

EU Member State changes to Package Travel Regulations

7 April 2020

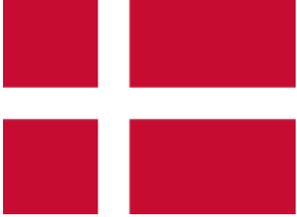
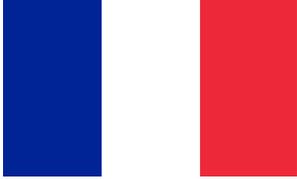
The European Commission has already acknowledged the scale of the challenge facing the European travel industry in light of the COVID-19 pandemic and has issued guidance intended to provide some flexibility around the implementation of the Package Travel Directive and Passenger Rights legislation.

The European Justice Commissioner also repeated guidance on 9 April to Member States to find “flexible solutions” to demands for refunds on cancelled holidays during the Covid-19 crisis, saying consumers “should consider accepting a voucher”.

A growing number of European countries, including Denmark, France, Italy, Malta, and Spain have announced temporary regulatory measures to preserve the future of their national travel industries. Meanwhile Germany has issued their own intended laws, and has called upon the European Commission to approve similar temporary changes across the EU. Provided below is a summary of the actions taken to date by individual EU Member States to support their respective travel industries.

It is imperative to the survival of many UK travel companies, and thousands of their employees across the UK, that the UK Government now also acts in this regard. This must be done with or without EU level action.

EU Member State	Changes to the national Package Travel Regulations	Latest update	Link to source
	<ul style="list-style-type: none"> The Belgian Government introduced legislation which, since 19 March, allows vouchers to be used as a legally accepted means of payment. In addition to the use of vouchers, the industry has asked for a ‘fair’ system to be established under the Package Travel Directive (PTD), so that if suppliers (eg airlines) can invoke a legal force majeure to prevent making a refund, the tour operator can also invoke it. 	20/03/2020	Belgian e-legislative portal

	<ul style="list-style-type: none"> • The Croatian Parliament has approved the Tourism Ministry’s proposal to make changes to the Law on Emergency Tourism Services, which allows travel agencies to issue vouchers instead of refunding passengers for package arrangements. • The passenger is fully protected as they receive a voucher they can use for another trip or a deferred travel period. • If the traveller insists on a cash refund, the organiser must make a refund within 14 days after the expiry of 180 days from the date of the cancellation. 	<p>08/04/2020</p>	<p>Croatia National Gazette</p>
	<ul style="list-style-type: none"> • The Danish Government has announced a 1.5 billion DKK state guarantee to cover package travel cancelled before departure due to COVID-19 up until the 13 April. • Either the so-called Travel Guarantee Fund, or the operator, repays the traveller. Payments already made by the tour operator to customers can be reclaimed from the Fund. • The tour operator may keep all refunds claimed from suppliers. 	<p>26/03/2020</p>	<p>The Danish Travel Guarantee Fund</p>
	<ul style="list-style-type: none"> • The French Government has enshrined a new voucher system in law, which has been active since 25 March. Details as follows: • Step 1: The organiser or retailer must inform clients that they will receive a voucher. • Step 2: The organiser or the retailer must send the voucher with a proposition for a new package which has to be similar and at the same price. • Step 3: If the customer declines the proposition, the travel agent can send other package propositions to him/her. If the price is lower, the client will have a new voucher. If the price is higher, the client will bear the costs. If the client hasn’t chosen a package after 18 months, he/she can ask for the refund. 	<p>25/03/2020</p>	<p>The French Travel Association</p>
	<ul style="list-style-type: none"> • The German Government has agreed in principle a voucher solution for cancelled flights and package travel. • The vouchers would be valid until the end of 2021, and will be valid for all trips and tickets purchased before 8 March. • If the customer has not redeemed the voucher by the end of 2021, the organiser must refund the value. • Hardship clauses are also planned for all customers who cannot reasonably be expected to accept a voucher due to their financial situation. 	<p>02/04/2020</p>	<p>The German Government</p>

	<ul style="list-style-type: none"> • It is reported that the Greek Ministry of Tourism is proceeding with a regulation that gives tourism companies the opportunity to compensate their customers by issuing an 18-month voucher, in order to support hotel businesses and travel agencies. • The initiative will be voted on in Parliament 9 April. The Ministry is preparing a letter to the European Commission asking for support. • In practice, this means that a consumer who has already booked a holiday will receive a voucher for the same amount instead of a refund, which he can later use on another trip, including to others destinations through the same travel agency or travel company. 	<p>07/04/2020</p>	<p>Hellenic Parliament</p> <p>Amna news</p>
	<ul style="list-style-type: none"> • The Italian Government has adopted legislation which acknowledges that the COVID-19 outbreak means that existing refund obligations are impossible for companies to adhere to. • Instead of a refund a voucher system has been put in place offering customers vouchers with a one-year validity. • Consumers have an obligation to accept vouchers, where offered. 	<p>23/03/2020</p>	<p>Italian e-legislative portal</p>
	<ul style="list-style-type: none"> • The Lithuanian parliament has voted in favour of changes in tourism law and civil code. According to the changes, the voucher is an approved way of compensation in extreme situation cases such as COVID-19. The bill is waiting for a signature by the President before coming into force. • The change in the Civil Code allows tour operators and travel agents to refund money for the trip in 180 days in case the traveller prefers cash. Moreover, the consumer is not obligated to accept the voucher. 	<p>08/04/2020</p>	<p>Lithuanian Parliament</p> <p>Lithuanian Legislative Portal</p>
	<ul style="list-style-type: none"> • The Maltese Government has issued a legal notice extending the deadline to refund consumers from 14 days to 6 months. • The industry has called for a legally binding voucher solution, which the Government appears to be considering favourably. 	<p>02/04/2020</p>	<p>Malta's Justice Services</p>
	<ul style="list-style-type: none"> • On 16 March the Dutch Government adopted a refund voucher policy approved by the European Commission. The system has been well received by The credit of the voucher is covered by a Travel Guarantee Fund. In the event of bankruptcy of the travel organisation, the consumer will receive a refund via the Fund. 	<p>16/03/2020</p>	<p>Dutch Authority for Consumers & Markets</p> <p>European Consumer Centre</p>

	<ul style="list-style-type: none">• The Spanish Government has passed legislation which introduces flexibility in package travel regulations regarding cancellations due to COVID-19.• According to the law, a retailer has the option, where appropriate to deliver a voucher, valid for one year.	01/04/2020	Official Spanish State Newsletter
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More information: If you have any questions regarding this briefing note, please contact ABTA's Public Affairs team E: publicaffairs@abta.co.uk.