

## ..in five minutes..

1 July 2011

Three years of active representation vis-à-vis the Commission, the European Parliament and the Council have yielded positive results for the travel trade on the consumer rights Directive front. The main concerns for travel agents and tour operators have been taken into account in the agreement reached between the EP and the Council on Thursday 23 June. For reminder, we achieved that package travel contracts remain regulated under the package travel Directive and are fully excluded from the scope of the consumer rights Directive. Moreover, distance and off-premise contracts for a number of tourist services are not subject to a right of withdrawal. And all provisions on unfair terms have been deleted and remain regulated under the current unfair terms Directive.

These positive results are overshadowed by the Commission's announcement to pass up legislation for airline failure protection. Indeed, the Commission announced its preference for self-regulation by the industry. ECTAA will be stepping up its lobbying activity with the EP, which has called on the Commission to legislate in this area.

*Michel de Blust*

### **Air transport: Commission favours self-regulation over regulation for airline failure protection**

The Commission has announced its preference for self-regulation to deal with airline failure protection. They consider that the use of an EU fund –which is considered the best option to protect passenger in case of airline failure- would be too expensive and entail cross-subsidization between sound and weak airlines. Moreover, the Commission believes a proposal for a compulsory mechanism would be rejected by the Council. ECTAA will seek support from the European Parliament

For more details, see e-mail sent on 29 June

### **Air transport: Study on the transparency of air tickets**

ECTAA has been invited to contribute to the study on the transparency of air tickets, which is carried out in the frame of the fitness check (see next item). This is an opportunity for ECTAA to raise various concerns about the transparency of air ticket prices, notably issues with fuel surcharges, fare unbundling, fare conditions in CRSs and the non-enforcement of the prohibition to discriminate in access to fares on the basis of the country of sale.

For more details, see e-mail sent on 16 June

### **Air transport: Are there issues with airline market access?**

In the frame of the fitness check of existing air transport legislation -an evaluation whether legislation is still fit for purpose- the Commission is also looking at airline market access issues. Some aspects related to State aids and access to markets outside the EU by charter carriers may be of interest for our industry. Members can comment to the Secretariat by 13 July.

For more details, see e-mail sent on 29 June

### **Air transport: European Court rules on DBC case – business as usual after extraordinary circumstances**

In the case C-294/10 the European Court of Justice decided that airlines must reasonably, at the stage of organizing the flight, take account of the risk of delay connected to the possible occurrence of extraordinary circumstances and thus need to take reasonable measures to ensure the operation of flights once the extraordinary circumstances have ended.

For more details, see e-mail sent on 24 June or consult the [judgement](#)

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### **Air transport: Passengers may be entitled to refund of expenses incurred as a result of a cancellation**

In the case C-83/10 the Advocate General considers that passengers should be entitled to claim reimbursement of reasonable expenditure incurred where an airline fails to provide care and assistance in the event of a cancelled flight. That compensation may not be offset by the compensation to be paid when a flight is cancelled. The European Court of Justice has yet to validate the Advocate General's Opinion.

For more details, see e-mail sent on 30 June or consult the [Advocate General's Opinion](#)

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### **PNR: ECTAA met EP Rapporteur on EU PNR Directive**

The EP Rapporteur took note of ECTAA's request that PNR data should be provided only to the extent that they are captured and retained electronically by the air carrier in its normal course of business. He was interested in our other points (time to transfer the data and time to inform passengers). Yet, he was skeptical about our demand to exclude agents from the obligation to inform passengers on the use of their PNR. Further discussions in the LIBE Committee are expected mid-July.

For more details, see e-mail of 22 June

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### **IATA: The 2011 Travel Agent's Handbook and BSP manual available now**

The 2011 editions of the Travel Agent's Handbook and BSP Manual are available for download on IATA's website. The Travel Agents' Handbook contains the local financial criteria and the Resolutions as applicable from 1 June 2011.

