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General Secretariat

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**Brussels, 06 May 2024**

**WK 6556/2024 INIT**

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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 16 May - Presidency Flash

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

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WK 6556/2024 INIT

**LIMITE**

**EN**

## Proposal for a revision of the Package Travel Directive Working Party Meeting of 16 May

Dear colleagues,

We would like to invite you to a full day Working Party meeting on 16 May at 10 AM, to continue our discussions on the Commission's proposal for a directive amending directive 2015/2302 on **package travel and linked travel arrangements** (PTD).

During the first part of the Working Party meeting the Commission will provide delegations with **information on the 8<sup>th</sup> EU-China-US Level Trilateral Product Safety Summit**. This information point is followed by a **presentation by the EESC of their Opinion** on the proposal for a revision of the PTD (doc. 9423/24).

Second, the Presidency intends to have a discussion with the Member States on the **first and partial text proposal for the PTD (doc. 9562/24)**. The last point on the agenda of the 16<sup>th</sup> is the examination of the Member States' answers to the **questionnaire (doc. WK 6171/2024 + 3CT)**.

### *1. Presidency partial text proposal (doc. 9562/24)*

Following the discussions during previous meetings, the Presidency has prepared a partial text proposal for articles 12, 12a, 17 and 23 and corresponding recitals of the PTD (doc. 9562/24). Delegations are invited to share their preliminary views on the Presidency's text proposal and to send their written comments after the meeting as well.

The main changes to the proposal are briefly outlined below.

#### **a. Termination of the package travel contract and the right of withdrawal before the start of the package: article 12, para 2 and 4 and recitals 18, 18a and 20.**

The Presidency noted that several delegations have reservations about the wording of paragraph 2. Therefore, this paragraph has been simplified and recital 18 and 18a provide a more detailed explanation on what can constitute "unavoidable and extraordinary circumstances" within the meaning of the recent case law of the Court of Justice of the EU.

In addition, paragraph 4 and recital 20, contain a clarification on the amount of the refund in cases where the traveller has already benefitted from part of the insurance coverage. The reference to state aid rules has been deleted, as it is already mentioned in recital 17.

#### **b. Vouchers: article 12a and recital 16**

The Presidency noted that delegations are generally in favour of this article and took on board some comments. Throughout the text, the word "in writing" is replaced by "durable medium" to ensure consistency with other consumer protection legislation.

In paragraph 1, we specify that travellers can use the voucher to book any travel service offered by the organiser, the use of the voucher shall not be limited to buying solely a package or a package similar to the cancelled one.

In paragraph 2, we add the organiser's obligation to inform the traveller of the amount of the refund to which they are entitled and the amount of the voucher, before the traveller decides to accept the voucher.

Paragraph 3 further clarifies that the voucher must indicate the amount of the refund to which the traveller is entitled and the amount of the voucher, if the latter is higher.

The Presidency took note of the comments made during the working party on paragraph 4: it is therefore specified that during the validity period of the voucher the traveller's right to a refund is suspended.

Furthermore, paragraph 5 states that the validity period of the voucher automatically ends when the organiser becomes insolvent. Thus, when the organiser becomes insolvent, travellers can immediately exercise their refund right towards the insolvency protection.

The amendments to paragraph 7 cover the case of partially redeemed vouchers that will lead to partial refunds after the end of the validity period.

Finally, paragraph 8 provides a safeguard in the case of vouchers transfers, obliging the transferee to inform the organiser and to share their necessary personal data with the organiser.

### ***c. Effectiveness of insolvency protection: article 17, para 1-3 and recitals 21 and 22***

Paragraph 1 and recital 21 are amended to ensure that any refund a traveller is entitled to, including price reduction, is covered by the insolvency protection.

Furthermore, the amendments to paragraph 2 and recital 22 aim to clarify that insolvency protection must cover the periods when organisers hold the highest amounts of payments and that the risk of insolvency should take into account any changes in the volume of sales of packages. Lastly, in paragraph 3, the reference to state aid rules is deleted, as it is mentioned in recital 22.

### ***d. Imperative nature of the Directive: article 23, para 3a***

Following the Working Party discussions and in order to ensure that organisers actually enjoy the right to a refund, a paragraph 3a has been inserted, according to which the parties cannot contractually derogate from the B2B refund right in article 22, paragraph 2.

## **2. Questionnaire (doc. WK 6171/2024 + 3CT)**

During the second part of the meeting, the Presidency wishes to **discuss the Member States' answers to the questionnaire** distributed via the three-column document on April 29.

We look forward to continuing the discussion with you on the 16<sup>th</sup>!

Kind regards,

The Belgian Consumers Team