

# Consumer affairs

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## TIMESHARE

Directive [2008/122/EC](#) of the European Parliament and of the Council of 14 January 2009 on the protection of consumers in respect of certain aspects of timeshare, long-term holiday product, resale and exchange contracts

### Objective

The aim of this Directive is to review the previous timeshare Directive and to enhance consumer protection by extending the scope of the previous rules to include similar products emerging on the market. Resale and exchange of timeshare contracts are also covered.

### Relevance for the hospitality industry

Hotel contracts can be assimilated as timeshare contracts if they are concluded for a period of more than one year and include more than one period of occupation with specific obligations for the consumers.

### State of progress

The previous Directive was adopted on 26 October 1994. The new Directive entered into force on 23 February 2009 and Member States have until 23 February 2011 to adopt the necessary transposition measures.

### Content

The new timeshare Directive covers:

- Long term accommodation contracts of more than one year and which include more than one period of occupation ;
- Long-term holiday products (e.g. “discount holiday clubs” where a consumer buys “the right to obtain discounts or other benefits on accommodation in isolation or together with other services”); and
- Resale and exchange of timeshare products.

However, according to the new Directive, the definition of timeshare does “*not include in its scope multiple reservations of accommodation, including hotel rooms, insofar as the multiple reservations do not imply rights and obligations beyond those arising from separate reservations*”.

Contracts falling under the provision of the Directive are subject to specific requirements such as:

- A ban on advance payments;
- A 14 calendar days right of withdrawal (and its modalities);
- Specific pre-contractual information to be provided to the consumer, etc.

For a detailed summary of the initial Commission proposal you can visit [DG SANCO](#) website (European Commission). A summary of the previous Timeshare Directive is also available on the [SCADPlus](#) website (European Commission).

## HOTREC position

HOTREC welcomed the text of the new Directive as it provides a specific exemption for hotel contracts which takes into consideration the particular nature of hospitality services, without allowing loopholes rogue traders could take advantage of.

Moreover, HOTREC considers that timeshare accommodations should be submitted to the same taxation and safety rules as traditional hotels, especially when they are used to accommodate persons other than their part-time owners.

## Official references

Directive [2008/122/EC](#) of the European Parliament and of the Council of 14 January 2009 on the protection of consumers in respect of certain aspects of timeshare, long-term holiday product, resale and exchange contracts, O.J. L 33 of 03.02.2009.

Commission Green Paper on the review of the Consumer Acquis ([COM\(2006\)744 final](#))

European Parliament Resolution on the monitoring of Community policy on the protection of purchasers of the right to use immovable properties on a timeshare basis (Directive 94/47/EEC), adopted on 4 July 2002, [T5-0368/2002](#).

Directive [94/47/EC](#) of the European Parliament and the Council of 26 October 1994 on the protection of purchasers in respect of certain aspects of contracts relating to the purchase of the right to use immovable properties on a timeshare basis, O.J. L 280 of 29.10.94

### See also:

Report on the application of Directive 94/47/EC of the European Parliament and Council of 26 October 1996 on the protection of purchasers in respect of certain aspects of contracts relating to the purchase of the right to use immovable properties on a timeshare basis, SEC(1999)1795 final

Judgment of the Court (Third Chamber) of 25 February 1999. Commission of the European Communities v Kingdom of Belgium. Failure by a Member State to fulfil its obligations – Directive 94/47 – Non-transposition. Case C-319/98. European Court reports 1999 Page I-01201

Judgment of the Court (Fifth Chamber) of 14 September 1999. Commission of the European Communities v Hellenic Republic. Failure by a Member State to fulfil its obligations – Directive 94/47 – Non-transposition. Case C-401/98. European Court reports 1999 Page I-05543