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# Package travel across the EU

a quick  
guide

Construction site instead of pool?

Flight or train delay?

Help and advice  
for consumers  
in Europe



European Consumer Centre Germany



Co-funded by  
the European Union



*Dublin,  
Stockholm,*

*Sofia  
or Palma de  
Mallorca*

*Thanks to the European Union you do have  
rights if you have booked a package holiday.*

*We will explain which rights you have  
and how to enforce them.*

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

## Package travel - What does it mean?

**YOU PARTICIPATE IN A PACKAGE TOUR, IF  
YOU BOOK ONE OF THE FOLLOWING:**

- ✓ a trip that was sold or promoted as a package tour, or as a package holiday.
- ✓ a cruise.
- ✓ a combination of at least 2 different types of travel services for the purpose of the same trip, e. g. a musical event made up of a train journey and the ticket for the musical.
- ✓ an one-day excursion which costs more than 500 Euro
- ✓ at least 2 different types of travel services, chosen separately from each other, for the purpose of the same holiday, where the travel agency combines them to one travel package sold at a total price, e. g. flight and hotel accommodation. (so called "inked travel arrangement")



## YOU WILL PARTICIPATE IN A PACKAGE TOUR, IF YOU BOOK:

- ✓ online at least 2 travel services which you combine at the same time to one travel package with a full price (so called “dynamic packaging”).
- ✓ one travel service on a website, e. g. a flight. Then you use a link provided on this site to enter another website, where you book the next service, e. g. an hotel. Both bookings must be concluded within 24 hours. Also, the first company must forward your name, your payment details and your email address to the second company within 24 hours (so called “click-through booking”). In the event of a problem with such a booking, it is the first company that you should contact.



### Examples for travel services

- ✓ carriage of passengers (e. g. flight, train ...)
- ✓ accommodation (hotel, bed & breakfast)
- ✓ car rental or rental of motor bikes
- ✓ any other tourist service, like tickets, excursions, when the costs are at least 25 % of the travel price or if the tourist service is to be considered or promoted as an essential feature of the package.

## WHAT YOU SHOULD KNOW ABOUT PACKAGE HOLIDAYS



- ✓ *You are protected against the insolvency of the tour organiser:*
  - *If your trip has not yet started, you will get your money back.*
  - *If you are already on holidays, the tour operator has to arrange your journey back home, if the return is part of the package travel contract.*
- ✓ *In case of insolvency of the airline and / or hotel:  
The tour operator has to organise an alternative flight / hotel at its own expense where the flight / hotel is part of the package.*
- ✓ *The tour organiser has to cover the costs of accommodation for up to three nights, in the event that they cannot arrange your journey home due to unavoidable extraordinary circumstances. Again the return journey must be part of the package travel.*



*You can incur a price increase up to 8 % up to 20 days prior to departure. This can only happen where a price increase is part of the contract and where increased fuel costs, taxes, exchange rates warrant such an increase. In return, travellers have the right to obtain a price reduction where these costs go down. Prior to departure.*

## THE SPECIAL PROTECTION OF THE PACKAGE TRAVEL DIRECTIVE DOES NOT APPLY, IF YOU BOOK

- ✓ the travel services separately, from different providers, and / or you receive a separate invoice for each travel service. Example: You book a flight and pay the ticket price to the airline. You also book a rental car and pay the rent to the rental car company. In such cases, you have no protection against the insolvency of the airline and none against the insolvency of the car rental enterprise.
- ✓ a “linked travel arrangement” from a retailer. For example: You book separate travel services from a travel agent and you are invoiced for each travel service. Note: If you pay the travel agency directly you are protected against its insolvency, but not against the insolvency of the airline or the car rental company. This also applies to online bookings.
- ✓ a holiday home / apartment from an organiser. The national tenancy law applies.
- ✓ just 1 travel service.

## *If you are not able to undertake your package tour, you will have the right,*

- ✓ to cancel the booking at any time before the start of the package holiday. Usually you have to pay termination fees. This also applies to online bookings. There is **no** 14 days cooling-off period where you can cancel your order without any costs within 14 days.
- ✓ to transfer the package travel contract to another person. However, you have to inform the tour organiser at least 7 days before the start of the package holiday. In certain cases, the period may be shorter. The tour organiser can charge you the additional costs incurred by it.



*For expensive holidays, it is worthwhile taking out a travel cancellation insurance, which is helpful in case of illness, or similar life events that can stop your travelling.*



*For unavoidable, extraordinary circumstances, such as natural disasters, you can cancel the package travel contract free of charge.*

## *If the organiser cancels the package travel contract because ...*

- ✓ the minimum number of participants was not reached. He has to inform you accordingly. The related deadlines are:
  - *20 days before the start of the package in case of trips lasting more than 6 days*
  - *7 days before the start of the package in the case of trips lasting between 2 and 6 days*
  - *48 hours before the start of the package in the case of trips lasting less than 2 days*
- ✓ The reimbursement shall be made to the travellers within a period of 14 days after the package travel contract is terminated.
- ✓ In cases of unavoidable extraordinary circumstances, such as natural disasters, the tour operator can cancel the journey. In such cases, the tour operator has to inform you immediately and refund you the package price.



