

STATEN VAN SINT MAARTEN	
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**LANDSVERORDENING van
tot instelling van een Timeshare Autoriteit
(Sint Maarten Timeshare Authority
Ordinance)**

**Aanbieding
No. 1**

Gebruikmakende van het recht van de Staten, zoals vastgelegd in artikel 85, eerste lid, van de Staatsregeling van Sint Maarten, bieden ondergetekenden hierbij Uw College ter goedkeuring aan een ontwerplandsverordening tot instelling van een Timeshare Autoriteit (Sint Maarten Timeshare Authority Ordinance).

Philipsburg, 3 januari 2014

De indiener,
[Handwritten signature]
Petrus L. De Weever

**LANDSVERORDENING van
tot instelling van een Timeshare Autoriteit
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**ONTWERP
No. 2**

IN NAAM VAN DE KONING!

DE GOUVERNEUR van Sint Maarten;

In overweging genomen hebbende:

dat timeshare een belangrijke peiler is van de economie van Sint Maarten;

dat het wenselijk is, teneinde de handhaving van de consumentenbescherming ter zake van timeshare te waarborgen en de oplossing van conflicten tussen betrokkenen op praktische wijze te verzekeren, deze taken op te dragen aan een bij landsverordening in te stellen openbaar lichaam;

dat het met het oog op de toepassing van de onderhavige regeling wenselijk is dat deze in de Engelse taal wordt gesteld;

Heeft, de Raad van Advies gehoord zijnde, op initiatief vanuit de Staten, vastgesteld onderstaande landsverordening:

ARTIKEL I

Article 1

This ordinance and its provisions are based upon the following meanings:

- a) The Legal Body: The institution referred to in Article 2;
- b) Board: The supervisory body mentioned in Article 7;
- c) Minister: The Minister in charge of Tourism affairs;
- d) Country: Sint Maarten public entity;
- e) Director: the manager of the Legal Body referred to in Article 3.
- f) Timeshare Company: A Developer or Management Company as meant in the Timeshare Ordinance.
- g) Records: The records of the Legal Body.

Article 2

1. Sint Maarten will have a Public Body called the Sint Maarten Timeshare Authority. The aim and purpose of the Sint Maarten Timeshare Authority will be to resolve issues between timeshare users and developers, management companies and sales



companies in a tourism friendly, expeditious and fair manner. As a service to the consumer and the timeshare businesses the Sint Maarten Timeshare Authority will be empowered to receive consumer complaints and/or address concerns to facilitate several processes in order to resolve issues related to such complaints or concerns.

2. The Sint Maarten Timeshare Authority is a legal entity established in Sint Maarten.
3. The Sint Maarten Timeshare Authority is responsible for:
 - a. Assisting timeshare consumers and timeshare companies in resolving complaints and issues related to Sint Maarten timeshare plans;
 - b. Mediating between timeshare consumers and timeshare companies on substantive issues;
 - c. In order to resolve consumer issues; advising and making recommendations to relevant governmental agencies in the case of violations of the timeshare laws and regulations to suspend a company's business license for material and repeated violations of timeshare laws and regulations, which may include, without limitation, the imposition of administrative fines on timeshare companies;
 - d. Imposing administrative fines in accordance with the guidelines set forth in Article 13 of this ordinance in the maximum amount of NAF. 5000,- for each instance of a violation of the Timeshare Ordinance, and further described in Articles 17 and 18 of this ordinance;
 - e. Assisting potential timeshare consumers and current users in understanding their rights as established in applicable laws and regulations;
 - f. Resolving issues that may arise between the developer, the management company, and the timeshare user;
 - g. Serving as a resource to the timeshare industry and providing advice at the industry's request for the handling of timeshare consumer issues;
 - h. Informing the Minister and the Sint Maarten Tourism Authority on a regular basis on its activities;
 - i. Liaising and working with all relevant government agencies and private sector partners to promote its mission.

Article 3

1. The Sint Maarten Timeshare Authority shall have a Director who reports to the Board.
2. The Director will be responsible for carrying out the daily activities of the Sint Maarten Timeshare Authority.
3. The Director will be appointed, suspended or dismissed by the Board.
4. The Minister shall establish the salary of the Director in accordance with civil pay scale from 12 to 13.
5. The Director will perform his/her duties in accordance with this ordinance.