For more details, see e-mail of 9 June or consult the [Travel Agent's Handbook](#) / [BSP Manual](#)

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### **Rail transport: ECTAA on the outlook for specialized rail distribution experts**

ECTAA/GEBTA are urgently looking for specialized rail distribution experts who are willing to contribute their time and expertise to a project, which will harmonize rail operators' exchange of data and will thus improve the ability for ticket vendors to book rail journeys throughout the EU in the future.

For more details, see e-mail of 10 June

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### **Multi-modal transport: European multi-modal journey planner**

The Commission is giving high priority to the development of a European Multi-modal Journey Planner (EMMJP), which would allow people to plan a journey door-to-door in one click. The interim results of the study on the vision and feasibility of the development of an EMMJP has shown that there are still a number of technical, organizational and legal barriers of such a tool.

For more details, see e-mail 22 June

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### **Multi-modal transport: Study on integrated ticketing for EU passenger transport**

The EP has mandated a study on integrated ticketing for EU passenger transport, looking in particular at rail-rail and air-rail ticketing. ECTAA has been invited to provide input to this study, which is aimed at providing the EP with a comprehensive view of the current and future developments in this area.

For more details, see e-mails of 17 and 23 June

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### **Recognition of professional qualifications: How could a professional card for tourist guides work?**

8 questions on how a professional card for tourist guides could work, by whom it is issued and its legal effect are being looked into as part of the case study on the professional card for tourist guides undertaken by the Commission. Members were invited to provide their input.

For more details, see e-mail sent on 14 June

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### **Tourism: Working towards a European tourism quality label**

A stakeholders' meeting was organised on the 30<sup>th</sup> of June to review the work carried out since March 2011 on the development of a European tourism quality label. The idea is to develop an "umbrella" label which draws a common list of criteria and recognizes the existing schemes which comply with these criteria. Members have been invited to comment on the discussion paper.

For more details, see e-mails sent on 22 and 29 June

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### **Tourism: EP own initiative report on tourism Communication turns out positive**

Parliament's Committee for Transport and Tourism adopted the own initiative report on the Tourism Communication, introducing several positive amendments on visa simplification, the reduction of labels, coordination with other policy sectors, over-taxation of tourism, etc.

For more details, see e-mail sent on 23 June

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### **EU budget: No aviation tax to finance the EU budget**

The proposal for a multi-annual budget for 2014-2020 does not include the introduction of an aviation charge to finance the EU budget, as contemplated by the Commission. However, the proposal introduces an EU VAT charged in parallel to the national VAT, which could put pressure on Member States to abandon reduced VAT rates and VAT exemption, which apply for many tourist services.

For more details, see e-mail sent on 1 July or consult [package of proposal](#) and [press release](#)

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### **VAT: Discussions on the revision of TOMs are in an impasse again**

A number of options of how to proceed with the work on the revision of TOMS have been looked at in the Council, but even on the work procedure Member States can't find agreement. ECTAA will meet with the Polish Council Presidency to support the option of a complete revision of TOMS (including scope) and ask the Commission to carry out an impact assessment to help Member States make an informed decision. Meanwhile the first cases brought by the Commission before the European Court are available on the website of the ECJ.

For more details, see e-mail sent on 17 June and cases brought against [Spain](#) and [Poland](#) before the ECJ

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### **Standards: Revision of the European standardisation system - services included**

The Commission has adopted a series of legislative and non-legislative measures aimed at improving the European standardization system in terms of time to adopt standards, transparency, fair representation of stakeholders and in particular of small and medium enterprises. For the first time services are included in the European standardisation process. There is no mention of tourism but it is very likely that proposals on standardisation of tourism services will be put forward.

For more details, see e-mail sent on 9 June or consult the [package of proposals](#)

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## **Other News in Brief**

- Conference "Industrial heritage : differentiating the European tourism offer", 27 Sept. 2011  
For more details, consult [website](#)
- Call for tenders on ["Stimulating ICT-enabled innovation in the tourism industry"](#). Deadline 23 September 2011