

## ..in five minutes..

August - September 2014

*By November 2014 the new Commissioners should take up their office. Jean Claude Juncker, the new European Commission President, has composed his team of 27 Commissioners designate. He also proposed a new way of working in order to foster more dynamic interaction between the Commissioners. The Commissioners designate are currently being quizzed by the Members of the European Parliament, an exercise which has already been fatal to a few predecessors. Besides, DG Enterprise, which deals with tourism policy, will be merged with DG Internal Market. Hopefully the new structure of the Commission and a (potential) Tourism Intergroup in the European Parliament will enable the European Institutions to treat tourism policy as a whole, cutting across sector policies.*

*Benoit Chantoin*

### **Consumer protection: Council looking at various options for the revision of PTD**

Discussions in Council show that Member States remain divided on the scope and it does not seem that an option is prevailing yet. However, the majority of Member States would welcome a clarification of the definitions of package and linked travel arrangements and on the way these two notions articulate with each other. Yet, they are concerned about the constraints imposed on providers of assisted travel, potentially too burdensome for businesses.

For more details, please see e-mail sent on 10 September

### **Consumer protection: Limiting sums covering the risk of insolvency may not comply with EU law**

The Court order delivered in the case C-430/13 recalls that the purpose of article 7 of the package travel Directive is to provide the travellers with an effective protection in the event of the travel organiser's insolvency, of the refund of all the money paid and the possible repatriation. It's up to the national courts to determine if national legislation transposing the Directive sets up a limit to the risk guaranteed which would constitute, if it is demonstrated, an infringement leading to compensation. This is a confirmation of the Dillenkofer Case, C-178/94.

For more details, please see e-mail sent on 17 September or consult [ECJ order](#)

### **Insurance mediation: Council considering exclusion of travel insurance from IMD**

Member States are considering again the exclusion of travel insurances from the scope of the insurance mediation Directive. However, exclusion is likely to be subject to the condition that the insurance premium is not higher than 200€ when pro-rated annually, instead of 600€ in the Commission proposal. Members have been invited to inform their governments that such condition will exclude de facto most of the short-term insurances.

For more details, please see e-mail sent on 10 September

### **Transport: US DoT gives green light to IATA Resolution 787 on NDC**

On 6 August the US Department of Transportation released the final approval of Resolution 787 on NDC. However the approval is limited to the creation of an XML communication standard. It is not a blanket approval for airlines to require any kind of passenger personal information nor to create any new business model. DOT confirms the airlines' obligation to comply with data protection legislation in force.

For more details, please see e-mail sent on 26 August

### **Transport: Main points discussed in the IATA PAPGJC/21 meeting**

The discussions at the PAPGJC meeting on 8 September focused on the PAConf/37 agenda. IATA also provided an update on airlines' bankruptcies and made a presentation on the New Gen ISS project. Among other, ECTAA raised concerns about (i) growing number of complaints concerning the evaluation of the agents' financial statement by IATA – Madrid, (ii) notifications of cancellation of Electronic Ticketing Authority through the BSP, (iii) strengthening risk management provisions for travel agents, etc.

For more details, please see e-mails sent on 8 and 26 August and 18 September

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#### **Transport: Commission seeks clarifications on fake GDS bookings**

Following a letter from the Commission on the possible creation of 'fake bookings' by agents in the GDSs, ECTAA met with DG MOVE to provide clarifications on the GDS productivity agreements with agents. At the moment the airlines' allegations of 'fake bookings' have not been quantified. ECTAA recalled that any airline can withdraw at any time the agent's ticketing authority with a GDS.

For more details, please see e-mail sent on 22 September

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#### **Transport: Airlines are allowed to charge extra for luggage allowance**

The European Court of Justice ruled in the case C-487/12 that the Spanish legislation prohibiting air carriers from charging for checking in passengers' baggage in the form of an optional price supplement is incompatible with EU law. The price in respect of carriage of checked-in baggage is not an unavoidable and foreseeable item in the fare for air travel, but may be an optional price supplement, in accordance with the Air Services Regulation 1008/2008/EC.

For more details, please see e-mail sent on 19 September or consult [ECJ ruling](#)

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#### **Transport: What is the 'time of arrival' of a flight when seeking delay compensation?**

In its ruling handed down in the case C-452/13, the Court determined that the actual arrival time of a flight corresponds to the time at which at least one of the doors of the aircraft is opened. It is only at that time that the length of the delay for the purposes of any compensation may be determined.

For more details, please see e-mail sent on 5 September or consult [ECJ ruling](#)

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#### **Transport: 'All Ways Travelling' study validates MMITS**

The aim of the study was to develop and validate a model for a multimodal pan-European passenger transport information and booking system (MMITS). Among other, the study recommends (i) increasing support for industry initiatives, while in parallel establishing a regulatory alternative should the market fail to deliver results, and (ii) ensure access to schedules, fares and availability information to all players in the market for multimodal travelling on a non-discriminatory basis.