## Where you cannot make your flight

### DUE TO: DELAY OF THE TRAIN

On condition that the train journey\* is part of your package travel:

- ✓ If the train is delayed and you miss the flight, the tour organiser has to rebook you on another flight at its own expense.
- ✓ If the train is delayed, you can demand a reduction of the travel price and, if necessary, appropriate compensation from the organiser.

Where the train journey is not a part of your package holiday:

- ✓ If the train is slightly delayed but you miss the flight, neither the railway nor the organiser is liable for the missed flight.
- ✓ If the train is delayed 60 minutes or more, you can claim compensation in the amount 25 % of the ticket price from the railway company.
- ✓ If the train is delayed 120 minutes or more, you can claim compensation in the amount of 50 % of the ticket price from the railway company.

\* Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations

## DUE TO: FLIGHT DELAY

If you arrive at your destination airport with a delay\* of 3 hours or more or if your flight has been cancelled, you can ask the airline for a compensation. The compensation depends on the distance of your flight. Please keep in mind: In case of unavoidable and extraordinary circumstances, e. g. weather disasters, the airline can refuse to pay the compensation.

Regarding the package travel directive: If the departure is delayed for more than 4 hours, you can also claim 5 % of the daily travel price per hour of the delay, beginning from the fifth hour. This right also applies to unavoidable and extraordinary circumstances.



*We recommend to ask the airline AND the tour organiser for the compensation.*

\* Air passenger rights 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 flights, and repealing Regulation (EEC) No 295/91 (Text with EEA relevance).

## Compensation regarding delay

Your flight arrives with a minimum delay of 3 hours?



≤ 1500 km

250 €

Flights within the EU  
> 1500 km

Flights to non-  
EU-countries between  
1500 - 3500 km

400 €

Any other  
flights:

600 €

According to the European Court of Justice the airline can reduce the compensation to 50 % if the delay is shorter than 4 hours. That means: The compensation is only 300 Euro.

## Problems at your holiday destination

If any of the travel services fail to be in accordance with the package travel contract, the organiser shall remedy such failings. Examples of such travel deficiencies are: Your hotel sea view is a backyard view instead. There is an insect infestation in your bathroom. The buffet is almost empty and the hotel does not refill it.



*Please note that simple inconveniences are not considered to be real travel deficiencies. Example: Long queues at the buffet are not a travel deficiency.*



*If you do not file a complaint immediately on site, you usually will not have the possibility to claim compensation or a price reduction later. If the tour organiser is not available on site, please send your complaint immediately by mail or fax to the tour organiser. Do not call them by phone as you have to prove the submission of the complaint. You will find the contact data of your organiser in the travel documents.*

## How to ask your tour organiser to resolve the problem:

- ✓ Document the problem, e. g. with photographs
- ✓ Share contact details with fellow travellers witnessing your complaint.
- ✓ Contact your tour organiser immediately (local tour guide of your tour operator). Ask him to solve the problem.
- ✓ You can also file a complaint to the retailer, e. g. to the travel agency or to the internet portal where you booked your package holiday. They must forward your complaint to the tour organiser.
- ✓ Ask them to confirm your complaint in written form.



If the tour guide cannot resolve the problem or if she / he is not willing to resolve it. Alternatively, provided that she or he is not available:

- ✓ After you return from your holiday, you should write as soon as possible to the organiser. you have a legal period of 2 years to do so.
- ✓ Describe the facts in detail. If you have sturdy proofs, e. g. photographs, send them to the tour organiser. In addition, tell the tour operator that you have already filed a complaint on site.

Ask for a price reduction. [In Germany, the so-called **Kemptner Tabelle** gives you an idea of the possible price reduction. However, it is not binding.] Set a deadline for paying the compensation. Two weeks should be sufficient.



*The tour operator has to pay the compensation. You do not have to accept a voucher. Nevertheless, if you want to take one, you are free to do so.*

## *We are here to help*

If you do not agree with the decision of your package travel organiser, the following institutions can help you:

### **In case of problems with a package travel organiser ...**

- ✓ **based in every EU country, Iceland, Norway or United Kingdom**

**European Consumer Centre Germany**

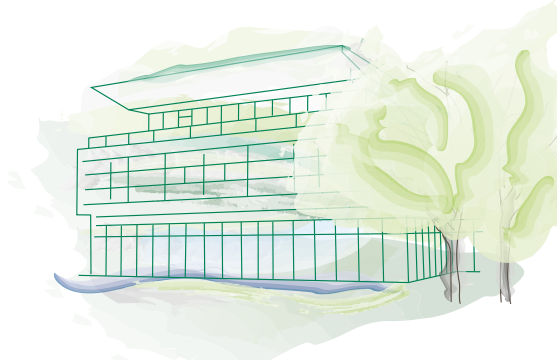
[www.evz.de](http://www.evz.de)

- ✓ **based in Germany**

**Die Verbraucherzentralen der Bundesländer  
(Consumer centres of the different federal provinces  
of Germany).**

Please find the contact data on their website:

[www.verbraucherzentrale.de](http://www.verbraucherzentrale.de)





Rat und Hilfe  
für Verbraucher  
in Europa



Europäisches Verbraucherzentrum Deutschland

### European Consumer Centre Germany

 Bahnhofswplatz 3 | 77694 Kehl

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We are here to help. Tuesday to Thursday  
from 9 to 12 a. m. and from 1 to 5 p. m.

 Locations of the European Consumer Centres Network

#### Legal information

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