigation would seem to be a reasonable proposal, where it is apparent that the original remedies are failing. We would also not disagree with the idea of enabling the CMA to expand or supplement remedies, without the need for a further market investigation, where it is apparent that the original remedies are failing.

9 What other reforms would help deliver more efficient, flexible, and proportionate market inquiries?

Please respond here.:

10 Should the current jurisdictional tests for the CMA's merger control investigations be revised? If so, what are your views on the proposed changesto the jurisdictional tests?

Not Answered

Please expand on your answer here.:

11 Are there additional or alternative reforms to the current jurisdictional tests for the CMA's merger control investigations that government should be considering?

Not Answered

Please expand on your answer here.:

12 What reforms are required to the CMA's merger investigation procedures to deliver more effective and efficient merger investigations?

Please respond here.:

13 Should the CMA Panel be retained, but reformed as proposed above? Are there other reforms which should be made to the panel process?

Not Answered

Please expand on your answer here.:

14 Should the jurisdictional requirements of the Chapter I and Chapter IIprohibitions be changed so that they apply to all anticompetitive agreements which are, or are intended to be, implemented in the UK, or have, or are likely to have, direct, substantial, and foreseeable effects within the UK, and conduct which amounts to abuse of a dominant position in a market, regardless of the geographical location of that market?

Yes

Please expand on your answer here.:

ABTA supports this proposal, which would, in increasingly globalised markets, extend to anti-competitive agreements implemented outside of the UK or dominance in a market outside of the UK. The proposal would also bring the UK's competition rules into line with those in the US and EU.

15 Should the immunities for small agreements and conduct of minor significance be revised so that they apply only to businesses with an annual turnover of less than £10 million?

Not Answered

Please expand on your answer here.:

16 If the immunity thresholds are revised for agreements of minor significance, should the immunity apply to (a) any business which is party to an agreement and which has an annual turnover of less than £10 million or (b) only to agreements to which all the business that are a party have an annual turnover of less than £10 million?

Not Answered

Please expand on your answer here.:

17 Will the reforms being considered by government improve the effectiveness of the CMA's tools for identifying and prioritising investigation? In particular will providing holders of full immunity in the public enforcement process, with additional immunity from liability for damages caused by the cartel help incentivise leniency applications?

Not Answered

Please expand on your answer here.:

18 Will the CMA's interim measures tool in Competition Act investigations be made more effective by (a) changing the procedures for issuing decisions and/or (b) changing the standard of review of appeals against the decision?

Maybe

Please expand on your answer here.:

ABTA supports proposal (a), so that when the CMA proposes to impose interim measures, it is only required to provide the business with notice of the proposed decision and the reasons for it rather than provide access to the CMA's file of evidence which is time consuming and undermines the use and purpose of interim measures.

19 Will the reforms in paragraphs 1.170 to 1.174 improve the effectiveness of the CMA's tools for gathering evidence in Competition Act investigations? Are there other reforms government should be considering?

Not Answered

Please expand on your answer here.:

20 Will government's proposals for the use of Early Resolution Agreements help to bring complex Chapter II cases to a close more efficiently? Do government's proposals provide the right balance of incentives between early resolution and deterrence?

Not Answered

Please expand on your answer here.:

21 Will government's proposals to protect documents prepared by a business in order to seek approval for, and operate, a voluntary redress scheme from disclosure in civil litigation encourage the use of these redress schemes?

Not Answered

Please expand on your answer here.:

22 Will government's proposed reforms help to speed up the CMA's access to file process and by extension the conclusion of the CMA's investigations?

Not Answered

Please expand on your answer here.:

23 Should government remove the requirements in the CMA Rules on the decision makers for infringement decisions in Competition Act investigations?

Not Answered

Please expand on your answer here.:

24 What is the appropriate level of judicial scrutiny for decisions by the CMA in Competition Act investigations?

Please respond here.:

25 What is the appropriate level of judicial scrutiny for decisions by the CMA in relation to non-compliance with investigative and enforcement powers, including information requests and remedies across its functions?

