



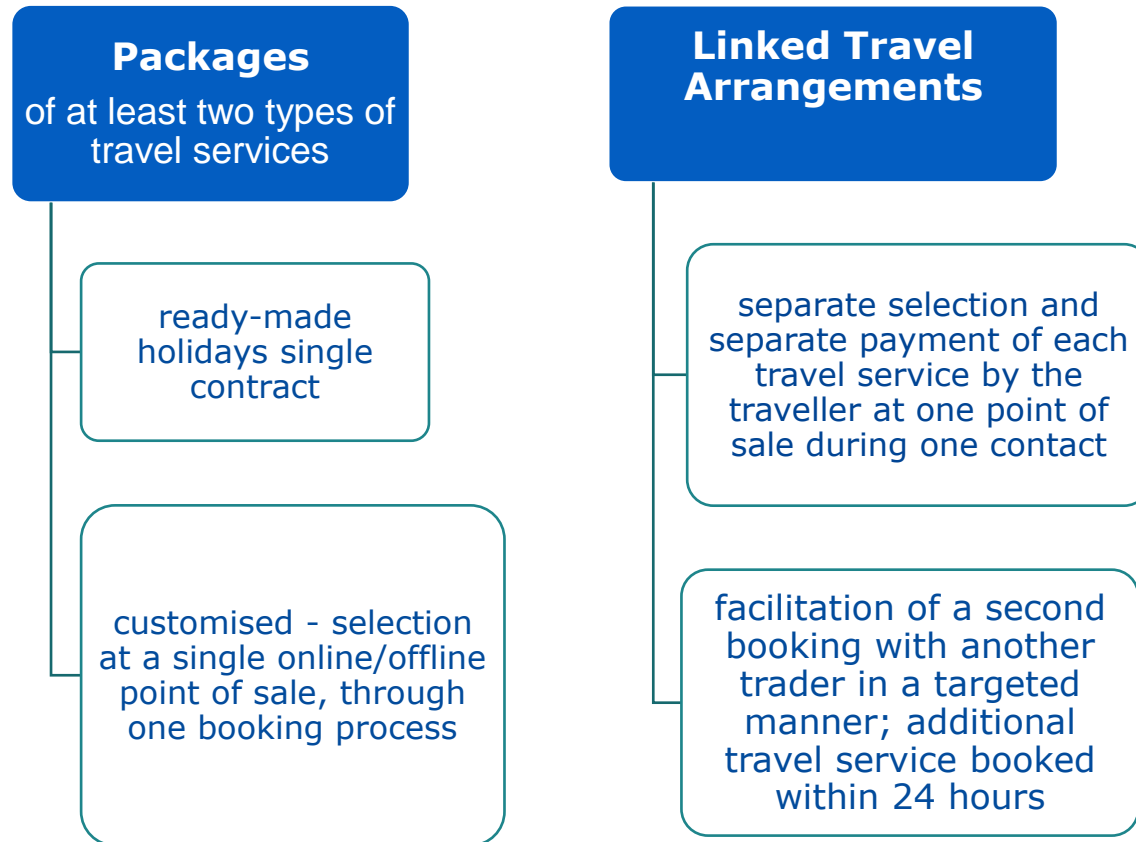
# **European Tourism Forum Prague**

**15 November 2022**

## **Review of the Package Travel Directive**

**Robert Mathiak - Head of Sector  
DG Justice and Consumers**

# The Package Travel Directive 2015/2302 (PTD)



- Applies since 1 July 2018
- **Full harmonisation**; a few regulatory options; for MS to lay down details on insolvency protection
- Benefits consumers and certain business travellers

## Main features

### For packages

- organisers responsible for package as a whole
- pre-contractual and contractual **information requirements**
- provisions on **contract changes and cancellations**
- **liability** (e.g. price reduction and compensation)
- protection against the **organiser's insolvency**

### For LTAs

- certain **information requirements**
- in certain cases **protection against the insolvency of the trader facilitating the LTAs**

# Important events since July 2018

- September 2019: Bankruptcy of the Thomas Cook Group with subsidiaries in many EU Member States: The national insolvency protection systems had to ensure repatriations of travellers and the refund of pre-payments.
- February/March 2020: COVID-19 pandemic:
  - Mass cancellations, considerable delays in refunds, vouchers;
  - Commission Recommendation of 13 May 2020; deviating temporary rules in some Member States;
  - Many MS designed State aid schemes to ensure the liquidity of package organisers or to guarantee vouchers.

