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THE EUROPEAN UNION**

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#### **INFORMATION NOTE**

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from: General Secretariat  
to: Permanent Representatives Committee/Council

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Subject: Proposal for a Directive of the European Parliament and of the Council on package travel and assisted travel arrangements, amending Regulation (EC) No 2006/2004, Directive 2011/83/EU and repealing Council Directive 90/314/EEC - Outcome of the European Parliament's first reading (Strasbourg, 10 to 13 March 2014)

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#### **I. INTRODUCTION**

The Rapporteur, Hans-Peter MAYER (EPP, DE), presented a report consisting of 133 amendments (amendments 1-133) to the proposal for a Directive of the European Parliament and of the Council on package travel and assisted travel arrangements, amending Regulation (EC) No 2006/2004, Directive 2011/83/EU and repealing Council Directive 90/314/EEC, on behalf of the Committee on the Internal Market and Consumer Protection.

In addition, the S&D political group tabled three amendments (amendments 134-136), and the ECR political group tabled one amendment (amendment 141). Amendments 137-140 were cancelled.

## II. DEBATE

The Rapporteur, Hans-Peter MAYER (EPP, DE) opened a rather consensual and short debate in which no political group or Committee clearly spoke against, whilst stressing that the aim of the Report was to further improve a consensual Commission proposal aiming at reviewing a legislation adopted before Internet.

In particular, the Rapporteur explained that the packages nowadays tended to comprise many more things than the classical travel and accommodation, which was the case when the original Directive was adopted.

Key aspects of the Report are also the integration of data protection provisions, and the right to terminate the contract without any obligation to pay compensation or to accept an alternative equivalent travel package offered by the organiser if the price increases exceed 8% of the original price of the package.

As regards the need to tackle insolvency issues, as provided for in the Commission proposal, the Report aims at ensuring that travellers purchasing a package or a linked travel arrangement are fully protected against the insolvency of the organiser, of the retailer having facilitated the linked travel arrangement or of a business involved in the linked travel arrangement. In addition, the Report adds that where a traveller would prefer to complete their package or linked travel arrangement rather than obtain a full refund, the insolvency protection may, where appropriate, provide for the fulfilment of existing contracts, in order to enable the package or linked travel arrangement to continue at no additional cost to the traveller.

Nevertheless, the Rapporteur clearly spoke against Amendment 100, which he considered as an unfair burden.

Commissioner Viviane REDING thanked the rapporteur and stressed as well that nowadays prearranged package deals from a brochure and booked at a local travel agency coexist with customised packages online, either from one trader or from several commercially-linked ones. In particular, with online bookings of customised combinations, more and more travellers are not protected by the original Directive, and their protection might be uncertain even if they are.

The Commissioner also stressed that it is not only the consumers who will benefit but businesses too, as the new directive will scrap outdated information requirements, such as the need to reprint brochures. The new directive will also facilitate cross-border transactions through increased harmonisation and mutual recognition of national insolvency protection schemes.

The Commissioner also considered that regarding the level of harmonisation, the Parliament had found a very balanced solution. While reducing legal fragmentation, the compromise solution proposed would give Member States the possibility – in exceptional cases – to extend the organiser's liability for the proper performance of a package and the organiser's obligations to obtain insolvency protection, in accordance with national traditions.

However, the Commissioner considered that the proposed definition of linked travel arrangements was too narrow.

Speaking on behalf of the Committee on Transport and Tourism, Bogusław LIBERADZKI explained that the Committee on Transport and Tourism had two objectives: that the new directive should ensure that consumers benefit from a high level of protection when purchasing a combination of travel services, and that a level playing field between market players selling travel packages should be established, the legal obstacles to cross-border trade should be removed and compliance costs for businesses should be reduced.

Therefore, the Rapporteur for opinion welcomed the new definition of linked travel arrangements; a strengthening of the provisions in the pre-contractual information; tighter provision in favour of consumers; more favourable conditions in the event of the contract being terminated; liability for performance of the package; and an increase in accommodation coverage, taking it up to EUR 125 per night.

As regards the speakers on behalf of political groups, Andreas SCHWAB (EPP, DE) on behalf of the EPP political group, Sergio Gaetano COFFERATI (S&D, IT) on behalf of the S&D political group, Toine MANDERS (ALDE, NL) on behalf of the ALDE political group, Heide RÜHLE (Greens/EFA, DE) on behalf of the Greens/EFA political group, all spoke in favour of the Report.

Emma MCCLARKIN (ECR, UK), on behalf of the ECR political group, supported the Report, whilst being sceptical about the insolvency protection provisions, and hoping that the negotiations would bring a higher percentage than 25 % for a tourist service to be considered as a significant ancillary service.

During their interventions, Ildikó GÁLL-PELCZ (EPP, HU), Catherine STIHLER (S&D, UK), Jacqueline FOSTER (ECR, UK), albeit with different nuances, described a balanced Report benefitting both consumers and businesses. Nevertheless, Anna HEDH (S&D, SE) considered that the Report was not sufficient insofar as travellers were not put before markets, and then called for the adoption of Amendment 100.

MEPs Erik Bánki (EPP, HU), Davor STIER (EPP, HR), Silvia-Adriana Țicău (S&D, RO) and Zofija Mazej Kukovič (EPP, SV) also spoke in favour of the Report.

Commissioner Viviane REDING again took the floor without adding to her initial remarks, and in order to give her speaking time to the Rapporteur. The latter intervened but did not add to his initial remarks.

The President then closed the debate. In addition, MEP Eduard-Raul Hellvig (ALDE, RO) submitted a written statement in accordance with rule 149 of the European Parliament's Rules of Procedure.

### **III. VOTE**

When it voted in plenary on 12 March 2014, the European Parliament adopted amendments 1-9, 11-25, 27-69, the first part of amendment 70, the first part of amendment 71, amendments 72, 74-99, 101-131, 133 and 141. Amendments 73 and 132 were not put to the vote (Rule 157(1)d) of the EP's Rules of Procedure). The European Parliament also adopted the proposal as amended.

The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto.

## Package travel and assisted travel arrangements \*\*\*I

**European Parliament legislative resolution of 12 March 2014 on the proposal for a directive of the European Parliament and of the Council on package travel and assisted travel arrangements, amending Regulation (EC) No 2006/2004, Directive 2011/83/EU and repealing Council Directive 90/314/EEC (COM(2013)0512 – C7-0215/2013 – 2013/0246(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0512),
  - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0215/2013),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 11 December 2013<sup>1</sup>,
  - after consulting the Committee of the Regions,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on Transport and Tourism and the Committee on Legal Affairs (A7-0124/2014),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> Not yet published in the Official Journal.

## Amendment 1

### Proposal for a directive Title 1

#### *Text proposed by the Commission*

Proposal for a  
DIRECTIVE OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL  
on package travel and *assisted* travel  
arrangements, amending Regulation (EC)  
No 2006/2004, Directive 2011/83/EU and  
repealing Council Directive 90/314/EEC

#### *Amendment*

Proposal for a  
DIRECTIVE OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL  
on package travel, *package holidays*,  
*package tours* and *linked* travel  
arrangements, amending Regulation (EC)  
No 2006/2004, Directive 2011/83/EU and  
repealing Council Directive 90/314/EEC

## Amendment 2

### Proposal for a directive Recital 2

#### *Text proposed by the Commission*

(2) Tourism plays an important role in the economies of the Union and packages represent a significant proportion of that market. The travel market has undergone considerable changes since the adoption of Directive 90/314/EEC. In addition to traditional distribution chains, the Internet has become an increasingly important medium to offer travel services. Travel services are not only combined in the form of traditional prearranged packages, but are often combined in a customised fashion. Many of these travel products are either in a legal grey zone or are clearly not covered by Directive 90/314/EEC. This Directive aims to adapt the scope of protection to those developments, enhance transparency and increase legal certainty for travellers and traders.

#### *Amendment*

(2) Tourism plays an important role in the economies of the Union and *package travel, package holidays and package tours* ('packages') represent a significant proportion of that market. The travel market has undergone considerable changes since the adoption of Directive 90/314/EEC. In addition to traditional distribution chains, the Internet has become an increasingly important medium to offer travel services. Travel services are not only combined in the form of traditional prearranged packages, but are often combined in a customised fashion. Many of these travel products are either in a legal grey zone or are clearly not covered by Directive 90/314/EEC. This Directive aims to adapt the scope of protection to those developments, enhance transparency and increase legal certainty for travellers and traders.

### Amendment 3

#### Proposal for a directive Recital 5

##### *Text proposed by the Commission*

(5) In accordance with Article 26(2) of the Treaty, the internal market is to comprise an area without internal frontiers in which the free movement of goods and services and the freedom of establishment are ensured. The harmonisation of *certain aspects of* package contracts and *assisted* travel arrangements is necessary for the creation of a real consumer internal market in *this* area, striking the right balance between a high level of consumer protection and the competitiveness of businesses.

##### *Amendment*

(5) In accordance with Article 26(2) of the Treaty, the internal market is to comprise an area without internal frontiers in which the free movement of goods and services and the freedom of establishment are ensured. The harmonisation of *the rights and obligations arising from* package contracts and *linked* travel arrangements is necessary for the creation of a real consumer internal market in *that* area, striking the right balance between a high level of consumer protection and the competitiveness of businesses.

### Amendment 4

#### Proposal for a directive Recital 7

##### *Text proposed by the Commission*

(7) The majority of travellers buying packages are consumers in the sense of Union consumer law. At the same time, it is not always easy to distinguish between consumers and representatives of *small* businesses or professionals who book trips related to their business or profession through the same booking channels as consumers. Such travellers often require a similar level of protection. In contrast, *larger* companies or organisations often make travel arrangements for their employees on the basis of a framework contract with companies *which specialise in the arrangement of business travel*. The latter type of travel arrangements do not require the level of protection designed for consumers. Therefore, this Directive should apply to business travellers only insofar as they do not make travel

##### *Amendment*

(7) The majority of travellers buying packages are consumers in the sense of Union consumer law. At the same time, it is not always easy to distinguish between consumers and representatives of businesses or professionals who book trips related to their business or profession through the same booking channels as consumers. Such travellers often require a similar level of protection. In contrast, companies or organisations often make travel arrangements for their employees, *members and representatives* on the basis of a framework contract with companies. The latter type of travel arrangements do not require the level of protection designed for consumers. Therefore, this Directive should apply to business travellers only insofar as they do not make travel arrangements on the basis of a framework



arrangements on the basis of a framework contract. To avoid confusion with the definition of the term 'consumer' in other consumer protection *directives*, persons protected under this Directive should be referred to as 'travellers'.

contract. To avoid confusion with the definition of the term 'consumer' *used* in other *Union* consumer protection *legislation*, persons protected under this Directive should be referred to as 'travellers'.