Please respond here.:

26 Are there reforms which fall outside the scope of government's recent statutory review of the 2015 amendments to Tribunal's rules which would increase the efficiency of the Tribunal's appeal process for Competition Act investigations?

Not Answered

Please expand on your answer here.:

27 Will the new investigative powers proposed help the CMA to conclude its investigations more quickly? Are the proposed penalty caps set at the right level? Are there other reforms to the CMA's evidence gathering powers which government should be considering?

No

Please expand on your answer here.:

ABTA is concerned that these proposals represent a significant extension of powers for the CMA, providing the ability to levy larger fines before specific enforcement action is taken and the unilateral ability to impose civil penalties outside of the court process. ABTA does not support increased penalty caps and believes it is vital that any action taken by the CMA is subject to an independent and robust appeals process, with the courts acting as the ultimate decision making authority concerning matters of consumer law. In addition, ABTA believes it is inconsistent and inappropriate for any business that fails to comply with the CMA's voluntary evidence gathering processes to be subjected to fines, which implies compulsion.

28 Will the new enforcement powers proposed improve compliance? Are the proposed penalty caps at the right level? Are there other reforms to the CMA's enforcement powers which government should be considering?

No

Please expand on your answer here.:

As outlined in the answer above to question 27, ABTA does not support giving the CMA additional fining powers.

29 What conditions should apply to the CMA's use of investigative assistance powers to obtain information on behalf of overseas authorities?

Please respond here.:

Consumer Rights

30 Do you agree with the description of a subscription contract set out in Figure 8 of this consultation? How could this description be improved?

Not Answered

Please expand on your answer here.:

We would note that subscription services are not currently widely used within the travel industry.

31 How would the proposals of clarifying the pre-contract information requirements for subscription contracts impact traders?

Please respond here.:

As outlined in answer to question 30, subscription services are not currently widely used within the travel industry. However, in principle, we would support proposals to improve consumer clarity and ensure that contracts are properly understood.

32 Would it make it easier or harder for traders to comply with the pre-contract requirements? And why?

Not Answered

Please expand on your answer here.:

33 How would expressly requiring giving consumers to be given, in all circumstances, the choice upfront to take a subscription contract without autorenewal or rollover impact traders?

Please respond here.:

34 Should the reminder requirement apply where (a) the contract will auto-renew or roll-over, at the end of the minimum commitment period, onto a new fixed term only, or (b) the contract will auto-renew or roll-over at the end of the minimum commitment period?

Not Answered

Please expand on your answer here.:

35 How would the reminder requirement impact traders?

Please respond here.:

36 Should traders be required, a reasonable period before the end of a free trial or low-cost introductory offer to (a) provide consumers with a reminder that a "full or higher price" ongoing contract is about to begin or (b) obtain the consumer's explicit consent to continuing the subscription after the free trial or low cost introductory offer period ends?

Yes

Please expand on your answer here.:

ABTA supports, in principle, the proposal to require explicit consent from consumers before they enter subscription services requiring payment.

37 What would be the impact of proposals regarding long-term inactive subscriptions have on traders' business models?

Please respond here.:

38 What do you consider would be a reasonable timeframe of inactivity to give notice of suspension?

Please respond here.:

39 Do you agree that the process to enter a subscription contract can be quicker and more straightforward than the process to cancel the contract (in particular after any initial 14 day withdrawal period, where appropriate, has passed)?

Not Answered

Please expand on your answer here.:

40 Would the easy exiting proposal, to provide a mechanism for consumers that is straightforward, cost-effective, and timely, be appropriate and proportionate to address the problem described?

Yes

Please expand on your answer here.:

ABTA supports, in principle, the proposal to provide consumers with clear and easily accessible routes to cancel subscription services.

41 Are there certain contract types or types of goods, services, or digital content that should be exempt from the rules proposed and why?

Not Answered

Please expand on your answer here.:

42 Should government add to the list of automatically unfair practices in Schedule 1 of the CPRs the practice of (a) commissioning consumer reviews in all circumstances or (b) commissioning a person to write and/or submit fake consumer reviews of goods or services or (c) commissioning or incentivising any person to write and/or submit a fake consumer review of goods or services?

