

Rights and obligations of an entrepreneur in timeshare

Abstract

The thesis analyses the rights and obligations that arise for an entrepreneur from a timeshare. The aim of this thesis is to analyse what rights and obligations of an entrepreneur specifically derives from a timeshare and on what legal basis. The thesis consists of seven chapters. The first chapter is devoted to the definition of key terms that are subsequently used in the thesis. These are in particular the consumer, the entrepreneur and the timeshare. Within this first chapter, the concept of timeshare is specified by extending the scope to other contracts that have been defined under Directive 2008/122/EC of the European Parliament and of the Council. Timeshare thus constitutes only one of the four types of performance related to timeshare. The other performances are a long-term holiday product, participation in an exchange system and the right to assistance of the entrepreneur in the transfer for consideration. The second chapter discusses the legislation governing timeshares. These are mainly European Directives and the national legislation into which the Directives have been transposed. The third chapter focuses on the trader's information obligation, under which the trader is obliged to provide the consumer with the prescribed information. It analyses what the information is and on the basis of which legislation this obligation is imposed. In view of the transposition of the European Directive into national law, a comparison is made between the two texts. The fourth chapter discusses the specific elements of the timeshare contract as imposed by the legislation. The fifth chapter focuses on the most important means of consumer protection, which are the consumer's right to withdraw from the contract within 14 days and the prohibition on the trader requiring the consumer to provide any consideration, deposit or security. The sixth chapter discusses the consequences of a breach of duty by an entrepreneur in the specific context of a timeshare. In particular, it deals with the penalties imposed on the entrepreneur for non-compliance, which are designed to protect the consumer. Chapter 7 discusses the relevant case law on timeshare.

Key words: Timeshare, entrepreneur, consumer