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**SPECIFIČNE KARAKTERISTIKE TURIZMA
RELEVANTNE ZA ZAŠTITU POTROŠAČA U TURIZMU**

**THE FEATURES OF TOURISM RELEVANT
FOR CONSUMER PROTECTION IN TOURISM**

SAŽETAK: Potrošači u turizmu izloženi su specifičnim rizicima vezanim uz putovanje i boravak. Da bi zaštita potrošača u turizmu bila djelotvorna potrebno je cjelovito, planski utvrditi njene ciljeve te mjere i aktivnosti potrebne za njihovo ispunjenje. To nije moguće provesti bez dobrog poznavanja mogućih specifičnih rizika i mjera kojima se može suzbiti i/ili ublažiti nastup tih rizika. Za to je potrebno cjelovito sagledavanje specifičnih rizika u turizmu, posebno njihovog interaktivnog djelovanja, jer specifični rizici iziskuju i specifične mjere zaštite korisnika turističkih usluga. Polazeći od pretpostavke da specifičnost rizika kojima su turisti izloženi proizlazi iz specifičnosti turizma kao fenomena, u ovom radu se analiziraju specifične karakteristike suvremenog turizma, turističkog tržišta i čimbenika koji ga određuju te se ukazuje na specifične rizike koji proizlaze iz tih specifičnosti.

KLJUČNE RIJEČI: rizik, potrošač u turizmu, specifične karakteristike turizma, zaštita potrošača u turizmu.

SUMMARY: Consumers in tourism are exposed to specific risks related to travelling and their stay. For consumer protection in tourism to be effective, its goals need to be defined in a comprehensive and planned manner, as well as measures and activities needed for their achievement. This cannot be achieved without good knowledge of all specific risks as well as measures to prevent the occurrence of those risks or alleviate the consequences of their occurrence in spite of taken measures. This takes a comprehensive view of specific risks in tourism, especially of their interaction, as specific characteristics of tourism require specific measures of protection of the consumer of tourism services. Starting from the assumption that the specific nature of the risks that the tourists are exposed to comes from the specific nature of tourism as a phenomenon, this paper analyzes the specific characteristics of modern tourism, tourism market and the factors that determine it. In addition, a note is made of the specific risks that are a result of the specific nature of tourism.

KEY WORDS: risk, consumer in tourism, specific characteristics of tourism, consumer protection in tourism.

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1. UVOD

Potrošači u turizmu izloženi su specifičnim rizicima vezanim uz putovanje i boravak. Primjerice, zbog veličine turističkog tržišta i pod pritiskom nemogućnosti usklađivanja turističkog proizvoda, marketinški stručnjaci neprestano iznalaze nove načine utjecaja na ponašanje brojnih ciljnih segmenta turističkog tržišta. Ove metode mogu biti društveno neprihvatljive (npr. zavaraavajuće oglašavanje, agresivne prodajne metode i sl.), a davatelji usluga pritom mogu zlorabiti nemogućnost provjere i iskušavanja usluge prije kupnje i poziciju jače ugovorne strane radi nametanja nepovoljnih uvjeta ugovora (npr. isključenje ili ograničenje odgovornosti kod adhezijskih ugovora). Nadalje, u turističku ponudu uključeni su brojni davatelji usluga iz različitih djelatnosti s kojima turist često nije u direktnom ugovornom odnosu, već njihove usluge koristi temeljem ugovora s posrednikom, u pravilu turoperatorom ili turističkom agencijom. Osim toga, turistička putovanja su vrlo često međunarodnog karaktera, što znači da turist ne poznaje zemlju, pravo ni običaje zemlje davatelja usluga u kojoj privremeno boravi. Ovo su samo neki od razloga zbog kojih je potrošač u turizmu često osjetljiviji na rizike nego drugi potrošači. Također, ograničenja u ponašanju na turističkom tržištu mogu doprinijeti ostvarivanju slobodne konkurencije, odnosno ograničavanja zlouporaba monopolističkog položaja, čime se potiče sniženje cijena i povećanje kvalitete usluga. Stoga države različitim mjerama, npr. zabranom nepoštenog ponašanja na tržištu, utvrđivanjem posebnih obveza i odgovornosti davatelja usluga u turizmu, usklađivanjem nacionalnih prava zaštite potrošača i sl. nastoji spriječiti nastup tih rizika ili barem ublažiti posljedice njihova nastupa.

S druge strane, potrošači su sve informiraniji i izbirljiviji u prihvaćanju sve šireg

1. INTRODUCTION

Consumers in tourism are exposed to specific risks related to travelling and their stay. Due to the size of the tourism market, and pressured by the impossibility of storing tourist products, marketing experts constantly find new ways to influence the behaviour of numerous target segments of the tourism market. These methods can be socially unacceptable (e.g. misleading advertising, aggressive sales methods and the like). At the same time, service providers can abuse the fact that it is impossible to test and try out a service before it is bought, as well as their position as the stronger side in the contract, in order to impose unfavourable terms of contracts (e.g. waiving or limiting responsibility in adhesion contracts). Furthermore, the tourism offer usually entails numerous service providers from various lines of work that a tourist is not in a direct contractual relation with, but uses their services on the basis of a contract with a mediator, usually a tour-operator, or a tourist agency. In addition, tourist travels are very often international in nature, which means that the tourist does not know the country, laws or customs of the provider's country in which he/she is temporarily staying. These are just some of the reasons why the consumer in tourism is much more risk sensitive than other consumers. Also, imposing constraints on the behaviour in the tourism market can contribute to the achievement of free competition, and also limit the abuse of monopolies, which leads to a reduction in prices and an increase in service quality. Therefore governments impose different measures, e.g. prohibition of irregular market behaviour, definition of special obligations and responsibilities for service providers in tourism, adjustment of national consumer protection rights, and other similar measures, to prevent those risks from occurring or at least to alleviate the consequences of their occurrence.

asortimana ponuđene robe i usluga. Osjećaj sigurnosti i zaštićenosti osobe i imovine pri korištenju usluge nezaobilazan je faktor zadovoljstva potrošača. Čim je rizik veći, tim je jači utjecaj osjećaja sigurnosti i zaštićenosti na odluku o korištenju određene usluge. Naime, po logici stvari, kod istovrsnih ili sličnih usluga rast će potražnja za onim uslugama pri čijem se korištenju potrošač osjeća sigurnijim i zaštićenijim. Viša razina zaštite potrošača znači i veće zadovoljstvo klijenta što rezultira lojalnošću klijenata i pozitivnim *imageom*, a time i povećanjem konkurentnosti i smanjenjem troškova pridobivanja novih i zadržavanja postojećih klijenata. Prvobitno povećanje troškova poslovanja uzrokovano uvođenjem mjera zaštite potrošača, dugoročno dovodi do smanjivanja troškova nuđenja usluga. Stoga će davatelji usluga u turizmu i sami poduzimati različite aktivnosti kojima će povećati razinu zaštite svojih klijenata, sve u cilju povećanja konkurentnosti svojih usluga.

Naravno da i sami potrošači, individualno ili putem udruga potrošača, poduzimaju aktivnosti radi zaštite svojih prava i interesa. To znači da svi subjekti na u turizmu poduzimaju određene mjere zaštite korisnika usluga u turizmu, tj. da su nositelji zaštite potrošača u turizmu.

Da bi zaštita potrošača u turizmu bila djelotvorna potrebno je prvenstveno cjelovito, planski utvrditi njene ciljeve te mjere i aktivnosti potrebne za njihovo ispunjenje. Pri tom je nužno pronaći optimalna rješenja kojima će se koristiti, ali i teret zaštite ravnomjerno rasporediti na sve nositelje zaštite u svrhu postizanja zajedničkog cilja koji je svima u interesu. Preduvjeti za to su: suradnja između različitih nositelja zaštite, komplementarnost mjera zaštite i koordinirano djelovanje svih nositelja zaštite.

Sve to nije moguće provesti bez dobrog poznavanja mogućih specifičnih rizika i mjera kojima se može spriječiti nastup tih rizika, odnosno ublažiti posljedice nastupa rizika koji je nastupio unatoč poduzetim

On the other side, consumers are increasingly informed and particular in choosing from an ever wider assortment of goods and services. The sense of security and protection of a person and property while using a service is an essential factor in consumer satisfaction. The greater the risk, the stronger the impact of that sense will be on the decision to use a certain service. Logic implies that, given the same or similar services, those services that make the consumer feel safe and protected will be in higher demand. A higher level of consumer protection means more client satisfaction, resulting in client loyalty and a positive image, thus leading to an increase in competitiveness and a reduction in costs arising from gaining new and keeping existing clients. This initial increase in costs, caused by the implementation of consumer protection measures, leads to a reduction in service costs in the long run. This is why the service providers in tourism will undertake various activities to increase the level of protection of their clients, with the aim of increasing the competitiveness of their services.

Naturally, consumers themselves, individually or via consumer associations, undertake activities to protect their rights and interests. This means that all entities involved in tourism take certain measures to protect the consumers in tourism, meaning they are all exponents of consumer protection in tourism.

For consumer protection in tourism to be effective, its goals need to be defined in a comprehensive and planned manner, as well as measures and activities needed for their achievement. While doing that, it is necessary to find optimal solutions which will evenly distribute the benefits, as well as the burdens, among all exponents of protection with the aim of achieving a common goal which is in the interest of all parties concerned. The prerequisites to that are: cooperation between various exponents of protection, complementarity of protection measures and coordinated action of all exponents of protection.

mjerama. Pojedine vrste rizika (i mjera zaštite), poput terorističkih napada, prirodnih katastrofa i sl. bile su predmet istraživanja brojnih autora. Postoje i istraživanja koja se odnose na zaštitu korisnika pojedinih vrsta usluga u turizmu (npr. paket aranžmana). No, ta istraživanja se odnose na pojedine segmente zaštite potrošača u turizmu, dakle samo na dio ukupnih rizika kojima turist može biti izložen u vezi sa svojim turističkim putovanjem. Stoga ona ne omogućuju cjelovito sagledavanje specifičnih rizika u turizmu, posebno njihovog interaktivnog djelovanja, pa time niti uspostavu sustava komplementarnih mjera zaštite kao jednog od preduvjeta djelotvorne zaštite potrošača u turizmu.

Polazeći od pretpostavke da specifičnost rizika kojima su turisti izloženi proizlazi iz specifičnosti turizma kao fenomena, u ovom radu se analiziraju specifične karakteristike suvremenog turizma, turističkog tržišta i čimbenika koji ga određuju, te su posebno izdvojene i analizirane specifične značajke turističke ponude i potražnje relevantne za zaštitu potrošača u turizmu i njene ekonomske učinke. Uz to se ukazuje i na specifične rizike koji proizlaze iz iz tih specifičnosti turizma.