Maybe

Please expand on your answer here.:

ABTA supports the proposal to prevent fake consumer reviews, and, in principle, supports Option 2 (commissioning or incentivising a person to write and/or submit a fake consumer review of goods or services). However, care should be taken in particular with regard to any suggestion of rendering this automatically an unfair practice if the wording is at risk of capturing either incentives given to genuine customers to encourage reviews (without any obligation for the review to be positive), or the offering by travel service providers of free familiarisation trips or other promotional trips to non-customers such as travel agents/industry workers, journalists, influencers (the latter being more akin to paid marketing in any event, and is already required to appear with a statement to that effect) or to members of the public who have not made their own booking.

43 What impact would the reforms mentioned in Q42 have on (a) small and micro businesses, both offline and online (b) large online businesses and (c) consumers?

Please respond here.:

If approached correctly, the reforms could help to ensure a level playing field and reduce the risk to consumers of dubious or entirely fake brands, or new market entrants with no reputation/goodwill unduly influencing consumer decision-making with fake reviews.

44 What 'reasonable and proportionate' steps should be taken by businesses to ensure consumer reviews hosted on their sites are 'genuine'? What would be the cost of such steps for businesses?

Please respond here.:

We support a clampdown on companies that are in the business of generating fake reviews, however, this should not unfairly penalise other businesses. We believe that it would be too onerous a requirement for businesses to be compelled to monitor and remove fake positive reviews, as to do so, for a large business might:
• involve technological development or controls which carry cost and the investment of time;
• discourage customers leaving reviews in the first place;
• involve further capture and storage of customer personal data; and/or
• involve a time-consuming manual process, all of which seem disproportionate and undesirable.
We therefore believe efforts to combat fake reviews should focus on the commissioning or incentivising of the same, rather than a business obligation to police reviews it has had no hand in generating. We are unsure of the definition of "host", but we have concerns about any proposals that would extend to a requirement to police any third-party review website/medium.
We be more supportive of measures imposed against external/third party hosts of review websites where fake or exaggerated negative reviews damaging to a business can be easily created, and difficult to have removed. Genuine consumers are entitled to express their opinion and recount their experiences, but a balance should be sought such that unfair, exaggerated, or factually incorrect reviews should be considered on the same level as fake positive reviews. We would also be supportive of a facility to require historic reviews which bear no relevance to the business as it operates today to be removed by third party hosts, and would support a requirement for reviews to be removed upon request by the relevant business after a certain period, perhaps in the region of 3-6 years.

45 Should government add to the list of automatically unfair practices in Schedule 1 of the CPRs the practice of traders offering or advertising to submit, commission or facilitate fake reviews?

Yes

Please expand on your answer here.:

ABTA supports this proposal.

46 Are consumers aware of businesses using behavioural techniques to influence choice that affect their purchasing decisions? Is this a concern that they would want to be addressed?

Not Answered

Please expand on your answer here.:

47 Do you think government or regulators should do more to address (a) 'drip pricing' and (b) paid-for search results that are not labelled accordingly, as practices likely to be breached under the CPRs?

No

Please expand on your answer here.:

ABTA's position is that drip pricing is adequately dealt with under existing regulations. It is a misleading offence under the Consumer Protection from Unfair Trading Regulations (2008) to present consumers with a false price, i.e. a price that is not the final price the consumer will pay. ABTA's guidance to its Members and the Civil Aviation Authority's guidance to the aviation sector is that headline prices must contain all compulsory costs. If there are optional extras that can be added to a price, information must be given on those and they should not be pre-selected or presented in a confusing manner so that the consumer thinks they must pay for them. ABTA does not believe, therefore, that government or regulators need to do more to address 'drip pricing'.

48 Are there examples of existing consumer law which could be simplified or where we could give greater clarity, reducing uncertainty (and cost of legal advice) for businesses/consumers?

Yes

Please expand on your answer here.:

ABTA is calling for a more comprehensive and cohesive review of consumer financial protection reform as relates to travel services. This should include proposals for a single set of Regulations, and a single Government Department responsible for consumer financial protection across the travel industry. Whilst guidance from government and regulators on consumer law is important and plays a vital role in helping businesses and consumers to understand their rights and responsibilities, it is essential that any guidance is correct and accurately states the legal position. Guidance should not be used to deliver a result which is not intended or required by the legislation.