## Amendment 5

### Proposal for a directive Recital 9

#### *Text proposed by the Commission*

(9) For the sake of transparency, packages should be distinguished from *assisted* travel arrangements, where online or high street agents assist travellers in combining travel services leading the traveller to conclude contracts with different providers of travel services, including through linked booking processes, which do not contain those features and in relation to which it would not be appropriate to apply all obligations applying to packages.

#### *Amendment*

(9) For the sake of transparency, packages should be distinguished from *linked* travel arrangements, where online or high street agents assist travellers in combining travel services leading the traveller to conclude contracts with different providers of travel services, including through linked booking processes *in a targeted manner*, which do not contain those features and in relation to which it would not be appropriate to apply all obligations applying to packages.

## Amendment 6

### Proposal for a directive Recital 11

#### *Text proposed by the Commission*

(11) At the same time, *assisted* travel arrangements should be distinguished from travel services which travellers book independently, often at different times, even for the purpose of the same trip or holiday. Online *assisted* travel arrangements should also be distinguished from links through which travellers are simply informed about further travel services in a general fashion, for instance where a hotel or an organiser of an event includes on its website a list of all operators offering transport services to its location independently of any booking or if

#### *Amendment*

(11) At the same time, *linked* travel arrangements should be distinguished from travel services which travellers book independently, often at different times, even for the purpose of the same trip or holiday. Online *linked* travel arrangements should also be distinguished from *linked websites which do not have the objective of concluding a contract with the traveller and from* links through which travellers are simply informed about further travel services in a general fashion *and not in a targeted manner*, for instance where a hotel or an organiser of an event includes

cookies or *meta data* are used to place advertisements on websites.

on its website a list of all operators offering transport services to its location independently of any booking or if cookies or *metadata* are used to place advertisements on websites *related to the travel destination or travel period specified for the first travel service chosen*.

## Amendment 7

### Proposal for a directive

#### Recital 13

##### *Text proposed by the Commission*

(13) Particular rules should be laid down for both high street and on-line retailers which assist travellers, on the occasion of a single visit or contact with their own point of sale, in concluding separate contracts with individual service providers *and for* online retailers which, through linked online booking processes, facilitate the procurement of additional travel services from another trader in a targeted manner, at the latest *when* the booking of the first service is confirmed. *These rules would apply for example, where, along with the confirmation of the booking of a first travel service such as a flight or a train journey, a consumer receives an invitation to book an additional travel service available at the chosen travel destination, for instance hotel accommodation, with a link to the booking site of another service provider or intermediary.* While those arrangements do not constitute packages within the meaning of this Directive as there can be no confusion that a single organiser has assumed the responsibility for the travel services, such *assisted* arrangements constitute an alternative business model that often competes closely with packages.

##### *Amendment*

(13) Particular rules should be laid down *in this Directive* for both high street and on-line retailers which assist travellers, on the occasion of a single visit or contact with their own point of sale in concluding separate contracts with individual service providers, *where the traveller selects and agrees to pay for each travel service separately. Such rules should also apply to* online retailers which, through linked online booking processes, facilitate the procurement of additional travel services from another trader in a targeted manner, *where at least the traveller's name or contact details are transferred to the other trader and such additional services are procured* at the latest *24 hours after* the booking of the first service is confirmed. While those arrangements do not constitute packages within the meaning of this Directive as there can be no confusion that a single organiser has assumed the responsibility for the travel services, such *linked* arrangements constitute an alternative business model that often competes closely with packages.

## Amendment 8

### Proposal for a directive Recital 14 a (new)

*Text proposed by the Commission*

*Amendment*

***(14a) Practices have appeared online whereby traders facilitating the procurement of linked travel arrangements have not clearly and unambiguously provided the option of booking only the main service and not choosing any further services. Such practices should be regarded as misleading for travellers. As the existing legal framework has not yet allowed for their elimination and given that they are specific to linked travel arrangements, those practices should be banned under this Directive.***

## Amendment 9

### Proposal for a directive Recital 15 a (new)

*Text proposed by the Commission*

*Amendment*

***(15a) Before making the payment, travellers should be made aware of whether they are choosing a package travel or a linked travel arrangement, and of the corresponding level of protection.***

## Amendment 141

### Proposal for a directive Recital 15 b (new)

*Text proposed by the Commission*

*Amendment*

***(15b) Traders facilitating the procurement of a linked travel arrangement should clearly advise a traveller before the***

*traveller is bound by any contract or any corresponding offer for a linked travel arrangement, that, to secure the benefits of the Directive applying to linked travel arrangements, all other contracts which make up the linked travel arrangement must be confirmed within the following 24 hours. Where consumers are not advised of this information or where this information is incorrect, deceptive or omitted, this may constitute an unfair commercial practice.*

## Amendment 11

### Proposal for a directive Recital 16

#### *Text proposed by the Commission*

(16) **Only** the combination of different travel services, such as accommodation, carriage of passengers by bus, rail, water or air, as well as car rental, should be considered for the purposes of identifying a package or **an assisted** travel arrangement. Accommodation for residential purposes, **including** for long-term language courses, should not be considered as accommodation within the meaning of this Directive.

#### *Amendment*

(16) The combination of different travel services, such as accommodation, carriage of passengers by bus, rail, water or air, as well as car rental, should be considered for the purposes of identifying a package or **a linked** travel arrangement. **Hotel nights with added packages, such as tickets for musicals or spa treatments, should be excluded when that package is not specifically marketed to the traveller as a significant proportion of the trip or the ancillary service clearly does not constitute the essential feature of the trip.** Accommodation for residential purposes **which is clearly not for the purpose of tourism, such as** for long-term language courses, should not be considered as accommodation within the meaning of this Directive.

## Amendment 12

### Proposal for a directive Recital 16 a (new)

***(16a) Carriage of passengers by bus, rail, water or air which includes accommodation, for example ferry crossings in cabins or railway journeys in sleeper cars, should be considered as single travel services, if the main component is clearly transport and such carriage is not combined with another travel service.***

### **Amendment 13**

#### **Proposal for a directive**

#### **Recital 17**

*Text proposed by the Commission*

*Amendment*

(17) Other tourist services, such as admission to concerts, sport events, excursions or event parks are services that, in combination with either carriage of passengers, accommodation and/or car rental, should be considered as capable of constituting a package or ***an assisted*** travel arrangement. However, such packages should only fall within the scope of this Directive if the relevant tourist service accounts for a significant proportion of the package. Generally, the tourist service should be considered as a significant proportion of the package if it accounts for more than **20%** of the total price or otherwise represents an essential feature of the trip or holiday. Ancillary services, such as travel insurance, transport of luggage, meals and cleaning provided as part of accommodation, should not be considered as tourist services in their own right.

(17) Other tourist services, such as admission to concerts, sport events, excursions or event parks are services that, in combination with either carriage of passengers, accommodation and/or car rental, should be considered as capable of constituting a package or ***a linked*** travel arrangement. However, such packages should only fall within the scope of this Directive if the relevant tourist service accounts for a significant proportion of the package. Generally, the tourist service should be considered as a significant proportion of the package if it ***is specifically marketed to travellers as such, clearly represents the reason for the trip,*** accounts for more than **25%** of the total price or otherwise represents an essential feature of the trip or holiday. Ancillary services, such as, ***in particular,*** travel insurance, ***transport between the station and the accommodation, transport at the beginning of the trip and as part of excursions,*** transport of luggage, meals and cleaning ***services*** provided as part of accommodation, should not be considered as tourist services in their own right.

## Amendment 14

### Proposal for a directive Recital 18

#### *Text proposed by the Commission*

(18) It should also be clarified that contracts by which a trader entitles the traveller after the conclusion of the contract to choose among a selection of different types of travel services, such as in the case of a package travel gift box, should constitute a package. Moreover, a combination of travel services should be considered as a package where the traveller's name **or particulars** needed to conclude the booking transaction are transferred between the traders at the latest **when** the booking of the first service is confirmed. **Particulars needed to conclude a booking transaction relate to credit card details or other information necessary to obtain a payment.** On the other hand, the mere transfer of particulars such as the travel destination or travel times should not be sufficient.

#### *Amendment*

(18) It should also be clarified that contracts by which a trader entitles the traveller after the conclusion of the contract to choose among a selection of different types of travel services, such as in the case of a package travel gift box, should constitute a package. Moreover, a combination of travel services should be considered as a package where the traveller's name **and other personal data, such as contact details, credit card details or passport details, which are** needed to conclude the booking transaction are transferred between the traders at the latest **24 hours after** the booking of the first service is confirmed. On the other hand, the mere transfer of particulars such as the travel destination or travel times should not be sufficient. **Cruises and multi-day train journeys including accommodation should also be considered as package travel, as they combine transport, accommodation and catering.**

## Amendment 15

### Proposal for a directive Recital 19

#### *Text proposed by the Commission*

(19) Since there is less need to protect travellers in cases of short-term trips, and in order to avoid unnecessary burden for traders, trips lasting less than 24 hours which do not include accommodation **as well as occasionally organised packages**, should be excluded from the scope of this Directive.

