Department of Transport, Tourism and Sport

Consultation Paper

Package Travel and Assisted Travel Arrangements
Directive Proposed by the European Commission

January 2014
Introduction

This consultation paper is issued by the Department of Transport, Tourism and Sport.

The Department invites views and comments on the European Commission’s proposal for a Directive concerning package travel and assisted travel arrangements.

Purpose of this Consultation

The proposal for a revised Package Travel and Assisted Travel Arrangements Directive which was announced by the European Commission in July 2013 aims to update the 1990 rules set out in the existing Travel Package Directive and bring them into the digital age, thereby providing travel protection for consumers who increasingly purchase travel services on-line either as a travel package or as an assisted travel arrangement.

The Department of Transport, Tourism and Sport is undertaking this consultation as part of the process of developing Ireland’s position on the proposals.

The proposal is relevant to the public, consumers of tourist services and to a range of sectors involved in the travel trade and those providing tourist services. This includes travel agents and tour operators and other travel organisers and retailers facilitating tourist services – including internet web-based services. The proposal is also relevant to transport providers involved in leisure travel, to hoteliers, car rental firms, etc., as well as, to financial service providers offering financial protection to the leisure travel industry to cover repayments and repatriation of consumers under the provisions of the proposal.
Overview of the Proposal

The proposed Directive will revise and replace the existing Package Travel Directive 90/314/EEC. The aim of the proposal is two-fold to achieve,

- a high level of consumer protection and reduced consumer detriment through the approximation of rules on packages and other assisted travel arrangements; and,
- a more enhanced functioning of the EU travel market.

The scope of the proposed Directive will extend the current protection for pre-arranged packages to new combinations of travel services which feature the characteristics associated with packages and in that regard to provide greater clarity concerning,

- the combinations of tourist services that are considered to be packages falling within the protections of the proposed Directive;
- the requirements for pre-contractual information concerning packages including any alterations, such as, in price;
- the minimum requirements for a package travel contract and conditions for termination of a contract either by the seller or the customer;
- responsibility for booking errors and for the performance of the package travel contract, including who to contact when things go wrong; and,
- liability concerning repayments and, in the case of the travel element of a package, for repatriation.

Some of the protections under the proposed Directive will also extend to Travellers buying customised combinations of travel services which are not packages, but, which are considered to be assisted travel arrangements under the proposed Directive. In the case of an assisted travel arrangement consumer protections under the proposed Directive will involve refunds and repatriation if the seller or a service provider (e.g. an airline or a hotel) goes bankrupt.

This proposed Directive falls within the broader context of EU consumer law including Directive 2011/83/EU on consumer rights. It is also clarified in the proposal that travellers will continue to benefit from the rights under EU Regulations concerning passenger rights in relation to air, train, maritime as well as bus and coach transport, in addition to any rights provided for under the proposed Directive.

The greater harmonisation of requirements for package travel and assisted travel arrangements under the proposal is also aimed at enhanced functioning of the EU travel market. This will benefit businesses operating in the market as well as consumers - who can expect the same level of protection under the proposed Directive regardless of the Member State the travel service business is established in.
The European Commission has identified that across the EU travel market there is potential for cost efficiency savings as a result of provisions under the proposal. These provisions include, removing the specific requirements for brochures; excluding managed business travel from the scope of the Directive; and, the mutual recognition of insolvency protection schemes across Member States. These measures aim to facilitate competition on an equal footing for businesses selling equivalent travel products across the EU.

**Further Information on the Proposal**


How to Respond

Please send your response in writing to:

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Closing Date

The closing date for receipt of submissions on foot of this consultation is Friday the 7th of March 2014.

Publication of Submissions

Please be aware that all submissions received by the Department will be published on its website. In addition, the Department of Transport, Tourism and Sport is subject to the provisions of the Freedom of Information Act 1997 and therefore has to consider any request made to it under that Act.