



Council of the European Union  
General Secretariat

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**Interinstitutional files:  
2023/0435 (COD)**

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**Brussels, 08 May 2025**

**WK 5591/2025 INIT**

**LIMITE**

**CONSOM  
COMPET  
MI  
TRANS  
TOUR  
CODEC**

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## **MEETING DOCUMENT**

From:	General Secretariat of the Council
To:	Delegations
Subject:	Package Travel Directive - Presidency Power point presentations

Delegations will find attached two PowerPoint presentations made by the Presidency at the Working Party on Consumer Protection and Information meeting held on 8 May 2025.

# Polish Presidency of the Council of the EU

1 January - 30 June 2025

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Working Party on Consumer Protection and Information  
under the Polish Presidency, 8 May 2025

Draft Directive amending the Package Travel Directive 2015/2302 (PTD)

State of discussions on the *file* in the European Parliament



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## FOCUS OF THE PTD DIRECTIVE REVIEW

- On 17 October 2023, the Commission submitted to the Council and the European Parliament a proposal for a Directive of the European Parliament and of the Council amending Directive (EU) 2015/2302 on package travel and linked travel arrangements (PTD).



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- On 18 December 2024, under the Hungarian Presidency, the Coreper mandate was adopted.



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## Council Mandate – (main aspects)

- 1) reformulation of the definition of “package”,
- 2) “Linked Travel Arrangements” are out of the scope of the Directive,
- 3) *Article 12, new para 3a* Official travel warnings (aimed at justifying the traveller’s right to terminate the travel contract without paying a termination fee) moved to recitals
- 4) *The new article 12a* on vouchers is further developed, and vouchers are covered by the organiser insolvency protection
- 5) In the event of insolvency of the organiser, relevant information is provided to travellers
- 6) Travellers’ refunds should be provided within nine months at the latest or within a shorter period if so decided by Member States.



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TRAN COMMITTEE'S *OPINION* FOR IMCO COMMITTEE (PE771.955.)

- Rapporteur for the opinion: Jan-Christoph OETJEN (Renew Europe, Germany).

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## TRAN COMMITTEE'S OPINION (PE767.919.)

- The opinion proposes the *deletion of LTAs definition and the introduction of the definition of the 'combinations of travel services'*. The aspect linking subsequent services purchased for the need of the same trip should be a system of their linked booking via digital channels. When a trader uses retargeting to another trader's services in order to encourage consumers to purchase additional travel services, the time of booking of the subsequent services can be easily controlled.



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TRAN COMMITTEE'S OPINION (PE767.919.)

- The opinion proposes clear warnings be provided upfront. Integrating such warnings into the booking process ensures that travellers are fully informed before concluding their contract, rather than relying solely on standard information forms.



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## TRAN COMMITTEE'S OPINION (PE767.919. )

- **“unavoidable and extraordinary circumstances”** - *The opinion proposes to add in the definition (Art. 3 (12)) examples of unavoidable and extraordinary circumstances and to pre-define termination fees contractually to prevent future disputes in case of termination of the contract due to unavoidable and extraordinary circumstances (new Art. 12, para 1)*
- **The participation to ADR schemes should be mandatory for organisers, to ensure effective enforcement** *(new Art. 18b)*
- *The new Article 5a on prepayments is not supported*



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## IMCO COMMITTEE'S DRAFT REPORT (PE768.075)

In the European Parliament, the Committee on the Internal Market and Consumer Protection (IMCO) *has the lead responsibility*. The rapporteur is Mr Alex AGIUS SALIBA (S&D, Malta).

- The IMCO draft Report was presented 25 February 2025



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## IMCO COMMITTEE'S DRAFT REPORT (PE768.075)

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- *Package* : travel services are booked at the traveller initiative within the same booking process constitute a package without a time limit (the on force Directive has a time limit of 3 hours) and with a time limit of 72 if the initiative come from the organiser (the on force Directive has a time limit of 24 hours)
- The *rapporteur* supports the EC's proposal to limit prepayments for travel packages to a maximum of 25% of the price of the package *and*, where applicable, the *trader* may require a higher prepayment if this is necessary to cover the costs of advance payments and to ensure the organisation and implementation of the package. In addition to the EC proposal, the *rapporteur* proposes the possibility for Member States to introduce a system of travel trust accounts to keep the consumers' prepayments secure until the start of the package.