Article 4



1. The Director shall, subject to approval by the Board, draw up a Timeshare Consumer's Bill of Rights, which will summarize the legal rights of the Sint Maarten timeshare consumer as established by the Timeshare Ordinance, the Civil Code and other national ordinances. The Timeshare Consumer Bill of Rights shall also describe the services available and how a consumer may access the services of the Sint Maarten Timeshare Authority as outlined in this ordinance.
2. The Director will make the Timeshare Consumer's Bill of Rights readily available to all Sint Maarten timeshare consumers. Methods to do this shall include printed materials, digital and internet-based information.
3. The Director will update the Timeshare Consumer Bill of Rights in order to reflect any changes in laws or regulations, subject to approval by the Board.

Article 5

1. The Sint Maarten Timeshare Authority may require a Timeshare Company to provide it with documentation, as required or as necessary or convenient for the performance of its duties under Article 2 and 3.

Article 6

1. The Board shall be responsible for creating, subject to approval by the Minister, procedures as outlined in Articles 11 through 14 for handling of consumer issues.
2. The procedures may only be amended by the Board, subject to approval by the Minister.

Article 7

1. The Board shall consist of five (5) persons including the Chairman. All Board members must be legal residents of Sint Maarten. The Board will be responsible for supervising the Director's performance of his or her obligations under this ordinance, and managing the affairs of the Sint Maarten Timeshare Authority.
2. The members of the Board are appointed by the Minister for a period of three years as follows:
 - a. One member shall be nominated by the Government;
 - b. One member shall be nominated by the Sint Maarten Chamber of Commerce;
 - c. One member shall be nominated by the Sint Maarten Timeshare Association;
 - d. One member shall be nominated by the St. Maarten Real Estate Association;
 - e. One member shall be nominated by the Sint Maarten Bar Association.
3. The Minister appoints the Chairman of the Board from amongst the members. The position of the Chairman shall be for two (2) years and the Chairman may be re-appointed for no more than one (1) additional term.
4. The Board shall establish a retirement schedule so that no more than two (2) members will retire in the same year.
5. Vacancies on the Board shall be filled for the remainder of the term of the vacating member in accordance with paragraph 2 above.

6. Not eligible for inclusion on the Board are:
 - a. A Minister;
 - b. A Member of Parliament.
7. The Minister may deny a duly nominated appointment only for just cause. In the event the Minister does not object to a nomination within forty-five (45) days of a nomination the nominee shall be considered duly appointed to the Board.
8. Each Board member shall have full and unrestricted access to the records of the Sint Maarten Timeshare Authority.
9. The Board shall represent the Legal Body both in and out of court.
10. Members of the Board may be suspended or dismissed by the Minister upon recommendation of the Board or by the Minister for just cause.

Article 8

1. The members of the Board shall receive a compensation of NAF 750.00 per month.
2. No Board member may be granted a loan or other guarantee by the SXMTA.

Article 9

1. The funds of the Sint Maarten Timeshare Authority shall be a mandatory disbursement from the budget of the Minister of Tourism.
2. The fiscal year of the SXMTA will be the calendar year.
3. Each fiscal year the Director shall prepare a budget for the following fiscal year for approval by the Board before August 1.
4. The Director will submit the Board approved budget to the Minister for approval before September 1.
5. The Board shall be responsible to provide an accurate financial statement to the Minister for each fiscal year no later than the 30th of June of the following year.
6. The Minister or the Minister of Finance may audit the financial records of the Sint Maarten Timeshare Authority at any time.

Article 10

The Minister shall within one year after the commencement of the Sint Maarten Timeshare Authority and every four years thereafter prepare a report for the Parliament on the effectiveness of this ordinance.

Article 11

1. Timeshare consumer issues shall be classified in the following categories:
 - a. "Minor Issues" are those that allegedly constitute or result in inconveniences impacting the quality of a vacation experience or accommodation;
 - b. "Sales Related Issues" are those that involve allegations of:
 - i. Fraudulent sales practices as defined in the applicable laws and regulations;

- ii. Failure by the Developer to refund money collected during the legal rescission period in the event the consumer cancels the purchase within the legal rescission period;
 - iii. Deceptive marketing practices as defined by the law;
 - iv. Failure by the Developer to provide full disclosure as required by law or to include provisions required by law to be contained in a sales agreement.
 - c. "Operational Issues" are those that allegedly constitute or result in a breach of contract with regard to the operation of the timeshare plan or the provision of accommodations in accordance with the timeshare plan, and issues defined in subparagraph (a). above that are occurring on a regular basis and impacting a substantial number of timeshare users;
 - d. "Public Safety Issues" are those that allegedly affect public safety, such as fire and health code violations.
2. Guidelines and restrictions for resolution and action on the part of the Sint Maarten Timeshare Authority are based upon the above categories

