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Committee on Transport and Tourism

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20.12.2013

AMENDMENTS

77 - 256

Draft opinion
Bogusław Liberadzki
(PE524.534v01-00)

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

Proposal for a directive
(COM(2013)0512 – C7-0215/2013 – 2013/0246(COD))

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United in diversity

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Amendment 77
Jacqueline Foster

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 *appropriate* 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.

Or. en

Justification

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 appropriate 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 78
Brian Simpson

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

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 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.

and the freedom of establishment are ensured. The harmonisation of certain aspects of package contracts and *linked* 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.

Or. en

Justification

It is important to be clear in what is understood by this term. It is not that more assistance is provided in this type of business model, but rather that the travel arrangements are linked. To avoid misunderstandings the use of the word "linked" would more accurately reflect the travel arrangement.

Amendment 79 **Jacqueline Foster**

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

Amendment

(7) The majority of travellers buying packages are consumers. 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 *if*

should apply to business travellers only *insofar as they do not make travel 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’.

deemed necessary by Member States for instance where the business travellers book travel in their own personal name instead of the corporate name. 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’.

Or. en

Amendment 80
Dominique Vlasto, Christine De Veyrac

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) Since travel services may be combined in many different ways, it is appropriate to consider as packages all combinations of travel services that display features which travellers typically associate with packages, notably that separate travel services are bundled together into a single travel product *for which the organiser assumes responsibility for proper performance*. In accordance with the case law of the Court of Justice of the European Union¹⁶, it should make no difference whether travel services are combined before any contact with the traveller or at the request of or according to the selection made by the traveller. The same principles should apply irrespective of whether the booking is made through a high street travel agent or online.

¹⁶ See Judgment in Case C-400/00 Club Tour, Viagens e Turismo SA v. Alberto Carlos Lobo Gonçalves Garrido and Club Med Viagens Ld, ECR 2002, I-04051.

Amendment

(8) Since travel services may be combined in many different ways, it is appropriate to consider as packages all combinations of travel services that display features which travellers typically associate with packages, notably that separate travel services are bundled together into a single travel product. In accordance with the case law of the Court of Justice of the European Union¹⁶, it should make no difference whether travel services are combined before any contact with the traveller or at the request of or according to the selection made by the traveller. The same principles should apply irrespective of whether the booking is made through a high street travel agent or online.

¹⁶ See Judgment in Case C-400/00 Club Tour, Viagens e Turismo SA v. Alberto Carlos Lobo Gonçalves Garrido and Club Med Viagens Ld, ECR 2002, I-04051.

Amendment 81
Dominique Vlasto, Christine De Veyrac

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 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 *trader* has assumed the responsibility for the travel services, such assisted arrangements constitute an alternative business model that often competes closely with packages.

Amendment 82
Jacqueline Foster

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

Text proposed by the Commission

Amendment

(15a) It is important to ensure that consumers are aware of whether they are choosing a package travel or a linked travel arrangement and the corresponding level of protection before making the payment.

Or. en

**Amendment 83
Jacqueline Foster**

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

Text proposed by the Commission

Amendment

(15b) Consumers that wish to continue to compile their own holidays outside of the scope of this Directive, albeit without the same level of protection provided for in this Directive, they should be informed of this before payment is made.

Or. en

**Amendment 84
Jacqueline Foster**

**Proposal for a directive
Recital 16**

Text proposed by the Commission

Amendment

(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

(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***

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.

linked travel arrangement. **Hotel nights with added packages, such as tickets for musicals or spa treatments, should be excluded when this package is not marketed to the consumer as a significant part of the trip or the ancillary service clearly does not constitute the main element of the trip.** Accommodation for residential purposes **for over one month or 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.

Or. en

Amendment 85
Jacqueline Foster

Proposal for a directive
Recital 17

Text proposed by the Commission

(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

Amendment

(17) Other tourist services, such as admission to concerts, sport events, excursions or event parks are services that, in combination with carriage of passengers 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 consumers as such and 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.

as tourist services in their own right.

Or. en

Amendment 86

Dominique Vlasto, Christine De Veyrac

Proposal for a directive

Recital 17

Text proposed by the Commission

(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.

Amendment

(17) **Leisure** 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 **leisure** service accounts for a significant proportion of the package. Generally, the **leisure** service should be considered as a significant proportion of the package if it **is specifically stated that it** accounts for more than 20% of the total price or otherwise represents an essential feature of the trip or holiday **for the trader and the traveller**. Ancillary services, such as, **in particular**, travel insurance, **transport between the station and the place of accommodation, transport to the place of departure for the travel and as part of excursions**, transport of luggage, **sale of ski passes, bicycle rental**, meals and cleaning provided as part of accommodation, should not be considered as **leisure** services in their own right.

Or. fr

Amendment 87
Markus Ferber

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 or booking *data* are transferred between the traders. 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.

Or. de

Justification

The wording of the Commission proposal is not clear. The inclusion of those enterprises in the new rules requires a more general definition of the data to be provided by a consumer making a booking.

Amendment 88
Markus Ferber

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.

Or. de

Justification

In order to protect consumers, organisers of occasional packages as detailed in the proposal should be removed from the derogation.

Amendment 89
Dominique Vlasto

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) The main characteristic of package travel is that at least one trader is responsible **as an organiser** for the proper performance of the package as a whole. **Therefore, only in cases where another trader is acting as the organiser of a package should a trader, typically a high-street or on-line travel agent, be able to act as a mere retailer or intermediary and not be liable as an organiser. Whether a trader is acting as an organiser for a given package should depend on its involvement in the creation of a package as defined under this Directive, and not on the denomination under which it carries out its business.** Where two or more traders meet a criterion which makes the combination of travel services a

Amendment

(20) The main characteristic of package travel is that at least one trader is responsible for the proper performance of the package as a whole. Where two or more traders meet a criterion which makes the combination of travel services a package and where those traders have not informed the traveller which of them is, **or are**, the organiser of the package, all relevant traders should be considered **responsible**.

package and where those traders have not informed the traveller which of them is the organiser of the package, all relevant traders should be considered *as organisers*.

Or. fr

Amendment 90
Dominique Vlasto

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, *all traders directly linked to the traveller* 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.

Or. fr

Justification

All traders directly linked to the traveller, not just the retailer, should be responsible.

Amendment 91
Dominique Vlasto, Christine De Veyrac

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) Key information, for example on the main characteristics of the travel services

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.

or the prices, provided in advertisements, on the organiser's **and/or retailer's** website or in brochures as part of the pre-contractual information, should be binding, unless the **trader concerned** 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.

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 92 Jacqueline Foster

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 consumers 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

a need for specific rules requiring printed brochures.

Or. en

Amendment 93
Dominique Vlasto, Christine De Veyrac

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 **and/or retailer** 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.

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 94
Dominique Vlasto, Christine De Veyrac

Proposal for a directive
Recital 30

Text proposed by the Commission

(30) In order to ensure consistency, it is appropriate to align the provisions of this Directive with international conventions

Amendment

(30) In order to ensure consistency, it is appropriate to align the provisions of this Directive with international conventions

covering travel services and with the Union legislation on passenger rights. Where the organiser is liable for failure to perform or improper performance of the services included in the package travel contract, the organiser should be able to invoke the limitations of the liability of service providers set out in such international conventions as the Montreal Convention of 1999 for the Unification of certain Rules for International Carriage by Air¹⁸, the Convention of 1980 concerning International Carriage by Rail (COTIF)¹⁹ and the Athens Convention of 1974 on the Carriage of Passengers and their Luggage by Sea²⁰. Where it is impossible, because of unavoidable and extraordinary circumstances, to ensure the traveller's return to the place of departure, the organiser's obligation to bear the cost of the travellers' continued stay at the place of destination should be aligned with the Commission's proposal²¹ aimed to amend Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights²².

¹⁸ 2001/539/EC: Council Decision of 5 April 2001 on the conclusion by the European Community of the Convention for the Unification of Certain Rules for International Carriage by Air (the Montreal Convention) (OJ L 194, 18.07.2001, P. 38).

¹⁹ 2013/103/EU: Council Decision of 16 June 2011 on the signing and conclusion of the Agreement between the European Union and the Intergovernmental Organisation for International Carriage by Rail on the Accession of the European Union to the Convention concerning International Carriage by Rail (COTIF) (OJ

covering travel services and with the Union legislation on passenger rights. Where the organiser *and/or retailer* is liable for failure to perform or improper performance of the services included in the package travel contract, the organiser *and/or retailer* should be able to invoke the limitations of the liability of service providers set out in such international conventions as the Montreal Convention of 1999 for the Unification of certain Rules for International Carriage by Air¹⁸, the Convention of 1980 concerning International Carriage by Rail (COTIF)¹⁹ and the Athens Convention of 1974 on the Carriage of Passengers and their Luggage by Sea²⁰. Where it is impossible, because of unavoidable and extraordinary circumstances, to ensure the traveller's return to the place of departure, the organiser's obligation to bear the cost of the travellers' continued stay at the place of destination should be aligned with the Commission's proposal²¹ aimed to amend Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights²².

¹⁸ 2001/539/EC: Council Decision of 5 April 2001 on the conclusion by the European Community of the Convention for the Unification of Certain Rules for International Carriage by Air (the Montreal Convention) (OJ L 194, 18.07.2001, P. 38).