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IMCO COMMITTEE'S DRAFT REPORT (PE768.075)

- *Official Travel Warnings: the announcement of an official travel warning, gives travellers the right to terminate the package travel contract and receive a refund of the amounts paid. The obligatory quarantine requirements against the spread of diseases should be explicitly mentioned in the provision as a factor that affects the journey.*
- **Vouchers: vouchers can be used, *totally or partially*, for all travel services proposed by the organiser, are transferable by the traveller only once without fees and are covered by trader insolvency protection.**



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## IMCO COMMITTEE DRAFT REPORT (PE.768.075 )

- *Unavoidable and extraordinary circumstances: the rapporteur considers* that the tour operator cannot be held liable for unavoidable and extraordinary circumstances occurring at the traveler's place of residence, but these circumstances should be related to the trip or affect the entire trip of the traveler, which often begins at the traveler's place of residence (amendments to Art.12)
- Insolvency protection: the payments to travellers within the security system should be made within 3 months after the traveller. It is proposed, as in CONS mandate not to provided or the possibility for Member States to optionally require the organisers to have a second level of protection (amendments to Art. 17 para 6)
- *In the rapporteur proposal*, the information provided by Member States should be centralised by the Commission and made publicly available on its website (amendments to Art. 18 para 2)
- To ensure that all organizers comply with the provisions of this Directive, the rapporteur proposes penalties for violations of the Directive (amendments to Art. 25)



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## Further work in the EP

The Parliament has not yet adopted its negotiating position. According to *available* information, the IMCO Committee's *vote* on its report is *scheduled for* 25-26 May. The IMCO *final report* is expected to be confirmed *during the July* Plenary session.



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## NOTED DIFFERENCES IN THE POSITIONS OF THE EC, CE AND IMCO WITH REGARD TO THE PTD REVISION AND ISSUES FOR FURTHER DISCUSSION

### Definitions of Package and Linked Travel Arrangements (LTAs)

- The *CONS* deletes the LTAs from the *scope of the Directive*.
- The *IMCO Draft Report* maintains the *definition of LTAs* as proposed by the EC together with its modifications, and at the same time amends the definition of “package” in such a way that the element facilitating the application of the LTAs provisions is a system of linked booking via digital channels, as well as consumer’s redirection to another trader to purchase additional travel services using the same digital channel (a transparent way of documenting the linking of the individual services). *To be noted that at least 3 EP Groups support the deletion of the definition of LTAs.*



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NOTED DIFFERENCES IN THE POSITIONS OF THE EC, CE AND IMCO WITH REGARD TO THE PTD REVISION AND  
ISSUES FOR FURTHER DISCUSSION

PREPAYMENTS – New Article 5a

- There are noticeable differences between the EC, *CONS* and *rapporteur proposal about* limiting prepayments to a maximum of 25%, with payment of the remaining amount no earlier than 28 days before the start of the package.
- The EC and *the rapporteur* see the need for the regulation and argue that it will best protect consumers from losing money when the package does not take place



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NOTED DIFFERENCES IN THE POSITIONS OF THE EC, CE AND IMCO  
WITH REGARD TO THE PTD REVISION AND ISSUES FOR FURTHER DISCUSSION  
(VOUCHERS (Art.12))

- The CONS negotiating mandate is much more elaborate than EC proposal *and IMCO members positions.*
- The IMCO *members* are of the view that vouchers should be a very flexible tool for consumers *and enterprises where the package travel contract is terminated*
- At the further stage of the works it should not be forgotten that they are, at the same time, an extraordinary tool that should not result in the creation of a new package but should enable the implementation of *a new travel service (either a new package or any travel service offered by the organiser)*



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Thank you for your attention



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# Legal-administrative aspects of insolvency protection - overview of the issue from the perspective of the Polish tourism market

Dominik Borek, PhD  
Director of the Department of Tourism  
Ministry of Sport and Tourism  
Warsaw School of Economics

08.05.2025, Brussels



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# Insolvency protection system

PUBLIC

## Pre-pillar

- Tourism Aid Fund

## 1 Pillar

- Insurance guarantees
- Bank guarantees
- Travellers insurance
- Tourist Trust Account

## 2 Pillar

- Tourism Guarantee Fund



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# Force majeure protection system

Tour operators, linked travel arrangements



Pre-pillar  
Tourism Aid Fund



Contribution



Protection in case of extraordinary and unavoidable  
circumstances



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# Tourism Aid Fund (TAF)

