

**Act CXCV of 2017**  
**amending certain acts for the purpose of legislative harmonisation in connection with organised tours\***

**1. Amendment of Act CLXIV of 2005 on Trade**

**Section 1** (1) Points 25 and 26 of Section 2 of Act CLXIV of 2005 on Trade (hereinafter referred to as the 'Trade Act') are replaced by the following:

*(For the purposes of this Act:)*

'25. "travel organisation activity": means a commercial activity provided to travellers whereby the travel organiser compiles and sells or offers for sale – directly or with the participation of another trader within the framework of a professional economic activity – passenger transport, accommodation and other tourism services (in particular meals, guided tours, entertainment and cultural programmes), and transmits data under the Government Decree on contracts relating to travel services, in particular on contracts relating to package travel and linked travel arrangements, to other traders;

26. "travel retail activity": means a professional economic activity whereby the retailer offers travel services to travellers based on a commission from the travel organiser, and enters into contracts on behalf of the travel organiser;'

(2) The following points 37 and 38 are added to Section 2 of the Trade Act:

*(For the purposes of this Act:)*

'37 "traveller": means – in respect of commercial activities facilitating the use of travel organisers' and retailers' services and linked travel arrangements – any person who intends to conclude an agreement on travel services or their compilation, or is eligible to travel under such an agreement;

38. "commercial activity facilitating linked travel arrangements": means an activity whereby the trader facilitating the use of linked travel arrangements offers or sells travel services as specified in the Government Decree on contracts relating to travel services, in particular on contracts relating to package travel and linked travel arrangements.'

(3) The following Section 5/E is added to the Trade Act:

"Section 5/E Package travel as set out in the legislation must not be divided into parts to sell to consumers."

(4) The following paragraphs (4) and (5) are added to Section 6/F of the Trade Act:

'(4) Travel organisers shall be obliged to take out insurance with an insurance company, in accordance with the conditions laid down in the Government Decree on travel organisation and agency activities, for the benefit of travellers in the case of the compilation of travel services that also include passenger transport.

(5) Traders facilitating the use of linked travel arrangements shall have financial security as defined in the Government Decree on travel organisation and agency activities.'

(5) Section 9(2) of the Trade Act is replaced by the following:

'(2) The consumer protection authority shall act in accordance with the provisions of the Consumer Protection Act in the case of breaches of the provisions of Section 5(2) and (4), Sections 5/C-5/E and Section 6(2)(b). For the purposes of the Consumer Protection Act, these provisions are consumer protection provisions.'

(6) Section 12(1)(g) of the Trade Act is replaced by the following:

*(The Government is authorised to set out the following in a Decree:)*

'g) the rules and conditions of the notification of travel organisation and retail activities, the conditions of performing travel organisation and retail activities, and the data content of the records of travel organisers and retailers that do not contain personal data, and the detailed procedural rules for keeping the records, as well as the legal consequences applicable in case of non-compliance with the obligations imposed by law or administrative decisions, and the detailed rules on compulsory insurance.'

(7) The following paragraph (3) is added to Section 13 of the Trade Act:

'(3) This Act serves the purpose of compliance with Directive (EU) 2015/2302 of the European Parliament

\* The Act was passed by the Parliament on 12 December 2017.

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.'

## 2. Amendment of Act V of 2013 on the Civil Code

**Section 2** (1) Section 6:254(2) of Act V of 2013 of the Civil Code (hereinafter referred to as the 'Civil Code') is replaced by the following:

'(2) For the purposes of fee reductions and the limitation period for actions for compensation, customers who do not qualify as consumers must also be considered as consumers.'

(2) Section 8:9(d) of the Civil Code is replaced by the following:

*(This Act serves the purpose of compliance)*

'd) with 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.'

## 3. Amendment of Act CLXXVII of 2013 on the transitional and authorising provisions related to the entry into force of Act V of 2013 on the Civil Code

**Section 3** Section 66(1)(f) of Act CLXXVII of 2013 on the transitional and authorising provisions related to the entry into force of Act V of 2013 on the Civil Code is replaced by the following:

*(The Government is authorised to set out the following in a Decree:)*

'f) the mandatory content of contracts relating to travel services and package travel, the rules on the performance of the contract, including the rules relating to the payment of fees, the special provisions on unilateral contract modification, the termination of the contract by unilateral declaration of intent, the transfer of contracts, and – with regard to contracts on linked travel arrangements as well – the liability for the fulfilment of contractual obligations and the financial security serving as protection for travel companies against insolvency, as well as the mandatory content and form of pre-contractual information with regard to contracts relating to package travel and linked travel arrangements.'

## 4. Final provisions

**Section 4** This Decree shall enter into force on 1 July 2018.

**Section 5** Sections 1-3 of this Act serve the purpose of compliance with 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.

*János Áder* (signed),  
President of the Republic of Hungary

*László Kövér* (signed),  
Speaker of the National Assembly