¹⁹ 2013/103/EU: Council Decision of 16 June 2011 on the signing and conclusion of the Agreement between the European Union and the Intergovernmental Organisation for International Carriage by Rail on the Accession of the European Union to the Convention concerning International Carriage by Rail (COTIF) (OJ

L 51, 23.2.2013, p. 1).

²⁰ 2012/22/EU: Council Decision of 12 December 2011 concerning the accession of the European Union to the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, with the exception of Articles 10 and 11 thereof (OJ L 8, 12.1.2012, p. 1).

²¹ Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air - COM/2013/130 final.

²² OJ L 46, 17.2.2004, p. 1

L 51, 23.2.2013, p. 1).

²⁰ 2012/22/EU: Council Decision of 12 December 2011 concerning the accession of the European Union to the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, with the exception of Articles 10 and 11 thereof (OJ L 8, 12.1.2012, p. 1).

²¹ Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air - COM/2013/130 final.

²² OJ L 46, 17.2.2004, p. 1

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 95

Dominique Vlasto, Christine De Veyrac

Proposal for a directive

Recital 31

Text proposed by the Commission

(31) This Directive should not affect the rights of travellers to present claims both under this Directive and under any other

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.

relevant Union legislation, so that travellers will continue to have the possibility to address claims to the organiser *and/or retailer*, 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 *and/or retailer's* liability is without prejudice to the right to seek redress from third parties, including service providers.

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 96 **Jacqueline Foster**

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 offering such combinations of travel services provide security for the refund of all payments made by travellers and for

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 any of the service providers. Member States in which package organisers and retailers facilitating assisted travel arrangements are established should ensure that traders offering such combinations of travel services provide security for the refund of all payments made by travellers and for their repatriation

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 market²⁵, 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.

²⁵ OJ L376, 27.12.2006, p. 36.

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. ***Where a consumer would prefer to complete the 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 consumer.*** 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 market²⁵, 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.

²⁵ OJ L376, 27.12.2006, p. 36.

Or. en

Justification

Insolvency protection systems should have the flexibility to meet consumer preference wherever possible. This includes arranging for the fulfilment of existing contracts where consumers want to complete their holiday or if near departure, keep their existing plans.

Amendment 97
Dominique Vlasto, Christine De Veyrac

Proposal for a directive
Recital 37

Text proposed by the Commission

(37) It is appropriate to protect travellers in situations where **a retailer *arranges the booking of*** a package or an assisted travel arrangement and **where the retailer** makes mistakes in the booking process.

Amendment

(37) It is appropriate to protect travellers in situations where **an organiser and/or retailer *books*** a package or an assisted travel arrangement and makes mistakes in the booking process.

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 98
Dominique Vlasto, Christine De Veyrac

Proposal for a directive
Recital 38

Text proposed by the Commission

(38) It is also appropriate to confirm that **consumers** may not waive rights stemming from this Directive and organisers or traders facilitating assisted travel arrangements may not escape from their obligations by claiming that they are simply acting as a service provider, an intermediary or in any other capacity.

Amendment

(38) It is also appropriate to confirm that **travellers** may not waive rights stemming from this Directive and organisers **and/or retailers**, or traders facilitating assisted travel arrangements, may not escape from their obligations by claiming that they are simply acting as a service provider, an intermediary or in any other capacity.

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 99
Carlo Fidanza

Proposal for a directive
Recital 41 a (new)

Text proposed by the Commission

Amendment

(41a) An international convention on package travel should be promoted in the WTO, to act as a common legal basis for all countries that are members of the World Tourism Organisation.

Or. it

Justification

The global dimension of tourism means that a further step forward needs to be taken, to align EU legislation with that of non-EU countries.

Amendment 100
Jacqueline Foster

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

Amendment

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

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 ***appropriate*** aspects of the laws, regulations and administrative provisions of the Member States in respect of

travel and assisted travel arrangements concluded between travellers and traders.

contracts on package travel and assisted travel arrangements concluded between travellers and traders.

Or. en

Amendment 101
Gesine Meissner

Proposal for a directive
Article 1 – paragraph 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

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 concluded between travellers and traders.

Or. en

Justification

The scope of the Package Travel Directive should be limited to combinations of travel services which have been purchased as a package. The introduction of the new concept of ‘assisted travel arrangement’ in this Directive could create legal uncertainty and confusion amongst both consumers and travel service providers.

Amendment 102
Luis de Grandes Pascual, Rosa Estaràs Ferragut

Proposal for a directive
Article 1 a (new)

Text proposed by the Commission

Amendment

Article 1a
Level of harmonisation

This Directive shall not preclude Member States from maintaining or introducing more stringent provisions in order to protect consumers, provided that such provisions are consistent with their obligations under Union law.

Or. es

Amendment 103
Markus Ferber

Proposal for a directive
Article 2 – paragraph 1

Text proposed by the Commission

1. This Directive shall apply to packages offered for sale or sold by traders to travellers, with the exception of Article 17, and to assisted travel arrangements with the exception of Articles 4 to 14, Articles 18 and Article 21(1).

Amendment

1. This Directive shall apply to packages offered for sale or sold by traders to travellers, ***or whose purchase by travellers is facilitated by the traders***, with the exception of Article 17, and to assisted travel arrangements with the exception of Articles 4 to 14, Articles 18 and Article 21(1).

Or. de

Justification

Wording which improves specificity with regard to extending the scope to online bookings.

Amendment 104
Bogusław Liberadzki, Spyros Danellis

Proposal for a directive
Article 2 – paragraph 1

Text proposed by the Commission

1. This Directive shall apply ***to packages offered for sale or sold by traders to travellers, with the exception of Article 17,***

Amendment

1. This Directive shall apply, ***under the conditions and to the extent set out in its respective provisions, to packages offered***

and to assisted travel arrangements with the exception of Articles 4 to 14, Articles 18 and Article 21(1).

for sale or sold by traders to travellers, assisted travel arrangements and stand-alone travel services.

Or. en

Justification

Consumer organisations have reported several cases of consumer detriment in the sale of stand-alone services. Thus, there is a need to establish certain minimum obligations on the sellers of those services, irrespective of whether they sell those services directly or act as intermediaries, so as to ensure a level playing field between all traders. A legal lacuna in this area would be problematic in a market where consumers tend increasingly to organise their travel independently.

Amendment 105
Gesine Meissner

Proposal for a directive
Article 2 – paragraph 1

Text proposed by the Commission

1. This Directive shall apply to packages offered for sale or sold by traders to travellers, with the exception of Article 17, *and to assisted travel arrangements with the exception of Articles 4 to 14, Articles 18 and Article 21(1).*

Amendment

1. This Directive shall apply to packages offered for sale or sold by traders to travellers, with the exception of Article 17.

Or. en

Justification

The scope of the Package Travel Directive should be limited to combinations of travel services which have been purchased as a package. The introduction of the new concept of ‘assisted travel arrangement’ in this Directive could create legal uncertainty and confusion amongst both consumers and travel service providers.

Amendment 106
Jacqueline Foster

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

Text proposed by the Commission

Amendment

1a. Unless specified otherwise in the respective provisions in this Directive, Member States may adopt or maintain in force, more stringent provisions in the fields covered by this Directive, to ensure a higher level of consumer protection.

Or. en

Amendment 107
Brian Simpson

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

Text proposed by the Commission

Amendment

(a) packages and ***assisted*** travel arrangements covering a period of less than 24 hours unless overnight accommodation is included;

(a) packages and ***linked*** travel arrangements covering a period of less than 24 hours unless overnight accommodation is included;

Or. en

Justification

It is important to be clear in what is understood by this term. It is not that more assistance is provided in this type of business model, but rather that the travel arrangements are linked. To avoid misunderstandings the use of the word "linked" would more accurately reflect the travel arrangement.

Amendment 108
Gesine Meissner

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

Text proposed by the Commission

Amendment

(a) packages **and assisted travel arrangements** covering a period of less than 24 hours unless overnight accommodation is included;

(a) packages covering a period of less than 24 hours unless overnight accommodation is included;

Or. en

Justification

The scope of the Package Travel Directive should be limited to combinations of travel services which have been purchased as a package. The introduction of the new concept of 'assisted travel arrangement' in this Directive could create legal uncertainty and confusion amongst both consumers and travel service providers.

Amendment 109
Jacqueline Foster

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

Text proposed by the Commission

Amendment

(aa) Packages and combined arrangements that are offered or put together by for example charitable organisations, non-profit organisations, football clubs and schools.

Or. en

Amendment 110
Silvia-Adriana Țicău

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

Text proposed by the Commission

Amendment

(c) packages and assisted travel arrangements purchased on the basis of a framework contract between the

deleted

traveller's employer and a trader specialising in the arrangement of business travel;

Or. ro

Amendment 111
Jacqueline Foster

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

Text proposed by the Commission

Amendment

(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;

(c) packages and assisted travel arrangements purchased *for* business travel;

Or. en

Amendment 112
Gesine Meissner

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

Text proposed by the Commission

Amendment

(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;

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

Or. en

Justification

The scope of the Package Travel Directive should be limited to combinations of travel services which have been purchased as a package. The introduction of the new concept of

'assisted travel arrangement' in this Directive could create legal uncertainty and confusion amongst both consumers and travel service providers.