PUBLIC

Ministers' decision to  
launch the instrument

- Request from tour  
operator  
- Traveller's  
application

Start of the payment  
from the fund



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## Tworzenie wniosku

Strona główna

Powiadomienia >

Korespondencja &

Wniosek TFP

UKRAINA

← Powrót

Data wniosku

29-07-2023

Forma prawna \*

Adres zamieszkania/podbi \*

Warszawa, 01-231, Płocka 9/11

Adres e-mail \*

ulgwiktor@tfg.eu.pl

Nazwa organizatora \*

Imię \*

WIKTOR

Nazwisko \*

NOWAK

Nr umowy/rezerwacji \*

Data powiadomienia o rozwiązaniu umowy \*

Data zawarcia umowy \*

Data rozpoczęcia imprezy turystycznej \*

Brak numeru umowy/rezerwacji ☐

## Tworzenie wniosku

### UKRAINA

← Powrót

Data wniosku:

29-07-2023

Forma prawna \*

Osoba fizyczna bez PESEL

Adres zamieszkania/siedziby \*

Warszawa, 01-231, Płocka 9/11

Imię \*

WIKTOR

Data powiadomienia o rozwiązaniu umowy \*



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ulgwiktor@infoulg.pl

Nazwisko \*

NOGAK

Data zawarcia umowy \*



Seria i numer dokumentu tożsamości \*

Nazwa organizatora \*

Nr umowy/rezerwacji \*

Data rozpoczęcia imprezy turystycznej \*



Brak numeru umowy/rezerwacji: ☐

### Wpłaty

KWOTA WPŁATY	WALUTA	METODA PŁATNOŚCI	DATA WPŁATY	KWOTA DO ZWRÓTU	NUMER KONTA DO ZWRÓTU	STATUS POZYCJI	SZCZEGÓŁY	USUŃ
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KWOTA WPŁATY