49 Are there perverse incentives or unintended consequences from our existing consumer law?

Yes

Please expand on your answer here.:

Over the past 18 months, traders in the travel industry, and particularly SME businesses, have been experiencing difficulties in relation to the card payments chargebacks regime, specifically with regards to the apparent failure of the dispute resolution mechanism. While ABTA has consistently stated our support for the chargebacks system, which in ordinary times acts to ensure consumers can enforce their rights under the Consumer Credit Act, it is

clear to us that there has been a systemic failure recently and that proper scrutiny is not being applied during the COVID-19 crisis.
In October 2020, ABTA launched a call for evidence, asking Members to share information relating to chargebacks where appeals had been denied and the trader involved in the claim believed this decision had been erroneous. We have seen several trends emerging from the submissions of evidence. Most commonly, Members reported evidence of so-called "double-dipping" on behalf of consumers. This is where the customer has received a refund from the trader, in line with their consumer rights, but has also been awarded a chargeback claim against the trader, essentially resulting in the consumer receiving more money than they should have been entitled to under the relevant consumer law. It is ABTA's view that this is very often not an attempt to commit fraud on behalf of the consumer, but rather a sign of desperation to recoup money that has been spent, at what is a financially challenging time for everyone.
Other reported issues include:
• Late notification of a chargeback claim, including some cases where the trader has been notified of the claim after the deadline supplied for appealing the decision.
• Chargebacks that appear to have been lodged against the wrong trader in the chain, with the consumer pursuing intermediary travel agents rather than the principal of the contract, the tour operator.
• Chargebacks wrongly being processed for customers' cancellation charges where customers had a disinclination to travel and where cancellation charges were applicable under their Terms and Conditions as the arrangements were due to proceed.
• The very high number of reports of difficulties with the dispute process, which is frequently resulting in large financial losses, even where traders can provide evidence that chargebacks are ill-founded.

50 Are there any redundant or unnecessarily burdensome requirements to provide information or other reporting requirements, which burden businesses disproportionately compared to the benefits they bring to consumers?

Yes

Please expand on your answer here.:

We would highlight the current burden on businesses of delivering all the pre-contract information that is required under Schedules 1 and 3 of the Package Travel Regulations 2018 when the sale is a telephone sale. One suggestion could be to change the existing requirements such that this information only need be provided at the consumer's request (whether having been offered and confirmed they would like/not to be provided with it, similar to how many telephone businesses approach the reading of the direct debit guarantee), or if the consumer proactively asks for any information other than a core of absolute essentials.

51 Do you agree that these powers should be used to protect those using "savings" clubs that are not currently within scope of financial protection laws and regulators?

Not Answered

Please expand on your answer here.:

ABTA is clear about the role of the Package Travel Regulations in protecting pre-payments related to package holidays, and would note that this consumer protection does not apply where vouchers are purchased to enable someone to purchase a future holiday arrangement.

52 What other sectors might new powers regarding prepayment protections be usefully applied to?

Please respond here.:

53 How common is the practice of using terms and conditions to delay the formation of a sales contract?

Please respond here.:

54 Does the practice of using terms and conditions to delay the formation of a sales contract cause, or have the potential to cause, detriment to consumers? If so, what is the nature of the detriment or likely detriment?

Not Answered

Please expand on your answer here.:

Consumer Law Enforcement

55 Do you agree with government's proposal to empower the CMA to enforce consumer protection law directly rather than through the civil courts?

