



Council of the European Union  
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**WK 14425/2024 INIT**

**LIMITE**

**CONSUM**

**COMPET**

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**TRANS**

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**NOTE**

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From: Presidency  
To: Working Party on Consumer Protection and Information (Attachés)  
Working Party on Consumer Protection and Information

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Subject: Package Travel Directive - Working Party on Consumer Protection and Information  
on 21 November - Presidency Flash

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Delegations will find attached a Presidency Flash for the above-mentioned meeting.

# PRESIDENCY FLASH

## WORKING PARTY ON CONSUMER PROTECTION AND INFORMATION

21 November 2024

Dear Colleagues,

We would like to invite you to the next full-day meeting of the Working Party on Consumer Protection and Information on 21 November.

According to the Agenda, the Working Party will first listen to the **Commission's presentation on the Fitness Check of EU Consumer Law on Digital Fairness**. The Member States will then have the opportunity to ask questions on the contents of the report and the Commission's presentation.

Then the Working Party will continue the discussions on the Commission's proposal for a Directive amending Directive 2015/2302/EC **on package travel and linked travel arrangements (PTD)**.

The Hungarian Presidency has prepared a fifth compromise proposal, which will be presented and discussed at the meeting.

In preparing the new text proposal, we focused on the whole text, but especially on the definitions. With this in mind, we would like to invite Member States to share their views on the changes.

**Main changes to the text concern the following articles and recitals:**

### **Article 3 – Definitions**

In line with the Presidency's commitment, we have reduced the options for the definitions. As Option C, previously proposed by the Presidency, received the least support, we considered it appropriate to discard it. Subsequently, we took into account the proposals of the Member States presented at the November 6 meeting. Based on these discussions, we are now proposing two options.

Since Option A, which involves the deletion of LTAs, gained the most support, the Presidency has shifted in this direction. This approach, initially referred to as Option A, is now presented as Option 1. Option 2, on the other hand, suggests the deletion of LTAs with certain modifications in the definition of "package".

In this respect Option 2 introduces a requirement for traders in linked booking processes involving two or more travel services that are part of the same trip but do not meet the criteria for a "package." In these cases, the first trader must clearly inform the traveller, before a second contract is concluded, that the purchase of an additional service does not constitute a package. This makes it explicit that the trader bears no responsibility for the

performance of any additional services that the traveller may decide to book and, by extension, no insolvency protection applies to these additional services.

This approach aims to provide travellers with clearer distinctions on what qualifies as a package and what does not, ensuring they receive accurate information to make informed choices about additional bookings. It clarifies the extent of their rights and protections, allowing travellers to understand precisely where their protections apply. This transparency not only empowers consumers, but also protect traders by setting clear limits on their obligations.

The goal is not only to maintain the level of consumer protection, but to increase it, by establishing clear rules that are easy to understand for both consumers and traders.

In the present compromise text, the recitals and Annex II concerning the definitions (recitals (2), (5), (5a), (6), (8), (9)) remain unchanged and will be amended at a later stage.

### **Article 12a – Vouchers**

In this fifth compromise text, the Presidency has made additional modifications in this Article. In response to Member States' comments, paragraph 1 specifies that the value of the voucher must be at least equivalent to the refund right, while retaining the possibility for traders to offer vouchers of a higher value than the traveller's refund right in order to make vouchers more attractive.

In paragraph 2 the Presidency has reintroduced the requirement that traders must provide all necessary information before the traveller accepts the voucher.

In paragraph 4a, the Presidency has clarified that the traveller's refund right is restored when the voucher's validity period ends, provided that the voucher hasn't been fully redeemed up to the amount of the traveller's refund right. This modification was introduced to prevent potential contradictions and misunderstandings.

In addition, it is now clearly stated that organisers cannot charge a fee for transferring a voucher. For the transfer to be valid, the traveller transferring the voucher must inform the organizer and provide, on a durable medium, the recipient's personal data necessary to either redeem the voucher or receive a refund when the voucher expires.

At the request of the Member States, we have amended recital (16a) by adding a half-sentence regarding the possibility of reducing the amount of the refund right by a termination fee, which in any case shall be equivalent to the amount originally paid by the traveller to the organiser for the package.

### **Recitals (21a) and (23)**

At the request of the Member States, the Presidency has provided further clarifications and introduced a new recital (21a), which explicitly states that Member States have the discretion to establish their own insolvency protection systems, including the related procedures and the methods for communicating information on them.

For better clarity, we have moved the sentences concerning insolvency protection from recital (23) to the new recital (21a), with minor explanatory amendments to improve understanding.

Taking into account the differences between the national insolvency regimes of the Member States, the recital includes a provision on the situation where a Member State wishes to designate more than one national authority.

We intend to draft and circulate the final compromise text at the end of November and discuss it with you on 4 December.

Please feel free to contact us at any time if you have any questions.

We very much look forward to seeing you all again on 21 November.

Best regards,  
The Hungarian Presidency Team



## SWEETS OF THE MAGYAR REALM: LEGENDARY HUNGARIAN DESSERTS



**Eszterházy Torta:** A walnut sponge cake with layers of creamy buttercream infused with cognac or vanilla. The top is traditionally decorated with a white fondant glaze and a spiderweb pattern in chocolate.

**Dobos Torta:** A multi-layered sponge cake alternating with rich chocolate buttercream. Its signature feature is the crisp, caramel-coated top layer, which provides a delightful crunch.

**Rákóczi Túrós:** A cheesecake-like pastry with a shortcrust base, a sweet ricotta-style cheese filling, and a lattice of meringue on top. It's finished with a layer of apricot jam for a fruity tang.

**Gundel Palacsinta:** A decadent crepe filled with a rich walnut filling, often spiced with rum. It's topped with a dark chocolate sauce and sometimes flambéed for added flair.

**Somlói Galuska:** A layered dessert made of sponge cake soaked in rum, layered with chocolate sauce, vanilla custard, and whipped cream. It's served in a bowl, with the flavours melding together for a rich, indulgent treat.

+1 The *Ország torta* is an annual Hungarian tradition where pastry chefs from across the country compete to create a new cake to celebrate Hungary's national holiday, August 20th. Each year, a winning cake is selected based on its creativity, taste, and use of Hungarian ingredients, and it is then shared widely as a symbol of national pride. The 2024 *Ország torta* winner is *Mákvirág*. This cake features a unique combination of poppy seeds (*mák*) and vibrant fruit flavours, celebrating Hungarian culinary traditions with a modern twist.