#### *Amendment*

(19) Since there is less need to protect travellers in cases of short-term trips, and in order to avoid unnecessary burden for traders, trips lasting less than 24 hours which do not include accommodation should be excluded from the scope of this Directive. **Packages and linked travel arrangements that are occasionally offered or put together by natural or legal persons, such as non-profit organisations,**

*including charitable organisations, football clubs and schools, where no direct or indirect financial gain is made from the sale of such packages or the facilitation of such linked travel arrangements, should also be excluded from the scope of this Directive.*

## **Amendment 16**

### **Proposal for a directive**

#### **Recital 19 a (new)**

*Text proposed by the Commission*

*Amendment*

*(19a) Member States should remain competent, in accordance with Union law, to apply the provisions of this Directive to areas not falling within its scope. Member States may therefore maintain or introduce national legislation corresponding to all or some of the provisions of this Directive in relation to contracts that fall outside the scope of this Directive. For example, Member States may apply the provisions of this Directive to packages and linked travel arrangements that are occasionally offered or put together by natural or legal persons where no direct or indirect financial gain is drawn from the sale of those packages or the facilitation of those linked travel arrangements, and to packages and linked travel arrangements covering a period of less than 24 hours and which do not include accommodation.*

## **Amendment 17**

### **Proposal for a directive**

#### **Recital 20 a (new)**

*Text proposed by the Commission*

*Amendment*

*(20a) Directive 90/314/EEC has given discretion to the Member States to define*

*if retailers, organisers or both retailers and organisers should be liable for the proper performance of a package. This flexibility has led to ambiguity in some Member States as to whether traders involved in a package were liable for the performance of the relevant services, in particular in the online booking process. Therefore, it is appropriate to clarify in this Directive that organisers are responsible for the performance of the travel services included in the contract, unless the national legislation also provides expressly for the possibility for the organiser or the retailer to be held liable.*

## Amendment 18

### Proposal for a directive Recital 21

#### *Text proposed by the Commission*

(21) In relation to packages, retailers should be responsible together with the organiser for the provision of pre-contractual information. At the same time it should be clarified that **they** are liable for booking errors. To facilitate communication, in particular in cross-border cases, travellers should have the possibility of contacting the organiser also via the retailer through which they bought the package.

#### *Amendment*

(21) In relation to packages, retailers should be responsible together with the organiser for the provision of pre-contractual information. At the same time it should be clarified that **retailers** are liable for booking errors, **where they make mistakes in the booking process**. To facilitate communication, in particular in cross-border cases, travellers should have the possibility of contacting the organiser also via the retailer through which they bought the package.

## Amendment 19

### Proposal for a directive Recital 23

#### *Text proposed by the Commission*

(23) Key information, for example on the main characteristics of the travel services or the prices, provided in advertisements,

#### *Amendment*

(23) Key information, for example on the main characteristics of the travel services or the prices, provided in advertisements,



on the organiser's website or in brochures as part of the pre-contractual information, should be binding, unless the organiser reserves the right to make changes to those elements and unless such changes are clearly and prominently communicated to the traveller before the contract is concluded. *However, in light of new communication technologies, there is no longer any need to lay down specific rules on brochures, while it is appropriate to ensure that, in certain circumstances, changes impacting the contract performance are communicated between the parties on a durable medium accessible for future reference. It should always be possible to make changes to that information where both parties to the contract expressly agree on that.*

on the organiser's website or in brochures as part of the pre-contractual information, should be binding, unless the organiser reserves the right to make changes to those elements and unless such changes are clearly and prominently communicated to the traveller before the contract is concluded.

## **Amendment 20**

### **Proposal for a directive Recital 23 a (new)**

*Text proposed by the Commission*

*Amendment*

*(23a) However, in light of new communication technologies which can help to ensure that travellers have access to up-to-date information at the time of booking and the growing trend to book travel packages online, there is no longer any need for specific rules requiring printed brochures.*

## **Amendment 21**

### **Proposal for a directive Recital 23 b (new)**

*Text proposed by the Commission*

*Amendment*

*(23b) Flight times should be a fixed part of the contract and one of the main characteristics of a travel service. They should not differ significantly from the*

*times indicated to travellers in the pre-contractual information.*

## Amendment 22

### Proposal for a directive Recital 26

#### *Text proposed by the Commission*

(26) Since packages are often purchased a long time before their performance, unforeseen events may occur. Therefore the traveller should, under certain conditions, be entitled to transfer a package to another traveller. In such situations, the organiser should be able to recover his expenses, for instance if a sub-contractor requires a fee for changing the name of the traveller or for cancelling a transport ticket and issuing a new one. Travellers should also have the possibility of cancelling the contract at any time before the start of the package against paying appropriate compensation, as well as the right to terminate the contract without paying compensation where unavoidable and extraordinary circumstances like warfare or a natural disaster will significantly affect the package. Unavoidable and extraordinary circumstances should in particular be deemed to exist where reliable and publicly available reports, such as recommendations issued by Member State authorities, advise against travelling to the place of destination.

#### *Amendment*

(26) Since packages are often purchased a long time before their performance, unforeseen events may occur. Therefore the traveller should, under certain conditions, be entitled to transfer a package to another traveller. In such situations, the organiser should be able to recover his expenses, for instance if a sub-contractor requires a fee for changing the name of the traveller or for cancelling a transport ticket and issuing a new one. Travellers should also have the possibility of cancelling the contract at any time before the start of the package against paying appropriate compensation, as well as the right to terminate the contract without paying compensation where unavoidable and extraordinary circumstances like warfare, ***including terrorism***, or a natural disaster, ***including hurricanes and earthquakes, or political instability, which puts travellers' safety at risk*** will significantly affect the package, ***when those events have occurred after the conclusion of the travel contract***. Unavoidable and extraordinary circumstances should in particular be deemed to exist where reliable and publicly available reports, such as recommendations issued by Member State authorities, advise against travelling to the place of destination.

## Amendment 23

### Proposal for a directive Recital 27

*Text proposed by the Commission*

(27) In specific situations, **also** the organiser should be entitled to terminate the contract before the start of the package without paying compensation, for instance if the minimum number of participants is not reached and where this possibility has been reserved in the contract.

*Amendment*

(27) In specific situations, the organiser should **also** be entitled to terminate the contract before the start of the package without paying compensation, for instance if the minimum number of participants is not reached and where this possibility has been reserved in the contract. ***In such a situation, the organiser should adequately inform travellers who may be impacted by that contract clause.***

**Amendment 24**

**Proposal for a directive**  
**Recital 28**

*Text proposed by the Commission*

(28) In certain cases organisers should be allowed to make unilateral changes to the package travel contract. However, travellers should have the right to terminate the contract if the proposed alterations change significantly any of the main characteristics of the travel services. Price increases should be possible only if there has been a change in the cost of fuel for the carriage of passengers, in taxes or fees imposed by a third party not directly involved in the performance of the included travel services or in the exchange rates relevant to the package and if both an upward and downward revision of the price is expressly reserved in the contract. **Price increases *should be limited to 10%* of the price of the package.**

*Amendment*

(28) In certain cases organisers should be allowed to make unilateral changes to the package travel contract. However, travellers should have the right to terminate the contract if the proposed alterations change significantly any of the main characteristics of the travel services. Price increases should be possible only if there has been a change in the cost of fuel for the carriage of passengers, in taxes or fees imposed by a third party not directly involved in the performance of the included travel services or in the exchange rates relevant to the package and if both an upward and downward revision of the price is expressly reserved in the contract. ***Travellers should have the right to terminate the contract without any obligation to pay compensation or to accept an alternative equivalent travel package offered by the organiser if the price increases exceed 8% of the original price of the package.***

## Amendment 25

### Proposal for a directive Recital 28 a (new)

*Text proposed by the Commission*

*Amendment*

***(28a) Price increases should always be justified in writing. If the price is increased by more than 8%, the traveller should be offered in writing the possibility of terminating the contract or accepting an alternative travel package equivalent in price to that booked. If the traveller does not take advantage of that possibility, the travel package at the higher price should be considered as accepted. The burden of proof regarding receipt of the notification in writing should remain with the organiser.***

## Amendment 27

### Proposal for a directive Recital 31

*Text proposed by the Commission*

*Amendment*

(31) This Directive should not affect the rights of travellers to present claims both under this Directive and under any other relevant Union legislation, so that travellers will continue to have the possibility to address claims to the organiser, the carrier or any other liable party, or, as the case may be, to several parties. It should be clarified that they may not cumulate rights under different legal bases if the rights safeguard the same interest or have the same objective. ***The organiser's*** liability is without prejudice to ***the*** right to seek redress from third parties, including service providers.

(31) This Directive should not affect the rights of travellers to present claims both under this Directive and under any other relevant Union legislation, so that travellers will continue to have the possibility to address claims to the organiser, the carrier or any other liable party, or, as the case may be, to several parties. It should be clarified that they may not cumulate rights under different legal bases if the rights safeguard the same interest or have the same objective. ***However, the need to ensure that travellers receive an appropriate and timely compensation in cases where the contract is not performed fully by one of the parties should not impose an unreasonable and disproportionate burden on organisers and retailers. In***

*addition to their obligation to remedy any lack of conformity or to compensate travellers, organisers and retailers should also have the right to seek redress from any third party which contributed to the event triggering compensation or other obligations. The organiser and retailer's liability is therefore without prejudice to this right to seek redress from third parties, including service providers.*

## Amendment 28

### Proposal for a directive Recital 32

#### *Text proposed by the Commission*

(32) If the traveller is in difficulty during the trip or holiday, the organiser should be obliged to give **prompt** assistance. Such assistance should consist mainly in providing, where appropriate, information on aspects such as health services, local authorities and consular assistance, as well as practical help, for instance with regard to distance communications and alternative travel arrangements.

#### *Amendment*

(32) If the traveller is in difficulty during the trip or holiday, the organiser should be obliged to give **appropriate** assistance **without undue delay**. Such assistance should consist mainly in providing, where appropriate, information on aspects such as health services, local authorities and consular assistance, as well as practical help, for instance with regard to distance communications and **the procurement of** alternative travel arrangements.

## Amendment 29

### Proposal for a directive Recital 34

#### *Text proposed by the Commission*

(34) Member States should ensure that travellers purchasing a package or **an assisted** travel arrangement are fully protected against the insolvency of the organiser, of the retailer having facilitated the **assisted** travel arrangement or of **any of the service providers**. Member States **in which package organisers and retailers facilitating assisted travel arrangements are established** should ensure that traders

#### *Amendment*

(34) Member States should ensure that travellers purchasing a package or **a linked** travel arrangement are fully protected against the insolvency of the organiser, of the retailer having facilitated the **linked** travel arrangement or of **a business involved in the linked travel arrangement**. Member States should ensure that traders offering such combinations of travel services provide security for the refund of

offering such combinations of travel services provide security for the refund of all payments made by travellers and for their repatriation in the event of insolvency. While retaining discretion as to the way in which insolvency protection is granted, Member States should ensure that their *national* insolvency protection schemes are effective and able to guarantee prompt repatriation and the refund of all travellers affected by the insolvency. The required insolvency protection should take into account the actual financial risk of the activities of the organiser, relevant retailer or *service provider*, including the type of combination of travel services they sell, foreseeable seasonal fluctuations as well as the extent of pre-payments and the way in which these are secured. In accordance with Directive 2006/123/EC of the European Parliament and of the Council of **12 December 2006 on services in the internal market**<sup>25</sup>, in cases where insolvency protection may be provided in the form of a guarantee or an insurance policy, such security may not be limited to attestations issued by financial operators established in a particular Member State.

