

A small victory in the long fight to improve mobility of tourist guides: on the 23<sup>rd</sup> of January, the EP adopted a report on the recognition of professional qualifications Directive taking on board ECTAA's suggestion that tourist guides be exempted -under certain conditions- from the two years professional experience when the service provider is accompanying the service recipient.

This legislation has been strongly lobbied by the tourist guides who have tried to be excluded from the provisions of the Directive, so they can perpetuate the current situation, jeopardizing the free movement of guides. Their efforts have failed.

This is a first encouraging step in view of the adoption of the Directive. But will the Council follow this approach? Members are encouraged to raise this issue with their government (see BC13-001/953).

*Benoit Chantoin*

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**Air transport: Imminent adoption of legislative proposal on air passenger rights**

The Commission is expected to adopt a legislative proposal revising Regulation 261/2004 and Regulation 2027/97 on luggage handling by February/March 2013. Various sources indicate that the proposal contains a number of positive elements, such as clarification of the notion of 'exceptional circumstances' and increasing the time triggering compensation in case of delays.

For more details, see e-mail sent on 21 December 2012

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**Air transport: ECoJ judgement on time limit for bringing actions under Regulation 261/2004**

In its judgement in the case C-139/11 of 22 November 2012, the European Court held that the time limits for bringing actions for compensation for flight cancellation under Regulation 261/2004 are determined in accordance with the rules of each Member State on the limitation of actions.

For more details, see e-mail sent on 6 December 2012 of consult [ECoJ judgement](#)

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**Air transport: ECoJ confirms an individual right to compensation in case of loss of baggage**

In the case C-410/11, the European Court ruled that a passenger whose items were placed in the baggage checked in by another passenger on the same flight, is granted an individual right to compensation for loss of baggage under the Montreal Convention. Thus, where a baggage is checked in by a family, for example, each family member has a claim for loss of that baggage.

For more details, see e-mail sent on 18 January 2013

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**Air transport: No protection against airline insolvency in sight**

The European Commission will shortly issue a Communication on airline insolvency recommending better enforcement of existing legislation and best practices to limit the impact on passengers. It is not planning to adopt legislation putting obligations on airlines to protect passengers against insolvency in the current situation of the airline industry.

For more details, see e-mail sent on 18 January 2013

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**Air transport: Airlines AC/CO/LH/UA propose anti-trust commitments in view of closer cooperation**

DG Competition is reviewing the structural commitments proposed by AC/CO/LH/UA so they can cooperate closer within their A++ agreement. The Commission has invited interested party to provide comments on the proposed commitments. ECTAA has submitted a number of comments.

For more details, see e-mail sent on 7 January 2013

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**Air transport: Update of Community blacklist of unsafe carriers**

An updated blacklist of unsafe carriers has been issued and has come into force since 6 December. For reminder, travel agents and tour operators have the obligation under Regulation 2111/2005 to bring the Community blacklist to the attention of the passenger.

For more details, see e-mail sent on 4 and 5 December 2012 or consult the [EU blacklist](#)

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#### **Air transport: Follow up on IATA's handling of Malev's insolvency**

IATA has written to ECTAA to indicate that they are not prepared to take the risk of refunding Malev tickets, while there is a pending legal challenge by a secured lender. IATA foresees that it will take time before this legal challenge is settled.

For more details, see e-mail sent on 16 November 2012

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#### **Air transport: Essential slot allocation rules are maintained**

Both the Council and the European Parliament are in favour of maintaining the current rules on length of slot series and slot utilisation threshold, which are better adapted to the seasonal leisure travel market than the rules proposed by the Commission.

For more details, see e-mail sent on 8 November 2012

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#### **IATA: NDC review still ongoing**

The IATA Data Distribution Exchange Working Group, which met on 27-30 November 2012, analysed various areas impacted by NDC. Important challenges and many questions still need to be addressed. ECTAA has discussed the NDC project with DG Transport and DG Competition of Commission.

For more details, see e-mail sent on 18 December 2012

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#### **IATA: Results of PAMConf/35**

PAMConf adopted amendments to IATA Resolutions on the following items of interest: New global best practice financial criteria; wider possibilities for IATA when an airline is in financial difficulty; instructions to agents when an airline is suspended, with implications on refunds reported before the airline suspension; and temporary reduction of IATA fees for changes.

For more details, see e-mail sent on 26 November 2012

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#### **IATA: Future of airline distribution - Look ahead to 2017**

This is the title of a study carried out by IATA looking at airline distribution in future. It contains a number of interesting findings. It indicates, among other, that strategies to favour bookings made via airlines' websites, such as making ancillary services unavailable through intermediary channels, are foreseen to help airlines increase the booking volume through their own website by 35% in 2017.

For more details, see e-mail sent on 21 December 2012 or consult the [study](#)

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#### **Maritime transport: Passenger rights coming into effect**

Two passenger rights legislation in maritime transport came into effect in December 2012:

Regulation 1177/2010 concerning the rights of passengers when travelling by sea or inland waterway  
Regulation 392/2009 on the liability of carriers of passengers by sea in the event of accidents.