For more details, please see e-mail sent on 16 September or consult [study](#)

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#### **Tourism: Creation of an EP Tourism Intergroup gets traction**

On request of ECTAA and other tourism associations, a number of MEPs are supporting the creation of a Tourism Intergroup, which brings together MEPs of different Committee backgrounds to discuss topics that are cross-cutting policies. For example, tourism in the context of visa policy, data protection, health and consumer protection, etc. Members should seek support from their MEPs.

For more details, please see e-mails sent on 9 and 25 September or consult [EP website](#)

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#### **Data protection: Awareness raising of national Data Protection Attachés**

ECTAA has continued meeting with a number of Member States' Data Protection Attachés in order to discuss the current reform of the EU Data Protection framework as well as to raise the awareness on NDC. Members are advised to follow up and share the concerns with the national the Data Protection Authorities.

For more details, please see e-mail sent on 4 September

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#### **Schengen visa: Visa code recast is progressing very slowly in Council**

Member States are questioning every single proposal made by the Commission aimed at simplifying the visa code. Despite very slow progress of the discussions, the Italian Council Presidency intends to complete the 1st reading of the visa code recast proposal by end of 2014.

For more details, please see e-mail sent on 18 September

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### **Competition: Court says multilateral interchange fees (MIFs) are anti-competitive**

In the case C-382/12 P, the European Court confirmed that MasterCard's inter-bank fees for cross-border payment transactions restrict competition and violate antitrust rules. The Court held that MIFs are a restriction of competition as they are not objectively necessary to operate the MasterCard system and that MasterCard produced insufficient evidence that the advantages flowing from the MIFs to cardholders do not outweigh the disadvantages. The judgment will have an impact on the pending antitrust proceedings at national level which were suspended until the ECJ ruling.

For more details, please see e-mail sent on 19 September or consult [ECJ ruling](#)

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### **Tourism: Europe, the best destination for seniors**

The Commission will publish a report entitled 'Europe, the best destination for seniors', which lays out an action plan to increase seniors travelling in Europe in the low season. Travel agents and tour operators are invited to implement some of the actions. ECTAA welcomed the initiative but stressed that there should be no Commission intervention in the market, such as in product development.

For more details, please see e-mails sent on 1 August and 15 September

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### **Taxation: ECTAA sets out shortcomings in TOMS**

A first proposal to revise the special VAT scheme for travel agents was not adopted by Member States. ECTAA has drafted a comprehensive document setting out the shortcomings in the existing scheme, including the interpretation given by the ECJ in the recent case C-189/11, in order to give the Commission enough justification to present a new proposal to revise the special scheme.

For more details, please see e-mail sent on 17 September

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### **Taxation: Tunisia introduces exit tax as of 1 October 2014**

ECTAA has asked the Tunisian government to defer the exit tax announced at very short moment in July for application as of 1 September. Unfortunately the tax has only been postponed by 1 month. However, the stamp can be bought from hotels, travel agencies, finance offices, customs offices, banks and tobacco shops, which should help avoid long queues at the airport.

For more details, please see e-mails sent on 3 and 26 September or consult [Tunisian Tourism Ministry website](#)

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### **Immigration rules: South Africa willing to review onerous immigration rules**

The new immigration regulations requiring children under the age of 18 traveling to/from South Africa to be in possession of an unabridged birth certificate have been deferred until end May 2015. The South African government has accepted to review these requirements following strong objections expressed by tourism stakeholders, including ECTAA.

For more details, please see e-mail sent on 16 September

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### **Health & safety: Ebola virus and travel**

The Ebola virus disease outbreak has evolved into the largest, most severe and most complex outbreak in the history of the disease. Updated information on Ebola virus disease outbreak in Western Africa is available from the website of the World Health Organisation and contains also travel guidance for health authorities and the transport sector.

For more details, please see e-mail sent on 27 August or consult the website of the [WHO](#)

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## **Other News in Brief**

- [European Tourism Forum](#), 30-31 October, Naples
- [UNWTO World Tourism Barometer](#), Volume 12 – August 2014
- [Call for proposal: Sustainable transnational tourism products](#), deadline 7 October 2014
- [Call for proposal: Transnational cultural tourism products and Tourism and accessibility for all](#), deadline 21 October 2014
- [Call for proposal: Cultural Routes and Luxury Goods](#), deadline 4 October 2014

## Calendar of ECTAA meetings

9 October 2014	Joint Legal Committee & Tour Operators Committee, Brussels
12 November 2014	Destination, Incoming Tourism & Sustainability Committee, Brussels
6-8 November 2014	2 <sup>nd</sup> Worldwide Summit of Presidents of Travel Agencies Associations, Zagreb
27-28 November 2014	ECTAA bi-annual meeting, Tallinn

## EU consultations / ECTAA surveys

- [Commission questionnaire on the remaining obstacles to a fully functioning Single Market for services](#), open until 15 November 2014
- [Green Paper on Safety of Tourism Accommodation Services](#), open until 30 November 2014