No

Please expand on your answer here.:

ABTA believes that there must be judicial oversight of the CMA's decisions, and we do not agree with the CMA being empowered to enforce consumer protection law directly rather than through the civil courts. We are concerned that the CMA may lack specific industry expertise and understanding of the nuance in the application of general and specific regulation/legislation to particular industries, and question who within the CMA would make such a decision and what their qualification, background, experience and process would be in order to do so.
Were there to be any move towards the CMA deciding cases in place of a court, which we would not support, processes must ensure transparency and

competency/expertise in the decision-making process, and a balanced interpretation of the law as between business and consumer. By their nature, disputes over consumer law can involve matters of interpretation and particularly insofar as an issue relates to something previously untested and without a court ruling, we would be concerned as to how the quality and fairness of the CMA view on such interpretative matters would be ensured. In general, we are of the view that due process requires a court to make any binding decision as to whether there has been an infringement of the law. Any change in this regard must be very carefully considered and at the very least look to ensure that an appeal against a 'first instance' CMA decision to a court is straightforward and at minimal cost and/or with costs protection for an appealing business if a court then finds against the CMA.

56 What would be the benefits and drawbacks of the CMA retaining the same or similar enforcement scope under an administrative model as it has under the court-based, civil enforcement process under Part 8 of the EA 02?

Please respond here.:

57 What processes and procedures should the CMA follow in its administrative decision-making to ensure fair and proportionate administrative decisions?

Please respond here.:

58 What scope and powers of judicial scrutiny should apply in relation to decisions by the CMA in consumer enforcement investigations under an administrative model?

Please respond here.:

ABTA believes that, ultimately, only a court should be able to decide whether a breach of the law has occurred and so any decision of the CMA should be open to review by the courts.

59 Should appeals of administrative CMA decisions be heard by a generalist court or a specialised tribunal? What would be the main benefits of your preferred option?

Maybe

Please expand on your answer here.:

Our response to this question would depend on the specific matter being investigated. In certain niche or regulated industries such as travel, we might favour a specialised tribunal, provided the 'specialism' is in respect of the industry and legal framework applicable to the matter at hand. The CMA should have already conducted a thorough investigation of the relevant legislative framework and the industry practices before reaching its decision, and as such, an appeal to a generalist court that may not have any of this understanding might take matters back to square one and prolong such an appeals process. A specialised tribunal may have the advantage of understanding the context and therefore being able to focus on the specific issue at hand more quickly and efficiently.

60 Should sector regulators' civil consumer enforcement powers under Part 8 of the EA 02 be reformed to allow for enforcement through an administrative model? What specific deficiencies do you expect this to address?

Not Answered

Please expand on your answer here.:

61 Would the proposed fines for non-compliance with information gathering powers incentivise compliance? What would be the main benefits, costs, and drawbacks from having an option to impose monetary penalties for non-compliance with information gathering powers?

Not Answered

Please expand on your answer here.:

62 What enforcement powers (or combination of powers) should be available where there is a breach of a consumer protection undertaking to best incentivise compliance?

Please respond here.:

63 Should there be a formal process for agreeing undertakings that include an admission of liability by the trader for consumer protection enforcement?

Yes

Please expand on your answer here.:

This has proven beneficial in areas such as consumer credit whereby credit and related businesses are required to agree certain undertakings as conditions to their licence in order to continue trading – it serves as a stark warning to businesses that if they fail to comply with the relevant consumer protection measures in future, they could lose their licences, suffer significant fines or other penalties – it can be used to focus their minds on doing more to protect consumers.

64 What enforcement powers should be available if there is a breach of consumer protection undertakings that contain an admission of liability by the trader, to best incentivise compliance?

Please respond here.:

65 What more can be done to help vulnerable consumers access and benefit from Alternative Dispute Resolution?

Please respond here.:

ABTA Limited is approved by Government under the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulation 2015. Our ADR service is designed to bring the consumer and the company together, and the consumer can decide whether to settle or withdraw their dispute at any time and comes at no cost. Legal representation is not a requirement, but consumers can be represented by a third party if they wish.
ABTA's ADR service is available online with telephone support where required thereby making it accessible to consumers, vulnerable and otherwise.

66 How can regulators and government balance the need to ensure timely redress for the consumer whilst allowing businesses the time to investigate complex complaints?

Please respond here.:

ABTA would highlight the general complexity of travel cases, and the need to have arrangements in place that take account of extraordinary circumstances, such as COVID-19.
ABTA's ADR service provides timely updates to users of the service and telephone support so that users are aware of timelines and the status of their claim. The provision of this timely information allows users to understand what is happening with their claim. This ensures that consumers can have confidence that their claim is being dealt with whilst allowing the business the time necessary to fully investigate the claim which may well involve, in the travel sector, obtaining reports from overseas.

