



STATUTORY INSTRUMENTS.

S.I. No. 219 of 2020



EUROPEAN UNION (PACKAGE TRAVEL) REGULATIONS 2020

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The Minister for Transport, Tourism and Sport in exercise of the powers conferred on him by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving further effect to Article 17 of Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements¹, hereby makes the following regulations:

1. These Regulations may be cited as the European Union (Package Travel) Regulations 2020.

2. The Transport (Tour Operators and Travel Agents) Act 1982 (No. 3 of 1982) is amended -

(a) in section 2(1), by the insertion of the following definitions:

“ ‘insolvency’ has the meaning assigned to it by the Act of 1995;

‘package travel contract’ has the meaning assigned to it by the Act of 1995;

‘repatriation’ has the meaning assigned to it by the Act of 1995;

‘traveller’ has the meaning assigned to it by the Directive;”

(b) in section 15, by the substitution of the following subsection for subsection (1):

“(1) The Minister shall establish a fund to be known as the Travellers’ Protection Fund (in this Act referred to as ‘the Fund’) from which payments may be made in accordance with section 18 -

(a) in respect of losses or liabilities incurred by customers of tour operators or travel agents who held a licence under this Act or whose licence has been revoked and the revocation is the subject of an appeal to the court, in consequence of the

¹ OJ No. L. 326, 11.12.2015, p. 1

inability or failure of the tour operators or travel agents to meet their financial or contractual obligations in respect of overseas travel contracts, and

(b) to provide for:

- (i) the refund of all payments made by or on behalf of a traveller in respect of a package travel contract insofar as travel services under the package travel contract cannot be performed as a consequence of the insolvency of the organiser of the package travel contract concerned;
- (ii) the reimbursement of a traveller for any reasonable expenses necessarily incurred by the traveller in respect of a package travel contract as a consequence of the insolvency of the organiser of the package travel contract concerned;
- (iii) where a package travel contract includes carriage of a traveller, the repatriation, and, if necessary, the financing of accommodation prior to the repatriation, of that traveller as a consequence of the insolvency of the organiser.”,

(c) by the insertion of the following section after section 16:

“16A (1) Subject to subsection (2) the Minister may, out of moneys provided by the Oireachtas, make such contributions to the Fund as he or she, with the consent of the Minister for Public Expenditure and Reform, considers appropriate.

(2) Contributions made to the Fund under subsection (1) shall be used solely for the purpose of making payments under section 15(1)(b), in accordance with paragraphs (aa), (ba) and (ca) of section 18(1).”, and

(d) in section 18 -

(i) in subsection (1) -

- (I) by the substitution of “Subject to section 16A(2), payments may be made” for “Payments may be made”,

(II) by the insertion of the following paragraph after paragraph (a):

“(aa) where a package travel contract includes carriage of a traveller, to provide repatriation, and, if necessary, the financing of accommodation prior to the repatriation, of that traveller, required as a consequence of the insolvency of the organiser of the package travel contract concerned;”

(III) by the insertion of the following paragraph after paragraph (b):

(ba) “to reimburse a traveller for any reasonable expenses necessarily incurred by the traveller in respect of a package travel contract as a consequence of the insolvency of the organiser of the package travel contract concerned;”, and

(IV) by the insertion of the following paragraph after paragraph (c):

(ca) “to refund, as far as possible, to a traveller all payments made by him or her in respect of a package travel contract where the travel services under the package travel contract could not be performed as a consequence of the insolvency of the organiser of the package travel contract concerned;”, and

(ii) in subsection (6), by the substitution of “Subject to section 16A(2), regulations made by the Minister under this section may” for “Regulations made by the Minister under this section may”.



GIVEN under the Official Seal of the
Minister for Transport, Tourism,
and Sport,
17 June, 2020.

SHANE ROSS,
Minister for Transport, Tourism
and Sport.

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