Amendment 113
Jacqueline Foster

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 this service does not account for a significant proportion of the package ***or the ancillary service clearly is not marketed as the main element of the trip***; or

Or. en

Amendment 114
Bogusław Liberadzki, Spyros Danellis

Proposal for a directive
Article 2 – paragraph 2 – point e

Text proposed by the Commission

(e) stand-alone contracts for a single travel service.

Amendment

deleted

Or. en

Justification

Consumer organisations have reported several cases of consumer detriment in the sale of stand-alone services. Thus, there is a need to establish certain minimum obligations on the sellers of those services, irrespective of whether they sell those services directly or act as intermediaries, so as to ensure a level playing field between all traders. A legal lacuna in this area would be problematic in a market where consumers tend increasingly to organise their

travel independently.

Amendment 115
Jacqueline Foster

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

Text proposed by the Commission

Amendment

2a. Member States may choose not to adopt provisions necessary to comply with this Directive in respect of packages or linked travel arrangements where all the travel services are to be delivered within the Member State and when they do not include the carriage of passengers.

Or. en

Amendment 116
Luis de Grandes Pascual, Rosa Estaràs Ferragut

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

Text proposed by the Commission

Amendment

c) *car* rental or

c) rental of cars or other vehicles or of other means of transport

Or. es

Amendment 117
Luis de Grandes Pascual, Rosa Estaràs Ferragut

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

Text proposed by the Commission

Amendment

d) any other tourist service not ancillary to

d) any other tourist service not ancillary to

carriage of passengers, accommodation or *car* rental;

carriage of passengers, accommodation or rental *of cars or other vehicles or of other means of transport.*

Or. es

Justification

Only including car hire could create difficulties in that none of the other categories of transport where consumers might hire a means of conveyance (a boat or a bicycle for instance) would not be included.

Amendment 118

Silvia-Adriana Țicău

Proposal for a directive

Article 3 – point 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) related insurance services or services referred to in points (a)-(d)

Or. ro

Amendment 119

Jacqueline Foster

Proposal for a directive

Article 3 – point 2 – introductory part

Text proposed by the Commission

Amendment

(2) ‘package’ means a combination of at least *two* different *types* of travel *services* for the purpose of the same trip or holiday, if:

(2) ‘package’ means a combination of *carriage of passengers and* at least *one* different *type* of travel *service* for the purpose of the same trip or holiday, if:

Or. en

Amendment 120
Silvia-Adriana Țicău

Proposal for a directive
Article 3 – point 2 – point b – introductory part

Text proposed by the Commission

(b) irrespective of whether separate contracts are concluded with individual travel service providers, those services **are**:

Amendment

(b) irrespective of whether separate contracts are concluded with individual travel service providers, those services **meet one of the following conditions:**

Or. ro

Amendment 121
Jacqueline Foster

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 **where all the services have been selected by the traveller before the traveller has agreed to pay the total price,**

Or. en

Amendment 122
Silvia-Adriana Țicău

Proposal for a directive
Article 3 – point 3 – point b – point ii

Text proposed by the Commission

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

Amendment

deleted

Or. ro

Amendment 123
Markus Ferber

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 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;***

Amendment

v) purchased from separate traders through linked online booking processes where the traveller's name or ***other reservation data*** needed to conclude a booking transaction are transferred between the traders;

Or. de

Amendment 124
Jacqueline Foster

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 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;

Amendment

(v) purchased from separate traders through linked online booking processes where the traveller's name or ***data*** needed to conclude a booking transaction are transferred between the traders ***commencing*** at the latest when the booking of the first service is confirmed ***and where all contracts are concluded within one day of that confirmation;***

Or. en

Amendment 125
Gesine Meissner

Proposal for a directive
Article 3 – point 5

Text proposed by the Commission

Amendment

(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:

deleted

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

(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;

Or. en

Justification

The scope of the Package Travel Directive should be limited to combinations of travel services which have been purchased as a package. The introduction of the new concept of ‘assisted travel arrangement’ in this Directive could create legal uncertainty and confusion amongst both consumers and travel service providers.

Amendment 126
Markus Ferber

Proposal for a directive
Article 3 – point 5 – introductory part

Text proposed by the Commission

Amendment

(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

(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:

service providers, if ***one of those service providers or*** a retailer facilitates the combination:

Or. de

Amendment 127
Jacqueline Foster

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 ***carriage of passengers and*** at least ***one*** different ***type*** of travel ***service*** 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:

Or. en

Justification

Horizontal amendment. "Linked Travel Arrangement" more clearly describes the nature of the business model and will avoid misunderstandings that could arise with the present term.

Amendment 128
Bogusław Liberadzki, Spyros Danellis

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

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 a retailer facilitates the combination:

separate contracts with the individual travel service providers, if a retailer facilitates the combination:

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

Justification

The phrase ‘assisted travel arrangement’ suggests that assistance is provided not only at the booking stage but during the delivery of the holiday. This risks misleading consumers. As the travel services are linked during the booking process, and that linkage brings them within the scope of the proposal, the term ‘linked travel arrangement’ more accurately reflects what the holiday is. The phrase ‘assisted travel arrangement’ should be replaced with ‘linked travel arrangement’ throughout.

Amendment 129 Jacqueline Foster

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) on the basis of separate bookings ***where the traveller individually selects and individually pays for the services***; or

Or. en

Amendment 130 Jacqueline Foster

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

Amendment

(b) through the procurement of additional travel services ***offered by*** another trader in a targeted manner through linked online

booking processes at the latest when the booking of the first service is confirmed;

booking processes *commencing* at the latest when the booking of the first service is confirmed *and concluded not more than one day after that confirmation*;

Or. en

Amendment 131
Silvia-Adriana Țicău

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

Text proposed by the Commission

Amendment

(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;

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

Or. ro

Amendment 132
Carlo Fidanza, Luis de Grandes Pascual, Rosa Estaràs Ferragut

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

Text proposed by the Commission

Amendment

(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;

(b) through the procurement of additional travel services from another trader in a targeted manner, through linked online booking processes *in which the traveller's name, details and credit card data required for the payment of the booking are transferred from one trader to another* at the latest when the booking of the first service is confirmed;

Or. it

Amendment 133
Markus Ferber

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, ***sells or facilitates the purchase by travellers of*** 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;

Or. de

Amendment 134
Gesine Meissner

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

deleted

Or. en

Justification

The scope of the Package Travel Directive should be limited to combinations of travel services which have been purchased as a package. The introduction of the new concept of 'assisted travel arrangement' in this Directive could create legal uncertainty and confusion

amongst both consumers and travel service providers.

Amendment 135
Markus Ferber

Proposal for a directive
Article 3 – point 9 – point b a (new)

Text proposed by the Commission

Amendment

(b a) where an additional service is provided to the customer as part of a package.

Or. de

Amendment 136
Jacqueline Foster

Proposal for a directive
Article 3 – point 11

Text proposed by the Commission

Amendment

(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;

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

Or. en

Amendment 137
Carlo Fidanza

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

Text proposed by the Commission

Amendment

(12a) ‘disabled person’ or ‘person with

reduced mobility’ means any person whose mobility when using transport is reduced due to any physical disability (sensory or locomotor, permanent or temporary), intellectual disability or impairment, or any other cause of disability, or age, and whose situation needs appropriate attention and the adaptation to his or her particular needs of the service made available to all passengers;

Or. it

Justification

The definition of ‘person with disabilities’ or ‘person with reduced mobility’ is lacking in the Directive. In order to give EU legislation some continuity, the definition is the same as that set out in Article 3 of Regulation 1177/2010 and Article 2(a) of Regulation 1107/2006.

Amendment 138
Dominique Vlasto, Christine De Veyrac

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

Text proposed by the Commission

Amendment

(12 a) ‘contract’ means the agreement linking the consumer with the organiser and/or retailer.

Or. fr

Amendment 139
Dominique Vlasto, Christine De Veyrac

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

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:

contract or any corresponding offer, the organiser **and/or** retailer shall provide the traveller with the following information where applicable to the package:

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 140

Luis de Grandes Pascual, Rosa Estaràs Ferragut

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 tourist category of the accommodation **conferred by the competent body in the place where the accommodation is located.**

Or. es

Justification

Consumers frequently complain that the proposed or advertised tourist category of their accommodation does not match the category conferred on it by the competent body in the place where the accommodation is sited. It would therefore be better to allow only the official tourist category to be stated and not a category chosen on the basis of the organiser's criteria.

Amendment 141

Markus Ferber

Proposal for a directive
Article 4 – paragraph 1 – point a – point vi

Text proposed by the Commission

Amendment

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

Or. de

Justification

The liability risk for travel agents inherent in transferring this information is too great, as the proposal provides for the obligation to provide the information via the languages involved in all service sectors of the destination.

Amendment 142
Markus Ferber

Proposal for a directive
Article 4 – paragraph 1 – point a – point vii

Text proposed by the Commission

Amendment

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

vii) *upon request*, whether access for persons with reduced mobility is guaranteed throughout the trip or holiday;

Or. de

Justification

The wording of the proposal would mean that organisers had to provide all the information on accessibility in the travel offer. Specifying the need for a request from the traveller would be more sensible, for practical reasons.