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<sup>25</sup> OJ L 376, 27.12.06, p. 36

all payments made by travellers and for their repatriation in the event of insolvency. While retaining discretion as to the way in which insolvency protection is granted, Member States should ensure that their insolvency protection schemes are effective and able to guarantee prompt repatriation and the *immediate* refund of all travellers affected by the insolvency. ***Where a traveller would prefer to complete their package or linked travel arrangement rather than obtain a full refund, the insolvency protection may, where appropriate, provide for the fulfilment of existing contracts, in order to enable the package or linked travel arrangement to continue at no additional cost to the traveller.*** The required insolvency protection should take into account the actual financial risk of the activities of the organiser, relevant retailer or *of a business involved in the linked travel arrangement*, including the type of combination of travel services they sell, foreseeable seasonal fluctuations as well as the extent of pre-payments and the way in which these are secured. In accordance with Directive 2006/123/EC of the European Parliament and of the Council<sup>25</sup>, in cases where insolvency protection may be provided in the form of a guarantee or an insurance policy, such security may not be limited to attestations issued by financial operators established in a particular Member State.

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<sup>25</sup> ***Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market*** (OJ L 376, 27.12.2006, p. 36).

## Amendment 30

### Proposal for a directive Recital 40

*Text proposed by the Commission*

(40) The adoption of this Directive makes it necessary to adapt certain consumer protection acts. Taking into account that Directive 2011/83/EU of the European Parliament and the Council **of 25 October 2011 on consumer rights**<sup>26</sup> in its current form does not apply to contracts covered by Directive 90/314/EEC, it is necessary to amend Directive 2011/83/EU to ensure that it **applies to assisted travel arrangements** and that certain consumer rights laid down in that Directive also apply to packages.

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<sup>26</sup> OJ L 304, 22.11.11, p. 64

*Amendment*

(40) The adoption of this Directive makes it necessary to adapt certain consumer protection acts. Taking into account that Directive 2011/83/EU of the European Parliament and the Council<sup>26</sup> in its current form does not apply to contracts covered by Directive 90/314/EEC, it is necessary to amend Directive 2011/83/EU to ensure that it **continues to apply to individual travel services that form part of a linked travel arrangement, insofar as those individual services are not otherwise excluded from the scope of Directive 2011/83/EU** and that certain consumer rights laid down in that Directive also apply to packages.

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<sup>26</sup> **Directive 2011/83/EU of the European Parliament and the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council** (OJ L 304, 22.11.2011, p. 64).

## **Amendment 31**

### **Proposal for a directive Article 1**

*Text proposed by the Commission*

**This** Directive is to contribute to the proper functioning of the internal market and to the achievement of a high level of consumer protection **by approximating certain aspects** of the laws, regulations and administrative provisions of the Member States in respect of contracts on package travel and **assisted** travel arrangements concluded between travellers and traders.

*Amendment*

**The purpose of this** Directive is to contribute to the proper functioning of the internal market and to the achievement of a high **and as uniform as possible** level of consumer protection **in respect of** the laws, regulations and administrative provisions of the Member States in respect of contracts on package travel and **linked** travel arrangements concluded between travellers and traders.

## **Amendment 32**

### **Proposal for a directive Article 1 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 1a*

##### *Level of harmonisation*

*Unless otherwise provided for in this Directive, Member States shall not maintain or introduce, in their national law, provisions diverging from those laid down in this Directive, including more or less stringent provisions which would ensure a different level of consumer protection.*

## **Amendment 33**

### **Proposal for a directive Article 2 – paragraph 2 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

*(aa) packages and linked travel arrangements that are occasionally offered or put together by natural or legal persons where no direct or indirect financial gain is made from the sale of those packages or the facilitation of those linked travel arrangements and where the traveller has been duly informed by the responsible trader that this Directive shall not apply to such package or travel arrangement;*

## **Amendment 34**

### **Proposal for a directive Article 2 – paragraph 2 – point b**



*Text proposed by the Commission*

(b) ancillary contracts covering financial services;

*Amendment*

(b) ***ancillary contracts covering travel services provided in addition to the package and booked without the involvement of the travel organiser or ancillary contracts covering financial services;***

**Amendment 35**

**Proposal for a directive  
Article 2 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) packages and ***assisted*** travel arrangements purchased on the basis of a framework contract ***between the traveller's employer*** and a trader ***specialising in the arrangement of business travel;***

*Amendment*

(c) packages and ***linked*** travel arrangements purchased on the basis of a framework contract ***for business travel between a business on whose behalf the traveller is travelling*** and a trader;

**Amendment 36**

**Proposal for a directive  
Article 2 – paragraph 2 – point d**

*Text proposed by the Commission*

(d) packages where not more than one travel service as referred to in points (a), (b), and (c) of Article 3(1) is combined with a travel service as referred to in point (d) of Article 3(1) if ***this*** service does not account for a significant proportion of the package; or

*Amendment*

(d) packages where not more than one travel service as referred to in points (a), (b), and (c) of Article 3(1) is combined with a travel service as referred to in point (d) of Article 3(1) if ***the latter*** service does not account for a significant proportion of the package ***or clearly does not represent the reason for the trip or the ancillary service is clearly not marketed as the main element of the trip;*** or

**Amendment 37**

**Proposal for a directive  
Article 2 – paragraph 2 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

*(ea) carriage of passengers by bus, rail, water or air which includes accommodation, if the main component is clearly transport and such carriage is not combined with another travel service as referred to in points (b), (c) or (d) of Article 3(1).*

### **Amendment 38**

#### **Proposal for a directive Article 3 – point 1 – point b**

*Text proposed by the Commission*

(b) accommodation *other than* for residential *purpose*,

*Amendment*

(b) accommodation for residential *purposes, provided that such accommodation clearly serves a touristic purpose*,

### **Amendment 39**

#### **Proposal for a directive Article 3 – point 1 – point c**

*Text proposed by the Commission*

(c) *car* rental or

*Amendment*

(c) rental *of cars, other vehicles or other means of transport*, or

### **Amendment 40**

#### **Proposal for a directive Article 3 – point 1 – point d**

*Text proposed by the Commission*

(d) any other tourist service not ancillary to carriage of passengers, accommodation or *car* rental;

*Amendment*

(d) any other tourist service not ancillary to carriage of passengers, accommodation or rental *of cars, other vehicles or other means of transport*;

## Amendment 41

### Proposal for a directive

#### Article 3 – point 2 – point b – point i

*Text proposed by the Commission*

(i) purchased from a single point of sale within the same booking process,

*Amendment*

(i) purchased from a single point of sale within the same booking process, ***and all of those services have been selected by the traveller before the traveller has agreed to pay, or***

## Amendment 42

### Proposal for a directive

#### Article 3 – point 2 – point b – point ii

*Text proposed by the Commission*

(ii) offered or charged at an inclusive or total price,

*Amendment*

(ii) offered or charged at an inclusive or total price, ***or***

## Amendment 43

### Proposal for a directive

#### Article 3 – point 2 – point b – point iii

*Text proposed by the Commission*

(iii) advertised or sold under the term 'package' or under a similar term,

*Amendment*

(iii) advertised or sold under the term 'package' or under a similar term, ***or***

## Amendment 44

### Proposal for a directive

#### Article 3 – point 2 – point b – point v

*Text proposed by the Commission*

(v) purchased from separate traders through linked online booking processes

*Amendment*

(v) purchased from separate traders through linked online booking processes

where the traveller's name or particulars needed to conclude a booking transaction are transferred between the traders at the latest **when** the booking of the first service is confirmed;

where the traveller's name **and other personal data, such as contact details, credit card details or passport details**, needed to conclude a booking transaction are transferred between the traders at the latest **24 hours after** the booking of the first service is confirmed;

## Amendment 45

### Proposal for a directive

#### Article 3 – point 5 – introductory part

##### *Text proposed by the Commission*

(5) '**assisted** travel arrangement' means a combination of at least two different types of travel services for the purpose of the same trip or holiday, not constituting a package, resulting in the conclusion of separate contracts with the individual travel service providers, if a retailer facilitates the combination:

##### *Amendment*

(5) '**linked** travel arrangement' means a combination of at least two different types of travel services for the purpose of the same trip or holiday, not constituting a package, resulting in the conclusion of separate contracts with the individual travel service providers, if **one of the providers involved or** a retailer facilitates the combination:

*(This amendment: change of 'assisted' to 'linked' applies throughout the text. Adopting it will necessitate corresponding changes throughout.)*

## Amendment 46

### Proposal for a directive

#### Article 3 – point 5 – point a

##### *Text proposed by the Commission*

(a) **on the basis of separate bookings** on the occasion of a single visit or contact with the point of sale; or

##### *Amendment*

(a) **where the traveller selects and agrees to pay for each travel service separately** on the occasion of a single visit or contact with the point of sale; or

## Amendment 47

### Proposal for a directive Article 3 – point 5 – point b

#### *Text proposed by the Commission*

(b) through the procurement of additional travel services from another trader in a targeted manner through linked online booking processes at the latest **when** the booking of the first service is confirmed;

#### *Amendment*

(b) through the procurement of additional travel services from another trader in a targeted manner through linked online booking processes **where at least the traveller's name or contact details are transferred to the other trader and such additional services are procured** at the latest **24 hours after** the booking of the first service is confirmed;

## Amendment 48

### Proposal for a directive Article 3 – point 8

#### *Text proposed by the Commission*

(8) 'organiser' means a trader who combines and sells or offers for sale packages, either directly or through another trader or together with another trader; where more than one trader meets any of the criteria referred to in point (b) of paragraph 2, all of those traders are considered as organisers, unless one of them is designated as organiser and the traveller is informed accordingly;

