

Package travel and linked travel arrangements

2013/0246(COD) - 05/10/2015 - Commission communication on Council's position

The Commission accepted the Council's position at first reading which reflects the political agreement reached between the European Parliament and the Council in informal trilogues on 5 May 2015, subsequently endorsed by the Competitiveness Council on 28 May 2015.

The Commission supports this agreement since it is in keeping with the objectives of the Commission proposal. The main elements of the agreement are as follows:

- the agreement maintains the differentiated approach regarding packages and linked travel arrangements (called 'assisted travel arrangement' in the Commission proposal): it preserves the substance of the definition of packages and the associated protection level, while making certain adjustments regarding the definition of linked travel arrangements and the insolvency protection granted to travellers purchasing such arrangements. At the same time, it further strengthens the transparency for travellers by adding compulsory information forms;
- the new directive will be based on full harmonisation, with a few limited exceptions where, because of different legal traditions or approaches, Member States will be allowed to maintain different solutions: this concerns in particular the possibility to make retailers liable for the performance of a package in addition to organisers or to provide for a right of withdrawal for off-premises contracts, but not for online or other distance contracts;
- enhancing consumer protection: certain clarifications of the rules on contractual liability and remedies for lack of conformity in the performance of the contract will increase consumer protection, whereas the detailed criteria for insolvency protection regimes should ensure that the actual protection granted under the rules of the Member States will become more comparable, thereby strengthening the basis for mutual recognition;
- obligation for the Commission to present a report on online-bookings made at different points of sale already three years after its entry into force: the Commission considered that this will be challenging to fulfil due to the short period the directive will have been applicable at that point but acknowledged that this solution was necessary for Council and Parliament to come to an agreement.