2. KARAKTERISTIKE SUVREMENOG TURIZMA

Putovanje je oduvijek imanentno čovjeku, počevši od prvih migracija čovječanstva preko „Grand Tour“ putovanja pa sve do suvremenih putovanja motiviranih različitim pobudama. Ipak, turizam je relativno nova pojava za čiji je nastanak bilo nužno da veći broj ljudi raspoláže slobodnim vremenom i financijskim sredstvima koje su spremni uložiti u putovanje radi odmora, zabave, rekreacije i sl. Drugi bitan čimbenik koji je potaknuo nastanak turizma bio je razvoj prijevoznih sredstava koji je omogućio veći broj putovanja. Sve veće blagostanje

All this cannot be achieved without good knowledge of all specific risks as well as measures to prevent the occurrence of those risks or alleviate the consequences of their occurrence in spite of taken measures. Certain kinds of risk (and protection measures), such as terrorist attacks, natural disasters etc., have been the subject of research of many authors. There is also research focused on the protection of consumers of specific types of services in tourism (e.g. package arrangements). However, that research is related to specific segments of consumer protection in tourism, hence only a part of the total risk a tourist may be exposed to in relation to his journey. Therefore, they do not provide a comprehensive view of specific risks in tourism, especially of their interaction, and thus cannot help in establishing a system of complementary protection measures, one of the prerequisites of efficient consumer protection in tourism.

Starting from the assumption that the specific nature of the risks that the tourists are exposed to comes from the specific nature of tourism as a phenomenon, this paper analyzes the specific characteristics of modern tourism, tourism market and the factors that determine it. Specific features of tourism supply and demand are identified and analyzed that are relevant to the protection of consumers in tourism and its economic effects. In addition, a note is made of the specific risks that are a result of the specific nature of tourism.

2. CHARACTERISTICS OF CONTEMPORARY TOURISM

Travelling has always been inherent to man, starting with the first migrations of mankind, through “Grand Tour” voyages, to contemporary travelling motivated by various motives. However, tourism is a relatively recent phenomenon, for whose evolution it was necessary for a larger number of people to have free time and financial means they

velikog broja stanovnika razvijenih zemalja i razvoj zračnog prijevoza, koji je omogućio vremenski relativno kratka putovanja u sve udaljenije krajeve te internacionalizaciju putovanja, za posljedicu su imali da su od sredine 20. st. turistička putovanja poprimila masovne razmjere. No, masovni turizam, isprva nekritički prihvaćen i hvaljen zbog pozitivnih gospodarskih učinaka (prihoda od turizma), ubrzo je pokazao i svoje negativne aspekte – ekonomske (npr. troškovi izgradnje objekata ponude i turističke infrastrukture), ekološke (ponajprije saturacija prostora), sociološke (negativni utjecaj turističke kulture na domicilno stanovništvo) itd. Kao reakcija na negativne učinke masovnog turizma od kraja 70-ih godina počinje razvoj održivog turizma kojim se resursi ne narušavaju bespovratno te razvoj specifičnih oblika turizma kojima se udovoljava zahtjevima potražnje za individualizacijom putovanja i zadovoljenju specifičnih turističkih potreba.

Danas je turizam postao potrebnom suvremenog čovjeka. Tako Munoz¹ među Njemcima koji predstavljaju jedno od najjačih emitivnih tržišta izdvaja „*regular travellers*“ – osobe koje odlaze na turističko putovanje čak i kada im se pogorša ekonomska situacija, jer im je putovanje postalo obrazac potrošačkog ponašanja, pa radije mijenjaju strukturu nego broj tih putovanja. S druge strane suvremeni turist sve je zahtjevniji kako u pogledu kvalitete turističkih usluga tako i u pogledu raznovrsnosti turističke ponude. Turistička potražnja kontinuirano raste pa se povećavaju i proširuju i kapaciteti turističke ponude. Stoga danas gotovo i nema područja proizvodnje i pružanja usluga koji na neki način ne participira u turističkoj ponudi. Povećanje prava radnika, naročito povećanje broja dana godišnjeg odmora i skraćivanje radnog tjedna, omogućili su ostvarivanje većeg broja putovanja tijekom radne godine. Stresan način

would be ready to invest in a journey for relaxation, fun, recreation and the like. Another important factor that spurred the creation of tourism was the evolution of transportation means that allowed for a greater number of travels. The increasing wealth of a great number of people in developed countries, and the development of air travel, which provided relatively short journeys to increasingly distant places and internationalization of travelling, resulted in mass tourist travels by the middle of 20th century. However, mass tourism, at first accepted without criticism and praised for its positive economic effects (income from tourism), quickly showed its negative aspects as well – economic (e.g. costs arising from the construction of facilities and infrastructure of tourism), ecological (space saturation), sociological (the negative influence of tourist culture on the domestic population) etc. As a reaction to the negative effects of mass tourism, the development of sustainable tourism began in late 1970s, one that would not irreversibly damage resources, as well as the development of specific forms of tourism that cater to the need for the individualization of travelling, and fulfilment of specific tourist needs.

Today, tourism has become a need for the modern man. Munoz¹ has identified, among the Germans who present one of the strongest tourism generating markets, “regular travellers” – persons who travel even when their economic situation has worsened. The reason behind this is that travel has become a pattern of consumer behaviour, so they would rather change the structure than the number of their travels. On the other hand, the modern tourist is increasingly selective as to the quality of tourist services, as well as to the diversity of the tourist supply. Tourist demand has continually grown, leading to the increase and widening of the capacities of tourist supply. That is why today there is almost no area of

¹ Munoz, T.G.: German demand for tourism in Spain, *Tourism Management* 28, 2007, str. 13.

života, urbanizacija i onečišćenje okoliša te povećana svijest i briga o zdravlju nagnali su ljude na češće prekide u svakodnevnom načinu života koje koriste u cilju psihofizičkog oporavka. Ove su činjenice uvjetovale toliko snažan razvoj specifičnih oblika turizma da su oni počeli poprimati obilježja masovnosti. Također su dovele do toga da se putuje više puta godišnje, ali na kraće vrijeme. Pojava „*low-cost*“ zračnih prijevoznika omogućila je još veće omasovljenje turističkih putovanja pa su broj turističkih putovanja i prihodi od turizma poprimili neslućene razmjere. Prema podacima UNWTO² u razdoblju od 1995. do 2007.g. broj međunarodnih turističkih dolazaka povećao se s 541 na gotovo 900 milijuna.

Navedeno ukazuje na najznačajnije karakteristike suvremenog turizma – njegovu masovnost, diversificiranost ponude i potražnje te kontinuirani rast potražnje. Ove karakteristike ukazuju ne samo na brojnost odnosa u turizmu već i na njihovu raznovrsnost. Radi lakšeg i kvalitetnijeg ostvarenja svojih interesa stvaraju se koncentracije na strani turističke potražnje što nužno dovodi i do koncentracija na strani turističke ponude. Provode se horizontalne i vertikalne integracije, a „na svjetskom turističkim tržištu dominiraju velike grupacije ... što sve više utječe na globalizaciju turističkog tržišta, ali pomalo i turističkog proizvoda.“³

Da bi ostvario putovanje, turist ulazi u različite odnose s davateljima usluga i to u pravilu prije početka samog putovanja. Gore istaknute karakteristike turizma – masovnost, dinamičnost, diversificiranost ponude, dominantan položaj vodećih grupacija na turističkom tržištu, međunarodni karakter velikog dijela putovanja, turista kao neprofesionalca stavljaju u neravnotežan položaj u odnosu na profesionalne davatelje usluge. Zbog tih karakteristika, da se i ne spominje opasnost sudjelovanja u pojedinim aktivno-

production or services that does not in some way participate in the tourist supply. Greater workers rights, especially increase in the number of days of annual leave and the shortening of the working week, have made it possible to achieve a greater number of travels during the work year. The stressful manner of life, urbanization and environmental pollution, as well as increased awareness and concern for health, have led people to take breaks from everyday life more frequently, trying to recover both physically and psychologically. This has led to an increase in special interest tourism that has begun to take on attributes of mass phenomena. They have also led to people travelling more frequently during the year, on shorter trips. The emergence of “low-cost” airlines has made it possible to make tourist travels even more massive, and the number of tourist travels and the income from tourism has taken unprecedented dimensions. According to the UNWTO² data for the period from 1995 to 2007, the number of international tourist arrivals increased from 541 to almost 900 million.

These facts show the most important features of modern tourism – its mass nature, diversification of supply and demand, and the continuous growth in demand. These features show that relations in tourism are numerous and diverse. To achieve their interests more easily and with higher quality, concentrations are created on the side of tourism demand, which necessarily leads to concentrations on the side of tourism supply. There are vertical and horizontal integrating processes, and “the world market is dominated by large groups ... which has an increasing effect on the globalization of the tourism market, as well as on the tourist product to a small degree.”³

To realise a journey, the tourist enters various relationships with service providers, generally before the beginning of the journey. The above-mentioned characteristics of tour-

² UNWTO World Tourism Barometar, Vol.6, No1, 2008.

³ Čavlek, N.: Turoperatori i svjetski turizam, Golden marketing, Zagreb, 1998., str. 122 – 123.

stima kojima se bavi tijekom putovanja, on je izloženiji rizicima povrede osobe i imovine nego većina drugih potrošača. Primjerice, već pri izboru usluga koje će koristiti tijekom putovanja potencijalni turist obasut je ogromnim brojem ponuda i ovisan o točnosti informacija koje su mu pružene u procesu donošenja odluke o njihovom korištenju. Agresivno i zavaravajuće oglašavanje kojim ga se navelo na korištenje određene usluge stoga može biti izravan uzrok štete koju pretrpi u svezi s putovanjem. Stoga specifične karakteristike turizma iziskuju i specifične mjere zaštite korisnika turističkih usluga.

3. KARAKTERISTIKE TURISTIČKOG TRŽIŠTA KAO DIJELA TRŽIŠTA USLUGA

Plasman svakog proizvoda i usluge u velikoj mjeri ovisi o karakteristikama tržišta, ponajprije o karakteristikama predmeta razmjene na tom tržištu. Razvoj uslužnog sektora i značenje koje usluge imaju u tržišnom gospodarstvu potaknuli su marketinške stručnjake na novi pristup u osmišljavanju i planiranju marketinga usluga, jer dotadašnja orijentacija na (opipljive) proizvode nije zadovoljavala potrebe uslužnog sektora. Za to je prvo trebalo utvrditi razlike između proizvoda (robe) i usluga, odnosno karakteristike usluga o kojima marketinški stručnjaci moraju voditi računa. Kao opće karakteristike usluga danas se ističu:⁴ neopipljivost, nedjeljivost „proizvodnje“ od korištenja zbog, zbog njihove istovremenosti, neusklađenosti, heterogenost, nepostojanost.