Article 12

1. The Director will be available during regular working hours to receive complaints from timeshare consumers submitted in person, in writing or electronically.
2. The Director will ask the consumer to complete or will assist the consumer in completing a standard complaint form after the consumer has shown that the consumer has attempted to resolve the issue, including the name of the consumer, the name of the timeshare plan, a description of the issue causing the complaint, a brief summary of the consumer's attempts to resolve the issue and the date.
3. Copies of relevant documentation or photographs supporting the complaint shall be attached to the complaint form.
4. Upon completion of the complaint form, the process described below shall begin, which process may cease at any time thereafter should the consumer withdraw the complaint.
5. The Director will contact the timeshare plan's administration within seven (7) business days and request a response, for which space is provided on the complaint form.
6. The Director shall use the following guidelines for the handling of a consumer complaint:
 - a. Should the complaint relate to or arise from a Minor Issue as described in Article 11 (1)(a) (Minor Issues), the Director will refer the consumer to the timeshare plan's administrators for direct resolution of such issue. The Director will nonetheless maintain a file containing the complaint form and its attached supporting documents and request the consumer to report back on a resolution of the issue or a failure to reach such a resolution. This will end any action by the Director on the complaint with respect to a minor issue. A substantial number or recurring pattern of minor issue

- complaints of a similar nature against the same timeshare plan may indicate a deficiency in the operation of a timeshare plan. In such an event, The Director will refer the file to the Board for a decision on whether to upgrade the complaints to the operational issue category;
- b. Should the complaint relate to or arise from an issue in a category described in Articles 11 (1)(b) (Sales Related Issues), 11 (1)(c) (Operational Issues), or 11 (1)(d) (Public Safety Issues), the Director will submit the complaint to the timeshare plan's administration with a request for resolution or rebuttal. The Director will allow thirty (30) days for a response from the administration. If no response is received by the Director within above required response period, the file will be referred to the Board for a decision on action.
7. Should a resolution be offered by the timeshare plan's administration and the consumer consequently withdraws the complaint, the file will be considered closed.
 8. If a rebuttal is made by the timeshare plan's administration that in the Board's reasonable judgment shows that no further action should be taken, the consumer will be so informed and the file will be considered closed.
 9. Should the timeshare plan's administration a) offer a resolution or make a rebuttal that does not satisfy the conditions of this Article, or b) fail to submit either within the required thirty (30) days, the Director may request additional information or pursue additional efforts towards resolution, or in the case of a violation regarding Articles 11 (1)(b) (Sales Related Issues) or 11 (1)(d) (Public Safety Issues), may refer the file to the relevant government agency for action, or may refer the file to the Board for a decision on action.
 10. The Director will maintain a database on all complaints, which must at all times be kept confidential. Information and materials collected in the course of investigating a complaint are only to be shared with the Board, which is also bound by this requirement of confidentiality, with any appropriate government agency having a potential enforcement action pertaining to the complaint.

Article 13

Referrals from the Director to the Board for decision on action with respect to a consumer complaint in accordance with Article 12 shall be dealt with in the following manner:

- a. Should the complaint relate to or arise from issues categorized under Article 11 (1)(b) (Sales Related Issues) or 11 (1)(d) (Public Safety Issues), the Board will instruct the Director to demand an immediate response within fourteen (14) days on a proposed resolution from the timeshare plan's administration or face a referral to the proper government enforcement agency and/or face an administrative fine. Should the complaint be part of a recurring pattern involving more than one consumer, the Board, after giving the timeshare plan's administration prior

notice and an opportunity to remedy the unlawful action, may recommend that the Director impose an administrative fine and/or submit the file to the proper government enforcement agency with no additional notice to the timeshare plan's administration. If no action is taken by the competent government agency within thirty (30) days the Board may refer the file to the Ombudsman;

- b. Should the complaint relate to or arise from issues categorized under Article 11 (1)(b) (Sales Related Issues) or Article 11 (1)(c) (Operational Issues), the Board may request additional documentation from the parties and will commence mediation to resolve the issue. The Board may decide if and when, after diligent attempts at mediation and with no resolution forthcoming the Board may by a favorable vote of at least three (3) members decide to have the Sint Maarten Timeshare Authority issue an administrative fine against the timeshare plan for default of its obligations with no intent to resolve such default;
- c. Should the complaint as outlined in 13 (1)(b) (Sales related Issues) above not be resolved and the Board not determine in favor of imposing a fine, the Board will instruct the Director to inform the consumer that the consumer may seek legal redress on the consumer's own account.
- d. The Board may seek legal advice on the above matters.
- e. The Board will review earlier decisions in order to maintain consistency when feasible.