Amendment 143
Silvia-Adriana Țicău

Proposal for a directive
Article 4 – paragraph 1 – point a – point vii

Text proposed by the Commission

Amendment

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

(vii) whether access for persons with reduced mobility, ***children below a certain age or pregnant women*** is guaranteed throughout the trip or holiday;

Or. ro

Amendment 144

Luis de Grandes Pascual, Rosa Estaràs Ferragut

Proposal for a directive

Article 4 – paragraph 1 – point c

Text proposed by the Commission

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;

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***;

Or. es

Justification

Assuming that the traveller has to pay additional costs which cannot be calculated in advance, it should be made clear what additional costs are being referred to.

Amendment 145

Markus Ferber

Proposal for a directive

Article 4 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) the minimum number of persons required for the package to take place and a time-limit of at least 20 days before the

deleted

start of the package for the possible cancellation if that number is not reached;

Or. de

Justification

The time-limit is detrimental to both organiser and traveller. The current trend is for bookings to be made at short notice. If the minimum number of persons required for the package to take place is nevertheless reached by the organiser close to the departure time, this might be to the detriment of those involved.

Amendment 146
Gesine Meissner

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) the minimum number of persons required for the package to take place and a time-limit for the possible cancellation if that number is not reached;

Or. de

Justification

Packages are often advertised only a short time before they are due to begin, particularly in the case of short trips or day trips, and a cancellation deadline of 20 days is therefore not practicable. Cancellation deadlines should be determined on a case-by-case basis.

Amendment 147
Markus Ferber

Proposal for a directive
Article 4 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) general information on passport and visa requirements, including approximate periods for obtaining visas, for nationals of the Member State(s) concerned and information on health formalities;

deleted

Or. de

Justification

This should be deleted in order to exclude the possibility of the organiser being unjustly held responsible for the information.

Amendment 148

Luis de Grandes Pascual, Rosa Estaràs Ferragut

Proposal for a directive

Article 4 – paragraph 1 – point f

Text proposed by the Commission

Amendment

f) general information on passport and visa requirements, including approximate periods for obtaining visas, for nationals of the Member State(s) concerned and information on health formalities;

f) general information on passport and visa requirements, ***as well as any other formalities or requirements concerning identification and movement that may be applicable to travellers***, including approximate periods for obtaining visas, for nationals of the Member State(s) concerned and information on health formalities;

Or. es

Justification

The wording should be amended to take account of possible further formalities or identification requirements for travellers, as is the case with minors.

Amendment 149

Jacqueline Foster

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

Text proposed by the Commission

Amendment

(fa) information on the optional inclusion of an insurance policy to cover the cost of the cancellation by the consumer or the cost of repatriation in the event of accident or illness.

Or. en

Amendment 150
Luis de Grandes Pascual, Rosa Estaràs Ferragut

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

Text proposed by the Commission

Amendment

2a. Where insurance linked to travel is offered the traveller shall be informed in all cases of the risk covered and that taking out such insurance is voluntary.

Or. es

Justification

This information is relevant to consumers when signing a package travel contract.

Amendment 151
Dominique Vlasto, Christine De Veyrac

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

1. Member States shall ensure that the organiser ***and/or retailer*** may not change the information made known to the

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.

traveller pursuant to points (a), (c), (d), (e) and (g) of Article 4, unless the organiser **and/or retailer** 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.

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 152 **Silvia-Adriana Țicău**

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

Text proposed by the Commission

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.

Amendment

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

Or. ro

Amendment 153 **Jacqueline Foster**

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

Text proposed by the Commission

Amendment

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.

3. At or ***as soon as feasible*** 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.

Or. en

Justification

For bookings made by telephone, post, or other non-face to face or online processes, it is not always possible to provide any confirmation immediately.

Amendment 154

Dominique Vlasto, Christine De Veyrac

Proposal for a directive

Article 5 – paragraph 3

Text proposed by the Commission

Amendment

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.

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

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 155

Luis de Grandes Pascual, Rosa Estaràs Ferragut

Proposal for a directive
Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States may maintain or introduce in their national law language requirements regarding contractual information so as to ensure that such information is easily understood by the consumer.

Or. es

Amendment 156
Dominique Vlasto, Christine De Veyrac

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

Text proposed by the Commission

Amendment

(a) special requirements of the traveller which the organiser has accepted;

(a) special requirements of the traveller which the organiser **and/or retailer** has accepted;

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 157
Dominique Vlasto, Christine De Veyrac

Proposal for a directive
Article 6 – paragraph 2 – point b – introductory part

Text proposed by the Commission

Amendment

(b) information that the organiser is:

(b) information that the organiser **and/or retailer** is:

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 158

Luis de Grandes Pascual, Rosa Estaràs Ferragut

Proposal for a directive

Article 6 – paragraph 2 – point b – point iii

Text proposed by the Commission

Amendment

iii) obliged to procure insolvency protection for refund and repatriation in accordance with Article 15, as well as the name of the entity providing the insolvency protection and its contact details, including its geographical address;

iii) obliged, **together with the retailer**, to procure insolvency protection for refund and repatriation in accordance with Article 15, as well as the name of the entity providing the insolvency protection and its contact details, including its geographical address;

Or. es

Justification

Better drafting technique, consistent with Article 15.

Amendment 159

Silvia-Adriana Țicău

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;

(c) the details of a contact point , ***including a telephone number and email address*** where the traveller can ***seek information and assistance*** and complain about any lack of conformity which he perceives on the spot; ***the telephone number shall place the caller in contact with an operator and not an automatic message and the operator shall be required to respond to calls in less than 180 seconds;***

Or. ro

Amendment 160

Luis de Grandes Pascual, Rosa Estaràs Ferragut

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;

c) the details of ***the retailer's*** contact point where the traveller can complain about any lack of conformity which he perceives on the spot, ***giving the retailer's name, geographical address, telephone number, fax number and e-mail address, so that the consumer may contact him quickly and communicate with him efficiently;***

Or. es

Justification

This information is essential to consumers for which reason the information requirements laid down in this point of paragraph 2 should be extended to include the postal address, e-mail address, fax and telephone numbers. This also improves the drafting of paragraph 2(c) in relation to paragraph 2(d).

Amendment 161
Dominique Vlasto, Christine De Veyrac

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

Text proposed by the Commission

(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;

Amendment

(d) the name, geographical address, telephone number and e-mail address of the organiser's **and/or the retailer'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 **and/or the retailer**;

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 162
Gesine Meissner

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

Or. de

Justification

If this addition were not made, the information would also have to be provided in the case of children travelling together with an adult, for example on a family holiday. This would be inappropriate and would cause unnecessary extra work.

Amendment 163
Silvia-Adriana Țicău

Proposal for a directive
Article 6 – paragraph 2 – point g a (new)

Text proposed by the Commission

Amendment

(ga) nature and terms of insurance contract where applicable;

Or. ro

Amendment 164
Silvia-Adriana Țicău

Proposal for a directive
Article 6 – paragraph 4

Text proposed by the Commission

Amendment

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.

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, ***as well as all information referred to in paragraph 2 (c).***

Or. ro

Amendment 165
Dominique Vlasto, Christine De Veyrac

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 **and/or the retailer** 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.

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 166
Dominique Vlasto, Christine De Veyrac

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 **and/or the retailer** 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.

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be

specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 167

Dominique Vlasto, Christine De Veyrac

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 arising from the transfer. Those costs shall not be unreasonable and in any case shall not exceed the actual cost borne by the organiser ***and/or the retailer***.

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 168

Luis de Grandes Pascual, Rosa Estaràs Ferragut

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

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 arising from the transfer. Those

costs shall not be unreasonable and in any case shall not exceed the actual cost borne by the organiser.

costs shall not be unreasonable and in any case shall not exceed the actual cost borne by the organiser.

The transferee organiser shall be responsible for providing proof of the charges or additional costs caused by the transfer of the contract.

Or. es

Amendment 169
Markus Ferber

Proposal for a directive
Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

1. ***Member States shall ensure that prices are*** not subject to revision, unless the contract expressly ***reserves*** the possibility of ***an increase and obliges the organiser to reduce prices to the same extent as a direct consequence of changes:***

Amendment

1. ***The prices laid down in the contract shall not be*** subject to revision unless the contract expressly ***provides for*** the possibility of ***upward or downward revision and states precisely how the revised price is to be calculated, and solely to allow for variations in:*** - transportation costs, including the cost of fuel;
- dues, taxes or fees chargeable for certain services, such as landing taxes or embarkation or disembarkation fees at ports and airports;
- the exchange rates applied to the particular package.

Or. de

Justification

Cost increases arising from increased prices for other specific services are not taken into account in the new version. The wording contained in Council Directive 90/314/EEC of 13 June 1990 (the Package Travel Directive) should therefore be retained.

Amendment 170
Silvia-Adriana Țicău

Proposal for a directive
Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that **prices are not subject to revision**, unless the contract expressly reserves the possibility of an increase and obliges the organiser to reduce prices to the same extent as a direct consequence of changes:

Amendment

1. Member States shall ensure that **no price revision occurs**, unless the contract expressly reserves the possibility of an increase and obliges the organiser to reduce prices to the same extent as a direct consequence of changes:

Or. ro

Amendment 171
Dominique Vlasto, Christine De Veyrac

Proposal for a directive
Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that prices are not subject to revision, unless the contract expressly reserves the possibility of an increase and obliges the organiser to reduce prices to the same extent as a direct consequence of changes:

Amendment

1. Member States shall ensure that prices are not subject to revision, unless the contract expressly reserves the possibility of an increase and obliges the organiser **and/or the retailer** to reduce prices to the same extent as a direct consequence of changes:

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 172
Eva Lichtenberger, Michael Cramer

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. The price increase referred to in paragraph 1 shall not exceed **3%** of the price of the package.