#### *Amendment*

(8) 'organiser' means a trader who combines and sells or offers for sale packages, either directly or through another trader or together with another trader **or who facilitates the combination and procurement of such packages**; where more than one trader meets any of the criteria referred to in point (b) of paragraph 2, all of those traders are considered as organisers, unless one of them is designated as organiser and the traveller is informed accordingly;

## Amendment 49

### Proposal for a directive Article 3 – point 9 – point a

#### *Text proposed by the Commission*

(a) sells or offers for sale packages or

#### *Amendment*

(a) sells or offers for sale packages **put together by the organiser**; or

## Amendment 50

### Proposal for a directive Article 3 – point 9 – point b

*Text proposed by the Commission*

(b) facilitates the procurement of travel services which are part of **an assisted** travel arrangement by assisting travellers in concluding separate contracts for travel services with individual service providers;

*Amendment*

(b) facilitates the procurement of travel services which are part of **a linked** travel arrangement by assisting travellers in concluding separate contracts for travel services with individual service providers, **one of whom may be the retailer himself**;

## Amendment 51

### Proposal for a directive Article 3 – point 11

*Text proposed by the Commission*

(11) 'unavoidable and extraordinary circumstances' means a situation beyond the control of the trader the consequences of which could not have been avoided even if all reasonable measures had been **taken**;

*Amendment*

(11) 'unavoidable and extraordinary circumstances' means **an unforeseeable situation** beyond the control of the trader, the consequences of which could not have been avoided even if all **due care** had been **exercised**;

## Amendment 52

### Proposal for a directive Article 3 – point 12

*Text proposed by the Commission*

(12) 'lack of conformity' means lack of **and** improper performance of the travel services included in a package.

*Amendment*

(12) 'lack of conformity' means lack of **or** improper performance of the travel services included in a package;

## Amendment 53

### Proposal for a directive Article 3 – point 12 a (new)

*Text proposed by the Commission*

*Amendment*

***(12a) 'ancillary services' means a non-stand-alone touristic service in the context of the provision or supplementing of travel services such as, in particular, travel insurance, transport between a station and the accommodation or to the airport of departure and in the context of excursions, transport of luggage, meals and cleaning services provided as part of accommodation.***

## Amendment 54

### Proposal for a directive Article 4 – paragraph 1 – introductory part

*Text proposed by the Commission*

*Amendment*

1. Member States shall ensure that, before the traveller is bound by any package travel contract or any corresponding offer, the organiser ***and, where the package is sold through a retailer, also the retailer*** shall provide the traveller with the following information where applicable to the package:

1. Member States shall ensure that, before the traveller is bound by any package travel contract or any corresponding offer, the organiser shall provide the traveller with the following information where applicable to the package:

## Amendment 55

### Proposal for a directive Article 4 – paragraph 1 – point a – point i

*Text proposed by the Commission*

*Amendment*

(i) the travel destination(s), itinerary and periods of stay, with dates;

(i) the travel destination(s), itinerary and periods of stay, with dates, ***and the number of nights included;***

## Amendment 56

### Proposal for a directive

#### Article 4 – paragraph 1 – point a – point ii

##### *Text proposed by the Commission*

(ii) the means, characteristics and categories of transport, the points, dates and time of departure and return ***or, where the exact time is not yet determined, the approximate time of departure and return,*** the duration and places of intermediate stops and transport connections;

##### *Amendment*

(ii) the means, characteristics and categories of transport, the points, dates and time of departure and return, the duration and places of intermediate stops and transport connections.

***Where the exact time is not yet determined, the trader shall inform the traveller of the approximate time of departure and return.***

***Where no indicative time can be determined, the retailer shall inform the traveller accordingly;***

## Amendment 57

### Proposal for a directive

#### Article 4 – paragraph 1 – point a – point iii

##### *Text proposed by the Commission*

(iii) the location, main features and ***tourist*** category of the accommodation;

##### *Amendment*

(iii) the location, main features and ***official*** category of the accommodation ***assigned by the competent body in the place in which the accommodation is located;***

## Amendment 58

### Proposal for a directive

#### Article 4 – paragraph 1 – point a – point v a (new)

##### *Text proposed by the Commission*

##### *Amendment*

***(va) whether any of the travel services shall be provided to the traveller as a part of a group and, if that is the case, how many people are expected to participate;***



## Amendment 59

### Proposal for a directive

#### Article 4 – paragraph 1 – point a – point vi

*Text proposed by the Commission*

*vi) the language(s) in which the activities will be carried out and*

*Amendment*

*deleted*

## Amendment 60

### Proposal for a directive

#### Article 4 – paragraph 1 – point a – point vii

*Text proposed by the Commission*

(vii) whether access for persons with reduced mobility is guaranteed throughout the trip or holiday;

*Amendment*

(vii) *upon traveller request*, whether access for persons with *a certain degree of* reduced mobility is guaranteed throughout the trip or holiday;

## Amendment 61

### Proposal for a directive

#### Article 4 – paragraph 1 – point c

*Text proposed by the Commission*

(c) the total price of the package inclusive of taxes and, where applicable, of all additional fees, charges and other costs or, where those costs cannot reasonably be calculated in advance, the fact that the traveller may have to bear such additional costs;

*Amendment*

(c) the total price of the package inclusive of taxes and, where applicable, of all additional fees, charges and other costs or, where those costs cannot reasonably be calculated in advance, the fact that the traveller may have to bear such additional costs *and the nature of such costs; the total price must be presented in the form of a detailed invoice setting out all the costs of the travel service in a transparent manner;*

## Amendment 62

### Proposal for a directive Article 4 – paragraph 1 – point e

*Text proposed by the Commission*

(e) the minimum number of persons required for the package to take place and *a* time-limit *of at least 20 days* before the start of the package for the possible cancellation if that number is not reached;

*Amendment*

(e) *where appropriate*, the minimum number of persons required for the package to take place and *the* time-limit *referred to in Article 10(3)* before the start of the package for the possible cancellation if that number is not reached;

## Amendment 63

### Proposal for a directive Article 4 – paragraph 1 – point f a (new)

*Text proposed by the Commission*

*Amendment*

*(fa) information on the optional conclusion of an insurance policy to cover the costs of cancellation by the traveller or the cost of repatriation in the event of accident or illness;*

## Amendment 64

### Proposal for a directive Article 4 – paragraph 1 – point g a (new)

*Text proposed by the Commission*

*Amendment*

*(ga) information that, in accordance with Article 10, the traveller or the organiser may terminate the contract at any time before the start of the package and upon the payment of an applicable reasonable standardised termination fee, if any;*

## Amendment 65

### Proposal for a directive Article 4 – paragraph 1 – point g b (new)

*Text proposed by the Commission*

*Amendment*

***(gb) the possibility of transferring the package travel contract to another traveller, and possible limitations on, and consequences of, such transfer.***

## **Amendment 66**

**Proposal for a directive  
Article 4 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Where a package is sold through a retailer, the retailer shall provide the traveller without delay with the full information referred to in paragraph 1.***

## **Amendment 67**

**Proposal for a directive  
Article 4 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The information referred to in paragraph 1 shall be provided in a clear and prominent manner.

2. The information referred to in paragraph 1 shall be provided in a clear, ***comprehensible*** and prominent manner.

## **Amendment 68**

**Proposal for a directive  
Article 4 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Where a travel contract is concluded by electronic means, the organiser shall make the traveller aware in a clear and prominent manner, and directly before the traveller places his order, of the information provided for in points (a)(i),***

*(ii), (iii), (iv), (v), (c), and (d) of paragraph 1. The second subparagraph of Article 8(2) of Directive 2011/83/EU shall apply accordingly.*

## **Amendment 69**

### **Proposal for a directive Article 4 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2b. As regards compliance with the information requirements laid down in this Chapter, the burden of proof shall be on the trader.***

## **Amendment 70**

### **Proposal for a directive Article 5 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Member States shall ensure that the organiser may not change the information made known to the traveller pursuant to points (a), (c), (d), (e) **and** (g) of Article 4, unless the **organiser reserves the right to make changes to that information and communicates any** changes to the traveller in a clear and prominent manner before the conclusion of the contract.

1. Member States shall ensure that the organiser may not change the information made known to the traveller pursuant to points (a), (c), (d), (e), **(f), (g) and (ga)** of Article 4(1), **which shall form an integral part of the package travel contract and shall not be altered unless the contracting parties expressly agree otherwise. All changes to the pre-contractual information shall be communicated** to the traveller in a clear and prominent manner before the conclusion of the contract.

## **Amendment 71**

### **Proposal for a directive Article 5 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. If the information on additional charges,

2. If the information on additional charges,

fees or other costs referred to in point (c) of Article 4 is not provided prior to the conclusion of the contract, the traveller shall not bear those fees, charges or other costs.

fees or other costs referred to in point (c) of Article 4(1) is not provided prior to the conclusion of the contract, the traveller shall not bear those fees, charges or other costs.

## Amendment 72

### Proposal for a directive Article 5 – paragraph 3

#### *Text proposed by the Commission*

3. At or ***immediately*** after the conclusion of the contract, the organiser shall provide the traveller with a copy of the contract or a confirmation of the contract on a durable medium.

#### *Amendment*

3. At or ***without delay*** after the conclusion of the contract, the organiser shall provide the traveller with a copy of the contract or a confirmation of the contract on a durable medium.