WALUTA

METODA PŁATNOŚCI

DATA WPŁATY

KWOTA DO ZWRÓTU

NUMER KONTA DO ZWRÓTU

STATUS POZYCJI

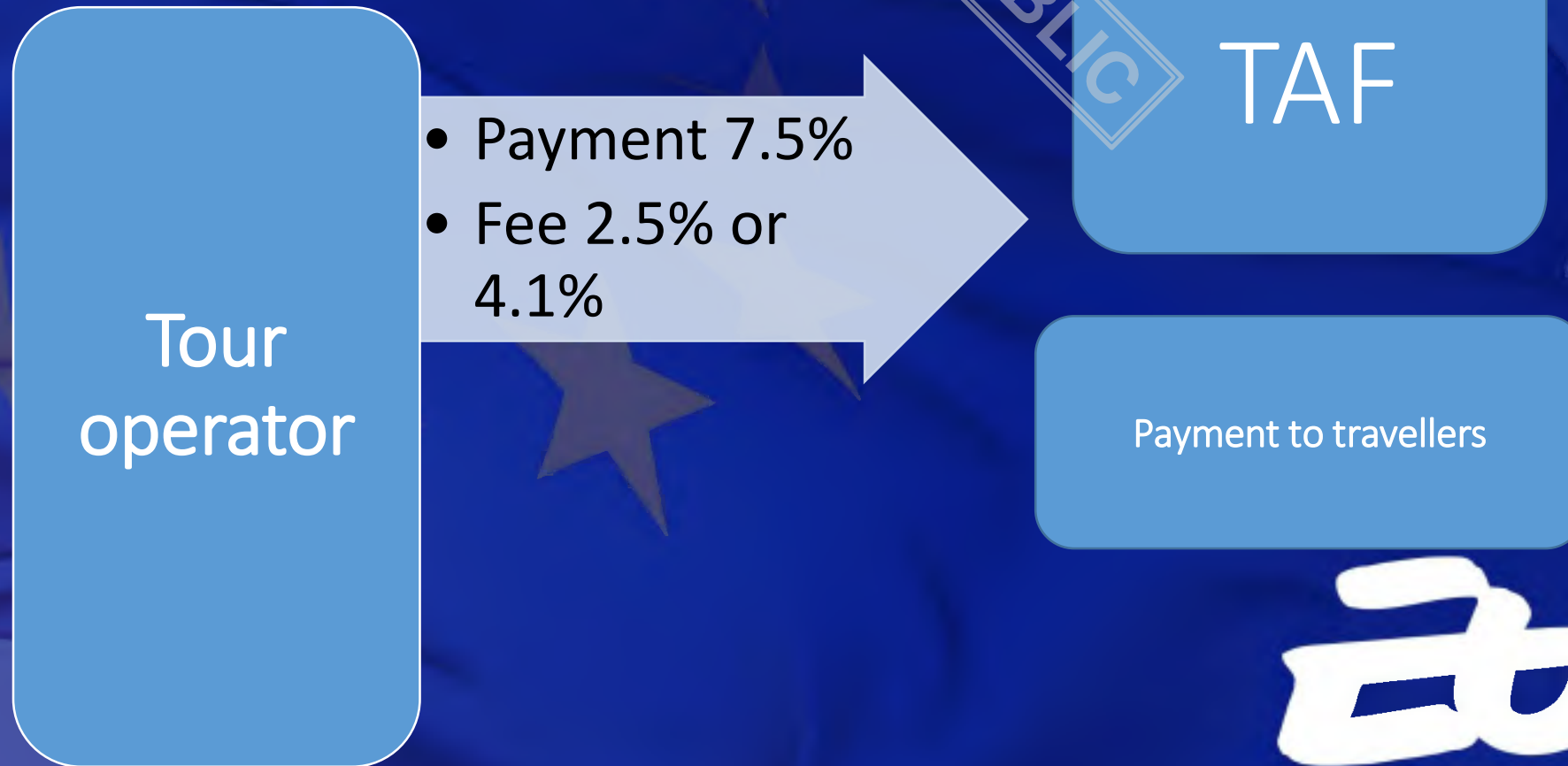
SZCZEGÓŁY

USUŃ

Wpłaty

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# Tourism Aid Fund (TAF)



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# Tourism Aid Fund (TAF)

PUBLIC

- Fee 7.5%
- Payment of 2.5% or 4.1%
- Repayment in 72 installments

TAF

Return of  
payments for  
travellers



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REGULATION OF THE MINISTER OF SPORT AND TOURISM of November 27, 2024 on granting subsidies from the Tourist Assistance Fund. The application is submitted by a traveller who has concluded a contract for participation in a tourist event, whose:

- a) traveller place of residence is in the territory where unavoidable and extraordinary circumstances declared a state of natural disaster in the Republic of Poland have occurred, or
- b) the tourist event was to take place in the territory where unavoidable and extraordinary circumstances declared a state of natural disaster in the Republic of Poland occurred.



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Non-refundable subsidies to travellers, make it unnecessary for tour operators themselves to make reimbursements.

Subsidies are provided only in the case of extraordinary and unavoidable circumstances that are a state of natural disaster

Two applications are submitted:

- Traveller's application
- Application of the tour operator

If the data from these applications coincide, the subsidies are paid out



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# Insolvency protection

PUBLIC

Traveller

Refund of payments made  
for the package travel

Refund of part of the payments made  
for the package travel

Reimbursement of the cost of return to  
the place of departure in case of  
independent organization of this return by  
the traveller