Or. en

Amendment 173
Artur Zasada

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:

a) of the price increase with a justification and calculation, and;

b) of the fact that the traveller may terminate the contract without penalty within a specified reasonable time-limit and that otherwise the price increase will be considered as accepted.

Or. pl

Amendment 174
Dominique Vlasto, Christine De Veyrac

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 **and/or the retailer** notifies the traveller of it with a justification and calculation on a durable medium at the latest 30 days prior to the start of the package.

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 175

Luis de Grandes Pascual, Rosa Estaràs Ferragut

**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 notifies the traveller of it with a justification and calculation on a durable medium, ***showing the costs at the time the contract was taken out***, at the latest 20 days prior to the start of the package.

The organiser shall be responsible for providing proof of the grounds for the price increase.

Or. es

Justification

Under paragraph 3 of this article the organiser must justify the increase and provide calculations. For this to be applied, it would seem better for the costs at the time the contract was taken out to be clearly stated so that the reasons for the price increase may be verified. It should also be made clear that it falls to the organiser to provide proof – which ought to be more than a mere 'justification' – of the causes of the price increase.

Amendment 176

Dominique Vlasto, Christine De Veyrac

Proposal for a directive

Article 9 – paragraph 1 – introductory part

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 **and/or the retailer** may not unilaterally change contract terms other than the price, unless:

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 177

Dominique Vlasto, Christine De Veyrac

Proposal for a directive

Article 9 – paragraph 1 – point a

Text proposed by the Commission

(a) the organiser has reserved that right in the contract,

Amendment

(a) the organiser **and/or the retailer** has reserved that right in the contract,

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 178

Dominique Vlasto, Christine De Veyrac

Proposal for a directive

Article 9 – paragraph 1 – point c

Text proposed by the Commission

(c) the organiser informs the traveller in a clear and prominent manner on a durable medium.

Amendment

(c) the organiser **and/or the retailer** informs the traveller in a clear and prominent manner on a durable medium.

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 179

Dominique Vlasto, Christine De Veyrac

Proposal for a directive

Article 9 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

2. If, before the start of the package, the organiser **and/or the retailer** 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

organiser shall without undue delay inform the traveller in a clear and prominent manner on a durable medium of:

Article 6(2), the organiser shall without undue delay inform the traveller in a clear and prominent manner on a durable medium of:

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 180

Luis de Grandes Pascual, Rosa Estaràs Ferragut

Proposal for a directive

Article 9 – paragraph 2 – introductory part

Text proposed by the Commission

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:

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 **for reasons beyond his control**, 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 **comprehensible** manner on a durable medium of:

Or. es

Justification

Improved wording pointing out that significant changes must be for reasons over which the organiser has no control.

Amendment 181

Silvia-Adriana Țicău

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 price reduction.

Amendment

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 **accorded** an appropriate price reduction **or may choose to terminate the contract without any form of penalty.**

Or. ro

Amendment 182
Markus Ferber

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 **four weeks** after the contract is terminated. The traveller shall, where appropriate, be entitled to compensation in accordance with Article 12.

Or. de

Amendment 183
Silvia-Adriana Țicău

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

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 *fourteen* days after the contract is terminated. The traveller shall, where appropriate, be entitled to compensation in accordance with Article 12.

refund all payments received from the traveller within *three* days after the contract is terminated. The traveller shall, where appropriate, be entitled to compensation in accordance with Article 12.

Or. ro

Amendment 184
Bogusław Liberadzki, Spyros Danellis

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 recuperated from the service providers or through alternative deployment of the services. Fees due for the termination of the contract, including administrative fees, shall not be disproportionate nor excessive. The organiser shall provide a statement of reasons for the calculation of the amount of the compensation or the standardised termination fees.*

Or. en

Justification

Standardised termination fees and compensations do not usually correspond to the real costs borne by the organiser. The termination of a contract by a traveller before the start of the package could give the organiser unjustifiably higher profits through the alternative deployment of the travel services in combination with too high standardised termination fees or compensation.

Amendment 185

Silvia-Adriana Țicău

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 **shall** 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 **no case may the** standardised termination fees, **exceed** the price of the package minus the expenses saved by the organiser.

Or. ro

Amendment 186

Artur Zasada

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

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 saved by the organiser.

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. ***At the request of the client, the organiser shall submit a detailed calculation of the compensation amount, including the amount of standardised fees.***

Or. pl

Justification

Often so-called standardised contract termination fees do not take account of the real costs borne by the company and may indeed be higher than the real costs. In extreme cases, the company may make a greater profit from withdrawing from the contract than from upholding it.

Amendment 187 **Dominique Vlasto, Christine De Veyrac**

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

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 ***and/or the retailer***. 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

of the package minus the expenses saved by the organiser.

price of the package minus the expenses saved by the organiser *and/or the retailer*.

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 188

Luis de Grandes Pascual, Rosa Estaràs Ferragut

**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. 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 ***or on account of family or personal circumstances.***

Or. es

Justification

It should be made clear that family and personal circumstances are grounds for cancelling travel.

Amendment 189

Dominique Vlasto, Christine De Veyrac

**Proposal for a directive
Article 10 – paragraph 3 – introductory part**

Text proposed by the Commission

Amendment

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

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

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 190
Markus Ferber

Proposal for a directive
Article 10 – paragraph 3 – point a

Text proposed by the Commission

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 and not later than 20 days before the start of the package; or

deleted

Or. de

Amendment 191
Silvia-Adriana Țicău

Proposal for a directive
Article 10 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) the number of persons enrolled for the

(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

package is smaller than the minimum number stated in the contract and the organiser notifies the traveller **by telephone and in writing** of the termination within the period fixed in the contract and not later than **30** days before the start of the package; or

Or. ro

Amendment 192
Gesine Meissner

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 before the start of the package; or

Or. de

Justification

Packages are often made available only a short time before they are due to begin, particularly in the case of short trips or day trips, and a cancellation deadline of 20 days is therefore not practicable. Cancellation deadlines should be determined on a case-by-case basis.

Amendment 193
Dominique Vlasto, Christine De Veyrac

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 **and/or the retailer** 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

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 194
Silvia-Adriana Țicău

Proposal for a directive
Article 10 – paragraph 3 – point b

Text proposed by the Commission

(b) the organiser is prevented from performing the contract because of unavoidable and extraordinary circumstances and notifies the traveller of the termination without undue delay before the start of the package.

Amendment

(b) the organiser is prevented from performing the contract because of unavoidable and extraordinary circumstances and notifies the traveller **by telephone and in writing** of the termination without undue delay before the start of the package.

Or. ro

Amendment 195
Dominique Vlasto, Christine De Veyrac

Proposal for a directive
Article 10 – paragraph 3 – point b

Text proposed by the Commission

(b) the organiser is prevented from performing the contract because of unavoidable and extraordinary circumstances and notifies the traveller of the termination without undue delay before the start of the package.

Amendment

(b) the organiser **and/or the retailer** is prevented from performing the contract because of unavoidable and extraordinary circumstances and notifies the traveller of the termination without undue delay before the start of the package.

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 196
Silvia-Adriana Țicău

Proposal for a directive
Article 10 – paragraph 4

Text proposed by the Commission

4. In cases of termination under paragraphs 1, 2 and 3, the organiser shall reimburse any undue payment made by the traveller within **fourteen** days.

Amendment

4. In cases of termination under paragraphs 1, 2 and 3, the organiser shall reimburse any undue payment made by the traveller within **three** days **from notification**.

Or. ro

Amendment 197
Dominique Vlasto, Christine De Veyrac

Proposal for a directive
Article 10 – paragraph 4

Text proposed by the Commission

4. In cases of termination under paragraphs 1, 2 and 3, the organiser shall reimburse any undue payment made by the traveller within fourteen days.

Amendment

4. In cases of termination under paragraphs 1, 2 and 3, the organiser **and/or the retailer** shall reimburse any undue payment made by the traveller within fourteen days.

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 198

Silvia-Adriana Țicău

**Proposal for a directive
Article 11 – paragraph 1**

Text proposed by the Commission

1. Member States shall ensure that the organiser is responsible for the performance of the travel services included in the contract, irrespective of whether those services are to be performed by the organiser or by other service providers.

Amendment

1. Member States shall ensure that the organiser is responsible for the performance of the travel services **and compliance with quality standards** included in the contract, irrespective of whether those services are to be performed by the organiser or by other service providers.

Or. ro

Amendment 199

Dominique Vlasto, Christine De Veyrac

**Proposal for a directive
Article 11 – paragraph 1**

Text proposed by the Commission

1. Member States shall ensure that the organiser is responsible for the performance of the travel services included in the contract, irrespective of whether those services are to be performed by **the organiser** or by other service providers.

Amendment

1. Member States shall ensure that the organiser **and/or the retailer** are liable for the performance of the travel services included in the contract, irrespective of whether those services are to be performed by **them** or by other service providers.

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 200

Luis de Grandes Pascual, Rosa Estaràs Ferragut

**Proposal for a directive
Article 11 – paragraph 1**

Text proposed by the Commission

1. Member States shall ensure that the organiser is responsible for the performance of the travel services included in the contract, irrespective of whether those services are to be performed by the organiser or by other service providers.