Article 14

1. Board meetings require a simple majority for a quorum. A Board meeting may be held in person or via electronic means. Board meetings shall be held no less frequently than once per month.
2. Decisions of the Board are made by a simple majority, with the exception of an action decision as described in Article 13 (3)(b), which require a minimum of three votes in favor.
3. A Board member may be dismissed by the Minister after a vote to do so by the Board as mentioned in Article 7 (10) at a meeting convened for that purpose by a minimum of three votes in favor of such dismissal.

Article 15

1. The Board will select a Vice Chairman, a Treasurer and a Secretary.
2. The role of the Chairman will be to call and conduct meetings in an orderly fashion.
3. In the absence of the Chairman the Vice Chairman will act as Chairman.
4. The Secretary shall be responsible for keeping all records of Board meetings and minutes.



- a. All records and minutes shall be kept confidential, provided that all Board members and the Minister may request and be provided copies.
 - b. Copies of the records must be maintained at the office of the Sint Maarten Timeshare Authority.
5. The Treasurer will be responsible for overseeing the proper accounting and reporting of the finances of the Sint Maarten Timeshare Authority.
6. Any Board member may request a meeting of the Board, which request must be honored by the Chairman within thirty (30) days.
7. No Board member may participate on deliberations with respect to an issue where as to that Board member a conflict of interest exists. If a conflict of interest exists to so that a Board decision pursuant to Article 14 (1)(b) is not feasible then such decision may be taken by the Minister.
8. If a Board member misses two consecutive meetings of the Board without a valid reason he may be dismissed and replaced in accordance with the Article 7 (2).

Article 16

The Minister may at his discretion request the Board to render advice with respect to whether a new timeshare plan is in conformance with the laws prior to issuing a business license to such a timeshare plan.

Article 17

1. The authority to impose an administrative fine shall terminate five (5) years after the violation occurred.
2. In the event an objection is lodged against an administrative fine or in the event it is appealed, the expiry period shall be suspended until an irrevocable decision is taken on the objection or the appeal.
3. The Board shall approve the administrative fine, depending on the severity of the offense. In doing so, the Board shall reckon as much as possible with the circumstances under which the offense was committed.
4. The Board shall levy a lower administrative fine, if the offender can make a reasonable case that the established administrative fine is too high due to special circumstances.
5. An administrative fine which is levied for a conduct which also constitutes a criminal offense shall be canceled, if the offender is prosecuted for that offense.
6. The offender will always be granted an opportunity to express his views.

Article 18

1. The Director shall make a report on the offense.
2. The report shall be dated and shall state:
 - a. The name of the offender;
 - b. The violation as well as the regulation violated;
 - c. If necessary, an indication of where and when the violation was detected.

3. A copy of the report shall be forwarded or submitted to the offender no later than at the announcement of the decision imposing the administrative fine.
4. If an official report, as referred to in Article 186 of the Wetboek van Strafvordering (Code of Criminal Procedure) is made up, for the purposes of this section, this official report shall substitute the report mentioned in paragraph 1.
5. On request, the governing body shall grant the offender the opportunity to peruse the data on which the imposition of, or the intention to impose, the administrative fine is based, and to make copies thereof.
6. To the extent that the defense of the offender seems to reasonably require this, the governing body shall ensure as much as possible that this information is communicated to the offender in a language he or she can understand.
7. If the offender is granted the opportunity to express his views on the intention to impose an administrative fine:
 - a. The report shall be sent or issued to the offender together with the relevant invitation to that effect;
 - b. The Sint Maarten Timeshare Authority shall provide the assistance of an interpreter, if it appears that the defense of the offender demands such with reason.
8. If, after the offender has expressed his views, the Sint Maarten Timeshare Authority decides that:
 - a. For the offense no administrative fine shall be imposed, or;
 - b. The offense will be presented to the Public Prosecutor, this will be communicated to the offender in writing.

ARTIKEL II

Deze landsverordening treedt in werking op een bij landsbesluit te bepalen tijdstip.

ARTIKEL III

Deze landsverordening wordt aangehaald als: Sint Maarten Timeshare Authority Ordinance.