Uz ove opće karakteristike, različite vrste usluga imaju i svoje specifične karakteristike o kojima je potrebno voditi računa. Specifične karakteristike „turističkih proizvoda“ najbolje se vide iz sljedećeg prikaza

ism – mass and dynamic nature, diversified supply, the dominant position of leading groups in the tourism market, the international nature of the greater part of journeys, put the tourist, as a non-professional, in an unequal position in relation to professional service providers. Due to these characteristics, not to mention the danger of participating in certain activities during the journey, he is more exposed to risk of personal injury and damage to property than most other consumers. For instance, when selecting services to be used during the journey, the potential tourist is flooded by an enormous number of offers and depends on the accuracy of information provided to him in the decision-making process. Aggressive and misleading advertising that led him to use a certain service can therefore be the direct cause of the damage he suffers in relation to the journey. That is why specific characteristics of tourism require specific measures of protection of the consumers of services in tourism.

3. CHARACTERISTICS OF A TOURISM MARKET AS PART OF THE SERVICE MARKET

The sale of every product and service depends largely on the characteristics of the market, and above all on the characteristics of the object of trade in that market. The development of the service sector and the importance services have in a market economy have encouraged marketing experts to adopt a new approach in devising and planning the marketing of services, due to the fact that the orientation on (tangible) products was not meeting the needs of the service sector. To achieve that, the first thing to do was to establish the differences between products (goods) and services, or the sale of every product of services that marketing experts should have in mind. Today the general characteristics of services are considered to be:⁴

⁴ Detaljnije vidjeti kod: Kotler, F., Upravljanje marketingom, Informator, Zagreb, 1999., str. 572 – 577; Ozretić Došen, Đ., Osnove marketinga usluga, Mikrorad, Zagreb, 2002., str. 25 -32.

osnovnih razlika između paket aranžmana i robe široke potrošnje:

intangibility, the inseparability of "production" from use due to their simultaneous nature, the fact they are impossible to store, their heterogeneous nature, and their ephemeral nature.

Having these general characteristics in mind, different kinds of services have their own specific characteristics that need to be taken into account. Specific characteristics of "tourist products" are best seen in the following figure displaying the basic differences between package arrangements and consumer goods:

Tablica 1: Osnovne razlike između paket-aranžmana i robe široke potrošnje

Paket aranžman	Roba široke potrošnje
- nemogućnost izlaganja kao robnog uzorka	- mogućnost izlaganja
- nemogućnost provjere, pregleda	- mogućnost provjere, pregleda
- nemogućnost iskušavanja	- mogućnost iskušavanja
- mogućnost korištenja samo uz prisutnost korisnika	- neovisnost korištenja o istovremenoj prisutnosti korisnika
- nemogućnost uskladištenja	- mogućnost uskladištenja
- nemogućnost zamjene manjkavog aranžmana	- mogućnost zamjene neispravnog proizvoda
- plaćanje u pravilu unaprijed	- ne plaća se u pravilu unaprijed
- kupovina vezana uz subjektivnu predodžbu o proizvodu	- kupovina vezana uz vidljive karakteristike proizvoda
- u trenutku korištenja proizvoda potrošačev kontakt sa svim pružateljima usluge kao sadržaja tog integriranog proizvoda	- potrošač uvijek proizvod koristi u cjelini i doživljava ga isključivo kao proizvod jednog određenog proizvođača

Izvor: Čavlek, N. *Turoperatori i svjetski turizam, Golden marketing, Zagreb, 1998., str. 85.*

Table 1: Basic differences between inclusive tours and consumer goods

Package arrangement	Consumer goods
- Cannot be displayed as a sample	- Can be displayed
- Cannot be checked/inspected	- Can be checked/inspected
- Cannot be tried	- Can be tried
- Can be used only in the presence of the consumers	- Can be used regardless of the presence of the consumers
- Cannot be stored	- Can be stored
- A faulty arrangement cannot be replaced	- A faulty product can be replaced
- Payment usually in advance	- Payment usually not in advance
- Purchase related to the subjective image of the product	- Purchase related to the visible characteristics of the product
- At the moment of use, the consumer is in contact with all service providers involved in the integrated product	- The consumer always uses the product as a whole and sees it solely as a product of one particular manufacturer.

Source: Čavlek, N. *Turoperatori i svjetski turizam, Golden marketing, Zagreb, 1998.*, p. 85.

Značajna specifičnost turističkog tržišta je i prostorna odvojenost ponude od potražnje zbog čega:⁵

1. turistička potražnja putuje turističkoj ponudi (a ne ponuda usluzi),
2. s potrošačem - putnikom putuje i „novac“ kojim plaća korištenje usluge na licu mjesta, redovito neposredno nakon korištenja usluge (osim kod paket aranžmana),
3. odluka o kupnji donosi se na temelju informacija dobivenih putem promotivnih materijala i od zaposlenika koji u ime davatelja usluga pružaju informacije, a ne na temelju izravnog uvida u uslugu. Stoga je nužno da potencijalni potrošač ima povjerenje u tako dobivene informacije.

A significant specific characteristic of the tourism market is also a spatial division of supply and demand, which leads to the fact that:⁵

1. Tourism demand travels to the supply (and not the supply to the demand),
2. The consumer-passenger usually carries “money” with him to pay for the use of services at their location, usually immediately after the use of a service (except in a package arrangement),
3. The buying decision is based on information given via promotional material and through employees that give information about the service on behalf of the provider, and not based on direct insight into the service. It is therefore necessary for the potential consumer to trust the information gained in such a way.

⁵ Izdvojeno prema: Pirjevec, B., *Ekonomska obilježja turizma, Golden marketing, Zagreb, 1998.*, str. 47 – 60; Pirjevec, B., Kesar, O.: *Počela turizma, Mikrorad, Zagreb, 2002.*, str. 61 – 65.

Navedenim karakteristikama treba dodati i činjenicu da se u turizmu nudi doživljaj (odmora, aktivnosti, ugodaja i sl.). Stoga će i doživljajni marketing, iako nije još u potpunosti zaživio u turizmu i ugostiteljstvu, postati iznimno važna komponenta uspjeha nudi usluga u turizmu.⁶ No, pri tom treba voditi računa da doživljaj podrazumijeva emocije, a emocije vezane uz potrošnju su, prema Bigñeu i Andreuu,⁷ usko povezane s ukupnim zadovoljstvom klijenta. Stoga u opisivanju i obećavanju doživljaja treba biti jako oprezan, kako nesklad između očekivanog i ostvarenog doživljaja, odnosno emocija vezanih uz doživljaj ne bi doveo do nezadovoljstva korisnika usluga.

Navedene karakteristike usluga u turizmu iziskuju dodatne mjere zaštite klijenata, a to uključuje i dodatne napore i troškove davateljima usluga u turizmu ponajprije u pogledu edukacije kadrova, organiziranja poslovanja (prodaje) i praćenja zadovoljstva klijenata.

4. ČIMBENICI KOJI ODREĐUJU FUNKCIONIRANJE TURISTIČKOG TRŽIŠTA

Kompleksnost turizma razlog je što praktički nema ljudske aktivnosti koja ne djeluje ili ne bi mogla djelovati na turizam, pa time i na turističko tržište, a u ponudu se, osim turističkih usluga te sredstava i opreme objekata u kojima se pružaju usluge, izravno ili neizravno uključuju svi proizvodi i usluge – od robe široke potrošnje do javnih usluga. Moutinho⁸ ističe da razumijevanje utjecaja okruženja u turizmu treba biti dublje nego u mnogim drugim granama pa za postizanje takvog razumijevanja preporuča primjenu analize SCEPTICAL koja uzima u obzir utjecaje sljedećih čimbenika: društve-

In addition to the mentioned characteristics, the fact is that tourism offers an experience (of rest, activity, atmosphere etc.). This is why experience marketing, although not completely developed in tourism and catering, will become an extremely important component in the successful offering of services in tourism.⁶ However, one should bear in mind that experience entails emotions, and emotions connected to consumption are, according to Bigne and Andreu,⁷ closely tied to overall client satisfaction. This is why one should be very careful when describing and promising experience, so that the discrepancy between the expected and the actual experience, as well as emotions related to the experience, would not lead to dissatisfaction on the part of the consumers.

The mentioned characteristics of tourism services require additional client protection measures, which involves additional efforts and expenses for service providers in tourism, above all in staff education, business (sales) organization and consumer satisfaction tracking.

4. FACTORS THAT DETERMINE THE FUNCTIONING OF A TOURISM MARKET

The complexity of tourism explains why there is practically no human activity that does not or could not affect tourism, hence the tourism market, and the supply directly or indirectly includes, apart from tourist services, equipment and facilities, all products and services – from consumer goods to public services. Moutinho⁸ points out that understanding the impact of the surroundings in tourism should be deeper than in many other areas. To gain such understanding, he recommends the use of the SCEPTICAL analy-

⁶ Williams, A.: Tourism and hospitality marketing: fantasy, feeling and fun, *International Journal of Contemporary Hospitality Management*, vol. 8, No.6, 2006, str. 482.

⁷ Bigñé, J.E., Andreu, L.: Emotions in segmentation, *Annals of Tourism Research*, vol.31, No.3, str. 691.

⁸ Moutinho, L.: *Strateški menadžment u turizmu*, Masmedia, Zagreb, 2005., str. 35 – 36.

nih, kulturnih, ekonomskih, fizičkih, tehničkih, međunarodnih, komunikacijskih i infrastrukturnih, administrativnih i institucionalnih te pravnih i političkih.

Dakle, turističko tržište osim čimbenika turizma - čimbenika potražnje, čimbenika ponude i posredničkih čimbenika⁹ - određuju i brojni vanjski čimbenici, a na sve njih, kako ističu Senečić i Grgona,¹⁰ mogu utjecati i političko-pravni čimbenici.

Prema studiji UNWTO¹¹ turističku ponudu i potražnju određuju dvije velike grupe: vanjski čimbenici i ključne tržišne snage.

„Vanjski čimbenici koji utječu na turizam:

- gospodarski i financijski razvitak,
- demografske i socijalne promjene,
- tehnološke inovacije i poboljšanja,
- investicije u infrastrukturu,
- opremu i uređaje,
- politički, zakonodavni i pravni čimbenici,
- planiranje i utjecaj na okoliš,
- razvitak trgovanja i
- sigurnost putovanja.

Ključne tržišne snage koje izravno utječu na potražnju, ponudu i distribuciju turističkih proizvoda i usluga su:

- znanje potrošača o mogućnostima turizma i turističkim zahtjevima,
- razvoj proizvoda destinacije i razvitak proizvoda/usluga privatnog sektora,
- trendovi u strukturi putovanja i turističkom operativnom sektoru i marketingu i
- ponuda stručnog i iskusnog ljudskog potencijala.“

sis, which takes into account the following factors: social, cultural, economical, physical, technical, international, communicational and infrastructural, administrative and institutional, and legal and political.

Therefore, apart from being determined by tourism factors – supply factors, demand factors and intermediary factors⁹ – the tourism market is determined by numerous other external factors, and all of them can be influenced by legal and political factors, as pointed out by Senečić and Grgona¹⁰.

According to a UNWTO¹¹ study, the tourism supply and demand are formed by two large groups: external factors and key market forces.