Amendment

1. Member States shall ensure that the organiser is responsible for the performance of the travel services included in the contract, **with organisers, retailers and carriers taking responsibility for those parts respectively of the package that they manage and for the proper fulfilment of their obligations under the contract**, irrespective of whether those services are to be performed by the organiser or by other service providers, **and without prejudice to the right of organisers and retailers to institute proceedings against said service providers.**

Joint and several liability in regard to the consumer shall be assumed by all

operators involved in performing the contract, irrespective of their number and whether they are organisers or retailers and irrespective of their class and the relationships existing between them, without prejudice to the right of recourse of the party held accountable to the consumer and to whom the performance or substandard performance of the contract can be attributed on account of the part of the package managed respectively by said party.

Or. es

Amendment 201
Dominique Vlasto, Christine De Veyrac

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 *and/or the retailer* shall remedy the lack of conformity, unless this is disproportionate.

Or. fr

Justification

Packages and assisted travel arrangements are characterised by the existence of several types of travel service which are not supplied or provided by the same organiser. It should be specified that this provision applies to the organiser and/or the retailer supplying or providing the service. This specification also allows future changes in patterns of consumption and booking to be taken into account.

Amendment 202
Luis de Grandes Pascual, Rosa Estaràs Ferragut

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 ***and, where applicable on account of the parts they manage respectively, the retailer or the carrier*** shall remedy the lack of conformity.

Or. es

Amendment 203
Silvia-Adriana Țicău

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.

Or. ro

Amendment 204
Dominique Vlasto, Christine De Veyrac

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

Amendment

3. Where a significant proportion of the services cannot be provided as agreed in the contract, the organiser ***and/or retailer***

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.

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.

Or. fr

Justification

Several types of package and assisted travel service exist, not all of which are provided or obtained by the organizer. This provision accordingly applies specifically to the organiser and /or retailer providing or obtaining the service in question and also makes it possible to take account of future changes in purchase and booking patterns.

Amendment 205

Dominique Vlasto, Christine De Veyrac

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 **and/or retailer** 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 **and/or retailer** 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.

Or. fr

Justification

Several types of package and assisted travel service exist, not all of which are provided or

obtained by the organizer. This provision accordingly applies specifically to the organiser and /or retailer providing or obtaining the service in question and also makes it possible to take account of future changes in purchase and booking patterns.

Amendment 206

Markus Ferber

Proposal for a directive

Article 11 – paragraph 5

Text proposed by the Commission

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.**

Amendment

5. As long as it is impossible to ensure the traveller's timely return because of unavoidable and extraordinary circumstances, the **additional costs arising from the traveller's return shall be split equally between the parties.**

Or. de

Amendment 207

Silvia-Adriana Țicău

Proposal for a directive

Article 11 – paragraph 5

Text proposed by the Commission

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.**

Amendment

5. As long as it is impossible to ensure the traveller's timely return because of unavoidable and extraordinary circumstances, the organiser shall bear the cost for the continued stay **of EUR 125 per traveller and** per night **until the traveller's return.**

Or. ro

Amendment 208

Artur Zasada

Proposal for a directive

Article 11 – paragraph 5

Text proposed by the Commission

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.

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 three nights per traveller.

Or. pl

Justification

Limiting the organiser's liability to three nights, but without indicating amounts, seems justified. Limiting liability to EUR 100 and the long process required to amend a directive mean that such limitations on amounts may prove very unfavourable in several years' time and may in practice make it impossible to guarantee accommodation.

Amendment 209

Silvia-Adriana Țicău

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 air²⁸, 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

Amendment

Does not affect English version.

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.

²⁸ OJ L 204, 26.07.06, p. 1

²⁸ JO L 204, 26.7.2006, p. 1.

Or. ro

Amendment 210
Jacqueline Foster

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 air²⁸, 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.***

²⁸ 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 of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air²⁸, 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.

²⁸ OJ L 204, 26.7.2006, p. 1.

Amendment 211
Dominique Vlasto, Christine De Veyrac

Proposal for a directive
Article 12 – paragraph 2

Text proposed by the Commission

2. The traveller shall be entitled to receive compensation from the organiser for any damage, including non-material damage, which the traveller sustains as a result of any lack of conformity.

Amendment

2. The traveller shall be entitled to receive compensation from the organiser **and/or retailer** for any damage, including non-material damage, which the traveller sustains as a result of any lack of conformity.

Or. fr

Justification

Several types of package and assisted travel service exist, not all of which are provided or obtained by the organizer. This provision accordingly applies specifically to the organiser and /or retailer providing or obtaining the service in question and also makes it possible to take account of future changes in purchase and booking patterns.

Amendment 212
Dominique Vlasto, Christine De Veyrac

Proposal for a directive
Article 12 – paragraph 3 – point a – introductory part

Text proposed by the Commission

(a) the organiser **proves** that the lack of conformity is:

Amendment

(a) the organiser **and/or retailer prove** that the lack of conformity is:

Or. fr

Justification

Several types of package and assisted travel service exist, not all of which are provided or obtained by the organizer. This provision accordingly applies specifically to the organiser and /or retailer providing or obtaining the service in question and also makes it possible to take account of future changes in purchase and booking patterns.

Amendment 213

Silvia-Adriana Țicău

Proposal for a directive

Article 12 – paragraph 3 – point a – point ii

Text proposed by the Commission

Amendment

*(ii) attributable to a third party
unconnected with the provision of the
services contracted for and is
unforeseeable or unavoidable, or*

deleted

Or. ro

Amendment 214

Dominique Vlasto, Christine De Veyrac

Proposal for a directive

Article 12 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) the traveller fails to inform the organiser without undue delay of any lack of conformity which the traveller perceives on the spot if that information requirement was clearly and explicitly stated in the contract and is reasonable, taking into account the circumstances of the case.

(b) the traveller fails to inform the organiser *and/or retailer* without undue delay of any lack of conformity which the traveller perceives on the spot if that information requirement was clearly and explicitly stated in the contract and is reasonable, taking into account the circumstances of the case.

Or. fr

Justification

Several types of package and assisted travel service exist, not all of which are provided or obtained by the organizer. This provision accordingly applies specifically to the organiser and /or retailer providing or obtaining the service in question and also makes it possible to take account of future changes in purchase and booking patterns.

Amendment 215

Silvia-Adriana Țicău

Proposal for a directive

Article 12 – paragraph 4

Text proposed by the Commission

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.

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.

Or. ro

Amendment 216

Dominique Vlasto, Christine De Veyrac

Proposal for a directive

Article 12 – paragraph 4

Text proposed by the Commission

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.***

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 ***and/or retailer***. 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 ***and/or retailer*** accordingly.

Or. fr

Justification

Several types of package and assisted travel service exist, not all of which are provided or obtained by the organizer. This provision accordingly applies specifically to the organiser and /or retailer providing or obtaining the service in question and also makes it possible to take account of future changes in purchase and booking patterns.

Amendment 217

Markus Ferber

**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 261/2004²⁹, Regulation (EC) No 1371/2007³⁰, Regulation (EU) No 1177/2010³¹ and

Amendment

5. Any right to compensation or price reduction under this Directive shall not affect the rights of travellers under Regulation (EC) No 261/2004²⁹, Regulation (EC) No 1371/2007³⁰, Regulation (EU) No 1177/2010³¹ and

Regulation (EU) No 181/2011³². 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.***

²⁹ OJ L 46, 17.02.04, p. 1

³⁰ OJ L 315, 03.12.07, p. 14

³¹ OJ L 334, 17.02.10, p. 1

³² OJ L 55, 28.02.11, p. 1

Regulation (EU) No 181/2011³². 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.

²⁹ OJ L 46, 17.02.04, p. 1

³⁰ OJ L 315, 03.12.07, p. 14

³¹ OJ L 334, 17.02.10, p. 1

³² OJ L 55, 28.02.11, p. 1

Or. de

Amendment 218

Artur Zasada

Proposal for a directive Article 13 – paragraph 1

Text proposed by the Commission

Member States shall ensure that the traveller may address messages, complaints or claims in relation to the performance of the package directly to the retailer through which it was purchased. The retailer shall forward those messages, complaints or claims to the organiser without undue delay. For the purpose of compliance with time-limits or prescription periods, receipt of the notifications by the retailer shall be considered as receipt by the organiser.

Amendment

Member States shall ensure that the traveller may address messages, complaints or claims in relation to the performance of the package directly to the retailer through which it was purchased. The retailer shall forward those messages, complaints or claims to the organiser without undue delay. ***If tour operators do not respond in writing to the message, complaint or claim related to the performance of the package within 30 days of receipt by the operator, it shall be assumed that the operator has found the message, complaint or claim to be legitimate.*** For the purpose of compliance with time-limits or prescription periods, receipt of the notifications by the retailer shall be considered as receipt by the organiser.

Or. pl

Amendment 219
Dominique Vlasto, Christine De Veyrac

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 **and/or retailer** gives prompt assistance to the traveller in difficulty, in particular by:

Or. fr

Justification

Several types of package and assisted travel service exist, not all of which are provided or obtained by the organizer. This provision accordingly applies specifically to the organiser and /or retailer providing or obtaining the service in question and also makes it possible to take account of future changes in purchase and booking patterns.