Gegeven te Philipsburg,

**LANDSVERORDENING van
tot instelling van een Timeshare Autoriteit
(Sint Maarten Timeshare Authority
Ordinance)**

MEMORIE VAN TOELICHTING

No. 3

General remarks

The creation and structure of the Sint Maarten Timeshare Authority, abbreviated SXMTA, takes into consideration the motion passed by the Parliament of Sint Maarten on June 29, 2011 for the creation of a timeshare regulatory body. From the text of this motion; "The timeshare industry is of vital importance to Sint Maarten's economy, therefore any negative events and developments may imply serious consequences." It is recommended to "Establish a Timeshare Regulatory Board with the authority to monitor, supervise and enforce compliance with timeshare legislation on Sint Maarten."

Globally, timeshare plans exist in many forms. The laws of Sint Maarten provide for plans that include rights of apartment with specific legal rights derived therefrom, and plans based on rights of usage, which are similar to pre-paid rental of transient accommodations. Timeshare is unique in that it is neither a primary residential dwelling nor a financial investment. Timeshare is intended for long term recreational use, i.e. vacation experiences. This resilient industry presents benefits and challenges to Sint Maarten.

One of the many benefits of the timeshare industry to Sint Maarten is that it serves as an important economic driver that produces sustainable and recurring long-term direct and indirect economic benefits. However, given its unique legal form, timeshare requires particular legislative and regulatory treatment in order to balance the competing obligations and rights of the key industry players, i.e., the Developer, the Management Company, and the Timeshare User.

For example, some timeshare plans have user's associations and some do not. Where a user's association does not exist, timeshare users have no authority with respect to the operation of the timeshare plan. Conversely, where a user's association does exist, it is difficult for a user to actively participate in the activities of the association board and the operation of the timeshare plan, since the user generally does not reside permanently in Sint Maarten.

For these and other practical reasons, there exists a need for the creation of a new regulatory body whose mission will be to assist prospective timeshare consumers and current users in understanding their rights as established in applicable laws and regulations and to resolve issues that may arise between the developer, the management company, and the timeshare user.



This new regulatory body will provide greater confidence to prospective timeshare consumers and strengthen rights and protections of current timeshare users, which will foster the long-term growth potential of the timeshare industry and revitalize the economic viability of Sint Maarten's tourism marketplace.

In light of the fact that most of the developers and the consumers of the timeshare product in Sint Maarten are fluent in the English language, and not in the Dutch language, it was determined that this ordinance would be written in the English language, as permitted by the Constitution of Sint Maarten. See paragraph 2 of Article 1 of the Constitution: "The official languages are Dutch and English."

Articles

Article 2

The Constitution of Sint Maarten allows for the creation of a Public Body (Article 97). The EU Directive on Timeshare references this as one form that the regulatory body could take.¹ The Public Body was chosen for Sint Maarten given the importance of timeshare tourism to the Sint Maarten economy.

The imposition of administrative fines (See subparagraphs c and d of paragraph 3) is widely recognized in the industry as an effective means of protecting the interests of the consumers.² The cumulative effect of fines for repeated violations of the timeshare legislation will be an effective deterrent and discourage any recurring pattern of violations.

Article 3

3.4 The duties of the Director will require a high level of communication skills with consumers, industry and government, the ability to understand the timeshare legislation, computer skills, and self direction in order to perform the duties successfully. A salary scale of 12-13 commensurate with a civil servant at the department head level is therefore warranted.

Article 4

The Timeshare Consumer's Bill of Rights is a key piece in the success of the SXMTA as a regulatory body. Rather than creating an inefficient and expensive bureaucratic regulatory body the SXMTA will rely on the Timeshare Consumer Bill of Rights to better

¹ *New EU Timeshare Directive Article 13*

Judicial and administrative redress

1. Member States shall ensure that, in the interests of consumers, adequate and effective means exist to ensure compliance by traders with this Directive.

2. The means referred to in paragraph 1 shall include provisions whereby one or more of the following bodies, as determined by national law, shall be entitled to take action in accordance with national law before the courts or competent administrative bodies to ensure that the national provisions for implementing this Directive are applied:

(a) **public bodies and authorities or their representatives;**

(b) consumer organizations with a legitimate interest in protecting consumers;

(c) professional organizations with a legitimate interest in taking such action.

