

The Legal Regulation of Package Travel and the Impact of the Coronavirus Epidemic on It

Abstract

The thesis deals primarily with the Czech private law regulation of package tours contained in Act No. 89/2012 Coll., the Civil Code, with an overlap into Act No. 159/1999 Coll., on certain conditions of business in the field of tourism and amending Act No. 40/1964 Coll., the Civil Code, as amended, and Act No. 455/1991 Coll., on trade business (Trade Licensing Act), as amended. Due to the fact that this is a fully harmonised area of law, Directive (EU) 2015/2302 of the European Parliament and of the Council 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 is also analysed. Particular emphasis is placed on the interpretation of certain provisions with regard to the epidemic of the covid-19 disease and its impact on the package travel market, through an analysis of the academic literature and recent case law. Attention is also paid to Act No. 185/2020 Coll. on certain measures to mitigate the impact of the SARS CoV-2 coronavirus epidemic on the tourism industry. As the name suggests, this act was enacted to mitigate the impact of the CoV-19 epidemic on tour operators. Part of the thesis is dedicated to comparing this act with selected measures of a similar type that have been adopted in other European Union member states, namely Belgium, France and Slovakia. A substantial part of the thesis is devoted to the potential conflict of these measures with European law, including a summary of the infringement proceedings and requests for preliminary rulings currently pending before the Court of Justice of the European Union. The thesis also includes an analysis of the many problematic aspects of Act No. 185/2020 Coll. and related case law.

Key words: package travel, covid-19, voucher