## Amendment 74

### Proposal for a directive Article 6 – paragraph 2 – introductory part

#### *Text proposed by the Commission*

2. The contract or the confirmation of the contract shall include ***all*** the information ***referred to in*** Article 4. ***It*** shall include the following additional information:

#### *Amendment*

2. The ***text of the*** contract or the confirmation of the contract shall ***set out the full content of the contract and in particular*** the information ***pursuant to*** Article 4 ***which has become an integral part of the contract. The text of the contract or confirmation of the contract*** shall include the following additional information:

## Amendment 75

### Proposal for a directive Article 6 – paragraph 2 – point c

*Text proposed by the Commission*

*Amendment*

*(c) the details of a contact point where the traveller can complain about any lack of conformity which he perceives on the spot;* **deleted**

#### **Amendment 76**

##### **Proposal for a directive Article 6 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

*(d) the name, geographical address, telephone number and e-mail address of the organiser's local representative or contact point whose assistance a traveller in difficulty could request or, where no such representative or contact point exists, an emergency telephone number or the indication of other ways of contacting the organiser;* **deleted**

#### **Amendment 77**

##### **Proposal for a directive Article 6 – paragraph 2 – point e**

*Text proposed by the Commission*

*Amendment*

*(e) information that the traveller may terminate the contract at any time before the start of the package against payment of an appropriate compensation or a reasonable standardised termination fee if such fees are specified in accordance with Article 10 (1);* **deleted**

#### **Amendment 78**

##### **Proposal for a directive Article 6 – paragraph 2 – point f**

*Text proposed by the Commission*

(f) where minors travel on a package that includes accommodation, information enabling direct contact with the minor or the person responsible at the minor's place of stay;

*Amendment*

(f) where minors travel ***unaccompanied by their parents or guardians*** on a package that includes accommodation, information enabling direct contact with the minor or the person responsible at the minor's place of stay ***by a parent or guardian***;

**Amendment 79**

**Proposal for a directive  
Article 6 – paragraph 2 – point g**

*Text proposed by the Commission*

(g) information on available alternative and online dispute resolution mechanisms

*Amendment*

(g) information on available ***in-house complaint handling procedures and alternative dispute resolution mechanisms pursuant to Directive 2013/11/EU of the European Parliament and of the Council<sup>1a</sup>*** and online dispute resolution mechanisms ***pursuant to Regulation (EU) No 524/2013 of the European Parliament and of the Council<sup>1b</sup>***.

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<sup>1a</sup> ***Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR)(OJ L 165, 18.6.2013, p. 63).***

<sup>1b</sup> ***Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR)(OJ L 165, 18.6.2013, p. 1).***

## Amendment 80

### Proposal for a directive Article 6 – paragraph 3

#### *Text proposed by the Commission*

3. The information referred to in paragraph 2 shall be provided in a clear and prominent manner.

#### *Amendment*

3. The information referred to in paragraph 2 shall be provided in a clear, ***comprehensible*** and prominent manner.

## Amendment 81

### Proposal for a directive Article 6 – paragraph 4

#### *Text proposed by the Commission*

4. In good time before the start of the package, the organiser shall provide the traveller with ***the necessary receipts, vouchers or tickets, including information on the precise times of departure, intermediate stops, transport connections and arrival.***

#### *Amendment*

4. In good time before the start of the package, the organiser shall provide the traveller with the ***following information:***

***(a) necessary receipts, vouchers or tickets, including information on the precise times of departure, intermediate stops, transport connections and arrival;***

***(b) all relevant contact details in case the traveller perceives any lack of conformity, and details of how the traveller should proceed;***

***(c) the name, geographical address, telephone number and e-mail address of the organiser's local representative or contact point whose assistance a traveller in difficulty could request or, where no such representative or contact point exists, an emergency telephone number or the indication of other ways of contacting the organiser.***



## Amendment 82

### Proposal for a directive Article 7 – paragraph 1

#### *Text proposed by the Commission*

1. Member States shall ensure that a traveller may, after giving the organiser **reasonable** notice on a durable medium before the start of the package, transfer the contract to a person who satisfies all the conditions applicable to that contract.

#### *Amendment*

1. Member States shall ensure that a traveller may, after giving the organiser **or the retailer** notice on a durable medium **within a maximum of seven days** before the start of the package, transfer the contract to a person who satisfies all the conditions applicable to that contract.

## Amendment 83

### Proposal for a directive Article 7 – paragraph 2

#### *Text proposed by the Commission*

2. The transferor of the contract and the transferee shall be jointly and severally liable for the payment of the balance due and for any additional fees, charges or other costs arising from the transfer. **Those costs** shall not be unreasonable and **in any case** shall not exceed the actual cost **borne** by the organiser.

#### *Amendment*

2. The transferor of the contract and the transferee shall be jointly and severally liable for the payment of the balance due and for any additional fees, charges or other costs, **if any**, arising from the transfer. **The organiser shall inform the transferor and the transferee about the possible costs of such transfer, which in any case** shall not be unreasonable and shall not exceed the actual cost **incurred** by the organiser.

## Amendment 84

### Proposal for a directive Article 7 – paragraph 2 – subparagraph 1 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

**The organiser shall be responsible for providing proof of the additional fees, charges or other costs arising from the**

*transfer of the contract.*

## Amendment 85

### Proposal for a directive Article 8 – paragraph 1 – point a

*Text proposed by the Commission*

(a) in the cost of fuel for the carriage of passengers,

*Amendment*

(a) in the ***price of passenger transport services resulting from the*** cost of fuel for the carriage of passengers,

## Amendment 86

### Proposal for a directive Article 8 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. A price reduction pursuant to paragraph 1 of 3% or more shall be passed on to the traveller. A price increase pursuant to paragraph 1 may be passed on to the traveller only if the price changes by 3% or more. In the event of a price reduction of 3% or more, the organiser may charge a lump sum of EUR 10 per traveller for administrative expenses.***

## Amendment 87

### Proposal for a directive Article 8 – paragraph 2

*Text proposed by the Commission*

2. The price increase referred to in paragraph 1 ***shall not exceed 10%*** of the price of the package.

*Amendment*

2. ***If*** the price increase referred to in paragraph 1 ***exceeds 8%*** of the price of the package, ***Article 9(2) shall apply.***

## Amendment 88

### Proposal for a directive Article 8 – paragraph 3

#### *Text proposed by the Commission*

3. The price increase referred to in paragraph 1 shall be valid only if the organiser notifies the traveller ***of it with a justification and calculation*** on a durable medium at the latest 20 days prior to the start of the package.

#### *Amendment*

3. The price increase referred to in paragraph 1 shall be valid only if the organiser, ***without undue delay***, notifies the traveller ***clearly and comprehensibly*** on a durable medium at the latest 20 days prior to the start of the package ***of the price increase with a justification and calculation***.

## Amendment 89

### Proposal for a directive Article 9 – paragraph 1

#### *Text proposed by the Commission*

1. Member States shall ensure that, before the start of the package, the organiser may not unilaterally change contract terms other than the price, unless:

#### *Amendment*

1. Member States shall ensure that, before the start of the package, the organiser may not unilaterally change contract terms other than the price ***in accordance with Article 8***, unless:

## Amendment 90

### Proposal for a directive Article 9 – paragraph 1 – point b

#### *Text proposed by the Commission*

(b) the change is insignificant and

#### *Amendment*

(b) the change is insignificant ***in particular with regard to the elements set out in points (a) and (d) of Article 4(1)***; and

## Amendment 91

### Proposal for a directive Article 9 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. A change in the terms of a contract shall in particular be considered to be significant within the meaning of paragraph 2 of this Article if the time of departure and return provided in accordance with point (a)(ii) of Article 4(1) diverges by more than three hours from the actual time of departure or return or, if it is not within the part of the day indicated in the pre-contractual information.***

## Amendment 92

### Proposal for a directive Article 9 – paragraph 2 – introductory part

*Text proposed by the Commission*

*Amendment*

2. If, before the start of the package, the organiser is constrained to alter significantly any of the main characteristics of the travel services as defined in point (a) of Article 4 or special requirements as referred to in point (a) of Article 6(2), the organiser shall without undue delay inform the traveller in a clear and prominent manner on a durable medium of:

2. If, before the start of the package, the organiser is constrained to alter significantly any of the main characteristics of the travel services as defined in point (a) of Article 4(1) or special requirements as referred to in point (a) of Article 6(2) ***or to increase the price of the package by more than 8% of the contractual price in accordance with Article 8(2)***, the organiser shall without undue delay inform the traveller in a clear and prominent manner on a durable medium of:

## Amendment 93

### Proposal for a directive Article 9 – paragraph 2 – point a

*Text proposed by the Commission*

(a) the proposed changes and

*Amendment*

(a) the proposed changes ***and their impact on the price of the package;*** and

#### **Amendment 94**

##### **Proposal for a directive Article 9 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) the fact that the traveller may terminate the contract without penalty within a specified reasonable time-limit ***and that otherwise the proposed alteration will be considered as accepted.***

*Amendment*

(b) the fact that the traveller may terminate the contract without penalty within a specified reasonable time-limit ***or accept an alternative equivalent travel package offered by the organiser;***

#### **Amendment 95**

##### **Proposal for a directive Article 9 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) the fact that the proposed change to the contract shall be deemed to have been accepted if the traveller has not exercised the right of termination or accepted an alternative travel package offered by the organiser.***

#### **Amendment 96**

##### **Proposal for a directive Article 9 – paragraph 3**

*Text proposed by the Commission*

3. Where the changes to the contract referred to in paragraph 2 result in a package of lower quality or cost, the traveller shall be entitled to an appropriate

*Amendment*

3. Where the changes to the contract ***or the alternative travel package offered as*** referred to in paragraph 2 result in a package of lower quality or cost, the

price reduction.

traveller shall be entitled to an appropriate price reduction.

## Amendment 97

### Proposal for a directive Article 9 – paragraph 4

#### *Text proposed by the Commission*

4. If the contract is terminated pursuant to point (b) of paragraph 2, the organiser shall refund all payments received from the traveller within *fourteen* days *after* the contract *is terminated*. The traveller shall, where appropriate, be entitled to compensation in accordance with Article 12.

#### *Amendment*

4. If the contract is terminated pursuant to point (b) of paragraph 2, the organiser shall refund all payments received from the traveller within 14 days *of the termination of the contract, including payments for ancillary services booked through the organiser, such as travel insurance, cancellation insurance or additional activities on the spot booked in advance*. The traveller shall, where appropriate, be entitled to compensation in accordance with Article 12.

## Amendment 98

### Proposal for a directive Article 10 – paragraph 1

#### *Text proposed by the Commission*

1. Member States shall ensure that the traveller may terminate the contract before the start of the package against payment of an appropriate compensation to the organiser. The contract may specify reasonable standardised termination fees based on the time of the termination and the customary cost savings and income from alternative deployment of the travel services. In the absence of standardised termination fees, the amount of the compensation shall correspond to the price of the package minus the expenses saved by the organiser.