[**Emphasis added.**]

² Fines also are provided by the EU Directive: "In order to ensure that the protection afforded to consumers under this Directive is fully effective, in particular as regards compliance by traders with the information requirements both at the pre-contractual stage and in the contract, it is necessary that the Member States lay down effective, proportionate and dissuasive penalties for infringements of this Directive."

educate the timeshare consumer so that the rights and obligations of all parties will be understood. The SXMTA relies on an educated consumer to be an integral part of the monitoring process. Timeshare properties and vacation clubs will be obligated to make the Timeshare Consumer's Bill of Rights readily available to purchasers and users upon request.³

Article 6

The methodology and enforcement proceedings of the SXMTA are of such critical importance that material changes to such methodology and enforcement proceedings should not be allowed to be made casually or by the Board alone.

Article 7

Vacancies in the Board are to be filled as soon as possible. Notices of such vacancies shall be sent out as soon as is practical and the persons responsible for nominating a replacement shall do their best to ensure an expedited process.

Article 8

Compensation for serving as a Board member shall be in accordance with that paid by other organizations on Sint Maarten.

Article 9

The Minister may at his discretion and with sufficient notice require a change in any of the dates mentioned in this article in order to facilitate the creation of his budget. It is envisioned that the budget of the SXMTA will be prepared on the basis of actual operating needs. In addition to the Director, only one other full-time employee is contemplated, who will act as receptionist, secretary and assistant. Office space will require a foyer for the reception and an office for the Director. This efficient structure is possible due to the partnership that will exist between the SXMTA and the educated consumer who better understands their rights as outlined in the Timeshare Consumer Bill of Rights.

Article 12

Minor Issues (subparagraph a of paragraph 6) may surface with respect to almost any vacation product anywhere in the world. It is not the intent of this legislation that the SXMTA get involved in such Minor Issues except to facilitate communication between consumers and timeshare service providers. Recurring patterns of Minor Issues involving the same timeshare service provider may indicate the existence of more serious issues and will be diligently monitored by the Director by means of maintaining statistics on Minor Issues brought to the attention of SXMTA.

Regarding the other issues, there is always more than one side to a story, and the timeshare service provider will always be encouraged to resolve the issue directly with

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³ *New EU Timeshare Directive Article 14*

Consumer information and out-of-court redress

1. Member States shall take appropriate measures to inform consumers of the national law transposing this Directive and shall encourage, where appropriate, traders and code owners to inform consumers of their codes of conduct. The Commission shall encourage the drawing up at Community level, particularly by professional bodies, organizations and associations, of codes of conduct aimed at facilitating the implementation of this Directive, in conformity with Community law. It shall also encourage traders and their branch organizations to inform consumers of any such codes, including, where appropriate, by means of a specific marking.



the timeshare consumer in the first instance, as well as to file a rebuttal to any timeshare consumer complaint with the SXMTA.⁴

The information collected by SXMTA in performing its mission (See paragraph 10) will not be used for any type of publicity purposes to either help or hinder any timeshare service provider. General data on the number of timeshare consumer complaints handled, resolutions with respect to such complaints, or other administrative actions taken may be publicly disclosed by decision of either the Board or the Minister, omitting the mention of the names of specific individuals or timeshare service providers that may be a party to any complaint. All reporting should take a balanced approach with respect to the percentage of complaints to the entire timeshare industry on Sint Maarten. Board members and employees of the SXMTA shall sign confidentiality agreements with respect to any and all SXMTA data prior to taking up duties.

Article 13

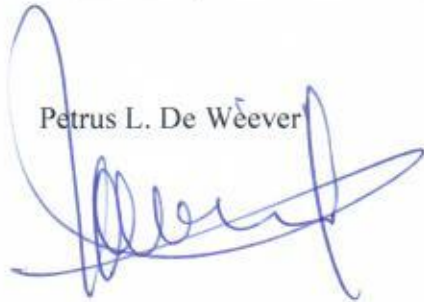
Notwithstanding any action, inaction or decision by the SXMTA, the timeshare consumer always has the right to seek direct legal redress with respect to any dispute or complaint. See subparagraph c.

Article 14

14.2 A decision to impose fines may have far-reaching consequences; therefore, the "super majority" vote of the Board is required.

Articles 17 and 18 are derived from the General Administrative Law Act of the Netherlands, Title 5.4 on Administrative Fines.

Petrus L. De Wèever



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⁴ *New EU Timeshare Directive Article 14*

Consumer information and out-of-court redress

...

2. Member States shall encourage the setting up or development of adequate and effective out-of-court complaints and redress procedures for the settlement of consumer disputes under this Directive and shall, where appropriate, encourage traders and their branch organizations to inform consumers of the availability of such procedures.