Amendment 220
Jacqueline Foster

Proposal for a directive
Article 14

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 **has adequate insurance or means to give appropriate** assistance to the traveller in difficulty, in particular by:

Or. en

Amendment 221
Silvia-Adriana Țicău

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 *where all or part of the travel package cannot be effected* in making distance communications and alternative travel arrangements; *informing the traveller as soon as possible and in any event no more than one hour after the organiser becomes aware that all or part of the travel package cannot be effected and, if a particular leg of the journey cannot be effected, offering the traveller at no extra cost alternative travel services for the remainder of the travel package; the traveller shall be informed both directly and through the retailer, irrespective of whether this is done in working hours or on working days; the organiser may not cancel a ticket for a leg of the journey without the express knowledge and consent of the traveller;*

Or. ro

Amendment 222
Jacqueline Foster

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.

Or. en

Justification

It should be clarified that, where there is no lack of conformity with the package contract, the organiser's liability is simply to assist in sourcing alternative travel arrangements not in providing or paying for them.

Amendment 223

Dominique Vlasto, Christine De Veyrac

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

Or. fr

Justification

Several types of package and assisted travel service exist, not all of which are provided or obtained by the organizer. This provision accordingly applies specifically to the organiser and /or retailer providing or obtaining the service in question and also makes it possible to take account of future changes in purchase and booking patterns.

Amendment 224

Jacqueline Foster

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

Amendment

1. Member States shall ensure that organisers **of packages** and retailers facilitating the procurement of **linked** travel arrangements obtain security for the effective and prompt refund of all payments made by travellers and, insofar as carriage of passengers is included, for

passengers is included, for the travellers' effective and prompt repatriation in the event of insolvency.

the travellers' effective and prompt repatriation in the event of *the* insolvency *of the organiser, of the retailer or of any of the linked travel arrangement service providers.*

Or. en

Amendment 225
Gesine Meissner

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 and retailers 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.

Or. en

Justification

The scope of the Package Travel Directive should be limited to combinations of travel services which have been purchased as a package. The introduction of the new concept of 'assisted travel arrangement' in this Directive could create legal uncertainty and confusion amongst both consumers and travel service providers.

Amendment 226
Dominique Vlasto, Christine De Veyrac

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, retailers **and other operators** 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.

Or. fr

Justification

Drafting amendment to include all those involved in the purchase of assisted travel services.

Amendment 227

Luis de Grandes Pascual, Rosa Estaràs Ferragut

**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 and retailers facilitating the procurement of **packages and** assisted travel arrangements 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.

Or. es

Justification

Paragraph 1 of this article needs to be consistent with paragraph 2 of the same article, and

with Article 6(2)(b)(iii) of the proposal.

Amendment 228

Eva Lichtenberger, Michael Cramer

Proposal for a directive

Article 15 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The organisers and retailers shall prove that they have taken all measures to guarantee the protection of the traveller, including the existence of a fund or insurance.

Or. en

Amendment 229

Jacqueline Foster

Proposal for a directive

Article 15 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The insolvency protection referred to in paragraph 1 shall be adequate to meet the requirements of this Directive provided it is effective in all reasonably foreseeable circumstances.

Or. en

Justification

Insolvency protection should be adequate and not over-guaranty to meet open ended requirements, the costs of which could be passed on to the consumer.

Amendment 230

Jacqueline Foster

Proposal for a directive
Article 15 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Where appropriate, the insolvency protection referred to in paragraph 1 may provide for the fulfilment of contracts forming packages or linked travel arrangements, rather than a refund of payments.

Or. en

Amendment 231
Gesine Meissner

Proposal for a directive
Article 16 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall recognise as meeting the requirements of their national rules transposing Article 15 any insolvency protection obtained by an organiser or a retailer ***facilitating the procurement of assisted travel arrangements*** under the rules of its Member State of establishment transposing Article 15.

1. Member States shall recognise as meeting the requirements of their national rules transposing Article 15 any insolvency protection obtained by an organiser or a retailer under the rules of its Member State of establishment transposing Article 15.

Or. en

Justification

The scope of the Package Travel Directive should be limited to combinations of travel services which have been purchased as a package. The introduction of the new concept of 'assisted travel arrangement' in this Directive could create legal uncertainty and confusion amongst both consumers and travel service providers.

Amendment 232
Dominique Vlasto

Proposal for a directive
Article 16 – paragraph 1

Text proposed by the Commission

1. Member States shall recognise as meeting the requirements of their national rules transposing Article 15 any insolvency protection obtained by an **organiser or a retailer** facilitating the procurement of assisted travel arrangements under the rules of its Member State of establishment transposing Article 15.

Amendment

1. Member States shall recognise as meeting the requirements of their national rules transposing Article 15 any insolvency protection obtained by an **operator** facilitating the procurement of assisted travel arrangements under the rules of its Member State of establishment transposing Article 15.

Or. fr

Amendment 233
Luis de Grandes Pascual, Rosa Estaràs Ferragut

Proposal for a directive
Article 16 – paragraph 1

Text proposed by the Commission

1. Member States shall recognise as meeting the requirements of their national rules transposing Article 15 any insolvency protection obtained by an organiser or a retailer facilitating the procurement of assisted travel arrangements under the rules of its Member State of establishment transposing Article 15.

Amendment

1. Member States shall recognise as meeting the requirements of their national rules transposing Article 15 any insolvency protection obtained by an organiser or a retailer facilitating the procurement of **packages and** assisted travel arrangements under the rules of its Member State of establishment transposing Article 15.

Or. es

Amendment 234
Bogusław Liberadzki, Spyros Danellis

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 assisted travel arrangements and passenger carriers established outside of their territory or outside the Union to obtain insolvency protection under their national insolvency protection schemes.

Or. en

Justification

Some Member States restrict the membership in their national insolvency protection schemes to companies established on their territory, which is a clear case of discrimination and a significant hurdle to the functioning of the Single Market.

Amendment 235
Gesine Meissner

Proposal for a directive
Article 16 – paragraph 2

Text proposed by the Commission

2. Member States shall designate central contact points to facilitate the administrative cooperation and supervision of organisers and retailers *facilitating the procurement of assisted travel arrangements* operating in different Member States. They shall notify the contact details of these contact points to all other Member States and the Commission.

Amendment

2. Member States shall designate central contact points to facilitate the administrative cooperation and supervision of organisers and retailers operating in different Member States. They shall notify the contact details of these contact points to all other Member States and the Commission.

Or. en

Justification

The scope of the Package Travel Directive should be limited to combinations of travel services which have been purchased as a package. The introduction of the new concept of ‘assisted travel arrangement’ in this Directive could create legal uncertainty and confusion amongst both consumers and travel service providers.

Amendment 236
Dominique Vlasto, Christine De Veyrac

Proposal for a directive
Article 16 – paragraph 2

Text proposed by the Commission

2. Member States shall designate central contact points to facilitate the administrative cooperation and supervision of **organisers and retailers** facilitating the procurement of assisted travel arrangements operating in different Member States. They shall notify the contact details of these contact points to all other Member States and the Commission.

Amendment

2. Member States shall designate central contact points to facilitate the administrative cooperation and supervision of **operators** facilitating the procurement of assisted travel arrangements operating in different Member States. << They shall notify the contact details of these contact points to all other Member States and the Commission.

Or. fr

Amendment 237
Luis de Grandes Pascual, Rosa Estaràs Ferragut

Proposal for a directive
Article 16 – paragraph 2

Text proposed by the Commission

2. Member States shall designate central contact points to facilitate the administrative cooperation and supervision of organisers and retailers facilitating the procurement of assisted travel arrangements operating in different Member States. They shall notify the contact details of these contact points to all other Member States and the Commission.

Amendment

2. Member States shall designate central contact points to facilitate the administrative cooperation and supervision of organisers and retailers facilitating the procurement of **packages and** assisted travel arrangements operating in different Member States. They shall notify the contact details of these contact points to all other Member States and the Commission.

Or. es

Amendment 238
Gesine Meissner

Proposal for a directive
Article 16 – paragraph 3

Text proposed by the Commission

3. The central contact points shall make available to each other all necessary information on their national insolvency protection schemes and the identity of the body or bodies providing insolvency protection for a particular trader established in their territory. They shall grant each other access to any inventory listing organisers and retailers **facilitating the procurement of assisted travel arrangements** which are in compliance with their insolvency protection obligations.

Amendment

3. The central contact points shall make available to each other all necessary information on their national insolvency protection schemes and the identity of the body or bodies providing insolvency protection for a particular trader established in their territory. They shall grant each other access to any inventory listing organisers and retailers which are in compliance with their insolvency protection obligations.

Or. en

Justification

The scope of the Package Travel Directive should be limited to combinations of travel services which have been purchased as a package. The introduction of the new concept of 'assisted travel arrangement' in this Directive could create legal uncertainty and confusion amongst both consumers and travel service providers.

Amendment 239
Luis de Grandes Pascual, Rosa Estaràs Ferragut

Proposal for a directive
Article 16 – paragraph 3

Text proposed by the Commission

3. The central contact points shall make available to each other all necessary information on their national insolvency protection schemes and the identity of the body or bodies providing insolvency protection for a particular trader established in their territory. They shall grant each other access to any inventory listing organisers and retailers facilitating

Amendment

3. The central contact points shall make available to each other all necessary information on their national insolvency protection schemes and the identity of the body or bodies providing insolvency protection for a particular trader established in their territory. They shall grant each other access to any inventory listing organisers and retailers facilitating

the procurement of assisted travel arrangements which are in compliance with their insolvency protection obligations.

the procurement of *packages and* assisted travel arrangements which are in compliance with their insolvency protection obligations.

