

**2705. Decree on the guarantee against liquidity issues of travel organisers and companies facilitating linked travel arrangements, page 8532**

Pursuant to Article 58a(7) of the Consumer Protection Act (*Uradni List RS* (UL RS; Official Gazette of the Republic of Slovenia) Nos 98/04 - official consolidated version, 114/06 - ZUE, 126/07, 86/09, 78/11, 38/14, 19/15, 55/17 - ZKoliT and 31/18), the Government of the Republic of Slovenia hereby issues a

**DECREE**  
**on the guarantee against liquidity issues of travel**  
**organisers and companies facilitating linked travel**  
**arrangements**

**Article 1**  
**(Content)**

(1) This Decree lays down the minimum guarantee required to refund all customer payments and the costs of customer repatriation in the event that the travel organiser and the company facilitating linked travel arrangements experience liquidity issues (hereinafter: 'the guarantee'), the method of calculating annual turnover from tourist packages and the conditions under which a guarantee scheme operates.

(2) This Decree partially transposes into Slovenian law 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 (OJ L 326, 11.12.2015, p. 1).

**Article 2**  
**(Definitions)**

The terms used in this Decree shall have the same meaning as those in the Consumer Protection Act (UL RS Nos 98/04 - official consolidated version, 114/06 - ZUE, 126/07, 86/09, 78/11, 38/14, 19/15, 55/17 - ZKoliT and 31/18).

**Article 3**  
**(Guarantee)**

The guarantee shall be provided by the travel organiser and the company facilitating linked travel arrangements (hereinafter: 'the travel organiser').

**Article 4**  
**(Types of guarantee)**

The travel organiser shall set aside a guarantee in the form of:

- an insurance policy;
- a bank deposit;
- a bank guarantee or
- participation in a guarantee scheme.

**Article 5**  
**(Minimum guarantee)**

(1) The minimum guarantee lodged in the form of an insurance policy, a bank deposit or a bank guarantee shall be equal to or larger than 10 % of the travel organiser's annual turnover, whereas the minimum guarantee committed to a guarantee scheme shall be equal to or larger than 2 % of the total annual turnaround of all travel organisers participating in the scheme.

(2) A travel organiser with zero turnover in the previous fiscal year shall set aside a required minimum guarantee equal to or larger than 10 % of its projected annual turnover.

**Article 6**  
**(Guarantee scheme)**

(1) A guarantee scheme means a pool of funds set aside for the purpose of refunding all payments made by a consumer and covering the costs of repatriation where these are to be borne by the travel organiser. Any legal entity may set up a guarantee scheme and shall thus become its manager.

(2) The funds pooled for the purpose of refunding all payments made by a consumer and covering the costs of repatriation where these are to be borne by the travel organiser shall be kept in a dedicated separate account.

(3) The manager of a guarantee scheme shall enable the travel organiser to consult the aforementioned account on request.

(4) Where a guarantee fund has been set up by an economic interest grouping, participation in the scheme shall not be made contingent on membership in the grouping.

**Article 7**  
**(Payments into a guarantee scheme)**

(1) The amounts committed to a guarantee scheme by participating travel organisers shall be representative of the type and price of the tourist packages offered, the transport arrangements, the length of the advance payment period and their credit rating, and shall correspond to 1-10 % of the travel organiser's annual turnover.

(2) The amount of funds committed to a guarantee scheme in accordance with the preceding paragraph by travel organisers with zero turnover in the previous year shall depend on the projected annual turnover.

**Article 8**  
**(Leaving a guarantee scheme)**

A travel organiser leaving a guarantee scheme shall be reimbursed the amounts paid into the scheme unless those funds have already been used up as a result of the organiser's liquidity issues.

**Article 9**  
**(Compensation)**

Guarantee scheme managers shall be entitled to compensation covering the cost of managing a guarantee scheme.

**Article 10**  
**(Customer repatriation)**

A travel organiser undertaking repatriation on behalf of another travel organiser with liquidity issues shall be reimbursed all the costs incurred in relation to the repatriation from the guarantee scheme.

**Article 11**  
**(Reimbursement request)**

(1) The manager of a guarantee scheme may seek to be reimbursed, by a travel organiser, any payments it has made on the organiser's behalf from the guarantee scheme.

(2) The manager of a guarantee scheme shall deposit any funds received in response to a reimbursement claim referred to in the preceding paragraph into the dedicated separate account referred to in Article 6(2) of this Decree.

**Article 12**  
**(Rules of the guarantee scheme manager)**

The manager of a guarantee scheme shall adopt rules on setting up and managing a guarantee scheme.

**Article 13**  
**(Calculating annual turnover)**

(1) Annual turnover, as referred to in Articles 5 and 7 of this Decree, shall be calculated on the basis of revenue figures from the previous year in relation to organised travel and the facilitation of linked travel arrangements.

(2) Projected annual turnover, as referred to in Articles 5(2) and 7(2) of this Decree, shall be calculated on the basis of projected revenue figures for the current year in relation to organised travel and the facilitation of linked travel arrangements.

**TRANSITIONAL AND FINAL PROVISIONS**

**Article 14**  
**(Transitional period)**

The minimum guarantee amount referred to in Article 5(1) and the minimum amount committed to a guarantee scheme referred to in Article 7(1) of this Decree shall be accumulated within five years of this Decree entering into force as follows: 15 % by the end of year one, 30 % by the end of year two, 50 % by the end of year three and 75 % by the end of year four.

**Article 15**  
**(Final provision)**

This Decree shall enter into force on 1 January 2019.

No: 00726-12/2018  
Ljubljana, 26 July 2018  
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**Government of the Republic of Slovenia**  
**Dr Miroslav Cerar [signed]**  
**Prime Minister**