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PACKAGE TRAVEL AND NEW TECHNOLOGIES: RETHINKING THE LEGAL CONCEPT

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MODEL 1-A



RESUMEN

ITINERARIO

Ruta por las Tierras Bajas (Nederlanden), un Reino por descubrir

Países Bajos, 8 días

A tu aire en coche

Salida el 24/10/2024 desde Madrid



-25% ~~731€~~
550€

Más Información



DESTACADO

RESUMEN

ITINERARIO

Nueva York y Riviera Maya

EEUU y México, 9 días

A tu aire con estancia en playa

Salida el 1/10/2024 desde Madrid



-20% ~~1.898€~~
1.519€

Más Información



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Flight + Hotel packages to Prague

300+ results found for 2-3 nights any time

ATOL PROTECTED



HOTEL in Prague, Czech Republic

Hotel Savoy Prague



92

Excellent (2314)



3 nights · 10 Dec - 13 Dec

[Other dates](#)

✓ Travel Extra Pack incl. ⓘ

🌿 Spa/Wellness

P Parking

✈ Direct flights included

FLIGHT + HOTEL

~~£209~~ **£184**

Price per person

+ £5 due later ⓘ

Price found 13h ago

MODEL1-B



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- The **"Flight + Hotel"** offer comparison and reservation service is provided by BravoNext S.A (registration number CHE-115.704.228), a company incorporated under Swiss law belonging to the lastminute.com group, headquartered at Vicolo de' Calvi, 2, 6830, Chiasso, Switzerland ("BravoNext"). In accordance with the provisions of the Directive (EU) 2015/2302 of the European Parliament and of the Council of November 25, 2015 relating to travel packages and related travel services, BravoNext acts as the organiser of the package tours offered to the User and is legally responsible for their proper execution. BravoNext is responsible for any damage caused to the User due to the total or partial non-performance of the services contractually due, whether these are performed by BravoNextor by third party providers of the various services, unless BravoNext proves that the event results from the actions of the User or circumstances unrelated to the provision of the services provided for in the contract, unforeseeable circumstances, force majeure, or circumstances which the organiser could not, in accordance with professional diligence, reasonably foresee or resolve. For any type of pre and post contract assistance or claim relating to the provision of the chosen tourist package, the User can contact BravoNext directly. To consult the conditions of sale of travel packages, click here

https://booking-dp.lastminute.com/en/info/privacy.html?purpose=tc_flight_hotel&touchPoint=checkout-dp



Model 2

Click-through packages

Click-through packages - online bookings (flight, accommodation etc.) made by a customer at different points of sale - are also **classed as 'packages'**, as long as the first service provider transmits the customer's name, email address and payment details to the second provider and the second contract is concluded within 24 hours of the first contract.

If there is **no transfer of the customer's details** between the suppliers, these bookings are **considered as linked travel arrangements (LTAs)**.

(https://europa.eu/youreurope/business/selling-in-eu/selling-goods-services/package-travel/index_en.htm)

Model 2

What are linked travel arrangements?



It is a new contractual modality that often competes with package travel. In this case, an entrepreneur helps travelers to conclude different contracts with each of the individual travel service providers, in person or online, through connected reservation processes. This is the case, for example, of travel services that are accessed in a single visit or point of sale of an entrepreneur if the selection and payment of these services are provided separately or if the company facilitates the hiring of at least, an additional travel service with another entrepreneur and it is contracted at the latest 24 hours after the confirmation of the reservation of the first travel service.

In these cases, business owners must inform travelers that they are hiring linked travel arrangements and, therefore, travelers will not be able to avail themselves of any of the rights that apply exclusively to package travel.

Model 2

Example of protections when you have an LTA

Patrick books a flight to Helsinki directly with an airline (service 1). Shortly after receiving an email to confirm his flight, he gets an email with a targeted offer of a hotel in Helsinki. Patrick uses the link to book the hotel (service 2), and he does this within 24 hours after getting the email to confirm his flight booking.

Unfortunately, when in Helsinki, Patrick learns that the travel organiser for his flight has gone bankrupt. Patrick has rights under travel legislation to cover the cost of his flight home (service 1). These are covered under the airline's insolvency protection. But, the airline will not help Patrick if he has any issue with accommodation (service 2), as this is not a package holiday.

Model 2

Booking.com

Hola, Antonia:

Aquí tienes un detalle para que tu viaje a Viena sea inolvidable.

Durante tu estancia tienes acceso a atracciones turísticas de Viena.

Tenemos todo lo que necesitas: tickets digitales y cancelación gratis en atracciones seleccionadas.

Quiero ver más

Encuentra cosas que hacer cerca de donde te alojas

Descubre las atracciones y actividades
que hay cerca de Hotel Atlanta.

