

The Legal Policy for Travel Dealings

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The subject of this dissertation is research on legal policies for travel "products" dealings. In this dissertation I treat what measures will be taken for travel "products" dealings.

People receive sequence of travel services as a bundle including transportation, accommodation and others. The providers are usually independent enterprises, so the traveler may need many dealings in order to attain the purpose of travel. He or she may need to make efforts to get information and to evaluate data, so there is the necessity to reduce such complicated work. Travel agents undertake the work, but travel agents do not offer the travel services themselves. Although service "products" are hardly visible, the services offered by travel agents are still less visible, and yet they each have their own scope and bound by contracts.

As the services are largely invisible, it is hard for consumers to appreciate what is provided by contract. So we should study policies to allow consumers to gain a better understanding of contracts for travel dealings. For this purpose, it is necessary to create legal policy. Which is the subject of this dissertation.

This dissertation composes six chapters, plus an introduction and a conclusion chapter.

Chapter I: "The Present Circumstances, and Recognition of Travel Contracts" shows a way of thinking about present travel contracts, and some research on recognition of travel contracts. In order to write this cheaper, I carried out questionnaires on recognition of travel contracts with 318 travelers. Also I interviewed some employees in various positions in various travel agents about practical aspects of travel. From these surveys, I analyzed present travel contracts and people's of such contracts. The results show that there is a gap between travel contracts and recognition by travelers, and that employees of travel agents are struggles with the conditions of present travel contracts.

Chapter II: "A Study of Services Supplied by Travel Agents" analyzes the structure and elements of "travel products" and the structure and elements of services supplied by travel agents. Also I examined ways to increase the quality of services supplied by travel agents, and found that the function of a travel agent is not only to make arrangements, but also to control of the whole journeys. I argue that controlling whole journeys may give a travel agent a competitive advantage in the market, through diversification of services supplied by the travel agent. The purpose of this chapter is to examine the functions of travel agents in order to find a direction for legal policy for travel dealings.

Chapter III : "A Study of the Changes and Background of Legislation on the Travel Industry" examine the legal policies of government administrations for travel dealings as relating to travel agents until most recent amendment of the Travel Agency Law. The Travel Agency Law was promulgated in 1952, as Law No. 239, and its amended largely in 1971, 1982, and 1995. Each enactment or amendment had the background in the social environment and in the existence of power to bring it about. This chapter examines those factors. It seems that the main powers were the power of Ryokans (Japanese inns) in 1952; the Ministry of Transport, especially Director-General of Tourism Department, Shunichi Sumita, in 1971; consumers in 1982; and the major travel agents in 1995. Such information is important in considering legal policy for the travel industry in future.

Chapter IV: "The Travel Industry and Travel Legislation in Europe" examines relationships between legal policies and the travel industry, especially in the U.K.; I also refer to some German legislation. Firstly, there is an overview of the travel industry in Europe especially in the U.K. Secondly, Some legislation and precedents are described. The U.K. has "The Package Travel, Package Holidays and Package Tours Regulations". Germany has the travel law in BGB, containing provisions to guarantee at least minimum standards in favour of the customer. And The Council of the European Communities issued its "Council Directive on Package Travel, Package Holidays and Package Tours" in 1990. I believe that there is a relationship between the Council Directive and vertical and horizontal integrations in the tourism industry. Finally, I suggest that this relationship is influenced by the ability of travel enterprises to control other tourism enterprises. This chapter shows that in considering legal policy, we must consider the links between legislation and the structure of the tourism industry.

Chapter V : "The Functions of the Certified Travel Supervisor for Excellent Travel Dealings" discusses the system of Certified Travel Supervisors. According to development of the system of current Certified Travel Supervisors, I suggest a way to improve travel dealings. In the current system of Certified Travel Supervisors, they are qualified to attend to the business of administration or supervision, relating to travel agency business at the office involved, in accordance with the provisions of the Travel Agency Law and the relevant Ordinance of the Minister of Land, Infrastructure and Transport. In order to write this cheaper, I carried out questionnaires on recognition of Certified Travel Supervisors to planed people to take an examination for Certified Travel Supervisor. This chapter shows the situation of the system of Certified Travel Supervisor, and examines aim of legislation of this system and the system of examinations for Certified Travel Supervisors. Then it is cleared that there are gaps of recognition between people who are planed to take an examination, employer and employees of travel agents, and legislators or administrators. In this chapter I try to a way for more excellent travel dealings. The way, I think, is to invest Certified Travel Supervisors with much authority.

