



Swedish Code of Statutes

The Travel Guarantee Ordinance

SFS 2018:1340

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The Government lays down¹ the following.

Scope

Section 1. This Ordinance shall apply to the travel guarantees covered by the Travel Guarantee Act (2018:1218).

The terms and expressions used in the Travel Guarantee Act shall have the same meaning in this Ordinance.

Notification of activity

Section 2. A trader's notification of activity pursuant to Section 11 of the Travel Guarantee Act (2018:1218) shall include details of the trader's company and corporate ID number or, if unavailable, details of his/her name and personal identification number or coordination number, as well as contact details.

Notifications shall also include details of the package travel or linked travel arrangements which the trader intends to sell or facilitate, the terms of payment applicable thereto and, where applicable, the estimated cost of repatriation of the travellers and of accommodation pending their repatriation, in the event of insolvency.

Where a travel guarantee has been arranged for the package travel or the linked travel arrangements, the notification shall include details of the scope and terms of the guarantee.

Section 3. The Legal, Financial and Administrative Services Agency (Kammarkollegiet) may issue more detailed rules on the information to be provided to the authority in a notification of activity pursuant to Section 11 of the Travel Guarantee Act (2018:1218) and in a notification of changed circumstances pursuant to Section 16 of the same Act.

Examination of the obligation to arrange a travel guarantee

Section 4. The Kammarkollegiet shall examine whether there is an obligation to arrange a travel guarantee and whether an arranged travel guarantee can be approved under Section 12 of the Travel Guarantee Act (2018:1218).

¹ Cf. 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, in its original wording.

Section 5. Where the travel guarantee consists of a payment pledge, the pledge shall be made to the Kammarkollegiet.

Section 6. Where the travel guarantee consists of an insurance policy, the policy shall be issued by an insurer who is authorised to pursue an insurance activity in an EEA country or in a country that is a member of the Organisation for Economic Cooperation and Development (OECD).

However, the Kammarkollegiet may approve a travel guarantee in the form of an insurance policy arranged by someone other than an insurer as referred to in the first paragraph if the requirements applicable to the party responsible for the travel guarantee are sufficient for the assumption to be made that the party is in a position to meet its commitments.

Section 7. Where the travel guarantee consists of deposited funds, these funds shall be deposited with the Kammarkollegiet, with a credit institution authorised to carry out banking or financial operations pursuant to the Banking and Financial Operations Act (2004:297) or with a credit institution within the meaning of Article 4(1)(1) of Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 which is authorised and supervised by the competent authorities of another country within the EEA.

The Kammarkollegiet shall be able to call on deposited funds following a decision on compensation from the travel guarantee pursuant to Section 17 of the Travel Guarantee Act (2018:1218).

Section 8. A payment pledge or deposited funds shall be returned when the travel guarantee is no longer required.

Compensation from the travel guarantee

Section 9. Subject to the conditions applicable to a travel guarantee, the Kammarkollegiet shall examine the request for compensation pursuant to Section 17 of the Travel Guarantee Act (2018:1218).

If the Kammarkollegiet is in possession of the travel guarantee, it shall make the payments upon which it has decided.

The Kammarkollegiet may issue more detailed rules on the information to be provided in a request for compensation from the travel guarantee to be examined by the Kammarkollegiet.

Section 10. If the trader has been declared bankrupt, the Kammarkollegiet shall inform the administrator that compensation has been sought from the travel guarantee.

Supervision

Section 11. The Kammarkollegiet (Legal, Financial and Administrative Services Agency) shall be the supervisory authority pursuant to Section 19 of the Travel Guarantee Act (2018:1218).

Section 12. The Kammarkollegiet shall keep a register of organisers, retailers and traders that facilitate linked travel arrangements and that meet their obligation to arrange a travel guarantee pursuant to Section 4 or 5 of the Travel Guarantee Act (2018:1218). The register shall be made available to the public through a public website.

Section 13. If the Kammarkollegiet requests that an organiser, retailer or trader facilitating linked travel arrangements produce a certificate, statement or similar document demonstrating that the requirement relating to an approved travel guarantee has been met, it shall accept a corresponding document from another EEA country. The Kammarkollegiet may, however, request a translation of the document into Swedish.

Administrative cooperation

Section 14. The Kammarkollegiet shall be the central contact point for the administrative cooperation and supervision of organisers, retailers and traders facilitating linked travel arrangements in other EEA countries pursuant to Article 18(2) of 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, in its original wording

Section 15. The Kammarkollegiet shall, at the request of central contact points in other EEA countries, provide information on whether and to what extent a travel guarantee has been arranged by organisers, retailers and traders facilitating linked travel arrangements. The requests referred to in the first paragraph shall be answered without undue delay. A first response shall always be provided within 15 working days from receipt of the request.

Section 16. The Kammarkollegiet shall cooperate with the Swedish Consumer Agency (Konsumentverket) on issues relating to travel guarantees. The Kammarkollegiet shall, where appropriate, also seek the views of sector organisations in the field of travel and of organisations representing consumer interests.

Appeals

Section 17. Section 40 of the Administrative Procedures Act (2017:900) contains provisions on appeals to a general administrative court. However, decisions other than those concerning the removal of traders from the register kept pursuant to Section 12 are not subject to appeal.

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1. This Ordinance shall enter into force on 1 August 2018.
 2. This Ordinance repeals:
 - (a) Ordinance (2007:1039) containing instructions for the Travel Guarantees Committee,
 - (b) Ordinance (2009:1076) on the approval of documents in cases concerning the security of a travel guarantee.
 3. Cases concerning travel guarantees lodged with the Travel Guarantees Committee before the entry into force of this Ordinance shall, after entry into force, be dealt with by the Kammarkollegiet. The Travel Guarantees Committee shall hand over the documents to the Kammarkollegiet.

On behalf of the Swedish Government

PER BOLUND

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