“External factors influencing tourism are:

- economical and financial development,
- demographic and social changes,
- technological innovation and improvement,
- investment in infrastructure,
- equipment and machinery,
- political, legal and judicial factors,
- planning and environmental impact,
- trade development and travel safety.

Key market forces directly influencing the supply, demand and distribution of tourist products and services are:

- the knowledge of the consumer about tourism possibilities and demands,
- the development of destination products and the development of products/services of the private sector,
- trends in travel structure and tourism operative sector and marketing and
- the supply of expert and experienced human resources.”

⁹ O čimbenicima turizma vidjeti: Bilen, M., Bučar, K.: *Osnove turističke geografije*, Mikrorad, Zagreb, 2004., str. 15 – 20. i Marković, Z.: *Osnove turizma*, Školska knjiga, Zagreb, 1987., str. 65 – 135.

¹⁰ Senečić J., Grgona, J.: *Marketing menadžment u turizmu*, Mikrorad, Zagreb, 2006., str. 7.

¹¹ UNWTO: „Global tourism Forecast to the Year 2000 and Beyond“, Vol. I., „The World“, Madrid, 1995., str. viii, preuzeto od Pirjavec, B., Kesar, O., op. cit., str. 70.

Sve navedeno potvrđuje da je jedna od specifičnosti turizma činjenica da, za razliku od većine drugih tržišta, praktički nema čimbenika koji ne može utjecati na funkcioniranje turističkog tržišta. Veću je pozornost ipak potrebno posvetiti ključnim tržišnim snagama – elementima koji mogu najintenzivnije djelovati na turističko tržište. S obzirom da je jasno, točno i nedvojbeno informiranje potrošača jedno od osnovnih područja zaštite potrošača, posebno se naglašava činjenica da UNWTO kao jednu od četiri ključne tržišne snage ističe informiranost potrošača u turizmu. To znači da turistička ponuda informiranju potrošača mora posvetiti posebnu pažnju, ne samo kao mjeri zaštite potrošača (bilo kao instrumentu stjecanja povjerenja i podizanja razine zadovoljstva klijenta bilo u cilju izbjegavanja sankcija zapriječenih za slučaj netransparentnog informiranja), već i radi utjecaja koji (ne)informiranost potencijalnih potrošača može imati na njegov tržišni položaj (konkurentnost).

5. ZNAČAJKE TURISTIČKE POTRAŽNJE RELEVANTNE ZA ZAŠTITU POTROŠAČA U TURIZMU

Turističko tržište je izrazito tržište kupaca čiji zahtjevi i potrebe determiniraju turističku ponudu, pa potencijalni turisti-potrošači koji čine turističku potražnju imaju središnje mjesto na turističkom tržištu i u marketingu turizma. Zbog toga su značajke turističke potražnje iznimno važne i za zaštitu potrošača u turizmu.

Bitne značajke turističke potražnje su: dislociranost potražnje od ponude, heterogenost potražnje, elastičnost potražnje, mobilnost potražnje, sezonski karakter potražnje.¹²

This confirms that one of the specific features of tourism is that, unlike most other markets, there is practically no factor that may not influence the functioning of a tourism market. In spite of that, the key market forces – the elements that can affect the market the strongest – need to be given the most attention. Since the provision of clear, accurate and unambiguous information to consumers presents one of the basic areas of consumer protection, the fact that UNWTO points out consumer level of information in tourism as one of the four key market forces is particularly significant. This means that the tourism supply needs to pay special attention to consumer information, not only as a measure of consumer protection (whether as an instrument of gaining trust and raising the level of client satisfaction, or with the goal of avoiding the sanctions in case of non-transparent information) but also because of the impact the (non)informed potential consumers can have on its market position (competitiveness).

5. THE FEATURES OF TOURISM SUPPLY RELEVANT FOR CONSUMER PROTECTION IN TOURISM

The tourism market is a distinct customer market, in which customers' demands and needs determine the tourism supply, so potential tourists-consumers that make the tourism demand have a central position in the tourism market and marketing. This is the reason why the features of tourism demand are extremely important for consumer protection in tourism as well.

The important features of tourism demand are:¹² dislocation of demand from supply, heterogeneous nature of demand, elasticity of demand, its mobility and seasonal character.

¹² Pirjevec, B., Kesar. O., op.cit., str.87.

Za zaštitu potrošača u turizmu relevantne su prve tri značajke potražnje, jer njihovi interesi ne mogu biti povrijeđeni zbog mobilnosti potražnje i sezonskog karaktera potražnje.

5.1. Dislociranost potražnje od ponude

Dislociranost turističke potražnje od turističke ponude znači da su one prostorno odvojene. S aspekta zaštite potrošača odvojenost, kao prvo, otvara pitanje komunikacije, jer greške u komunikaciji mogu prouzročiti nejasno i nepotpuno informiranje kako u fazi stavljanja usluge na tržište, tako i tijekom korištenja usluge. Naročitu pozornost komunikaciji davatelji usluga moraju posvetiti pri informiranju potrošača prije sklapanja ugovora o korištenju usluge, (posebno u promotivnim aktivnostima, te pri sklapanju tog ugovora), jer te informacije mogu potrošaču nanijeti najviše štete. Kroz informacije dobivene prije sklapanja ugovora klijent stvara subjektivnu predodžbu o samoj usluzi, pa ako ona ne bude ostvarena osjećat će se prevarenim, a u određenim situacijama će moći i potraživati naknadu štete zbog izgubljenog zadovoljstva. Zbog dislociranosti ponude od potražnje, u turizmu se ugovori često sklapaju između nenažutih strana, a greške u komunikaciji mogu dovesti do zablude o postignutoj suglasnosti volja i drugih bitnih sastojaka ugovora o kojima ovisi valjanost ugovora. Drugim riječima, posljedica takve greške može biti da korisnik i davatelj usluge imaju različite predodžbe o tome što su dogovorili, što u konačnici može dovesti do ništavosti ugovora. Od takvih situacija potrošača treba zaštititi, a davatelj usluge mora o tome voditi računa kako mu takav ugovor umjesto dobiti ne bi prouzročio gubitak.

Drugi rizik koji za potrošača proizlazi iz odvojenosti ponude od potražnje vezan je uz nužnost korištenja prijevoza. Prijevoz je sam po sebi opasna djelatnost, pa su mjere

For consumer protection in tourism only the first three features of demand are significant, due to the fact that consumer interests cannot be harmed by the mobility and seasonal character of the demand.

5.1. Dislocation of demand from supply

The dislocation of tourist demand from tourism supply means they are spatially separated. From the point of view of consumer protection, this separation primarily raises the question of communication, since errors in communication can cause ambiguous and incomplete information, both during the presentation and the use of a service. Communication must be given special care by service providers when informing the consumer prior to the signing of a contract on the use of service (particularly in promotional activities, and when concluding such a contract), due to the fact that that information can harm the customer the most. Through information gained prior to the concluding of a contract, the client conjures up a subjective vision of the service itself, which could lead to the client feeling cheated if that vision is not fulfilled, as well as to possible damages claims for lost satisfaction. Due to the dislocation of supply and demand, contracts in tourism are often concluded between parties that are not present, and errors in communication can lead to misconceptions about reaching an agreement and other essential parts of a contract upon which its validity is based. In other words, the consequences of such an error may be that the consumers and the service provider have different views about what they have agreed, which can eventually lead to the contract being void. The consumer needs to be protected from such situations, and the service provider must have them in mind, so that such a contract would not cause losses instead of gains.

koje se poduzimaju u cilju zaštite sigurnosti korisnika usluga prijevoza općenito među zastupljenijim mjerama zaštite potrošača. Kod turističkih putovanja rizici od kojih se štite potrošači ovise o načinu prijevoza (Tablica 3).

The second risk for the consumer, coming from the dislocation of supply and demand, is related to the necessity of using transportation. Transport is in itself a dangerous activity, and the measures taken with the aim of protecting the consumers of transportation services are generally the most common ones among customer protection measures. In tourist travel, the risks consumers seek protection from, depend on the way of transportation (Table 3):

Tablica 3: Rizici od kojih se štite potrošači

	Rizici od kojih se štiti potrošača vezani uz			
Vlastiti prijevoz	sigurnost prijevoznog sredstva	sigurnost prometa		
Izravni ugovor o prijevozu	sigurnost prijevoznog sredstva	sigurnost prometa	- obavljanje djelatnosti prijevoza - ugovor o prijevozu	
Ugovor o prijevozu sklapa turistička agencija	sigurnost prijevoznog sredstva	sigurnost prometa	- obavljanje djelatnosti prijevoza - ugovor o prijevozu	izbor prijevoznika od strane turističke agencije

Table 3: Risks the consumer is protected from

	Risks the consumer is protected from related to			
Own transport	Vehicle safety	Traffic safety		
Direct transportation contract	Vehicle safety	Traffic safety	- performance of the transport activity - transportation contract	
The transport contract is signed by the tourist agency	Vehicle safety	Traffic safety	- performing the function of transport - transport contract	choice of transportation provider by the tourist agency

U svezi s prijevozom moguće su različite situacije:

1. ako potrošač putuje vlastitim prijevoznim sredstvom štiti ga se od rizika vezanih uz sigurnost prijevoznog sredstva i samo odvijanje prometa,
2. ako potrošač koristi usluge prijevoza temeljem izravnog ugovora o prije-

Different situations concerning transport are possible:

1. If the consumer uses his own means of transportation he is protected from risk connected to vehicle safety and traffic itself,
2. If the consumer uses transportation services through direct contract with

vozu s prijevoznikom, zaštita se proširuje i na uvjete za obavljanje djelatnosti prijevoza koja kojima se osigurava kvaliteta usluge prijevoznika (npr. udobnost i higijena prijevoznog sredstva, prometnog terminala, profesionalnost vozača, ograničava se mogućnost zakašnjenja u prometu i sl), te zaštitu putnika kao ugovorne strane ugovora o prijevozu (od neizvršenja, djelomičnog izvršenja i neurednog izvršenja usluge prijevoza),

3. ako potrošač usluge ne ugovara izravno s prijevoznikom, već uz posredovanje agencije ili u sklopu paket aranžmana, navedenom se pridružuje i zaštita putnika od rizika lošeg izbora prijevoznika od strane turističke agencije (turistička agencija odgovara za izbor prijevoznika).