# Important documents

- Report on the application of the PTD of 26 February 2021: transposition and application of the PTD, general challenges and problems highlighted by the Th. Cook insolvency and the COVID-19 pandemic: refunds, vouchers and insolvency protection; legal uncertainty and complexity of some provisions, e.g. on LTAs
- Report by the European Court of Auditors (ECA) of 29 June 2021 on the protection of air passenger rights during COVID-19, asking the Commission to assess:
  - the limitation of pre-payments to airlines and package organisers,
  - clarification that insolvency protection for packages covers vouchers and refund claims,
  - the creation of guarantee funds allowing airlines and package organisers to draw on to reimburse passengers/travellers for trips cancelled during a crisis.
- Call for evidence of 6 August 2021: launching a back-to-back evaluation and impact assessment
- Opinion of the Fit for Future Platform of 22 March 2022: suggestions for clarifications and simplification, for instance, in relation to LTAs and their delineation from packages, as well as in relation to the scope of insolvency protection (e.g. vouchers)

# Public consultation

- Consultation period: 15 February 2022 - 10 May 2022

**Number of responses: 520**

## By category of respondent



# Other consultation activities

- ❖ Targeted surveys (questionnaires), interviews and workshops in connection with a study for the evaluation and impact assessment
- ❖ Workshops and meetings with stakeholders and the Member States organised directly by the Commission

# Main problems identified to date

**Difficulty for travellers to recover pre-payments where packages are cancelled in a major crisis**

**Linked to:**

- **Pre-payment policy**
- **Liquidity problems**
- **Uncertainty about the use of vouchers**
- **Issues in the supply chain**

**Pre-payments not sufficiently protected against the organiser's insolvency**

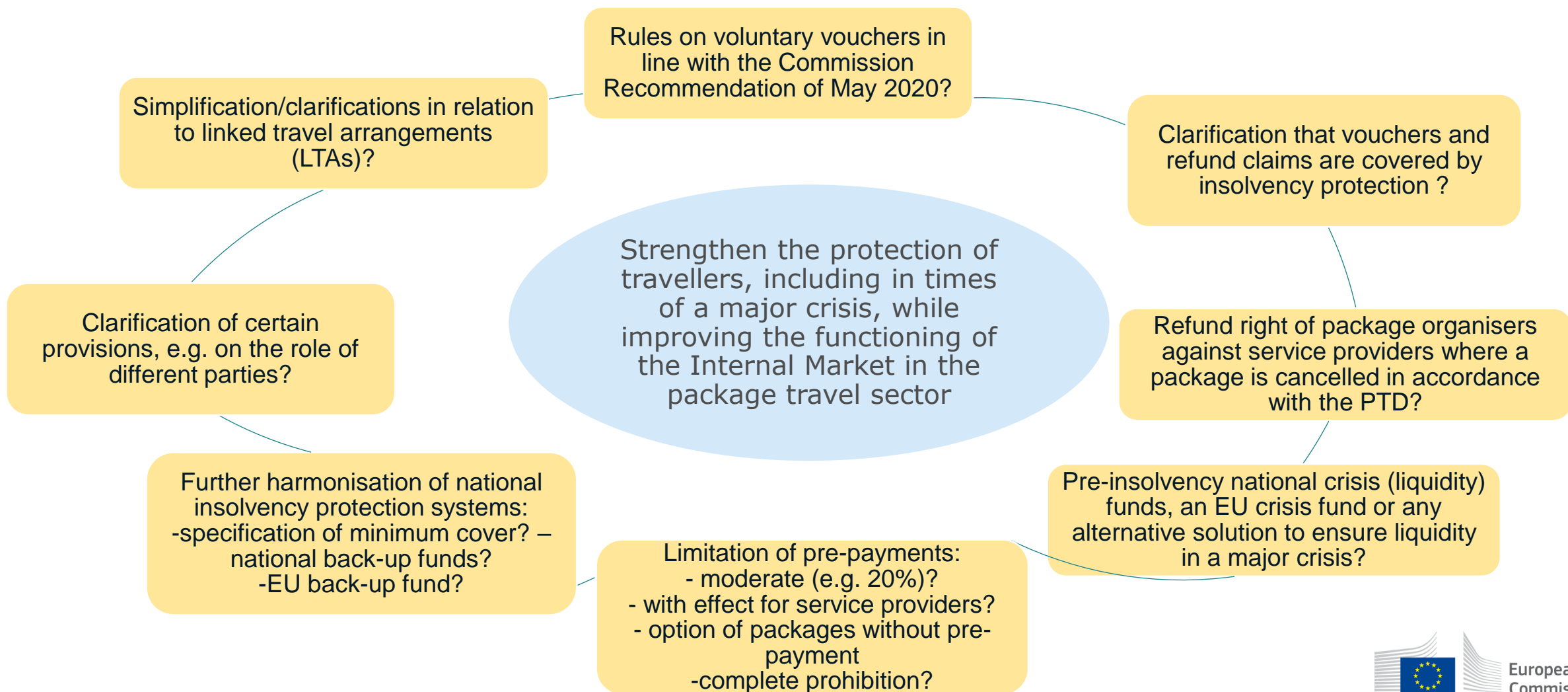
- **Cover of vouchers and pending refunds?**
- **Divergences between the national insolvency protection systems**
- **Difficulties in finding insolvency protection in some MSs**

