



New ANVR B2B Terms and Conditions

On 1 July 2018, the current ANVR B2B Terms and Conditions lapse. They are replaced by the ANVR Business Terms and Conditions (www.anvr.nl/businesstermsandconditions.pdf) or the ANVR Traveller Terms and Conditions (www.anvr.nl/travellerterms.pdf). We would like to explain this change to you.

New Package Travel law

On 1 July 2018 the new Package Travel Agreement and Linked Travel Arrangement Act will enter into force as part of the Dutch Civil Code (Book 7, Title 7A). The old Travel Agreement Act did not clearly define the position of the business traveller, as a result of which the legal relationship between the business client and the business travel agent was clarified in the ANVR B2B Terms and Conditions.

The new legislation explicitly states that it also applies to the provision of business travel services, including the Meeting and Incentive (MICE) market, unless a framework agreement (or "general agreement") has been concluded with the client.

The services of travel agents targeting the business market will not change drastically under this new legislation. The European legislator assumes that a distinction can be made between business trips purchased by small self-employed entrepreneurs/companies and business trips made by travellers from larger companies. The latter group is assumed not to require the same level of protection as a consumer. At least according to the legislator's reasoning, these organisations generally arrange their business trips on the basis of a framework agreement for business trips. Therefore, the new legislation provides that the Package Travel Agreement and Linked Travel Arrangement Act does not apply in the case of a framework agreement.

Framework Agreement and new ANVR Business Terms and Conditions

Members of the Dutch Association of Travel Agents and Tour Operators (ANVR) that offer business trips or MICE trips currently use the ANVR B2B Terms and Conditions, which were drawn up specifically for business trips or MICE trips, in nearly all cases. These terms and conditions shall cease to apply on 1 July 2018. The ANVR Business Terms and Conditions replace these terms and conditions, but only in combination with a framework agreement. The ANVR has drawn up a *model framework agreement* for its members that specifies the reciprocal agreements between you and your ANVR business travel agent, such as the role of the travel company, the provision of services, payment, and complaint handling. Rates and other company-specific matters will obviously be included in the framework agreement by your business travel agent in consultation with you (and not by the ANVR). The framework agreement and the new ANVR Business Terms and Conditions are inextricably linked, but you can make additions or changes.

No general agreement? The ANVR Traveller Terms and Conditions apply!

If there is no framework agreement in place, the ANVR Traveller Terms and Conditions shall apply by default to ANVR members as of 1 July 2018, irrespective of whether the traveller is a consumer or a business traveller.

Depending on the trip or component of the trip to be booked, different sections of the ANVR Traveller Terms and Conditions may apply:

- the ANVR Package Travel Terms and Conditions; or

- the Linked Travel Arrangements Terms and Conditions (GRA Terms and Conditions); or
- the ANVR Booking Terms and Conditions in the case of a single travel service (e.g. only a flight or hotel reservation).

If the ANVR Travel Terms and Conditions or GRA Terms and Conditions apply, the travel company must comply with the legal obligation to offer the traveller an insolvency provision.

This provision is often offered in the form of an insurance policy of the travel company and also forms part of the code of conduct for ANVR members.

For business trips and MICE trips, there is only one insolvency facility in the Netherlands. This guarantee is offered by SGR Zakelijk (see www.SGRZ.nl). SGRZ provides an insolvency guarantee for all package travel agreements and linked travel arrangements concluded between travel companies and business clients. If your business travel agent also offers holidays, the travel company may, in addition, be a member of SGR or of another guarantee fund for holidays. However, SGR does not provide an insolvency guarantee to business clients.

In addition to insolvency obligations, the new law provides that travel companies will also be subject to other responsibilities and obligations. These obligations are usually related to the comprehensive consumer protection within the EU Member States and also apply to business travel where *no Framework Agreement* has been concluded with the travel company. Bookings made without a framework agreement are therefore covered by consumer protection terms and conditions. If no Framework Agreement has been concluded and the ANVR Traveller Terms and Conditions apply instead of the ANVR Business Terms and Conditions, *different* rates may be charged by the business travel agent. A Framework Agreement leaves the parties free to further give content to these agreements on the basis of their own preferences and related costs.

Whether you travel for business frequently or several times a year, it is recommended to use the ANVR Framework Agreement in conjunction with the ANVR Business Terms and Conditions. This way, you are assured of a professional service that is in line with the business character of your trip and the agreements that apply to both parties are clearly formulated.

GDPR

The ANVR Business Terms and Conditions also provide for the new rules of the General Data Protection Regulation (GDPR). Your ANVR business travel agent is well informed of these rules; your business travel agent will ensure that your and your employees' travel information is properly managed and used only for the purpose for which you have provided it. This is set out in the ANVR Business Terms and Conditions and the ANVR Traveller Terms and Conditions.

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