[Ver atracciones turísticas](#)



Reserva todos los elementos de tus vacaciones

Model 3



Compara vuelos

[Reserva tus vuelos](#)



Reserva tu alojamiento ideal

[Busca alojamientos](#)





Reserva tu alojamiento ideal

[Busca alojamientos](#)



Booking.com

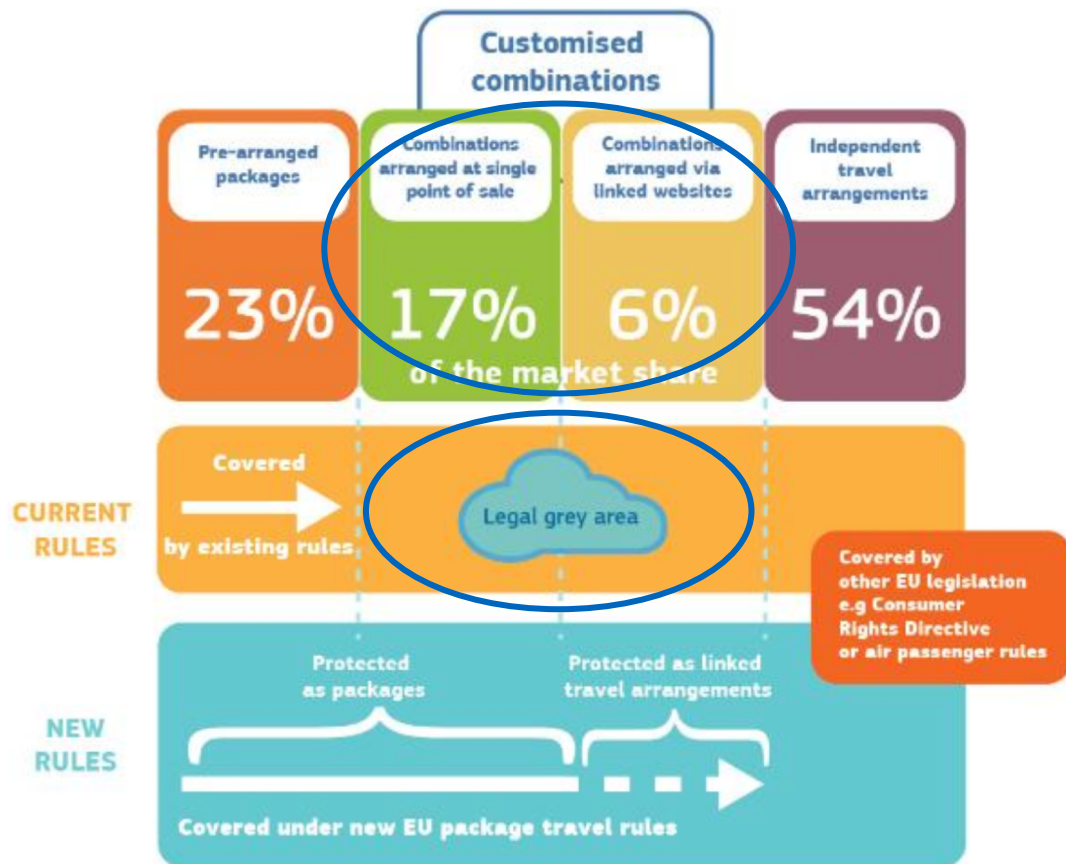


Planea el itinerario

[Descubre las atracciones](#)

Annex 1: Extension of the 1990 Package Travel rules scope

https://ec.europa.eu/commission/presscorner/detail/nl/IP_15_5063



Annex 2: Distinction between combined travel arrangements, pre-arranged packages and linked travel arrangements (all covered by the new Directive)



- **Definitions: package travel/ linked travel arrangements in digital age.**
- **Click through contracts (¿?).**
- **Digital platforms/Intermediaries (ISP)/traders facilitating touristic services (¿?).**



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PACKAGE TRAVEL VS LINKED TRAVEL ARRANGEMENTS

MODEL 1
MODEL 2

PACKAGE TRAVEL

(a) those services are combined by one trader, including at the request of or in accordance with the selection of the traveller, before a single contract on all services is concluded; or

(b) irrespective of whether **separate contracts** are concluded with individual travel service providers, those services are:

(i) purchased from a single point of sale and those services have been selected before the traveller agrees to pay,

(ii) offered, sold or charged at an inclusive or total price,

(iii) advertised or sold under the term 'package' or under a similar term,

(iv) combined after the conclusion of a contract by which a trader entitles the traveller to choose among a selection of different types of travel services, or

(v) **purchased from separate traders through linked online booking processes where the traveller's name, payment details and e-mail address are transmitted from the trader with whom the first contract is concluded to another trader or traders and a contract with the latter trader or traders is concluded at the latest 24 hours after the confirmation of the booking of the first travel service.**

ART. 3 PTD

PACKAGE TRAVEL

(b) irrespective of whether separate contracts are concluded with individual travel service providers, and:

(i) those services are purchased from a single point of sale and - have been selected before the traveller agrees to pay, or

- other types of travel services are booked within **3 hours after the traveller agreed to pay for the first travel service**, or

- other types of travel services are booked **within 24 hours after the traveller agreed to pay for the first travel service** and if, before the traveller agreed to pay for the first travel service, the trader invited the traveller to subsequently book one or more additional types of travel services, or