**Difficult implementation due to complexity and legal uncertainty**

**For instance:**

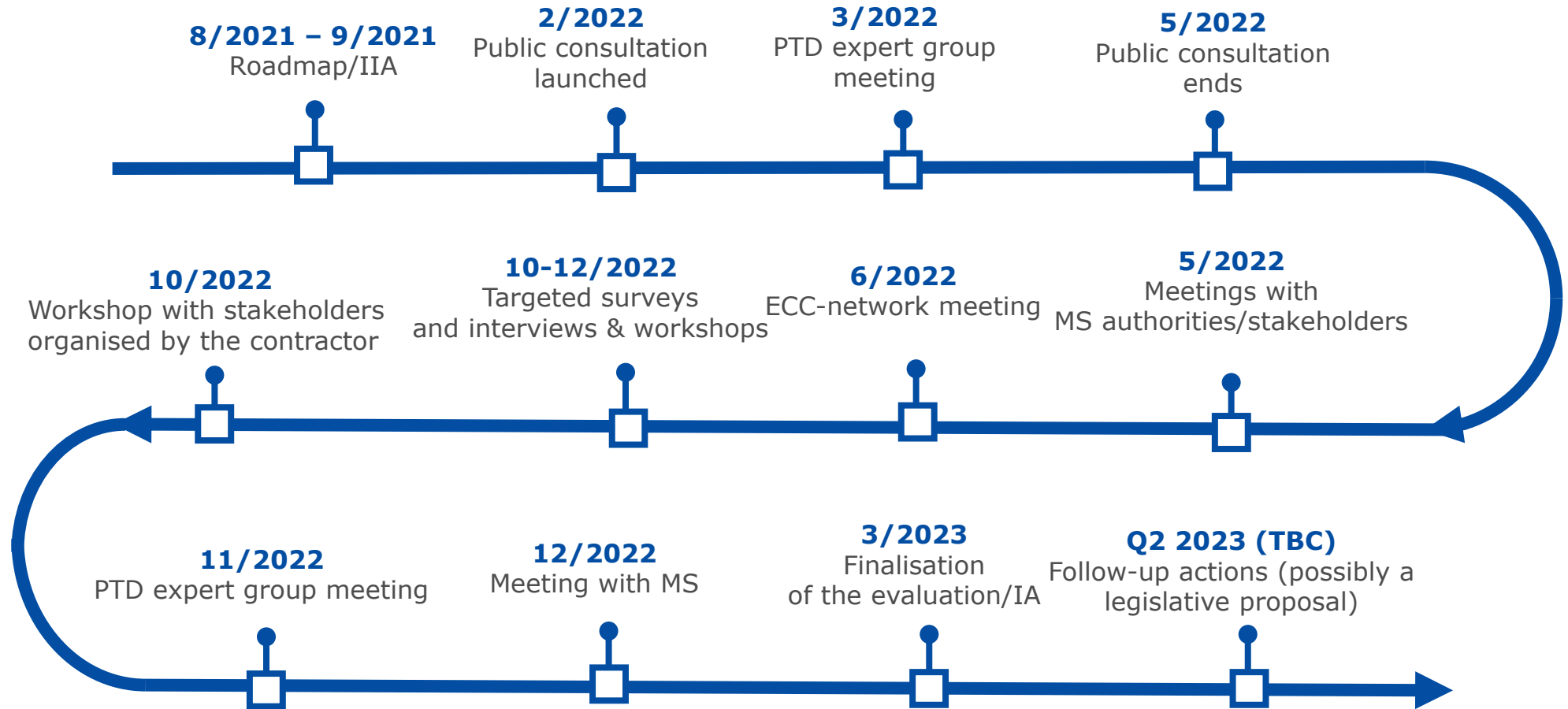
- **The role of different traders involved in a package**
- **LTAs**

# Possible measures





# Timeline



# Useful links

- The Report on the application of the PTD  
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2021:90:FIN>
- Special Report 15/2021 of the European Court of Auditors: Air passenger rights during the COVID-19 pandemic  
<https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=58696>
- Resolution of the European Parliament on establishing an EU strategy for sustainable tourism  
[https://www.europarl.europa.eu/doceo/document/TA-9-2021-0109\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0109_EN.html)
- Combined Evaluation Roadmap/Inception Impact Assessment  
[https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13117-Package-travel-review-of-EU-rules\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13117-Package-travel-review-of-EU-rules_en)
- Fit for future platform  
[https://ec.europa.eu/info/law/law-making-process/evaluating-and-improving-existing-laws/refit-making-eu-law-simpler-less-costly-and-future-proof/fit-future-platform-f4f\\_en](https://ec.europa.eu/info/law/law-making-process/evaluating-and-improving-existing-laws/refit-making-eu-law-simpler-less-costly-and-future-proof/fit-future-platform-f4f_en)
- Public consultation  
[https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13117-Package-travel-review-of-EU-rules/public-consultation\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13117-Package-travel-review-of-EU-rules/public-consultation_en)

# Thank you