#### *Amendment*

1. Member States shall ensure that the traveller may terminate the contract before the start of the package against payment of an appropriate compensation to the organiser. The contract may specify reasonable standardised termination fees based on the time of the termination and the customary cost savings and income from alternative deployment of the travel services. In the absence of standardised termination fees, the amount of the compensation shall correspond to the price of the package minus the expenses *proved to have been* saved by the organiser *which cannot be recovered from the travel service providers or through alternative deployment of those services. Fees due for*

*the termination of the contract, including administrative fees, shall not be disproportionate or excessive. The organiser shall provide a justification for the calculation of the amount of the compensation or the standardised termination fees. The burden of proof that the compensation is appropriate shall be on the organiser.*

## Amendment 99

### Proposal for a directive Article 10 – paragraph 2

#### *Text proposed by the Commission*

2. The traveller shall have the right to terminate the contract before the start of the package without compensation in the event of unavoidable and extraordinary circumstances occurring at the place of destination or its immediate vicinity and significantly affecting the package.

#### *Amendment*

2. ***Once the travel contract has been concluded***, the traveller shall have the right to terminate the contract before the start of the package without compensation in the event of unavoidable and extraordinary circumstances occurring at ***or on the way to*** the place of destination or ***in*** its immediate vicinity and significantly affecting the package ***which mean that the organiser has to make significant alterations to the essential elements of the package travel contract. Such unavoidable and extraordinary circumstances shall be deemed to exist, for example, if the package is significantly affected by warfare or a natural disaster. Unavoidable and extraordinary circumstances shall in particular be deemed to exist where reliable and publicly available reports, such as recommendations issued by Member State authorities, advise against travelling to the place of destination.***

## Amendment 101

### Proposal for a directive

#### Article 10 – paragraph 3 – introductory part

##### *Text proposed by the Commission*

3. The organiser may terminate the contract without paying compensation to the traveller, *if*:

##### *Amendment*

3. The organiser may terminate the contract without paying compensation to the traveller, *only in the following cases*:

## Amendment 102

### Proposal for a directive

#### Article 10 – paragraph 3 – point a

##### *Text proposed by the Commission*

(a) the number of persons enrolled for the package is smaller than the minimum number stated in the contract and the organiser notifies the traveller of the termination within the period fixed in the contract *and* not later than *20 days before the start of the package; or*

##### *Amendment*

(a) the number of persons enrolled for the package is smaller than the minimum number stated in the contract and the organiser notifies the traveller of the termination within the period fixed in the contract *but* not later than:

*(i) 20 days before the start of the package in the case of trips lasting more than six days,*

*(ii) seven days before the start of the package in the case of trips lasting between two and six days,*

*(iii) 48 hours before the start of the package in the case of one-day trips, or*

## Amendment 103

### Proposal for a directive

#### Article 11 – paragraph 2

##### *Text proposed by the Commission*

2. If any of the services are not performed in accordance with the contract, the organiser shall remedy the lack of conformity, *unless this is* disproportionate.

##### *Amendment*

2. If any of the services are not performed in accordance with the contract, the organiser shall remedy the lack of conformity, *provided the lack of*



*conformity is reported by the traveller or is clear to the organiser and remedying it would not be disproportionate, unless the lack of conformity is attributable to the traveller.*

## Amendment 104

### Proposal for a directive Article 11 – paragraph 3

#### *Text proposed by the Commission*

3. Where a significant proportion of the services cannot be provided as agreed in the contract, the organiser shall make suitable alternative arrangements, at no extra cost to the traveller, for the continuation of the package, including where the traveller's return to the place of departure is not provided as agreed.

#### *Amendment*

3. Where a significant proportion of the services cannot be provided as agreed in the contract, the organiser shall make suitable alternative arrangements, at no extra cost to the traveller, for the continuation of the package, ***with service quality at least equivalent to that specified under the contract***, including where the traveller's return to the place of departure is not provided as agreed.

## Amendment 105

### Proposal for a directive Article 11 – paragraph 4

#### *Text proposed by the Commission*

4. If it is impossible for the organiser to offer suitable alternative arrangements or the traveller does not accept the alternative arrangements proposed because they are not comparable to what was agreed in the contract, the organiser shall, insofar as the package includes the carriage of passengers, provide the traveller at no extra cost with equivalent transport to the place of departure or to another place to which the traveller has agreed and shall, ***where appropriate***, compensate the traveller in accordance with Article 12.

#### *Amendment*

4. If it is impossible for the organiser to offer suitable alternative arrangements or the traveller does not accept the alternative arrangements proposed because they are not comparable to what was agreed in the contract, the organiser shall, insofar as the package includes the carriage of passengers, provide the traveller at no extra cost with equivalent transport to the place of departure or to another place to which the traveller has agreed and shall, ***where the services agreed in the contract have not been provided***, compensate the traveller in accordance with Article 12.  
***Compensation shall be made within 14***

days.

## Amendment 106

### Proposal for a directive Article 11 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***4a. If paragraph 4 applies, the traveller may terminate the contract where the lack of conformity is significant and subsequent performance is not possible or is unsuccessful.***

## Amendment 107

### Proposal for a directive Article 11 – paragraph 5

*Text proposed by the Commission*

*Amendment*

5. As long as it is impossible to ensure the traveller's timely return because of unavoidable and extraordinary circumstances, the organiser shall not bear the cost for the continued stay exceeding ***EUR 100 per night and three*** nights per traveller.

5. As long as it is impossible to ensure the traveller's timely return because of unavoidable and extraordinary circumstances, the organiser shall not bear the cost for the continued stay exceeding ***five*** nights per traveller. ***The organiser shall arrange accommodation consistent with the category of hotel originally booked. The traveller may book accommodation himself only if the organiser expressly states that he is unwilling or unable to do so. In such cases, the organiser may limit the cost of accommodation to EUR 125 per night per traveller.***

## Amendment 108

### Proposal for a directive Article 11 – paragraph 6

*Text proposed by the Commission*

6. The limitation of costs referred to in paragraph 5 shall not apply to persons with reduced mobility, as defined in Regulation (EC) No 1107/2006 of the European Parliament and of the Council **of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air**<sup>28</sup>, and any person accompanying them, pregnant women and unaccompanied children, as well as persons in need of specific medical assistance, provided the organiser has been notified of their particular needs at least 48 hours before the start of the package. The organiser may not invoke unavoidable and extraordinary circumstances to limit the costs referred to in paragraph 5 if the relevant transport provider may not rely on such circumstances under applicable Union legislation.

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<sup>28</sup> OJ L 204, 26.7.2006, p. 1.

*Amendment*

6. The limitation of costs referred to in paragraph 5 shall not apply to persons with reduced mobility, as defined in Regulation (EC) No 1107/2006 of the European Parliament and of the Council<sup>28</sup>, and any person accompanying them, pregnant women and unaccompanied children, as well as persons in need of specific medical assistance, provided the organiser has been notified of their particular needs **at the time of conclusion of the package travel contract or, if that is not possible**, at least 48 hours before the start of the package. The organiser may not invoke unavoidable and extraordinary circumstances to limit the costs referred to in paragraph 5 if the relevant transport provider may not rely on such circumstances under applicable Union legislation.

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<sup>28</sup> **Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air** (OJ L 204, 26.7.2006, p. 1).

**Amendment 109**

**Proposal for a directive**  
**Article 11 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**7a. Member States may maintain or introduce provisions which provide that the retailer is also liable for the performance of the package and therefore bound by the obligations arising from this Article and point (b) of Article 6(2), Articles 12, 15(1) and 16.**

## Amendment 110

### Proposal for a directive Article 11 – paragraph 7 b (new)

*Text proposed by the Commission*

*Amendment*

***7b. Any right to compensation of the traveller under Regulation (EC) No 261/2004 is independent of any right to compensation of the traveller under this Directive. If the traveller is entitled to compensation under both Regulation (EC) No 261/2004 and this Directive, the traveller shall be entitled to present claims under both legal acts, but may not cumulate rights under both legal acts in relation to the same facts if the rights protect the same interest or have the same objective.***

## Amendment 111

### Proposal for a directive Article 12 – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. Insofar as international conventions binding the Union limit the extent of or the conditions under which compensation is to be paid by a provider carrying out a service which is part of a package, the same limitations shall apply to the organiser. Insofar as international conventions not binding the Union limit compensation to be paid by a service provider, Member States may limit compensation to be paid by the organiser accordingly. In other cases, the contract may limit compensation to be paid by the organiser as long as that limitation does not apply to personal injury ***and*** damage caused intentionally or with gross negligence and does not amount to less than three times the total price of the package.

4. Insofar as international conventions binding the Union limit the extent of or the conditions under which compensation is to be paid by a provider carrying out a service which is part of a package, the same limitations shall apply to the organiser. Insofar as international conventions not binding the Union limit compensation to be paid by a service provider, Member States may limit compensation to be paid by the organiser accordingly. In other cases, the contract may limit compensation to be paid by the organiser as long as that limitation does not apply to personal injury ***or*** damage caused intentionally or with gross negligence and does not amount to less than three times the total price of the package.

## Amendment 112

### Proposal for a directive Article 12 – paragraph 5

#### *Text proposed by the Commission*

5. Any right to compensation or price reduction under this Directive shall not affect the rights of travellers under Regulation (EC) No 261/2004<sup>29</sup>, Regulation (EC) No 1371/2007<sup>30</sup>, Regulation (EU) No 1177/2010<sup>31</sup> and Regulation (EU) No 181/2011<sup>32</sup>. Travellers shall be entitled to present claims under this Directive and under those Regulations, **but may not, in relation to the same facts, cumulate** rights under different legal bases **if the rights safeguard the same interest or have the same objective.**

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<sup>29</sup> OJ L 46, 17.2.2004, p. 1.

<sup>30</sup> OJ L 315, 3.12.2007, p. 14.

<sup>31</sup> OJ L 334, 17.2.2010, p. 1.

<sup>32</sup> OJ L 55, 28.2.2011, p. 1.

#### *Amendment*

5. Any right to compensation or price reduction under this Directive shall not affect the rights of travellers under Regulation (EC) No 261/2004, Regulation (EC) No 1371/2007<sup>30</sup>, Regulation (EU) No 1177/2010<sup>31</sup> and Regulation (EU) No 181/2011<sup>32</sup>. Travellers shall be entitled to present claims under this Directive and under those Regulations, **in particular claims for additional compensation.** Rights under different legal bases **which relate to the same facts may not be cumulated.**

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<sup>30</sup> **Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations** (OJ L 315, 3.12.2007, p. 14).