67 What changes could be made to the role of the 'Competent Authority' to improve overall ADR standards and provide sufficient oversight of ADR bodies?

Please respond here.:

As outlined in response to questions above, ABTA Limited is approved by Government under the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulation 2015. We support, in principle, the need for properly assessed, independent and efficient systems of ADR.

68 What further changes could government make to the ADR Regulations to raise consumer and business confidence in ADR providers?

Please respond here.:

69 Do you agree that government should make business participation in ADR mandatory in the motor vehicles and home improvements sectors? If so, is the default position of requiring businesses to use ADR on a 'per case' basis rather than pay an ADR provider on a subscription basis the best way to manage the cost on business?

Not Answered

Please expand on your answer here.:

70 How would a 'nominal fee' to access ADR and a lower limit on the value of claims in these sectors affect consumer take-up of ADR and trader attitudes to the mandatory requirement?

Please respond here.:

ABTA's internal ADR process (Stage 1) is free to both the consumer and member. Most cases are resolved at this stage. If parties are unable to amicably resolve the issue then the consumer has the right, under ABTA's Code of Conduct, to progress the matter to arbitration, independently of ABTA, this is known as Stage 2.

A fee at Stage 2 is levied to both the consumer and ABTA member to use the arbitration scheme as shown below:

Claims between £1 and £7,500 the fee is £108.00

Claims between £7,501 to £25,000 the fee is £135.00

ABTA believes that the above fees are nominal when one takes into consideration the amount that can be claimed and in comparison to standard court fees. If the claim is successful then the ABTA member is directed, by the arbitrator, to refund the claim fee.

Any reduction in the level of fees would certainly see an increase in the number of claims proceeding to Stage 2 of the process which would add to the time taken for the dispute to be resolved and would add to the costs of dealing with claims.

It is likely as well that claims with little or no merit would be taken to the Stage 2 process.

71 How can government best encourage businesses to comply with these changes?

Please respond here.:

72 To what extent do you consider it necessary to open up further routes to collective consumer redress in the UK to help consumers resolve disputes?

Please respond here.:

73 What impact would allowing private organisations and consumer organisations to bring collective redress cases in addition to public enforcers have on (a) consumers, and (b) businesses?

Please respond here.:

74 How can national enforcement agencies NTS and TSS best work alongside local enforcement to tackle the largest national cases of criminal breaches of consumer law?

Please respond here.:

75 Does the business guidance currently provided by advisory bodies and public enforcers meet the needs of businesses? What improvements could be made to increase awareness of consumer protection law and facilitate business compliance?

Maybe

Please expand on your answer here.:

ABTA has been in a Primary Authority partnership with Kent County Council Trading Standards since 2019. The Code of Conduct and Guidance on the Code of Conduct are assured advice under the partnership. This is a benefit to Members, as if they follow the Code, they can be confident that they are complying with the law, and they can refer to the Primary Authority arrangement provided by ABTA if they are approached by any other Trading Standards authority.

Kent County Council Trading Standards commented on the year:

“It has been a difficult and sometimes overwhelming year with the Covid pandemic, and the travel industry has been one of the worst affected. Purchasing holidays can be one of the highest expenses consumers make and thousands of people had holiday contracts affected by Covid. ABTA has been at the forefront of the travel industry, keeping the precarious balance of protecting their members and consumers.

Through the Kent Trading Standards Primary Authority Partnership with ABTA, we were able to maintain close links, with regular updates about the emerging situation and the problems this was causing. ABTA also worked with other agencies, including the Competitions and Markets Authority (CMA) and Citizens Advice Consumer Service (CACS) to ensure that businesses were complying with the relevant legislation and adhering to the ABTA code of conduct to ensure, where required, that consumers were receiving refunds or refund credit notes.

We believe this significantly reduced the number of complaints we received. Our regular meetings meant we were aware of what was happening and able to disseminate information to other Trading Standards, which allowed other regulators to provide advice and guidance with confidence.”