



ANVR Business Terms & Conditions, an explanation

From 1st July 2018, the ANVR B2B Terms and Conditions are replaced by the ANVR Business Terms and Conditions (www.anvr.nl/businessstermsandconditions.pdf) or the ANVR Traveller Terms (www.anvr.nl/travellerterms.pdf).

Package Travel law and Linked Travel Agreement

On 1st July 2018 the Package Travel Agreement and Linked Travel Arrangement Act entered 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 2018 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") for business travel has been concluded with the client.

The services of travel agents targeting the business market has not changed 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 travel on the basis of a general agreement (framework agreement) for business travel. Therefore, the new legislation provides that the Package Travel Agreement and Linked Travel Arrangement Act does not apply in case such a general agreement for business travel (framework agreement) has been agreed.

The question whether the Package Travel Agreement and Linked Travel Arrangement Act applies therefore (strangely enough) does not depend on the size of the business client (sole proprietorship/SME/large corporate), but on whether a general agreement for business travel (framework agreement) has been agreed upon with that business client.

Framework Agreement and ANVR Business Terms and Conditions

Members of the Dutch Association of Travel Organizations (ANVR) that offer business travel or MICE trips will use the ANVR Business Terms and Conditions in combination with a general agreement on business travel (framework agreement). The ANVR has drawn up a model framework agreement for its members that specifies the reciprocal agreements between you as business client 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 ANVR Business Terms and Conditions are inextricably linked, but you can make additions or changes in consultation with your ANVR business travel agent.

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

If there is no general agreement for business travel (framework agreement) in place, the ANVR Traveller Terms and Conditions shall apply to ANVR members, 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 may apply:

- the ANVR Traveller Terms for Package Travel, or;
- the Linked Travel Arrangement Terms and Conditions (GRA Terms and Conditions), or;
- the ANVR Booking Terms for single travel services (e.g. only a flight or hotel reservation).

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

This obligation is also part of the code of conduct for ANVR members. For business travel 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, linked travel arrangements and contracts for transport and/or accommodation (with exception of individual contracts for air transport) concluded between travel companies and business clients. If your business travel agent also offers holiday packages, the travel company may, in addition, be a member of SGR or another guarantee fund for holidays. However, SGR does not provide an insolvency guarantee to business clients.

In addition to insolvency obligations, the Package Travel Law and Linked Travel Agreement law provides that travel companies are also 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 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 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.