<sup>31</sup> **Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004** (OJ L 334, 17.2.2010, p. 1).

<sup>32</sup> **Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004** (OJ L 55, 28.2.2011, p. 1).

## Amendment 113

### Proposal for a directive Article 12 – paragraph 6

*Text proposed by the Commission*

6. The prescription period for introducing claims under this Article shall not be shorter than **one year**.

*Amendment*

6. The prescription period for introducing claims under this Article shall not be shorter than **three years**.

**Amendment 114**

**Proposal for a directive**

**Article 14 – paragraph 1 – introductory part**

*Text proposed by the Commission*

Member States shall ensure that the organiser gives **prompt** assistance to the traveller in difficulty, in particular by:

*Amendment*

Member States shall ensure that the organiser gives **appropriate** assistance **without undue delay** to the traveller in difficulty, in particular by:

**Amendment 115**

**Proposal for a directive**

**Article 14 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) assisting the traveller **in making** distance communications and alternative travel arrangements.

*Amendment*

(b) assisting the traveller **to make** distance communications and **helping the traveller to source** alternative travel arrangements.

**Amendment 116**

**Proposal for a directive**

**Article 14 – paragraph 2**

*Text proposed by the Commission*

The organiser shall be able to charge a reasonable fee for such assistance if the situation is caused by the traveller's negligence or intent.

*Amendment*

The organiser shall be able to charge a reasonable fee for such assistance if the situation is caused by the traveller's negligence or intent. **That fee shall not in any case exceed the actual costs incurred by the organiser.**

## Amendment 117

### Proposal for a directive Article 15 – paragraph 1

#### *Text proposed by the Commission*

1. Member States shall ensure that organisers and retailers facilitating the procurement of *assisted* travel arrangements established in their territory obtain a security for the effective and *prompt* refund of all payments made by travellers and, insofar as carriage of passengers is included, for the travellers' effective and prompt repatriation in the event of insolvency.

#### *Amendment*

1. Member States shall ensure that organisers *of packages* and retailers *of linked travel arrangements* facilitating the procurement of *linked* travel arrangements established in their territory obtain a security for the effective and *immediate* refund of all payments made by travellers and, insofar as carriage of passengers is included, for the travellers' effective and prompt repatriation in the event of insolvency. *Where that is possible, continuation of the trip shall be offered.*

## Amendment 118

### Proposal for a directive Article 16 – paragraph 1 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

*1a. Member States shall allow organisers of packages, retailers facilitating the procurement of linked travel arrangements and passenger carriers established outside of their territory or outside the Union to obtain insolvency protection under their national insolvency protection schemes.*

## Amendment 119

### Proposal for a directive Article 16 – paragraph 4

#### *Text proposed by the Commission*

4. If a Member State has doubts about the insolvency protection of an organiser or of a retailer facilitating the procurement of

#### *Amendment*

4. If a Member State has doubts about the insolvency protection of an organiser or of a retailer facilitating the procurement of

*assisted* travel arrangements which is established in a different Member State **and is operating on its territory**, it shall seek clarification from the Member State of establishment. Member States shall respond to requests from other Member States at the latest within 15 working days of receiving them.

*linked* travel arrangements which is established in a different Member State, it shall seek clarification from the Member State of establishment. Member States shall respond to requests from other Member States at the latest within 15 working days of receiving them.

## Amendment 120

### Proposal for a directive Article 17 – paragraph 1 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) that the traveller will, however, benefit from the rights granted by Directive 2011/83/EU except where that Directive provides otherwise.***

## Amendment 121

### Proposal for a directive Article 17 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***Where the trader facilitating the procurement of assisted travel arrangements has not complied with the requirements set out in point (b) of paragraph 1, the traveller shall enjoy all the guarantees and the rights granted by this Directive in respect of package travel.***

## Amendment 122

### Proposal for a directive Article 17 a (new)

*Text proposed by the Commission*

*Amendment*

***Article 17a***



*Informing the retailer of additional travel services booked in the framework of linked travel arrangements through linked online booking processes*

*Traders providing additional travel services in the framework of linked travel arrangements as defined in point (b) of point 5 of Article 3, shall ensure that the retailer concerned is properly informed of the confirmed booking of additional travel services, which shall, when taken together with the first travel service booked, constitute a linked travel arrangement, thereby triggering the liability and obligations of the retailer incumbent on it under this Directive.*

## **Amendment 123**

### **Proposal for a directive Article 17 b (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 17b*

*Traders facilitating the procurement of linked travel arrangements online*

*Traders facilitating the procurement of linked travel arrangements online shall not hide or provide in an unclear, unintelligible or ambiguous manner the option of not booking any further services or ancillary services. Such option shall always be pre-selected by default.*

## **Amendment 124**

### **Proposal for a directive Article 18**

*Text proposed by the Commission*

*Amendment*

Where the organiser is established outside the EEA, the retailer established in a Member State shall be subject to the

Where the organiser is established outside the EEA, the retailer established in a Member State shall be subject to the

obligations laid down for organisers in Chapters IV and V, unless the retailer provides evidence that the organiser complies with Chapters IV and V.

obligations laid down for organisers in Chapters IV and V, unless the retailer provides evidence that the organiser complies with Chapters IV and V. ***Where an organiser, which is established outside the EEA, acts as retailer, existing liability for compensation in respect of the breach of other aspects of the contractual duty of care shall apply. Those provisions shall be without prejudice to other national retailer liability rules.***

## **Amendment 125**

### **Proposal for a directive Article 18 a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Article 18a***

##### ***Obligations of organisers or retailers established outside the EEA***

***Member States shall ensure that an organiser of packages or a retailer facilitating the procurement of linked travel arrangements established outside the EEA and directly selling in a Member State territory shall be subject to the obligations laid down in this Directive.***

## **Amendment 126**

### **Proposal for a directive Article 18 b (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Article 18b***

##### ***Formal requirements for contracts***

***1. Member States shall ensure that all contracts covered by this Directive are in plain and intelligible language and, insofar as they are in writing, legible. The language of the contract shall be the same***

*as that of the pre-contractual information.*

*2. The contract shall be provided on a durable medium. With respect to off-premises contracts, the contract shall be provided also on paper.*

*3. If the contract is concluded by telephone, the trader shall confirm the offer to the traveller on a durable medium and the traveller shall only be bound when he signs the contract or sends his written agreement on a durable medium.*

## Amendment 127

### Proposal for a directive Article 19

#### *Text proposed by the Commission*

Member States shall ensure that a retailer who has agreed to arrange the booking of a package or *assisted* travel arrangements or who facilitates the booking of such services shall be liable *for any* errors occurring in the booking process, *unless* such errors are attributable to the traveller or to unavoidable and extraordinary circumstances.

#### *Amendment*

Member States shall ensure that a retailer who has agreed to arrange the booking of a package or *linked* travel arrangements or who facilitates the booking of such services, shall be liable *for failure to provide with the information provided by the organiser pursuant to Article 4(1), for providing incomplete information or for making* errors occurring in the booking process *in case they are actually occurred in the booking process. A retailer shall not be held liable where* such errors are attributable to the traveller or to unavoidable and extraordinary circumstances. *In the context of linked travel arrangement based on the procurement of additional travel services from another trader in a targeted manner through linked online booking processes as referred to in point (b) of point 5 of Article 3, the retailer shall not be liable for booking errors resulting from errors committed by that trader. In that case, Member States shall ensure that the trader providing the additional travel services shall be liable for the errors occurring in the booking process of such services.*

## Amendment 128

### Proposal for a directive Article 20

#### *Text proposed by the Commission*

In cases where an organiser or, in accordance with Articles 15 or 18, a retailer pays compensation, grants price reduction or meets the other obligations incumbent on *it* under this Directive, ***no provision of this Directive or of national law may be interpreted as restricting its right to seek redress from any third parties which contributed to the event triggering compensation, price reduction or other obligations.***

#### *Amendment*

***1. In cases where an organiser or, in accordance with Articles 15 or 18, a retailer pays compensation, grants price reduction or meets the other obligations incumbent on *him or her* under this Directive, Member States shall ensure that the organiser or retailer has the right to seek redress from any third parties which contributed to the event triggering compensation, price reduction or other obligation.***

***2. The right to seek redress referred to in paragraph 1 shall also include the right of organisers and retailers to seek redress from travel services providers where an organiser or retailer is obliged to pay a compensation to a traveller under this Directive and the traveller at the same time has a right to compensation under other applicable Union law, including but not restricted to Regulation (EC) No 261/2004 and Regulation (EC) No 1371/2007. That right to seek redress may not be restricted in a contract.***

***3. Member States shall ensure that any restrictions on the right to seek redress referred to in paragraph 1 are reasonable and proportionate, in accordance with the applicable national law.***

## Amendment 129

### Proposal for a directive Article 22

#### *Text proposed by the Commission*

Member States shall ensure that adequate and effective means exist to ensure

#### *Amendment*

Member States shall ensure that adequate and effective means exist to ensure

compliance with this Directive.

compliance with this Directive.

*Member States shall furthermore ensure that adequate mechanisms are in place to ensure that no misleading practices from traders or organisers are in place, in particular creating an expectation on the part of consumer of rights and guarantees that are not provided for in the relevant contract.*

### Amendment 130

#### Proposal for a directive Article 26 – paragraph 1

##### *Text proposed by the Commission*

Directive 90/314/EC is repealed as of [18 months after the entry into force of this Directive].

##### *Amendment*

Directive 90/314/EC is repealed as of [24 months after the entry into force of this Directive].

### Amendment 131

#### Proposal for a directive Article 27 – paragraph 1

##### *Text proposed by the Commission*

1. Member States shall adopt and publish, by [18 months after the entry into force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those *provisions*.

##### *Amendment*

1. Member States shall adopt and publish, by [24 months after the entry into force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those *measures*.

### Amendment 133

#### Proposal for a directive Article 27 – paragraph 2

##### *Text proposed by the Commission*

2. They shall apply those *provisions* from [18 months after the entry into force of this Directive].

##### *Amendment*

2. They shall apply those *measures* from [24 months after the entry into force of this Directive].