A szervezett utazási formákról szóló irányelv (90/314)

Package Travel Directive (90/314)

What is the aim of the directive?

It creates uniform minimum standards that apply to package travel, package holidays and package tours in the European Union (EU).

It therefore enables consumers to purchase these services with a maximum of guarantees within the EU's internal market.

Key points

A package is a combination of at least two different types of travel services (transport, accommodation or other tourist services) which meets the following two conditions:

it must cover a period of more than 24 hours or overnight accommodation; and

it must be sold at an inclusive price.

Consumer information

Any brochure made available to the consumer must indicate clearly and accurately:

the price;

the destination, the itinerary and the means of transport used;

the type of accommodation;

the meal plan;

the passport and visa requirements;

the health formalities;

the timetable for payment;

the deadline for informing the consumer in the event of cancellation.

The information contained in the brochure is binding on the organiser. In the case of changes to this information, the consumer must be clearly informed so that they can give their agreement.

Before the contract is concluded, the organiser must provide, in writing, certain information on passports, visas (periods for obtaining them) and health formalities.

Before the start of the journey, the organiser must provide, in writing:

the times and places of intermediate stops and transport connections, as well as details of the accommodation;

the name, address and telephone number of the organiser's local representative or, failing that, an emergency telephone number;

certain additional details in the case of journeys involving children;

information on optional contracts covering insurance or assistance.

Changes to the contract

The consumer may transfer his or her booking to another person who satisfies all the conditions required by the package, informing the organiser or retailer a reasonable time before departure. The original consumer will be jointly and severally liable for payment of the balance due, and any possible additional costs, with the person who has accepted the transferred booking.

The prices stated in the contract may not be changed unless the contract expressly provides for the possibility. In such a case, only variations in transport costs, dues, taxes or fees chargeable and exchange rates are relevant.

If the organiser alters the contract significantly, the consumer may either withdraw from the contract without penalty; or agree to the changes by accepting a rider (i.e. an additional clause) to the contract.

Cancellation or failure to perform the contract

If the consumer does not agree to organiser's changes and withdraws from the contract, or if the organiser cancels the package, the consumer has the right either to take an alternative package (where this is offered) or to be reimbursed the sums paid. Where appropriate, the consumer is entitled to be compensated for non-performance of the contract.

The organiser is effectively responsible for the failure to perform or the improper performance of the contract, except where the consumer is at fault or for reasons of force majeure*.

New rules from July 2018

Directive 90/314/EEC will be repealed and replaced by Directive (EU) 2015/2302 from 1 July 2018. The new directive will extend protection beyond traditional package holidays organised by tour operators. It will protect consumers who book other forms of combined travel, e.g. a combination of a flight plus hotel or car rental put together on a website.

From when does the directive apply?

It has applied since 18 June 1990. EU countries had to incorporate it into national law by 31 December 1992.

Background

For more information, see:

'Travel and Timeshare' on the European Commission's website.

* Key terms

Force majeur: an event that cannot be anticipated or which, if anticipated, is too strong to be controlled, i.e.it cannot be evaded through the exercise of due care such as a natural disaster.

Main document

Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours (OJ L 158, 23.6.1990, pp. 59–64)

Related documents

Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (OJ L 149, 11.6.2005, pp. 22-39)

Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ L 326, 11.12.2015, pp. 1–33).

Last update: 14/10/2021

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