

Package travel and linked travel arrangements

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This staff working document presents further background information for the Commission report on the provisions of the package travel and linked travel arrangements Directive applying to online bookings made at different points of sale ('click-through' bookings).

Member States had to transpose the Package Travel Directive by 1 January 2018. The Commission opened infringement procedures against 14 Member States for non-communication of national transposition measures. By March 2019, all Member States had notified the Commission of the complete transposition of the Directive. Some Member States adopted additional provisions or guidance documents aimed at clarifying certain concepts.

Most Member States reproduced in their national legislation the standard information forms set out in the annexes of the Directive which operators must use for the pre-contractual information of travellers in the case of package travel contracts and linked travel arrangements.

Apart from late transposition, no *prima facie* problems related to the transposition of the Directive's provisions relevant for 'click-through' booking have been identified so far. The Commission has started a systematic assessment of the conformity of the national transposition measures with the Directive in April 2019. The results will be considered for the general report on the implementation of the Directive due by 2021.

Challenges to 'click-through' bookings

Certain challenges were highlighted in relation to 'click-through' bookings. In order to address these challenges, the report noted that a large number of travel and tourism operators indicated that they have re-assessed existing partnerships with other traders or are in the process of doing so, in order to ensure that they exchange information with partners they can trust and who have the technological capacity.

In addition, alternative dispute resolution bodies reported about certain changes of business practices. Whilst disputes related to the new rules are still rare, alternative dispute resolution bodies and authorities pointed out that enforcement will be challenging. Some mentioned in particular that verification whether the two contracts are concluded within 24 hours would be almost impossible. Others consider that the distinction between 'click-through' booking of a package or of a linked travel arrangement would be difficult for an authority to enforce. Some authorities consider the legislation too complicated for both traders and consumers.

There is therefore a strong call from stakeholders and authorities for guidance on the application of the current rules to bring more clarity, legal certainty and uniformity, which could be more helpful than legislative changes at this stage.