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NOTE

From:	General Secretariat of the Council
To:	Working Party on Consumer Protection and Information (Attachés) Working Party on Consumer Protection and Information
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive (EU) 2015/2302 to make the protection of travellers more effective and to simplify and clarify certain aspects of the Directive

Delegations will find in annex the text of Article 12a as it stands in document ST 9562/4/24 REV4, **without marking**. This text is provided for information purposes only.

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Article 12a

Vouchers

1. Member States shall ensure that, where a contract is terminated pursuant to Articles 10, 11 or 12, the organiser may give the traveller the choice to accept a voucher to be used for any travel service offered by the organiser instead of a refund. The organiser may offer a voucher of a higher value than the traveller's refund right.
2. When offering a voucher to the traveller, the organiser shall inform the traveller clearly and prominently on a durable medium about:
 - (a) the fact that the traveller is entitled to a refund within 14 days and is not obliged to accept a voucher;
 - (aa) the value of the voucher;
 - (ab) the amount of the traveller's refund right and the fact that it is covered by the organiser's insolvency protection;
 - (b) the validity period of the voucher;
 - (ba) the fact that the voucher can be used for any travel service offered by the organiser;
 - (bb) the fact that the traveller can redeem the voucher in parts;
 - (bc) the fact that the voucher may be transferred once and the details on how to inform the organiser about the transfer;
 - (c) the fact that in case the voucher or part of it has not been redeemed, the traveller is entitled to a reimbursement for the remaining amount of the refund right within 14 days after the end of the validity period, without the need for any prior request;
- 2a. The voucher shall contain the information listed in paragraph 2, except for point (a), in a clear and comprehensible manner. It shall also display the organiser's trading name.

[paragraph 3 of the Commission proposal has been deleted, however the numbering of the following paragraphs cannot be changed]

- 3a. Vouchers shall have a validity period of a maximum of 12 months from the day a traveller accepts a voucher in accordance with paragraph 4. That period may be extended once for up to 12 months with the explicit agreement of both parties on a durable medium.
4. The travellers' right to a refund shall be suspended during the validity period of the voucher provided that they received the information referred to in paragraph 2 and explicitly accepted the voucher instead of a refund on a durable medium.
- 4a. The suspension of the traveller's refund right shall end:
- (a) if the validity period of the voucher expires and the voucher has not been redeemed;
 - (b) insofar as the traveller has a remaining refund right due to the partial redemption of the voucher;
 - (c) at the moment when the parties agree on a full refund before a voucher is redeemed or expires; or
 - (d) in the event of the organiser's insolvency.
- 4b. The organiser shall refund the traveller without undue delay and, in any event, not later than 14 days after suspension of the traveller's refund right ends in accordance with paragraph 4a points (a) - (d), without the need for any prior request by the traveller.

[paragraphs 5 and 7 of the Commission proposal has been moved to paragraph 3a and 4b respectively, however the numbering of the following paragraphs cannot be changed]

8. Vouchers shall be transferable to another traveller without any additional cost. The transfer shall be valid only if the traveller who transfers the voucher informs the organiser of the transfer and provides the transferee's personal data.

[paragraph 9 of the Commission proposal has been deleted and partly incorporated in paragraph 2 (ab).]