5.2. Heterogenost potražnje

Zbog heterogenosti potražnje vrlo je izraženo segmentiranje turističkog tržišta. Naime, turističke potrebe razlikuju se od čovjeka do čovjeka. Turistička ponuda zbog toga nastoji izdvojiti ciljne segmente - skupine potencijalnih klijenata sa sličnim turističkim potrebama, koje će moći najbolje zadovoljiti i koje će moći najlakše privući. U cilju pridobivanja što većeg udjela na turističkom tržištu marketinški stručnjaci velike napore ulažu u istraživanje ponašanja pojedinih segmenata potražnje. Rezultati istraživanja koriste se kako za privlačenje potražnje tako i za formiranje usluge koja će kod ciljnog segmenta stvoriti visok stupanj zadovoljstva. Svaki segment potrošača izložen je drugačijim rizicima pa je potrebno poduzimati različite mjere zaštite potrošača. Primjerice, ljudi treće dobi podložniji su bolestima i povredama pa im je potrebno osigurati dostupnost liječnika i siguran okoliš, učesnici sportskih aktivnosti trebaju imati na raspolaganju sigurnu sportsku op-

the provider of transport services, protection is extended to cover the conditions in which the transport service is provided, which ensures the quality of the service (e.g. comfort and hygiene of the means of transport and the traffic terminal, driver professionalism, limited possibilities of delay etc.), and to comprise the protection of the passenger as a party to the transportation contract (protection from failure to perform, partially perform and inappropriately perform a transportation service),

3. If the consumer does not negotiate a service directly with the provider of transportation services, but is doing so through an intermediary agency or as part of a package arrangement, the above mentioned is also complemented by the protection of passengers from the risk of the tourist agency selecting a bad transport provider (the tourist agency is held accountable for the choice of transportation provider).

5.2. Heterogeneous nature of demand

Due to the heterogeneous nature of the demand, the segmentation of the market is very present, as tourist needs are different from person to person. The tourism supply therefore strives to identify target segments – groups of potential clients with similar tourist needs, that can be satisfied the most and attracted most easily. To acquire the biggest possible share of the tourism market, marketing experts put great effort into researching the behaviour of certain segments of demand. The results of the research are used to attract demand and to formulate a service that will achieve a high level of satisfaction in the target segment. Each consumer segment is exposed to different risks, so different consumer protection measures need to be taken. For example, the elderly are more susceptible

remu itd. Svaku skupinu potrebno je i posebno informirati o rizicima koje za njih proizlaze iz korištenja određene aktivnosti te o mogućnostima i mjerama koje mogu sami poduzeti da bi se zaštitili. U tom smislu segmentacija potražnje omogućava veću razinu zaštite potrošača, jer su poznati rizici kojima je izložena određena skupina potrošača pa ih je lakše zaštititi od nastupa tih rizika.

5.3. Elastičnost potražnje

Za ekonomske učinke zaštite potrošača u turizmu značajna je elastičnost potražnje s obzirom na promjenu visine cijena turističkih usluga. Naime, nesavjesni davatelji usluga skloni su raznim manipulacijama u iskazivanju cijene ne bi li naizgled nižom cijenom usluge privukli čim veći broj korisnika usluga. Poznati načini takvog ponašanja su: lažni popusti, neiskazivanje drugih nezaobilaznih troškova vezanih uz korištenje usluge (npr. boravišne pristojbe, pristojbe zračnih luka, lučke pristojbe), povišenje cijene nakon sklapanja ugovora itd. Mogućnosti utjecaja na potrošače takvim manipulacijama su mnogobrojne, a one se najuspješnije suzbijaju zakonodavnim mjerama i sankcijama, informiranjem potrošača o njihovim pravima, načinima na koje mogu biti izmanipulirani i načinima na koje mogu izbjeći manipulacije te (javnim) razotkrivanjem nesavjesnih davatelja usluga. S druge strane, savjesni davatelji usluga učinke osjetljivosti potražnje na cijene mogu značajno umanjiti isticanjem i informiranjem potrošača o prednostima koje za sigurnost njihove osobe i imovine proizlaze iz više cijene usluga u koju su ukalkulirani troškovi primijenjenih mjera zaštite npr. osiguranja, ograničenja promjene cijene nakon sklapanja ugovora, angažiranja stručnih osoba čija je zadaća briga o gostu (turističkog predstavnika, pratitelja putovanja, liječnika u hotelu, profesionalnih voditelja sportskih aktivnosti i sl.).

to disease and injury, so a safe environment and a doctor's presence need to be made available; participants in sports activities need to be given safe equipment etc. Each group needs to be specially informed of the risks certain activities present to them, as well as the protection options and measures they can take themselves. In this way, the segmentation of the market enables a higher level of consumer protection, since the risks for a certain group of consumers are known, which makes it easier to protect them from the occurrence of those risks.

5.3. The elasticity of demand

The elasticity of demand in relation to the change in prices of tourism services is important for the economic effects of consumer protection in tourism. Unconscientious service providers tend to use various manipulative tricks when presenting prices to attract the biggest possible number of service users by means of a seemingly lower price. The known forms of such behaviour are: false discounts, failure to state other unavoidable expenses related to the use of service (e.g. tourist taxes, airport tariffs, port levies), raising the price after the contract has been concluded etc. The possibilities of influencing the consumer through such means of manipulation are numerous, and are most successfully fought by legal measures and sanctions, informing the consumer about his rights, ways in which they can be subject to manipulation, and (publicly) denouncing dishonest service providers. On the other hand, honest service providers can significantly reduce the effects of demand on pricing by informing the consumers and pointing out the advantages entailed in the higher costs of the service, such as insurance, limitations of price change after the conclusion of the contract, hiring expert staff to care for the guest (tourist representative, tour guide, hotel doctor, professional sports coordinator and the like).

6. ZNAČAJKE PONUDE RELEVANTNE ZA ZAŠTITU POTROŠAČA U TURIZMU

6.1. Karakteristike nositelja turističke ponude relevantne za zaštitu turističkih potrošača

Neovisno o tome s kojeg aspekta razmatraju turizam, većina autora ističe da „turizam prodaje snove“.¹³ Ova se činjenica na različite načine odražava na zaštitu turista, ponajprije kroz prioritet pružanja upravo onog sna (doživljaja) koji je obećan. Za davatelje usluga to znači poduzimanje svih aktivnosti i angažiranje svih osoba i sredstava koji osiguravaju ostvarivanje obećanog – ambijenta, udobnosti, aktivnosti, točnosti itd. To također znači da davatelj usluga pri pružanju informacija (ponajprije onih kojima je cilj pridobiti klijenta), mora biti krajnje objektivan kako ne bi prouzročio pogrešnu predodžbu klijenta o usluzi i time onemogućio ostvarenje njegovih očekivanja u vezi s putovanjem. Očekivanja će biti ispunjena samo ako usluga bude sukladna unaprijed stvorenoj predodžbi klijenta. O ispunjenju očekivanja, pak, ovisi zadovoljstvo uslugom i buduće ponašanje klijenta prema davatelju i ponuditelju usluge.¹⁴ Zadaća je tim zahtjevnija čim je više elementa sadržano u usluzi. Nije isto osigurati udoban, brz i točan prijevoz ili višednevnu turu. Stoga je potrebno sagledati karakteristike pojedinih nositelja turističke ponude koje se mogu odraziti na potrošača i iziskivati poduzimanje odgovarajućih mjera zaštite.

6. THE FEATURES OF SUPPLY RELEVANT TO CONSUMER PROTECTION IN TOURISM

6.1 The characteristics of the service providers relevant to consumer protection in tourism

Regardless of the aspect from which tourism is observed, most authors stress that “tourism sells dreams”.¹³ This fact is reflected in tourist protection in various ways, primarily through the priority of providing the very dream (experience) that has been promised. For the service provider, this means undertaking all the activities and hiring all the persons and using resources to ensure the fulfilment of what has been promised – be it atmosphere, comfort, activity, punctuality etc. This also means the service provider needs to be completely objective when providing information (especially those whose aim is to win over the client), as to not create a false image about the service with the client, and in that way make it impossible to fulfil his expectations about the journey. These expectations will be fulfilled only if the service is in accordance with the previously created image of the client. In turn, the client’s satisfaction with the service depends on these expectations being met, as does the client’s future behaviour towards the provider and the presenter of the service.¹⁴ The task is made more demanding if the service includes more elements. For instance, the task of ensuring fast, comfortable and punctual transportation differs from a tour lasting several days. Therefore it is necessary to look into the features of particular exponents of tourism supply that can reflect on the consumer and require that certain protection measures be taken.

¹³ Vidjeti Holloway, J.C.: *The Business of Tourism*, Pitman, Great Britain, 1988, str. 5

¹⁴ Bosque, I.A.R., Martin, H.S., Collado, J.: *The role of expectations in the consumer satisfaction formation process: Empirical evidence in the travel agency sector*, *Tourism Management* 27, 2006, str.411

Osnovne opće karakteristike turističke ponude su: dislociranost ponude od potražnje, heterogenost ponude, neelastičnost ponude, statičnost ponude i sezonski karakter ponude.¹⁵

Usporedbom karakteristika ponude i karakteristika potražnje lako je uočiti da su karakteristike ponude zapravo uvjetovane karakteristikama potražnje. Glede dislociranosti ponude od potražnje, kada se govori o karakteristikama ponude, osim problema istaknutih u prethodnom poglavlju potrebno je skrenuti pozornost na činjenicu da ova karakteristika upućuje na nužnost stvaranja cjelovite turističke ponude u destinaciji u koju turist dolazi. U gospodarskom smislu to sa sobom nosi specifične probleme upravljanja destinacijom, koje su predmet mnogobrojnih istraživanja (naročito posljednjih godina).

Heterogenost kao značajka turističke ponude također je samo logična posljedica heterogenosti turističke potražnje, jer turistička ponuda odgovara na zahtjeve i potrebe turističke potražnje. Što je više zahtjeva potražnje, to je šira ponuda. Stoga praktički nema toga što izravno ili neizravno ne bi moglo i nije uključeno u turističku ponudu. Ipak, postoje subjekti bez čijeg je postojanja suvremeni turizam nezamisliv. To su:¹⁶

1. prijevoznici koji dislocirane turiste prevoze do ponude i vraćaju ih nazad
2. ugostitelji koji pružaju usluge smještaja i/ili prehrane turistima
3. turističke agencije čijim posredovanjem ili u čijoj organizaciji turisti koriste usluge koje čine sadržaj turističkog putovanja
4. prodavaonice u kojima turisti pribavljaju potrepštine za putovanje i boravak, ali i suvenire i druge uspomene te poklone prijateljima, rodbini i sl.

The basic general characteristics of tourism supply are: dislocation of supply from demand, heterogeneous nature of supply, non-elastic and static nature of supply, as well as its seasonal character.¹⁵

By comparing the characteristics of supply and demand, it is easy to recognize that the characteristics of supply are in fact the result of the characteristics of demand. In relation to the supply characteristics mentioned earlier, it should be pointed out that dislocation of supply and demand makes it necessary to create a comprehensive tourism offer at the destination where the tourist is arriving. Economically, this creates specific destination management issues, which have been the subject of extensive research, particularly in the recent years.

