

..in five minutes..

16 April 2012

IATA accredited agents have the possibility not to be identified in IATA intelligence products, PaxIS and DDS. For reminder, on 16 March IATA sent agents a letter through BSPLink inquiring whether they agree to be identified in PaxIS and DDS. PaxIS and DDS are business intelligence products based on BSP data, which enable airlines to monitor the volumes sold by a travel agent on competing carriers.

The background is that identification of agents in PaxIS and DDS is prohibited by EU legislation, unless the agent gives a specific agreement to IATA. IATA has besides confidentiality obligations under its Resolution 824. ECTAA and GEBTA filed a complaint against IATA for identifying agents in these products, following which the European Commission addressed to IATA a Statement of Objections envisaging a decision against IATA.

IATA's method and approach to consult agents are raising various concerns, which will be reported to the European Commission. Any feedback on the practical experience of agents is welcome. Meanwhile, the consultation of agents by IATA is on-going. It is up to each agent to make its choice individually. If an agent wants to refuse being identified in PaxIS/DDS, it has to explicitly reject IATA's offer by 30 April 2012. IATA will consider an absence of reaction as an agreement. IATA has confirmed that agents are not required to consent to participate in the IATA Programme. It is important to inform accredited agents so they can take an informed decision.

Isabelle Leroy

IATA: In Shakespearean words: To be *identified* ... or not to be *identified*...

IATA has sent a letter to all travel agents via BSPLink enquiring whether they agree to be identified in the IATA intelligence products available for sale to airlines. Travel agents need to respond to IATA by end of April. IATA will consider an absence of reaction as an agreement.

For more details, see e-mails sent on 30, 27, 20, 15 and 5 March 2012

IATA: Alert APJCs about impact of global financial criteria

Following the recommendation of the Air Matters Committee, Members have been invited to put the global financial criteria considered by IATA on the agenda of forthcoming APJC meetings and to take up the issue directly with local airlines. The Secretariat has prepared a model document for this purpose, on the main aspects of the proposal, some arguments against it and tracks for alternatives.

For more details, see e-mail sent 28 February 2012

IATA: Fraud prevention

The PAPGJC Working Group on fraud prevention will look into surge control and other means of detection through technological tools. It also agreed to consider if a standard procedure can be developed for cases where a fraudulent payment is detected before the flight takes place.

IATA will submit a proposal to review agents' security requirements. The PAPGJC will be consulted on the idea of enabling an agent, which has reasonable proof of a fraud, to ask the carrier to cancel a ticket, while making the agent liable vis-à-vis the passenger if the fraud is disconfirmed.

For more details, see e-mails sent on 3 April and 2 March 2012

IATA: Centralisation of BSP offices into regional hubs

IATA has approached the Members to inform them about the global project to centralise BSP services into regional hubs (Madrid for Europe). The centralisation would affect the responsibilities of country offices. The objective is to set one global standard operating procedure and one integrated IT system operated from regional hubs. The time line is to shift settlement system functions to regional hubs by the end of 2013.

For more details, see e-mail sent on 3 April 2012

IATA: New Travel Agency Commissioner appointed

On 1 March 2012 Andreas Körösi has taken up his new function of Travel Agency Commissioner for Europe, Middle East and Africa. Mr. Körösi's contact details are available at: http://www.travel-agency-commissioner.aero/Template_1.aspx?pid=7

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

Air transport: Have MALEV and SPANAIR passengers been refunded or rerouted?

The European Commission considers that the cases of Spanair and Malev are examples of good practice, where national authorities have arranged for passengers to claim a refund or obtain re-routing in accordance with Regulation 261/2004. However, information received so far contradict the Commission's views. In order to provide a full report to the Commission and MEPs, the Members are invited to inform the Secretariat whether passengers have indeed been refunded / re-routed.

For more details, see e-mail and questionnaire sent on 5 April 2012

Air transport: Refund procedures for Malev, Spanair and Kingfisher Airline

Information on the refund procedures for unflown tickets on Malev, Spanair and Kingfisher Airlines have been communicated to Members.

For more details regarding Malev see e-mails sent on 7 and 5 March as well as 21, 15 and 13 February 2012; regarding Spanair see e-mails sent on 23 and 8 February 2012; and regarding Kingfisher Airlines see e-mail sent on 11 April 2012.

Air transport: Secure Flight Data required for flights transiting the US airspace

The US Transportation Security Administration has extended the requirement to submit Secure Flight Passenger Data (SFPD) to 'overflights', i.e. flights transiting the US airspace, as from 8 March 2012.

For more details, see e-mail sent on 8 March 2012 or consult the [website](#) of the US TSA under Secure Flight

Air transport: Passenger rights

The EP has adopted an own-initiative report on passenger rights, clearly favouring the strengthening of passengers' rights, including on issues such as air ticket price transparency, sequential use of coupons, discrimination based on country of residence and protection against airline insolvency. ECTAA has addressed most of the above issues in its contribution to the impact assessment of a possible revision of Regulations 261/2004 and 889/2002 on luggage handling.

For more details, see e-mails sent on 30 and 9 March 2012

Air transport: Travel agents reluctant to transfer passengers' contact details to airline

The impact assessment of a possible revision of Regulation 261/2004 is looking also at the option of requiring travel agents to provide the passengers' contact details to airlines so that the latter can notify passengers of travel disruptions. ECTAA has raised a number of concerns and suggested the option for travel agents to provide either passengers' contract details or their own contact details.

For more details, see e-mails sent on 17 and 7 February 2012

Air transport: Better implementation of PRMs' rights when travelling by air

The Commission is drafting guidelines for the application of Regulation 1107/2006 on the rights of PRMs when travelling by air. The Commission will not oblige industry to offer free transport to accompanying persons imposed on PRMs, but best practices should be encouraged. The Commission considers the priority treatment of pre-notified PRMs as a good idea and will consider this further.