REPORTING



Bank/Insurer

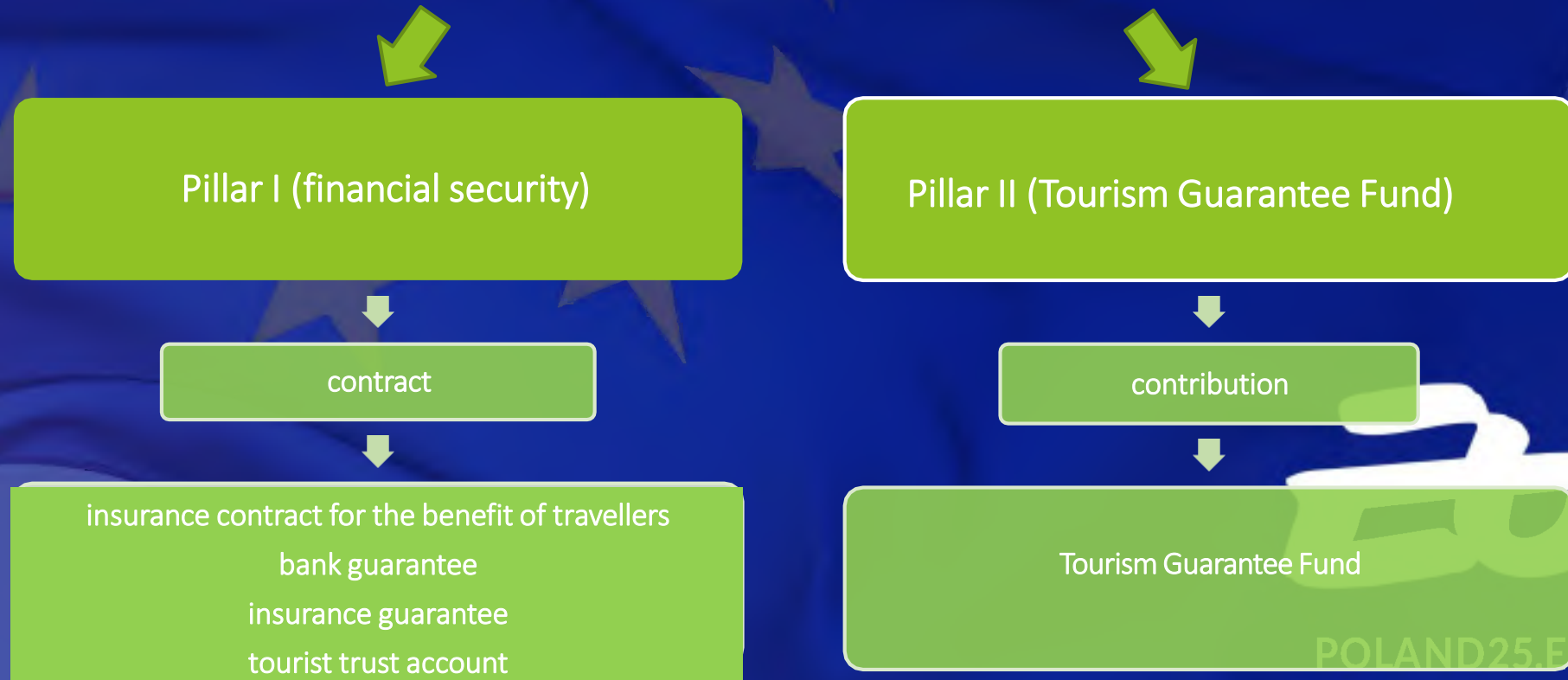


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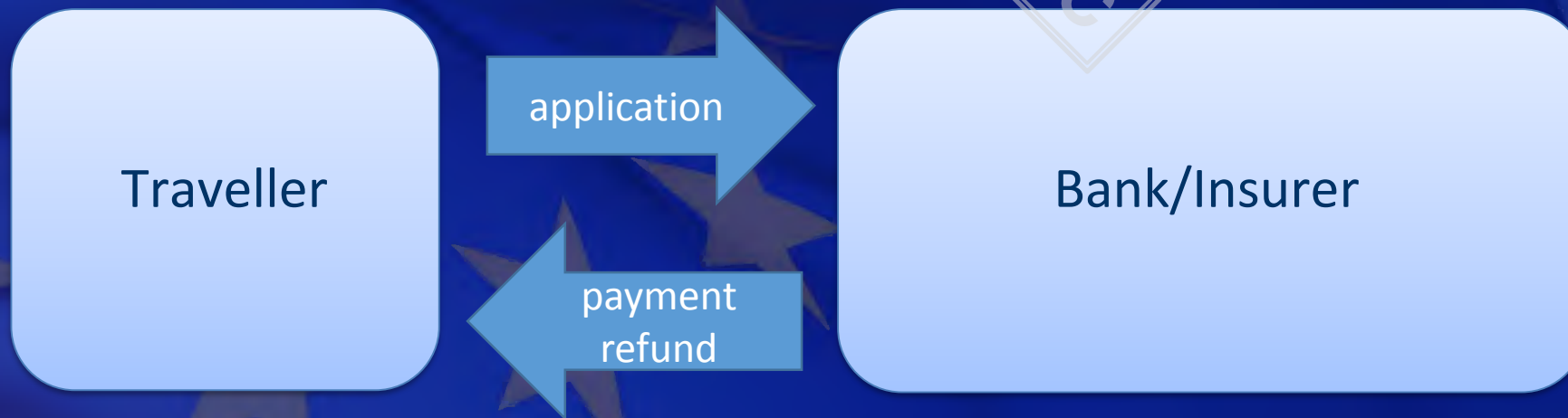
# Insolvency protection

PUBLIC

Tour operators



# First Pillar



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# First Pillar

PUBLIC

Voivodship Marshal

application

Bank/Insurer

repatriation

Traveller



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# Second Pillar



# Thank you for your attention

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