**PROPOSAL
PTD**

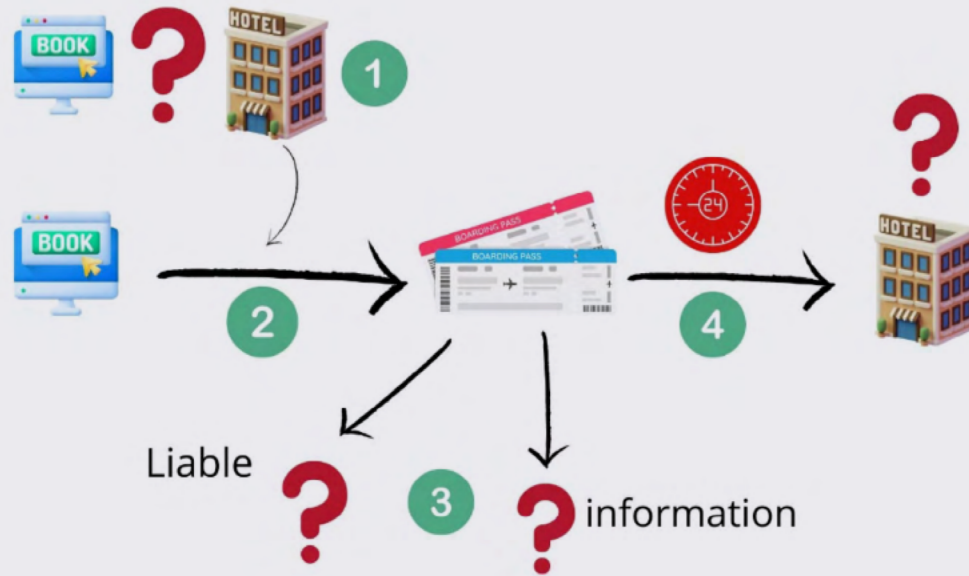
PROPOSAL PTD

- (ii) are offered, sold or paid at an inclusive or total price, regardless of any separate billing, or
- (iii) are advertised or sold under the term 'package' or under a similar term, or
- (iv) are combined after the conclusion of a contract by which a trader entitles the traveller to choose among a selection of different types of travel services, or
- (v) are purchased from separate traders through linked online booking processes where the traveller's name, payment details, e-mail address or the traveller's other personal data are transmitted from the trader with whom the first contract is concluded to another trader or other traders.**

2. The provisions on packages bought within 3 or 24 hours are impossible to comply with. It clashes with the obligation to provide accurate pre-contractual information in the same PTD. It is impossible to know in advance what service will be sold, as it may change afterwards. Moreover, changing the terms and conditions of the first service after the sale will be confusing and burdensome for consumers.

EXAMPLE OF THE “24H PACKAGE”

To be a package, the trader must offer the possibility of booking an additional travel service (here a hotel) **(1)** during the booking process of the first travel service (a flight) **(2)**. The problem is that it is impossible to know what the consumer actually books as first travel service (standalone service or package) **(3)** until the second travel service is booked or the 24h time limit is over **(4)**. As drafted it is not possible to provide the consumer with essential information on the first service, such as the identity of the professional responsible for providing the service, the existence of insolvency protection, etc...



QUESTIONS

- From a single point of sale:
 - 3 hours?
 - 24 hours?
- “Purchased from a single point of sale”
- Burden of the proof
- Necessary to simplify/Traveller protection
- INSOLVENCY PROTECTION

LINKED TRAVEL ARRANGEMENT

Means at least two different types of travel services purchased for the purpose of the same trip or holiday, **not constituting a package**, resulting in the **conclusion of separate contracts** with the individual travel service providers, if a trader facilitates:

ART. 5 PTD

(a) on the occasion of a single visit or contact with his point of sale, the separate selection and separate payment of each travel service by travellers; or

(b) in a targeted manner, the procurement of at least one additional travel service from another trader where a contract with such other trader is concluded **at the latest 24 hours after the confirmation of the booking of the first travel service.**

LINKED TRAVEL ARRANGEMENTS

PROPOSAL PTD

Means a combination of different types of travel services, **not falling under the definition of a package** in point 2, where, **a trader which is party to a contract on the provision of a travel service and receives payments by or on behalf of a traveller** invites a traveller to book additional type of travel service from another trader for the purpose of same trip or holiday and where a contract on the provision of an additional travel service is concluded at the latest 24 hours after the confirmation of the booking of the first contract.

LINKED TRAVEL ARRANGEMENTS

PROPOSAL PTD

- Trader which is party to a contract on the provision of a travel service and receives payments by or on behalf of a traveller.
- 24 hours?



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DIGITAL PLATFORMS: ISP OR TRADERS FACILITATING LINKED TRAVEL ARRANGEMENTS?

MODEL 3

QUESTIONS

- WHAT IS THE PAPER OF THE DIGITAL PLATFORM IN THIS CASE?
- AND ITS LIABILITY?
- INTERNET SERVICE PROVIDER OR TRADER FACILITATING LINKED TRAVEL ARRANGEMENTS /... RSD OR PTD? WHO RECEIVE THE PRICE OF THE FIRST SERVICE?
- THE APPEARANCE AND CONSUMER/TRAVELLER PROTECTION



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THANK YOU

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