Chapter VI ; "A Legal Policy for Excellent Travel Dealings" is the chapter of the conclusion in this dissertation. In this chapter, firstly, I discuss legal contracts and expectation that is made at dealings. There is expectation. Although we recognize the expectation cannot bind down the party of dealings legally, the other party of dealings expects the party to something to do. The expectation is made by something without contents of contracts such as advertisements, public statements of executives and status of company. I call the expectation the actual dealings expectation in this chapter. I argue that there are gaps between contents of contracts and the expectation. Secondly, I try to a way for shrinking the gaps. The way is a way of legal policy for excellent travel dealings. It is to create environment that consumers can recognize the difference between each of travel agents or each of travel "products". In the Travel Agency Law, a travel agent shall set a Terms and Conditions for Travel Contracts. And the Terms and Conditions for Travel Contracts shall be submitted by the Minister of Land, Infrastructure and Transport. But practically almost travel agents adopt Standard Terms and Conditions for Travel Contracts that was formulated and notified by the Minister of Land, Infrastructure and Transport. In this chapter I dispute to create a system that travel agents can select a Terms and Conditions in several Standard Terms and Conditions for Travel Contracts in compliance with character of travel "products". This is a guideline I think. Although it is the best way that each of travel agents formulates Terms and Conditions for Travel Contracts, it is hard to realize according to the actual circumstances.

These chapters I to VI can be divided into three components roughly. First component as chapter I and II is the component to analyze the object of study and to bring up questions. Second component as chapter III and IV is the component of examinations of facts that must be confirmed in order to solve the subject. Last component as chapter V and VI is the component to dispute ways to solve the subject.

This dissertation disputes legal policies that the role of each travel agent is distinguished one from the others at travel "products" dealings. Those are demand on society, which is characterized by globalization of the market system and information oriented. The society needs environment of contracts that is possible to create "standardization" and "collaboration" in stakeholders. Standard form that considers enough local standard and creates collaboration fits the environment. The environment permits local variation in order to actual circumstances, but maintains the fundamental principle.

If such environment is created, and people recognize the functions of travel agents exactly, worth of the travel industry will be appreciated further. The fruits have found in process of examinations will be factors that prove the worth of travel industry. There are remaining problems that should be overcome at practice of policies. But it is worth of this dissertation that the contents shown by this dissertation enhance the worth of travel industry through the appeal of functions of travel agents that have been recognized. Because we can expect that the enhancement promotes happiness of human beings.

It is a feature of this dissertation to take approach of multiple angles. So it seems that this dissertation spreads over several fields as existing disciplines. But I believe this way is adopted by the discipline of Policy Science that pursues the solution for subjects of study.

This dissertation is composed by published or planned to publish articles. The first issues of articles as follows;

Chapter I was published in *POLICY SCIENCE Vol.10 No.1* in October 2002 as "A Way of Thinking and Recognition about travel contracts",

Chapter II was published in *POLICY SCIENCE Vol.10 No.2* in January 2003 as "A study on "Services" supplied by a Travel Agent",

Chapter III was published in *POLICY SCIENCE Vol.11 No.1* in September 2003 as "The Enactment and the Amendment of Travel Agency Law -The Enactment in 1952 and the Amendment in 1971-",

Chapter IV was published in *POLICY SCIENCE Vol.12 No.1* in September 2004 as "The Responsibility of Tour operators for Consumers on Package Holidays in Europe",

Chapter V was published in *POLICY SCIENCE Vol.11 No.2* in January 2004 as "The Functions of the Certified Travel Supervisor",

Chapter VI will be published in *POLICY SCIENCE Vol.12 No.2* in January 2005 as "A Legal Policy for Excellent Travel Dealings".