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# Package travel and linked travel arrangements

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A package travel is a combination of at least two different types of travel services offered by a tour operator for the same trip. It can be a pre-packaged “total package” or a combination of individual travel services sold by a supplier as a package.

Since 1 July 2018, the rights of consumers booking a package holiday have been further strengthened by the implementation of the new Package Travel Directive (Directive (EU) 2015/2302).

## Pre-contractual information obligations

Prior to the conclusion of the contract, travelers must be provided with a standard form containing all core information about the trip, such as the price of the trip, dates of travel, destination, planned excursions, etc. The tour operator as well as the travel agent (e.g. travel agencies) have this obligation of information, provided that the trip is sold by the latter.

## Changes before departure

The tour operator can only make unilateral changes to the tour if the changes are only minor. If essential features of the tour are changed by the tour operator (e.g. tour price, hotel category, etc.), travelers may withdraw from the contract free of charge. An increase in the tour price is only permitted if the increase is due to increased transport costs (e.g. increased fuel price) or tax increases (e.g. tourism tax).

Travelers have the right to cancel the tour free of charge if the tour price is increased by more than 8%. An increase in the tour price is generally excluded less than 20 days before the start of the tour.

Apart from this, however, the trip can also be cancelled by the travelers at any time before the start of the trip. In this case, however, (reasonable) cancellation costs may be charged.

Furthermore, travelers have the option of transferring the contract to other persons. The travel provider must be informed of this at least 7 days before the start of the trip. Costs incurred as a result must be reasonable and clearly stated and correspond to the real costs incurred by the change of travelers.

## During the trip

The tour operator is responsible for the provision of the agreed travel services, regardless of whether he himself or a third party provides the services.

Should travel services be omitted, the tour operator is obliged to offer at least equivalent services without surcharge. Should the tour operator offer no or inferior substitute services, travelers have the right to demand a partial refund of the tour price.

If problems arise during the trip, travelers can contact the tour operator directly or also the travel agent, who must then forward the complaint to the tour operator.

In France, the tour operator is liable for travel defects in the same way as the supplier/intermediary of the trip. This particularity allows travelers to make claims in case of a travel defect against either the tour operator or the provider of the tour.

In Belgium, Germany and France, the time limit for claiming travel defects is 2 years (from the scheduled end of the trip).

## In the event of insolvency

There is a protection against the insolvency of tour operators in order to ensure a refund of all payments made by travelers in the event of the organiser's bankruptcy. If the carriage of passengers is included in the package travel contract, the organisers shall also provide a guarantee for the repatriation of passengers.

In France, any trader who sells or organises travel must be registered in the "registre Atout", which means that he is the holder of professional liability insurance and that he has taken out a guarantee against insolvency.

## Linked travel services

More and more, consumers are putting together their own trips by combining different travel services from different suppliers. For example, in the course of booking a flight on the internet, a hotel stay or a rental car is offered via a link to another provider, which is booked at the same time. In these cases, it is not a package holiday. Nevertheless, travelers must be informed that these are “linked travel services” and not a package holiday. They are also protected in case of insolvency of the providers and the return transport of the travelers must be covered. This means that the various service providers still have a specific obligation to provide information

concerning the link between services, in particular :

- the non-application of package tour rights
- the responsibility of each service provider for its own services
- the right to insolvency protection in the event of the travel agency’s bankruptcy

However, in case of problems, travelers must contact the respective provider of the individual travel services.



## Contactez-nous

+352 26 84 64 1  
info@cecluxembourg.lu  
www.cecluxembourg.lu



European  
Consumer Centre  
Luxembourg



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