

UEAPME¹ position on the scope of the Package Travel Directive

Taking reference to our position paper on the European Commission's consultation from 2010², please find below our particular remarks on the scope of the Package Travel Directive.

UEAPME has been supporting the inclusion of B2B into the scope of the Package Travel Directive. In detail, the directive should cover business to business, mixed purposes packages and in addition packages organised by non-business organisations as well.

With respect to B2B issues, UEAPME sees the necessity that the scope covers this kind of packages too. There are no reasons why rules at European level should not exist in these respect in general. A possible opt-out could be provided in B2B relations under certain circumstances.

It is necessary for mixed purpose packages to be covered as well, because several times it is simply not possible to make in practice any distinction if the "consumer" is closing the package as a private person or as a business person. This is especially valid in the case of SMEs. 50% of all SMEs (99, 8% of all companies in Europe) are 1 person enterprises. These SMEs are often combining their business trip with private issues as well. If mixed purpose-packages were to be excluded, legal uncertainty is to be expected.

UEAPME also advocates for the inclusion of those who organise packages occasionally, on order to avoid unfair competition. There are often cases when associations, societies etc. organise packages travels not as a main activity, "occasionally", but on a regular basis. The traveller should be protected regardless the status of the organiser. At least, there is an obvious need to establish a clear definition for "occasionally".

Moreover, it would be useful to use another definition then "consumer". The different definitions which exist at European level for "consumer" are leading to confusion³. Especially in the case of package travel, UEAPME believes that there is a possibility to find a more appropriate wording in this respect.

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¹ UEAPME subscribes to the European Commission's Register of Interest Representatives and to the related code of conduct as requested by the European Transparency Initiative. Our ID number is [55820581197-35](#).

² http://ueapme.com/IMG/pdf/100204_pp_Package_Travel.pdf

³ E.g. DIRECTIVE 2011/83/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:304:0064:0088:EN:PDF>