Or. es

Amendment 240
Gesine Meissner

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 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.

Amendment

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

Or. en

Justification

The scope of the Package Travel Directive should be limited to combinations of travel services which have been purchased as a package. The introduction of the new concept of 'assisted travel arrangement' in this Directive could create legal uncertainty and confusion amongst both consumers and travel service providers.

Amendment 241
Dominique Vlasto, Christine De Veyrac

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 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.

Amendment

4. If a Member State has doubts about the insolvency protection of an **operator** 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..

Or. fr

Amendment 242

Luis de Grandes Pascual, Rosa Estaràs Ferragut

**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 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.

Amendment

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

Or. es

Amendment 243

Gesine Meissner

**Proposal for a directive
Article 17**

Text proposed by the Commission

Amendment

Article 17

deleted

Information requirements for assisted travel arrangements

Member States shall ensure that, before the traveller is bound by any contract or any corresponding offer for assisted travel arrangements, the trader facilitating the procurement of assisted travel arrangements shall state in a clear and prominent manner:

(a) that each service provider will be solely responsible for the correct contractual performance of its service; and

(b) that the traveller will not benefit from any of the rights granted by this Directive exclusively to package travellers, but will benefit from the right to a refund of pre-payments and, insofar as carriage of passengers is included, to repatriation in case the retailer itself or any of the service providers becomes insolvent.

Or. en

Justification

The scope of the Package Travel Directive should be limited to combinations of travel services which have been purchased as a package. The introduction of the new concept of 'assisted travel arrangement' in this Directive could create legal uncertainty and confusion amongst both consumers and travel service providers.

Amendment 244

Dominique Vlasto, Christine De Veyrac

Proposal for a directive

Article 17 – paragraph 1 – point b

Text proposed by the Commission

Amendment

b) that the traveller will not benefit from

b) that the traveller will not benefit from

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any of the rights granted by this Directive exclusively to package travellers, but will benefit from the right to a refund of pre-payments and, insofar as carriage of passengers is included, to repatriation in case the **retailer** itself or any of the service providers becomes insolvent.

any of the rights granted by this Directive exclusively to package travellers, but will benefit from the right to a refund of pre-payments and, insofar as carriage of passengers is included, to repatriation in case the **operator** itself or any of the service providers becomes insolvent.

Or. fr

Amendment 245
Silvia-Adriana Țicău

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

Text proposed by the Commission

Amendment

Member States shall ensure that, prior to the signature of a contract for assisted travel arrangements, the trader facilitating the provision thereof offers the traveller the option of a travel package incorporating the services required. Informed refusal of the traveller to accept a travel package instead of assisted travel arrangements must be in writing.

Or. ro

Amendment 246
Bogusław Liberadzki, Spyros Danellis

Proposal for a directive
Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17 a
Information requirements for stand-alone travel services

1. Member States shall ensure that, before the traveller is bound by any contract or any corresponding offer from a trader selling stand-alone travel services, the trader shall state in a clear and prominent manner:

(a) the main characteristics of the service, to the extent appropriate to the medium;

(b) where the service sold concerns accommodation, the name and the tourist category of the accommodation, including the room category and its main characteristics;

(c) the trading name, geographical address, telephone number and e-mail address of the retailer;

(d) the total price of the service 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 manner in which the final price is to be calculated;

(e) information on the method of calculating costs that cannot be given in advance, including on the eventual price increase after the conclusion of the contract;

(f) the arrangements for payment and, where applicable, the existence and the conditions for deposits or other financial guarantees to be paid or provided by the traveller;

(g) in case of transport services, general information on passport and visa requirements, including approximate periods for obtaining visas, applicable to the traveller in accordance to his nationality, and information on health formalities;

(h) where necessary, information regarding possible risks at the place of destination or its immediate vicinity with

regard to natural disasters, public health, public order, terrorism, etc.;

(i) information on whether the traveller has a right of withdrawal from the contract and, in that case, the conditions, time-limits and procedures for exercising that right;

(j) information on in-house complaint handling procedures and on the possibility and time-limits for having recourse to out-of-court complaint and redress mechanisms.

2. Member States shall ensure that traders selling stand-alone travel services provide the traveller with a confirmation of the booking of the purchased travel service without undue delay and not later than 24 hours following the booking, unless an immediate confirmation is necessary.

3. Member States shall ensure that providers of stand-alone travel services sold through an intermediary retailer provide all information that is necessary for the intermediary retailer to comply with the requirements set out in paragraph 1.

4. Member States shall ensure that intermediary retailers selling stand-alone travel services are liable for any errors occurring in the booking process.

Or. en

Justification

Consumer organisations have reported several cases of consumer detriment in the sale of stand-alone services. Thus, there is a need to establish certain minimum obligations on the sellers of those services, irrespective of whether they sell those services directly or act as intermediaries, so as to ensure a level playing field between all traders. A legal lacuna in this area would be problematic in a market where consumers tend increasingly to organise their travel independently.

Amendment 247
Bogusław Liberadzki, Spyros Danellis

Proposal for a directive
Article 18 c (new)

Text proposed by the Commission

Amendment

Article 18 c

Right of withdrawal

1. Member States shall ensure that the traveller has a period of 24 hours to withdraw from a distance contract for a package, assisted-travel arrangement or stand-alone travel service, and seven days to withdraw from an off-premises contract, without giving any reason and without incurring any costs, provided that he gives the trader a notice on a durable medium at least 48 hours before the start of the travel service.

2. The trader shall reimburse all payments received from the traveller, without undue delay and not later than 14 days from the day on which he is informed of the traveller's decision to withdraw from the contract.

3. If the trader has not provided the traveller with information on the right of withdrawal in a clear and prominent manner, the traveller shall have the right to terminate the contract without penalty.

4. Member States shall ensure that an intermediary retailer is entitled to recuperate all payments made to a service provider in the period between the conclusion of the contract and the day on which he was informed of the traveller's decision to withdraw from the contract.

Or. en

Justification

In analogy with the provisions on the right of withdrawal set out in Articles 9(1), 10(1) and

13(1) of the Consumer Rights Directive, which do not currently apply to the Package Travel Directive. The amendment provides for a lighter regime than in the Consumer Rights Directive.

Amendment 248
Markus Ferber

Proposal for a directive
Article 19 – paragraph 1

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 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. ***The retailer shall be liable to the traveller only for any booking error arising through the fault of the retailer.***

Or. de

Amendment 249
Dominique Vlasto, Christine De Veyrac

Proposal for a directive
Article 19 – paragraph 1

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 ***any operator*** 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.

Or. fr

Amendment 250
Gesine Meissner

Proposal for a directive
Article 19 – paragraph 1

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 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.

Or. en

Justification

The scope of the Package Travel Directive should be limited to combinations of travel services which have been purchased as a package. The introduction of the new concept of 'assisted travel arrangement' in this Directive could create legal uncertainty and confusion amongst both consumers and travel service providers.

Amendment 251
Luis de Grandes Pascual, Rosa Estaràs Ferragut

Proposal for a directive
Article 19 – paragraph 1

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 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.

Amendment 252
Dominique Vlasto, Christine De Veyrac

Proposal for a directive
Article 20 – paragraph 1

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

In cases where an **operator** 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.

Or. fr

Amendment 253
Dominique Vlasto, Christine De Veyrac

Proposal for a directive
Article 21 – paragraph 1

Text proposed by the Commission

1. A declaration by an **organiser** that he is acting exclusively as a provider of a travel service, as an intermediary or in any other capacity, or that a package within the meaning of this Directive does not constitute a package, shall not absolve the **organiser** from the obligations imposed on **organisers** under this Directive.

Amendment

1. A declaration by an **operator** that he is acting exclusively as a provider of a travel service, as an intermediary or in any other capacity, or that a package within the meaning of this Directive does not constitute a package, shall not absolve the **operator** from the obligations imposed on **operators** under this Directive.

Or. fr

Amendment 254
Silvia-Adriana Țicău

Proposal for a directive
Article 21 – paragraph 3

Text proposed by the Commission

3. Any contractual arrangement or any statement by the traveller which directly or indirectly waives or restricts the rights conferred on travellers pursuant to this Directive or aims to circumvent the application of this Directive shall **not** be **binding on the traveller**.

Amendment

3. Any contractual arrangement or any statement by the traveller which directly or indirectly waives or restricts the rights conferred on travellers pursuant to this Directive or aims to circumvent the application of this Directive shall **be null and void**.

Or. ro

Amendment 255
Silvia-Adriana Țicău

Proposal for a directive
Article 24 – paragraph 1

Text proposed by the Commission

By [5 years after its entry into force], the Commission shall submit a report on the application of this Directive to the European Parliament and the Council. The report shall be accompanied, where necessary, by legislative proposals to adapt this Directive to developments in the field of traveller rights.

Amendment

By [3 years after its entry into force], the Commission shall submit a report on the application of this Directive to the European Parliament and the Council. The report shall be accompanied, where necessary, by legislative proposals to adapt this Directive to developments in the field of traveller rights.

Or. ro

Amendment 256
Artur Zasada

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 provisions.

Or. pl