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NOTE

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

Subject: Package Travel Directive - Working Party on Consumer Protection and Information
on 4 December - Presidency Flash

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

PRESIDENCY FLASH

WORKING PARTY ON CONSUMER PROTECTION AND INFORMATION

4 December 2024

Dear Colleagues,

We would like to invite you to the last full-day meeting of the Working Party on Consumer Protection and Information on 4 December.

Before the meeting, we'll kindly ask the members of the Working Party to join us for a family photo – because it's time to capture a memorable picture of our hard-working colleagues of the past six months.

After taking the best photo of our lives, the Working Party will continue the discussion on the Commission's proposal for a Directive amending Directive 2015/2302/EC **on package travel and linked travel arrangements (PTD)**.

After several months of extensive discussions in the Working Party, the Presidency would like to present its sixth and final compromise text, with the aim of reaching an agreement at technical level. This compromise proposal takes on board the comments expressed by delegations at the last meeting as well as in their written comments. During the meeting of the Working Party, the Presidency will also invite delegations to express their position on the text as a whole. Suggestions for limited adjustments, considered essential, are also welcome. However, we ask delegations to take into account that this compromise text is the result of lengthy discussions and any change can undermine the balance this text represents.

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

Definitions – Article 3

On the basis of the discussion at the last Working Party meeting, the Presidency decided to opt for Option 2., which proposes the deletion of LTAs and the addition of certain modifications to the definition of “package”. At the same time, the Presidency has further developed the information requirements and the liability of the trader in accordance with the delegations' comments.

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.

Provisions related to Linked Travel Arrangements (LTAs)

Both the operative part and the recitals have been amended or deleted with regard to the provisions applicable to LTAs. Specifically, the following changes have been made:

- The reference to LTAs has been removed from the end of recital (2).
- In recital (5), the rationale for the deletion has been provided, emphasizing the practical challenges associated with the applicability of LTAs and the resulting legal uncertainty.
- Recital (9) has been deleted.
- Article 1(1) and Article 2(1) have been amended accordingly to reflect these changes.
- Article 19 has been deleted in its entirety.
- Article 23 has also been amended to reflect these revisions.

Annex II has been deleted, along with all references to it throughout the text.

Amendment to the definition of „traveller” – Article 3(ba)

The compromise text introduces a revised definition of ”traveller”. This amendment was necessary because the previous definition did not fully cover the scenarios arising from the new information requirements.

In the previous compromise text, the terms ”consumer” and ”traveller” were used together to address this gap. The updated definition ensures alignment with the new obligations while maintaining clarity and consistency throughout the Directive.

Information Requirements – Article 3(2a)

The changes introduced by the Presidency aim to enhance the coherence of the legislation while ensuring both the awareness of travellers and the legal certainty for traders. The revised provisions seek to address situations where no package as defined in Article 3(2) is created but the traveller is invited to conclude a second contract for additional services.

The first paragraph clarifies that traders are required to inform travellers, prior to the conclusion of such contracts, through a clearly visible notice, that the services in question do not constitute a package. This obligation is fundamental to ensure that travellers fully understand their legal position before making a decision.

The second paragraph elaborates on the specifics of this obligation. The proposed text emphasizes that the notice must be clear, comprehensible, and prominently displayed, containing two key pieces of information. Firstly, travellers will not benefit from the special rights afforded to packages under the Directive, such as organized package protections. Secondly, each trader is solely responsible for the proper performance of their respective service.

For consistency, the information requirement has been included in several relevant sections. The following amendments have been made to:

- Recitals (5) and (8)
- Article 1(1) and Article 2(1)
- Article 23, which also defines the consequences of failure to provide the required information.

Vouchers – Article 12a and the corresponding Recitals (16) and (16a)

In response to Member States' requests, the Presidency has revised point (b) of Article 12a(4a) to enhance its clarity and comprehensibility/readability.

In recital (16), the text now clearly states that the traveller must give explicit consent to accept a voucher and that the trader is obligated to provide all relevant information before obtaining such consent.

The Presidency has removed the reference to termination fees from recital (16a) as this aspect received mixed feedback from Member States.

Additionally, Article 12a(1) has been amended to use the phrase "to which the traveller is entitled". This revision addresses cases where the amount for which the traveller is entitled to be reimbursed may differ from the compensation actually provided.

Insolvency Protection – Article 17 and corresponding Recital (21a)

In response to comments from Member States, Article 17(6a) has been revised to improve its readability while retaining its substance.

In line with this revision, recital (21a) has also been adjusted to reflect the changes and ensuring consistency between the operative part and the explanatory provisions.

Other Amendments

- Recital (18) has been supplemented to include the clarification that "the journey to and from the destination may be taken into account only where it is part of the package travel contract."
- In response to concerns raised by Member States, the Presidency has reverted to the use of the term "travel service provider" in point (b) of Article 3(2).

We count on you all to achieve the goal of obtaining the Coreper mandate under the Hungarian Presidency in December.

Finally, we would like to wish the upcoming Polish Presidency all the best. At the end the Working Party meeting, our Polish colleagues will take the floor to briefly introduce their plans for consumer protection in the coming six months.

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

We very much look forward to seeing you all again on 4 December.

Best regards,
The Hungarian Presidency Team

HUNGARIAN CHRISTMAS VIBES: A FESTIVE MIX OF TRADITION AND FOLKLORE

The Hungarian holiday season is a vibrant mix of Christian rituals, folklore, and festive customs, creating a warm and joyous atmosphere. It begins with **Advent**, the four Sundays leading up to Christmas. Families light candles on an **Advent wreath**, with each candle representing one of the Sundays of Advent. During this time, many towns and cities host Advent/Christmas markets where people can shop for crafts, decorations, and traditional Hungarian foods, often accompanied by festive music and lights.



During this time, many towns and cities host Advent/Christmas markets where people can shop for crafts, decorations, and traditional Hungarian foods, often accompanied by festive music and lights. **Mikulás Day** on December 6 is another key part of Hungarian Christmas traditions. On the evening of December 5, children clean their boots and leave them by the window, eagerly awaiting the visit of Mikulás (the Hungarian version of Saint Nicholas). If they've been good, their boots are filled with candies, chocolates, and small gifts by the morning. Naughty children might find a **virgács** (a bundle of twigs) left as a playful reminder to behave.

Christmas Eve (**Szenteste**) is the most significant day of the Christmas celebration in Hungary. Families gather for a festive dinner, which typically includes traditional dishes like fisherman's soup, stuffed cabbage, **roast turkey**, or **goose liver**, and often **bejgli**, a rolled pastry filled with poppy seeds or walnuts.



Hungarians exchange gifts on Christmas Eve, not Christmas morning. It is **Jézuska** (the Christ Child) or **Angyalkák** (little angels) who bring the presents, rather than Santa Claus. The **Christmas tree (Karácsonyfa)** is usually decorated on Christmas Eve as well. The tree is adorned with ornaments, candles, and



szaloncukor—a unique Hungarian candy wrapped in shiny paper. After the festive dinner and the exchanging of gifts, many families attend midnight mass (**éjféli mise**) to celebrate the birth of Jesus.

In rural areas, the tradition of **betlehemezés** — a nativity play — is still alive. Groups of children or adults dress up as characters from the Christmas story, like shepherds, angels, or the Three Kings, and go from house to house reenacting the Nativity.

The Christmas season officially ends with Epiphany (**Vízkereszt**) on January 6, which commemorates the visit of the Three Wise Men to the baby Jesus. On Vízkereszt, many Hungarians also take down their Christmas trees and decorations, marking the end of the holiday festivities.