The heterogeneous nature of the tourism supply is also a logical consequence of the heterogeneous tourism demand, since tourist supply answers to the requirements and needs of the demand. The more requirements of the demand, the larger the supply. Therefore, there is practically nothing which directly or indirectly could not or is not included in the tourism supply. However, there are entities without whose existence modern tourism would be unconceivable. Those are:¹⁶

1. Transport providers who transport dislocated tourists to the place of supply and transport them back
2. Hotel and catering operators who provide the service of accommodation and/or food to tourists
3. Travel agencies which are intermediaries in the provision of services to tourists or which organize such services
4. Shops in which the tourists buy the goods needed for the journey and stay, as well as souvenirs and other memorabilia, gifts for friends and relations etc.

¹⁵Pirjevec, B., Kesar. O., op.cit., str. 115.

¹⁶ ibid, str. 127.

Svaka od tih djelatnosti povezana je sa specifičnim rizicima za korisnike usluga i zahtijeva poduzimanje različitih, specifičnih mjera zaštite. No, kako putovanje čine različite usluge izostanak odgovarajućih mjera zaštite u bilo kojem segmentu turističkog putovanja može dovesti do povrede osobe i/ili imovine putnika tijekom putovanja. To znači da mjere zaštite moraju biti koordinirane i sinkronizirane ukoliko se želi postići odgovarajuća razina zaštite potrošača. Heterogenost ponude tu koordinaciju i sinkronizaciju čini iznimno zahtjevnom zadaćom i iziskuje angažiranost svih davatelja usluga u turizmu. Posebnu ulogu u tom imaju turističke agencije koje posreduju između turističke ponude i turističke potražnje (naročito organizatori putovanja koji od više usluga stvaraju „novi proizvod“ – paket aranžman) te destinacijske organizacije koje u promicanju turističkog proizvoda destinacije koordiniraju aktivnosti davatelja usluga u destinaciji.

6.2. Uloga posrednika u nuđenju usluga nositelja turističke ponude

Navedene karakteristike turističke ponude i turističke potražnje, posebno njihova heterogenost i dislociranost jedne od druge, upućuju na nužnost postojanja posrednika između njih. Prvi posrednici u plasmanu usluga nositelja turističke ponude bile su turističke agencije, a i danas su one najznačajniji posrednici tih usluga iako nositelji turističke ponude svoje usluge nude i putem rezervacijskih sustava i Interneta.

Iako su rezervacijski sustavi i internet utjecali na način poslovanja turističkih agencija, oni ne umanjuju važnost turističkih agencija u nuđenju turističkih usluga. Štoviše, razvoj računalne tehnike omogućio je turističkim agencijama pružiti odnosno posredovati sigurnu uslugu koja će optimalno zadovoljiti specifične potrebe i zahtjeve klijenta. One poznaju karakteristike i

Each of these activities is tied with specific risks to the service users and requires that various specific protection measures be taken. However, since a journey is made up of various services, failure to take appropriate protection measures in any segment of the journey could lead to injury to person and/or damage to property of the passenger during the journey. This means that protective measures need to be coordinated and synchronized in order to achieve an appropriate level of consumer protection. The heterogeneous supply makes coordination and synchronization extremely challenging and requires an effort from all the service providers in tourism. Tourist agencies, which serve as an intermediary between tourism supply and demand, play a special role in this situation (especially tour operators who create a “new product” out of several services), as do destination organizations who coordinate the activities of service providers at a destination while promoting the destination as a tourist product.

6.2. The role of the intermediaries in promoting the tourism services

The abovementioned features of tourism supply and demand, especially their dislocation and heterogeneous nature, make the existence of an intermediary a necessity. The first intermediaries in the sales of tourism services were travel agencies, which remain the most significant intermediaries to date, although the providers of tourist services offer their services through booking systems and the internet.

Although the booking systems and the internet have affected the way travel agencies operate today, they do not diminish their value in offering tourism services. On the contrary, the development of computer technology has made it possible for travel agencies to offer or to mediate a safe service that will satisfy the specific needs and de-

moćnosti davatelja usluga uključenih u te sustave i stanje na turističkom tržištu, pa mogu, nakon što im klijent izloži svoje želje, ciljano pribaviti usluge koje će najbolje zadovoljiti te zahtjeve. U odnosu na pojedinačne davatelje usluga potrošači su „neuka strana“ i koliko god se povećava razina njihove obrazovanosti i informiranosti oni ne mogu postati ravnopravan partner davateljima usluga. Turistička agencija to može i mora. Ona kao posrednik usluge odgovara korisniku usluge za izbor davatelja usluge pri kojem mora postupati s pozornošću dobrog stručnjaka. Kada je organizator putovanja turistička agencija, istom razinom pozornosti mora postupati ne samo u izboru davatelja usluga već i u koordinaciji njihovih aktivnosti i nadzoru izvršenja svih ugovorenih usluga. Dakle koristeći usluge agencije, potrošač sam sebe štiti od rizika odabira nesavjesnog davatelja usluge.

S druge strane, u tercijarnim djelatnostima iznimnu važnost ima neposredan osobni kontakt i komunikacija između (zaposlenika) davatelja usluga i korisnika usluga. Zbog dislociranosti ponude od potražnje, korisnici usluga takav kontakt rijetko mogu uspostaviti s davateljima usluga prije putovanja i prilikom donošenja odluke o korištenju usluge, pa su stoga skloni njihove usluge koristiti posredstvom turističke agencije s kojom mogu ostvariti neposredan osobni kontakt. U personaliziranom odnosu potrošači nisu samo slova na ekranu, mogu postaviti više pitanja nego putem Interneta, dobiti podrobne informacije, iskusno osoblje turističke agencije može ih bolje savjetovati na temelju procjene osobnosti klijenta koju nije moguće stvoriti putem mehaničkih sredstava komunikacije itd. Ovakvim odnosom turistička agencija stvara kod klijenta osjećaj zadovoljstva odmorom i putovanjem već u trenutku njegova planiranja i pribavljanja.

Iz navedenog je razvidno da, za razliku od rezervacijskih sustava i interneta, ali i posrednika u većini drugih djelatnosti, fun-

ds of the client to an optimal extent. They know the characteristics and capabilities of the service providers included within the system and the status of the tourism market, so they can target the services that will satisfy the wishes of the client in the best possible manner. For some service providers, consumers are the “ignorant party”, and they cannot become an equal partner to service providers, in spite of their increasing education and information level. A travel agency can and must do that. An agency, as a mediator, is held responsible to the service user for the selection of the service provider, and has to act with close attention and professionalism. When a tourist agency organizes a journey, the same level of attention must be given both to the selection of service providers as well as to the coordination of their activities and the supervision of the performance of contracted services. Therefore by using the agency's services, the consumer protects himself from the risk of selecting an unconscientious service provider.

On the other hand, in tertiary activities, great importance is attributed to direct personal contact and communication between the service provider's employees and service users. Due to the dislocated nature of supply and demand, consumers can rarely establish such a contact with providers prior to the journey and when making the decision on which services to use. They are therefore inclined to use their services through a travel agency, with which they can achieve personal contact. In a personalized relationship, consumers are not only letters on the screen, they can ask more questions than via the internet, get more detailed information, the agency's experienced staff can give them better advice based on their assessment of the client's personality etc. This cannot be done through impersonal means of communication. Through this kind of an approach, the agency creates a feeling of satisfaction

kcije turističke agencije nisu ograničene samo na nuđenje usluga u turizmu. Specifičnost turističkih agencija kao posrednika u plasmanu usluga u turizmu jest upravo u tome što na turističkom tržištu one imaju četiri funkcije: posredničku, informativno-savjetodavnu, promotivnu i organizator-sku.¹⁷

Kao posrednici između turističke ponude i turističke potražnje, turističke agencije dužne su štititi i realizirati često dijametralno suprotne interese obiju strana pa ih u tom smislu i koordiniraju.¹⁸ Također, s obzirom da su u neprestanom neposrednom kontaktu s klijentima, turističke agencije vrlo brzo mogu uočiti trendove u zahtjevima potražnje i o tome obavještavati davatelje usluga kako bi svoje usluge prilagodili tim trendovima. Davatelji usluga zahvaljujući tome ostaju konkurentni ili povećavaju svoju konkurentnost na tržištu, a potrošači mogu u većoj mjeri zadovoljiti svoje potrebe.

Osim već istaknutih prednosti koju informativno savjetodavna funkcija ima za potrošače, potrebno je naglasiti da se ta funkcija ne iscrpljuje samo na informacijama i savjetovanju glede usluge koju posreduje. Ova funkcija turističkih agencija podrazumijeva i davanje informacija i savjeta o drugim uslugama i činjenicama potrebnim za putovanje i boravak (npr. o prometu, potrebnim dokumentima, destinaciji i ponudi zabavnih, kulturnih, sportsko-rekreacijskih i dr. sadržaja u destinaciji i sl.). Specifičan rizik koji za potrošače u turizmu porizlazi iz ove funkcije turističkih agencija jest točnost i jasnoća informacija koje se pružaju klijentima.

with the holiday and the journey even at the moment of its planning and acquisition.

This makes it clear that, unlike booking systems and the internet or intermediaries in other industries, the functions of a travel agency are not limited solely to presenting services in tourism. Travel agencies stand out as intermediaries in the presentation of services in tourism due to the fact that they serve four functions in the tourism market: intermediary, informative and advisory, promotional and organizational.¹⁷

As intermediaries between tourism supply and demand, travel agencies are obliged to protect and serve often opposed interests of both sides, which they coordinate accordingly.¹⁸ Furthermore, in view of the fact that they are in constant immediate contact with clients, travel agencies can quickly spot new trends in demand and inform service providers so that they can adapt their services accordingly. Thanks to that, service providers remain competitive or increase their competitiveness in the market, and the needs of consumers are satisfied to a greater extent.

Apart from the already mentioned advantages that the informative and advisory function has for the consumers, it needs to be stressed that this function is not limited to information and advice related only to the services that are being mediated. This function of travel agencies often entails giving information and advice on other services and facts required for travelling and stay (e.g. about traffic, required documents, the destination and entertainment, cultural, sport & recreation and other facilities at the destination, etc.). The specific risk to consumers arising from this function of travel agencies is connected with the clarity and accuracy of the information given to clients.

¹⁷ Vukonić, B., *Turističke agencije*, Mikrorad, Zagreb, 1998., str. 54 – 57.

¹⁸ O funkcijama turoperatora u zaštiti potrošača i koordinaciji i realizaciji interesa davatelja i korisnika turističkih usluga vidjeti Čavlek, N., *op.cit.*, str. 97 – 111.

U ostvarivanju promotivne funkcije turistička agencija osim komercijalne promocije usluga koje nudi provodi i promociju turizma kao pojave ističući prednosti putovanja za psihofizičko stanje čovjeka. Turoperatori pored toga provode i opću promociju destinacija u kojima imaju vlastite ili angažirane kapacitete. Zabrana zavaravajućeg oglašavanja je općeprihvaćena mjera zaštite potrošača u nacionalnim zakonodavstvima i pravu Europske unije, o kojoj turističke agencije posebno moraju voditi računa zbog karakteristika turističkog tržišta istaknutih u poglavlju 3. ovog rada.

