

Package travel and linked travel arrangements

2013/0246(COD) - 21/06/2019 - Follow-up document

The Commission presents its report on the provisions of Directive (EU) 2015/2302 of the European Parliament and of the Council on package travel and linked travel arrangements applying to online bookings made at different points of sale (click-through' bookings).

Background

One of the objectives of the 2015 Package Travel and Linked Travel Arrangements Directive (Package Travel Directive) was to adapt the legislation on package travel to new online booking models, in particular, to better protect consumers who are using combinations of services.

To that end, the new Package Travel Directive extends the definition of 'package' beyond traditional pre-arranged packages. A package now also covers customised combinations of travel services (online and offline) that are put together at the request of or in accordance with the selection of the traveller. In addition, the Directive introduces the concept of 'linked travel arrangements' which is a combination of travel services facilitated by a trader, such as an airline.

When the traveller books different travel services from different websites (different points of sale), but the bookings are related through links provided from website to website, this is considered a '**click-through' booking**. However, depending on the characteristics of such bookings, they can either lead to the creation of a package with full protection, a linked travel arrangement with limited protection or stand-alone services, not covered by the Directive.

The Commission was tasked to report shortly after the entry into application of the Package Travel Directive on the new provisions on 'click-through' bookings, in particular whether an amendment of the definition of "click-through packages" would be appropriate.

Main findings on 'click-through' bookings

By March 2019, all Member States have transposed the Package Travel Directive in their national legal order. Apart from late transposition, no *prima facie* problems specifically related to the transposition of the provisions relevant for 'click-through' bookings of packages or linked travel arrangements have been identified so far. In order to evaluate the use of click-through bookings, an expert group composed of 20 different organisations representing consumer associations, travel and tourism business associations, providers of insolvency protection and alternative dispute resolution (ADR) bodies was set up and met twice.

From the information gathered during this consultation process, it appears that:

- 'Click-through packages' within the meaning of the specific definition in the Directive, which implies the transfer of personal data (name, e-mail and payment details of the traveller) and the provision of the specific standard information form are rarely offered, if at all, by those business operators who contributed to this consultation. However, nothing can be concluded on airlines' practices so far.

- Further assessment of business practices, in particular of airlines and large travel booking platforms, in relation to click-through bookings are therefore necessary, before drawing conclusions regarding a possible adjustment of the definitions provided in the Directive.

- Stakeholders and authorities who contributed to the consultation raised the need to continue to work on effective and uniform application of the new rules of the Directive, including guidance to ensure unified implementation.
- In relation to linked travel arrangements, stakeholders pointed to, inter alia, the lack of clarity regarding the meaning of “facilitation in a targeted manner” and the criteria for determining whether or not a second trader has concluded a contract with a traveller within 24 hours after the first contract.
- The distinction between packages and linked travel arrangements seems to remain challenging for all travel operators, including hotels.
- Finally, consumers need to be better aware of the extended protection brought by the Package Travel Directive.

Follow-up

As follow-up to this report and in preparation of the general report on the application of the Package Travel Directive scheduled for 2021, the Commission will:

- further assess linked online booking processes that lead to a combination of travel services in order to obtain a clearer picture of the offer of 'click-through' packages and linked travel arrangements on the market;
- complete its assessment of national measures transposing the Directive;
- raise awareness of travellers about their rights under the Directive in the framework of a broad communication campaign targeted at consumers to start before the end of 2019;
- facilitate coordination and cooperation between the authorities in charge of enforcement of the Directive through the Consumer Protection Cooperation (CPC) network and between the central contact points of Member States to facilitate the administrative cooperation and supervision of organisers operating in different Member States.