For more details, see e-mail sent on 10 December 2012 or consult the [two Regulations and the summary of legislation](#)

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#### **Transport: Commission wants feedback on how to enhance multimodal travel planning**

A public consultation has been launched to seek stakeholders' views on possible measures to address the remaining barriers to multi-modal journey planners and related travel and information services, including possible legislation on access to data (schedule and fares) and licence requirements regarding access to and use of the data. Members' input is welcome until 1 March.

For more details, see e-mail sent on 14 January 2013 or consult [public consultation](#)

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#### **Professional qualifications: Last chance to secure the free movement of tourist guides**

The proposal revising the Directive on professional qualifications is entering its final stages of negotiation. Members have been invited to lobby their government to ensure that tourist guides do not meet obstacles to the recognition of their professional qualifications when they temporarily supply their services in another Member State than where they are established.

For more details, see e-mail sent on 19 November 2012 and 11 January 2013

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#### **Insurance Mediation: Beware - Council not in favour of simplified declaration procedure**

Member States are not keen to retain the simplified declaration procedure or the exemption of mediation of travel insurance from the scope of the insurance mediation Directive proposal. This means that intermediaries would be subject to a number of obligations when selling travel insurance. The European Parliament may be more favourable to such exclusion.

For more details, see e-mail sent on 21 December 2012 and 28 January 2013

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#### **Package Travel Directive: Commission is seeking industry CEOs' views**

The Commission is still working on a draft legislative proposal revising the package travel Directive. Industry CEOs, including ECTAA President Boris Zgomba, have been invited to a lunch with Commissioners Reding and Tajani to discuss the proposal on the 31<sup>st</sup> of January 2013.

For more details, see e-mail sent on 21 December 2012

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#### **Data protection: Regulation proposal on a framework for personal general EU data protection**

The IMCO Parliamentary Committee (Internal Market and Consumer Protection) and JURI Committee (Legal Affairs) were due to vote on opinions 22 and 24 January and were considering amendments removing exemptions from obligations for SMEs and possibly providing an indirect right of withdrawal for contracts requiring personal data processing. The Members were invited to contact their MEPs.

For more details, see e-mail sent on 21 December 2012

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#### **Justice: Recast of 'Brussels I' Regulation**

On 6 December 2012, the Council has adopted the recast of the so called "Brussels I" Regulation. This legislation will accelerate the circulation of judgments in civil and commercial matters in the EU.

For more details, see e-mail sent on 7 December 2012

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#### **Misleading and comparative advertising: More protection required**

The majority of respondents to the public consultation on Directive 2006/114/EC concerning misleading and comparative advertising consider that more protection is required against misleading marketing practices. The biggest problem is inefficient enforcement of the Directive at cross-border level and unclear rules.

For more details, see e-mail sent on 21 November 2012 or consult [results of public consultation](#)

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#### **Health and safety: Commission not ready to act yet on fire safety in hotels**

The Commission has abandoned its intention of revising Council Recommendation on fire safety in existing hotels and will instead be looking more generally at safety of services in tourism, including fire safety in hotels, in the upcoming Green Paper on Safety of Services.

For more details, see e-mail sent on 15 November 2012

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#### **Visa policy: A new perspective to visa policy - facilitating legitimate travel**

The Commission has adopted a Communication on the EU visa code which explores a number of actions aimed at facilitating travel for legitimate travellers, including tourists. A number of improvements are envisaged.

For more details, see e-mail sent on 15 November 2012 or consult the [Communication](#)

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#### **Standards: Get involved in the CEN standard project on 'Universal Design of Tourism Services'**

The ECTAA Tour Operators Committee reviewed the CEN project, the aim of which is to make tourism services accessible to all customers, including PRMs. Given the massive scope of the project, covering travel agents and tour operators in areas such as advertising, ticketing, information on services, training, etc., the Committee recommended watching out for this standard and invited Members to get involved in the mirror committee of their national standardisation body.

For more details, see e-mail sent on 12 November 2012

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## Other News in Brief

- [VAT rates applicable in the EU Member States](#) – updated 14 January 2013

## Calendar of ECTAA meetings

5 February 2013	Air Matters Committee, Brussels
14 March 2013	Fiscal Committee, Prague
<i>March – April 2013</i>	<i>Joint Legal Committee and Tour Operators Committee, tbc</i>
<i>April 2013</i>	<i>Destination and Sustainability Committee, tbc</i>
<i>May 2013</i>	<i>Incoming Tourism Working Group, tbc</i>

## EU consultations / ECTAA surveys

- [EU public consultation - Multi-modal journey planners and related travel and information services](#), open until 1 March 2013
- ECTAA survey - Qualification of combination of travel services sold within a B2B relation  
Results e-mail 3 January 2013: AT, BE, CY, CZ, DK, FI, FR, DE, EL, HU, IT, PL, SK, ES, CH, NL, UK