Organizatorska funkcija je najsloženija i najodgovornija funkcija turističkih agencija (turoperatora) i među najzahtjevnijima na ukupnom tržištu roba i usluga. Organiziranjem putovanja turistička agencija usluge različitih, prostorno udaljenih davatelja usluga sinkronizira u vremenu i prostoru stvarajući novi proizvod koji plasira na turističkom tržištu. Pri tom ona snosi rizik izvršenja svih usluga koje čine sadržaj aranžmana na način i pod uvjetima kako je informirala klijenta, štoviše, sukladno subjektivnoj predodžbi koju je svojim informacijama stvorila u svijesti klijenta. Zadovoljstvo klijenta teže je postići nego u pružanju većine ostalih usluga i zbog iznimne važnosti odmora u životu svakog čovjeka koja ga čini osjetljivim na svaku, pa i najmanju neugodnost pri korištenju paketa. Daljnja specifičnost u organiziranju putovanja je u tome što agencija zaštitu svojih klijenata započinje i prije sklapanja ugovora i početka putovanja, naročito kroz: izbor davatelja usluga kod raspisanih aranžmana, informiranje potencijalnih klijenata u promotivnim materijalima te prije početka putovanja, zaštitom novca uplaćenog prije početka putovanja.

When performing its promotional function, apart from commercial promotion of the services offered, the travel agency also promotes tourism as a phenomenon, by pointing out the advantages travelling has for a person's body and mind. Tour-operators also act as general destination promoters for those destinations where they have their own or hired capacities. The ban on misleading advertising is a widespread measure of consumer protection in national legislations and the EU law. Due to the features of the tourism market stated in the third chapter, travel agencies have to be particularly careful about that measure.

The organizational function is the most complex and most responsible function of travel agencies (tour-operators) and one of the most demanding in the entire market of goods and services. By organizing travels, the travel agency synchronizes the services of distant service providers in time and space, thus creating a new product for the tourist market. In doing that, the agency runs the risk arising from the provision of all services that form the arrangement in the manner and under the terms the client has been informed about, and furthermore, according to the subjective image this information has created in the client's mind. Due to the extreme importance that holidays have in people's lives, it is harder to achieve client satisfaction than in most other services, since this makes him sensitive to even the slightest discomfort during the use of the package. Another special feature of organizing tourist travels is the fact that the agency begins the protection of its clients even before closing the deal and starting the journey. That is done by selecting service providers for the arrangements, informing potential clients through promotional materials, and protecting the money paid prior to the journey.

6.3. Problemi direktnog i indirektnog plasmana usluga u turizmu

Problemi plasmana usluga u turizmu neposredno se nadovezuju na ulogu posrednika u tom plasmanu te karakteristike turističke ponude i turističke potražnje. Specifičnosti u vezi s time iznesene u prethodnim poglavljima upućuju na važnost odluke davatelja usluga o tome na koji će način i kojim sredstvima plasirati svoju uslugu na tržište, tj. na važnost izbora kanala distribucije. Pri izboru davatelji usluga moraju voditi računa i o svojim gospodarskim interesima, ali i o interesima potrošača. Također moraju uzeti u obzir prednosti i nedostatke kako izravne tako i neizravne distribucije.

Važnost izbora kanala distribucije najbolje se vidi na primjeru paket aranžmana kao najsloženije usluge u turizmu. Pri izboru kanala distribucije turoperatoru trebaju uzeti u obzir različite faktore: kriterij poduzeća, tržišni kriterij, kriterij ponude, kriterij potražnje, kriterij prometa, kriterij konkurencije i kriterij okoline.¹⁹ Neizravna distribucija najčešće se ostvaruje putem turističke agencije. Kao prednosti neizravne distribucije u turoperatorskom poslovanju Čavlek²⁰ ističe da se one ogledaju „u činjenici da su turističke agencije specijalizirana poduzeća s raspoloživim profesionalnim osobljem posebno osposobljenim za obavljanje takve specifične vrste posla, da su locirane na mjestima potencijalne klijentele turoperatora i da najbolje poznaju želje svojih klijenata što sve značajno utječe na povećanje prodaje paket-aranžmana turoperatora na tržištu.“ Kao najveći nedostatak u ostvarivanju gospodarskih interesa turoperatora u ovom načinu distribucije autorica²¹ ističe činjenicu da turističke agencije nude aranžmane većeg broja turoperatora (koji su

6.3. The problems of direct and indirect sales of services in tourism

The problems of the sales of services in tourism are directly connected to the role of intermediary in the sale, as well as the characteristics of tourism supply and demand. The specific circumstances arising from these factors, stated in the previous chapters, point towards the importance of deciding in which way and by which means the service provider will sell service on the market, that is, the importance of the choice of the distribution channel. When making their selection, service providers have to keep in mind their business interests, but also those of consumers. They also have to take into account the advantages and drawbacks of direct and indirect distribution.

The importance of the distribution channel can best be seen on the example of the package arrangement as the most complex service in tourism. When choosing the distribution channel, the service providers need to have in mind various factors: company criterion, market criterion, demand criterion, supply criterion, competition criterion and environment criterion.¹⁹ Indirect distribution is most often achieved through a tourist agency. When stating the advantages of indirect distribution for the tour-operator business, Čavlek²⁰ points out that they are reflected “in the fact that travel agencies are specialized companies that have at their disposal professional staff specially trained in performing this specific type of work, that they are located near potential clients of the tour-operator, and that they are most familiar with the needs of their clients, all of which has a significant impact, on the increase in the sales of tour-operators inclusive travels.” As the greatest drawback in achieving the economic interests of tour-operators through this form of distribution, the author²¹ states the fact that travel agencies

¹⁹ Prema Roth, P. u knjizi Mundt, J.W. Reiseveranstaltung, str.421., preuzeto od Čavlek, N., op.cit. str.87.

²⁰ Čavlek, N., op.cit., str. 89.

²¹ *ibid.*, str.89-91.

međusobno konkurenti), a kako ne snose rizik prodaje aranžmana klijentima će nuditi one aranžmane za kojima je veća potražnja, ne vodeći pri tom dovoljno brige o pojedinačnim gospodarskim interesima turoperatora čije aranžmane nude. S aspekta zaštite potrošača ovo je za njih prednost, jer znači da će se takva turistička agencija u savjetovanju i informiranju klijenta pri donošenju odluke o korištenju određenog aranžmana obratiti više pozornosti na potrebe i zahtjeve klijenata. S druge strane pri neizravnom plasmanu usluga mogu biti upitni kvaliteta i točnost informacija koje se daju potrošačima. Stoga davatelji usluga posebnu pažnju moraju posvetiti informiranju posrednika o svojim uslugama, a kada god je to moguće zaposlenicima posrednika omogućiti osobno korištenje te usluge. Nije potrebno posebno isticati da to povećava troškove nuđenja usluge.

Prednosti izravne distribucije paket aranžmana za turooperatore su sljedeće: mogućnost centralnog rukovođenja distribucijom, jedinstvena poslovna politika i marketinški planovi, jedinstveni CRS-i s direktnim ulazom u baze podataka, jačanje položaja i utjecaja na tržištu, mogućnost bržeg reagiranja na tržišne promjene, mogućnost diktiranja prioriteta u prodaji, mogućnost ostvarenja bolje popunjenosti zakupljenih kapaciteta.²² Nedostaci izravne distribucije paket aranžmana ekonomski su za turooperatore ipak veći od prednosti, ponajprije zbog visokih troškova takve distribucije.²³

Za davatelje pojedinačnih usluga gospodarske prednosti izravne distribucije značajne su osobito s obzirom da ju mogu obavljati putem interneta i time, između ostalog, smanjiti troškove plasmana. Pribavljanje usluga putem interneta je iznimno rizično samo po sebi (davanje osobnih podataka, podataka o bankovnim računima i

offer arrangements for a larger number of tour-operators (who are in competition with each other). Since they are at risk from failing to sell an arrangement, they will offer to their clients those inclusive travels which are in higher demand, not caring enough for the individual economic interests of the tour-operators whose arrangements they are presenting. From the point of view of consumer protection, this is an advantage, since it means that such an agency will pay more attention to the needs and demands of clients, when advising and informing clients when they are making a decision on which inclusive travels to use. That is why service providers must pay special attention to informing intermediaries of their services, and whenever possible enable the employees of the mediator to personally use their service. Naturally, this increases the costs of presenting the service.

The advantages of direct distribution of package arrangements for tour-operators are the following: the possibility to centralize distribution, a single business policy and marketing plans, unified CRSs with direct entry to databases, strengthening of the position and influence in the market, the ability to react faster to market changes, the ability to define sales priorities, the ability to achieve better booking of the capacities on disposal.²² The economic drawbacks of direct sale of package arrangements to the tour-operators still outweigh the advantages, primarily due to high costs of such distribution.²³

For providers of individual services, the advantages of direct distribution are significant, especially since they can be done over the internet, and thus, among other things, reduce the cost of sales. Acquiring services over the internet is highly hazardous in itself (giving personal data, bank account data and other data that can be abused). Although a more computer-literate part of the demand has

²² *ibid.*, str. 91.

²³ *ibid.*, str.92.

dr. koji se mogu zlorabiti). Uz to, iako se jedan dio informatički obrazovanije potražnje priklonio tom načinu pribavljanja željenih usluga, jer omogućava sastavljanje „vlastitog aranžmana“, rizici kojima se takvim pribavljanjem usluga putovanja potrošači izlažu daleko su veći nego kad te usluge pribavljaju posredstvom agencije. Tako ECTAA i ABTA²⁴ posebno upozoravaju na razlike u razini zaštite, osobito kod paket aranžmana, s obzirom na obveznu zaštitu uplaćenog novca u slučaju bankrota prije ili tijekom putovanja, te na obveze glede osiguranja korisnika usluga, koje poskupljuju usluge turističkih agencija, ali povećavaju razinu zaštite potrošača. Također, za potrošače takva distribucija redovito znači i manju mogućnost izbora kvalitetnog davatelja usluga, jer je s jedne strane ograničen njemu dostupnim ponudama i/ili vlastitim znanjem i mogućnostima pretraživanja na Internetu, a s druge strane sam nema ni približnu razinu znanja o kvaliteti usluga kakvu ima osoblje turističke agencije. Zbog tih ograničenja u izboru davatelja vrlo lako može krivo procijeniti kvalitetu usluga koje on nudi.