For more details, see e-mails sent on 17 and 10 February 2012

Rail transport: Study on the evaluation of the rail passenger rights Regulation

ECTAA has contributed to the study concerning travel agents' implementation of their obligations under the Regulation. It has suggested as improvement of the Regulation that there should be an obligation on railway undertakings to provide access to all their fares in the CRSs at no additional costs and without discrimination of distribution channel.

For more details, see e-mails sent on 27 March and 17 February 2012

Rail transport: Where do we stand on rail information exchange standardisation?

The mid-term report on the TAP TSI phase I implementation gives an overview of the current state of play of interoperability of information exchange processes of all rail stakeholders. It identifies already potential ways in making these processes interoperable. The proposals may fall short of the expectations of some ticket vendors, especially CRSs who would have liked to have a central database, from where to obtain all the data (like in the airline industry).

For more details, see e-mail sent on 17 February 2012 or consult [website of TAP TSI](#)

Technology: Involvement of travel agents / tour operators to the TOURISMLink project

To maximise the involvement of tour operators and travel agents in the TOURISMLink project on ICT in tourism, the Secretariat is offering to deliver targeted presentations to the interested Members' associations. Please contact the Secretariat.

Two working groups have been created with experts in ICT and the sector to follow closely the project and provide guidance to the project team. Members have volunteered a number of experts.

For more details, see e-mails sent on 22 March and 15 February 2012

PNR: The fate of the EU-US PNR agreement in the hands of the European Parliament

The EP LIBE Committee voted on 27 March in favour of the new EU-US agreement on PNR transfers, despite the Rapporteur's recommendation to withhold consent. The absence of a valid agreement would create a legal vacuum in terms of data protection. In view of the EP final vote in plenary session on 19 April, Members have been invited to ask their MEPs to support the agreement.

For more details, see e-mail and model letter sent on 28 March 2012

PNR: Keeping travel agencies out of the EU PNR Directive proposal

To avoid that the EU PNR Directive proposal is extended to intra-Community flight and impose obligations on travel agencies to inform passengers on the use of their data, Members have been invited to contact their MEPs before the 16th of March to table amendments to the draft report presented in the EP LIBE Committee on the 27th of February.

For more details, see e-mails and model letter sent on 6 and 12 March as well as 9 February 2012

Data protection: Reform of the EU data protection rules

The European Commission has adopted a package of proposals to reform the EU personal data protection rules. This may be relevant for our sector in relation to avoiding (i) misuse by airlines of passenger contact details for commercial purposes and (ii) that third country passenger data requirements are not in contradiction with EU data protection legislation. Members have been invited to review the legislative package.

For more details, see e-mail sent on 9 February 2012 or consult the legislative proposals on the [website of DG Justice](#)

Consumer protection: Protection of tourists & tourism service providers

At the third meeting of the UNWTO Convention on the protection of tourists and travel organisers in February ECTAA expressed concerns about the impact of the proposed text on the way markets for

the sale of package travel services are functioning. ECTAA also stressed that the draft text was going further than the scope previously agreed to. Next meeting on 7-9 June.

For more details, see e-mail sent on 6 March 2012

Consumer protection: ECoJ rules on financial guarantee requirement

The European Court of Justice ruled that the financial guarantee to be provided under Article 7 of the Package Travel Directive must also cover situations of fraudulent bankruptcy of the organiser.

For more details, see e-mail sent on 24 February 2012 or consult the [judgment](#) in the case C-134/11

Standards: Services still included in the Regulation proposal on European standardisation

The EP IMCO Committee has adopted a report on the Regulation proposal on European standardisation, which improves the standard-setting process through more transparency and consultation of interested parties and by facilitating the access of SMEs to standards. However, the Committee rejected the amendments on the exclusion of services from the scope.

For more details, see e-mail sent on 11 April 2012.

Tourism: Draft charter for sustainable and responsible tourism

The European Commission is consulting stakeholders on a draft charter for sustainable and responsible tourism. ECTAA is questioning the usefulness and the added value of the proposed charter for all the target groups. Members were invited to send their comments.

For more details, see e-mail sent on 19 March 2012

Tourism: Promotion of South American package travellers to Europe

In the frame of the the 50.000 tourist pilot project - an initiative to develop tourist flow from Brazil and Argentina to the EU in the low season (10/2012 – 03/2013) - the Commission is offering to promote packages put together by tour operators and participating airlines, hotels and NTOs for the South American market. Interested tour operators should contact the Secretariat before end of April.

For more details, see e-mails sent on 5 April and 19 March 2012 or consult the [website](#) of the 50.000 tourists project

Home affairs: How can Schengen visa procedures be improved for bona fide travellers?

In its review of the Schengen visa legislation, the Commission would like to obtain examples of difficulties faced by third country nationals wishing to visit Europe at any stage during the visa application process. Examples of problems: visa processing takes too long; too many supporting documents; etc. Input is welcome until 27 April 2012.

For more details, see e-mail sent on 10 April 2012

VAT: ECoJ sheds light on TOMS application

The European Court of Justice handed down its decision in the case Star Coaches C-220/11 on 1 March 2012: A transport company which merely carries out the transport of persons by providing coach transport to travel agents and does not provide any other services such as accommodation, tour guiding or advice does not carry out transactions falling within TOMS.

For more details, see e-mail sent on 30 March 2012 or consult the [order](#) of the Court

Other News in Brief

- [Eurobarometer survey on the attitudes of Europeans towards tourism](#): 51% of holidays are package holidays, 23% are planned through a travel agency