6.4. Destinacija kao determinanta integriranog turističkog proizvoda

Neovisno o prostornom obuhvatu koji u konkretnom putovanju predstavlja destinaciju (turističko mjesto, regija, država), turist uvijek boravi, kreće se i zadovoljava svoje turističke potrebe u destinaciji. Iz ukupnosti različitih usluga koje se nude u destinaciji on odabire usluge koje će koristiti i time stvara svoj vlastiti integrirani turistički proizvod. Pri tom on je u izboru ograničen razinom diversificiranosti ponude, a njegovo zadovoljstvo ovisit će i o kvaliteti svakog

embraced this way of acquiring desired services, because it enables you to put together “your own arrangement”, the risks consumers are exposed to through those distribution channels are far greater than when travel services are acquired through an agency. That is why ECTAA and ABTA²⁴ warn about the differences in the level of protection, especially when it comes to travel arrangements, concerning the mandatory protection of money paid in case of bankruptcy prior or during travelling. This also relates to the obligation of ensuring the service user. While both of these make the services of travel agencies more expensive, they increase the level of consumer protection. This sort of distribution also limits the choice of quality service providers for the consumer, since he is limited by the supply available to him and/or his own knowledge and ability to search the internet. On the other hand, he is also limited by the fact he does not even come close to the level of knowledge about the quality of services that the staff of the travel agency has. Because of those limitations in the selection of the provider, he can easily misjudge the quality of the services offered.

6.4. The destination as the determinant of an integrated tourism product

Regardless of the area that represents a destination on a particular journey (tourist place, region, state), the tourist always stays, moves and satisfies his tourist needs in a destination. From the totality of all the services offered in a destination, he chooses the ones he will use and in that way creates his own integrated tourism product. When making that choice, he is limited by the level of offer diversification, and his satisfaction will depend on the quality of each particular

²⁴ ECTAA Preliminary views of ECTA and GEBTA on the review of the community acquis on consumer protection and in particular of Directive 90/314 on Package Travel, str. 2 – 3; ABTA, Travel Statistics & Trends 2005, str. 3 - 4.

pojednog elementa ponude. Na taj način ponuda destinacije determinira turistički proizvod pa još od samih početaka razvoja turizma različite organizacije provode koordinaciju aktivnosti davatelja usluga, unapređenja uvjeta boravka u destinaciji i drugih aktivnosti nužnih za stvaranje cjelovitog turističkog proizvoda destinacije kao nužnog preduvjeta razvoja turizma u destinaciji. Zbog sve veće diversificiranosti turističke ponude destinacije, od 90-ih godina prošlog stoljeća izrazita se pozornost pridaje i suradnji između različitih nositelja turističke ponude njihovim umrežavanjem.²⁵ Uz usluge koje im pružaju gospodarski subjekti, turisti koriste i druge pogodnosti u destinaciji namijenjene i domicilnom stanovništvu i turistima. To su, primjerice, usluge zdravstvene službe, komunalna i prometna infrastruktura, zaštita sigurnosti od kriminalaca, terorista, požara itd. I ove usluge čine dio integriranog turističkog proizvoda destinacije. Ove pogodnosti osiguravaju tijela vlasti ili javne službe, pa se danas suradnja privatnog i javnog sektora smatra preduvetom u stvaranju turističke ponude u destinaciji.²⁶ Za zaštitu turista jednako su važni i način i uvjeti pod kojima im usluge pružaju davatelji usluga te sigurnost boravka u destinaciji koju osiguravaju tijela vlasti. Tijekom boravka u destinaciji turisti se svakodnevno susreću s domicilnim stanovništvom što također ostavlja određeni dojam i doprinosi osjećaju (ne)zadovoljstva ukupnim boravkom u destinaciji.

Kompleksnost i isprepletenost odnosa te brojnost subjekata o čijim aktivnostima ovisi turistički proizvod destinacije, u suvremenom turizmu rezultirali su razvojem nove discipline upravljanja destinacijom i davanju povećane pozornosti destinacijskim management organizacijama. U masi poje-

element of the supply. In that way the supply of the destination determines the tourism product. That is the reason why, since the early days of tourism, various organizations have been coordinating the activities of service providers, improving the conditions of stay at destinations and performing other activities necessary for the creation of a unified tourism destination product as a necessary prerequisite of destination tourism. Due to ever increasing diversification of the tourism destination supply, since the 1990s special attention has been given to cooperation between various exponents of tourism supply through their networking.²⁵ Apart from services provided by business entities, tourists also use other facilities at the destination, intended both for the local population and tourists. These include services such as health services, municipal and traffic infrastructure, protection from crime, terrorists, fire etc. Those services also form a part of the integrated tourism destination product, and are provided by the government or public services. That is the reason why the cooperation of public and private sectors is considered to be a prerequisite of tourism supply at a destination.²⁶ Equally important for the protection of tourists are the method and conditions under which the services are given by providers and the safety of tourists during they stay at a destination, which is ensured by the government. During their stay at a destination, tourists meet the local population, which also leaves a certain impression and contributes to the feeling of (dis)satisfaction with the overall stay at the destination.

The intertwined and complex relations and the number of entities upon whose activities the destination tourism product

²⁵ Morrison A., Lynch, P. i Johns, N.: International tourism networks, *International Journal of Contemporary Hospitality Management*, Vol. 16, No 3, 2004, str. 197.

²⁶ O odnosu javnog i privatnog sektora detaljnije vidjeti u: WTO Special Report: Towards new forms of public – private sector partnership, Madrid, 1997; Pešutić, A., Uloga turističkih zajednica u turističkoj politici Hrvatske, magistarski rad, Zagreb, 2000., str. 15 – 24.

dinačnih (postojećih i potencijalnih) elementa ponude treba izabrati one koji će činiti bazu turističkog proizvoda destinacije, vodeći pri tom računa o subjektivnosti iskustva svakog turista kao i o tome da taj proizvod istovremeno koriste različiti segmenti potrošača.²⁷ Turisti sve lakše mijenjaju destinacije i sve je teže stvoriti ponudu različitu od drugih.²⁸ Pike,²⁹ između ostalih razloga zbog kojih je branding destinacije kompleksniji nego branding drugih dobara i usluga ističe multidimenzionalnost destinacije koja je daleko veća nego kod ostalih dobara i usluga te heterogenost tržišnih interesa različitih davatelja usluga u destinaciji. Potonje predstavlja poseban problem, jer pojedinačni gospodarski interesi davatelja usluga mogu biti divergentni, a nerijetko su davatelji usluga međusobno konkurentni pa je teško postići njihovu suradnju u stvaranju zajedničkog proizvoda destinacije. Potrebna je velika umješnost u takvim uvjetima kreirati i održati jedinstven turistički proizvod destinacije u kojem su turisti efikasno zaštićeni u svim elementima ponude.

7. ZAKLJUČAK

Zaštita korisnika usluga u turizmu, kao dio zaštite potrošača ima svoje specifičnosti koje proizlaze iz specifičnih karakteristika turizma koje turista kao povremenog, neprofesionalnog putnika stavljaju u neravnopravan položaj u odnosu na profesionalne davatelje usluge.

Osnovne značajke turizma kao fenomena – masovnost, dinamičnost, diversificiranost ponude, dominantan položaj vodećih grupacija na turističkom tržištu i međunarodni karakter velikog dijela turističkih putovanja, stvaraju čitav niz specifičnih rizika kojima su turisti izloženi. Poseban rizik u

depends have resulted in the creation of a new discipline in modern tourism, destination management, and in increased attention to organizations involved in destination management. Out of many (existing and potential) elements of supply, those that will make the basis of a destination tourism product need to be chosen, having in mind the personal nature of tourist experience, and that different consumer segments use the product at the same time.²⁷ Tourists easily change destinations and it is increasingly difficult to create a supply different from others.²⁸ Pike²⁹ points out, among other reasons why destination branding is more complex than branding of other goods and services, the multidimensional nature of the destination, which is far greater than with other goods and services, and the heterogeneous market interests of various service providers of a certain destination. The latter presents a special problem, because the individual economic interests of service providers can be divergent, and the service providers are often in competition, which makes it difficult for them to cooperate on creating a common destination product. It takes great skill to create and maintain a unified destination tourism product in which tourists will be efficiently protected in all the supply elements.

7. CONCLUSION

The protection of consumers in tourism, as a part of consumer protection, has its specific features, related to specific characteristics of tourism, which put the tourist, as an intermittent, non-professional traveller, at a disadvantage in relation to professional service providers.

²⁷ Hankinson, G.: Destination brand images: a business tourism perspective, *Journal of Services Marketing*, 19/1 2005, str. 25.

²⁸ Pike, S. Tourism destination branding complexity, *Journal of Product & Grand Management* 14/4. 2005, str. 258.

²⁹ *ibid*, str. 258 – 259.

zaštiti turista predstavljaju i specifične karakteristike usluga koje se nude na turističkom tržištu, značenje koje godišnji odmor ima u životu svakog čovjeka te prostorna udaljenost između ponude i potražnje. Također, zbog kompleksnosti i polivalentnosti turizma gotovo da i nema čimbenika koji ne može djelovati na turističko tržište, što predstavlja poseban problem kada treba koordinirati mjere i aktivnosti usmjerene na zaštitu turista.

Specifične karakteristike turističke potražnje koje povećavaju rizike za potrošače u turizmu su: dislociranost turističke potražnje od turističke ponude, heterogenost potražnje i elastičnost potražnje. Na strani turističke ponude to su: dislociranost ponude od potražnje, heterogenost ponude, naglašena potreba za posredovanjem na turističkom tržištu i uz to povezane specifične karakteristike i funkcije turističkih agencija i turoperatora na tom tržištu te uloga destinacije kao determinante integriranog turističkog proizvoda.

S obzirom da je nezadovoljstvo turista zbog nedostatne zaštite u korištenju samo jedne od brojnih usluga koje koristi tijekom jednog turističkog putovanja može prouzročiti nezadovoljstvo čitavim tim putovanjem, nužno je osigurati djelotvornu zaštitu pri korištenju svake pojedine usluge i svih usluga zajedno. Želi li se postići takva zaštita potrošača u turizmu, pri planiranju i provedbi mjera zaštite nužno je voditi računa o svim istaknutim specifičnostima i rizicima koje iz njih proizlaze.

The basic features of tourism as a phenomenon – its mass and dynamic nature, diversification of supply, the dominant role of leading groups in the tourism market and the mostly international character of tourist travels, create a number of specific risks that tourists are exposed to. The specific features of the services provided in the tourism market, the importance of vacation in people's lives and the spatial distance between supply and demand also present a special risk in tourist protection. Due to the complex and polyvalent nature of tourism, practically every factor can influence the tourism market, which poses a special problem when measures and activities aimed at tourist protection need to be coordinated.

The specific characteristics of tourism demand that increase the risks for consumers in tourism are: the dislocation of tourist demand from the supply, its heterogeneous nature and its elasticity. For the tourism supply they are: the dislocation of tourism supply from the demand, its heterogeneous nature, a noticeable need for mediation in the tourism market, and related special characteristics and functions of travel agencies and tour-operators in the market, as well as the role of a destination as a determining factor for an integrated tourism product.

Considering the fact that a tourist's dissatisfaction with only one service out of the numerous services used during a journey can lead to dissatisfaction with the whole journey, it is necessary to ensure efficient protection during the use of each particular service and all the services combined. If that kind of consumer protection in tourism is to be achieved, it is necessary to bear in mind all the distinct features and risks related to them when planning and implementing protection measures.

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