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CONTRIBUTION OF ECTAA AND GEBTA TO THE CONSULTATION ON THE DRAFT COMMISSION IMPACT ASSESSMENT GUIDELINES

ECTAA, the Group of National Travel Agents' and Tour Operators' Associations within the EU, counts among its membership the national associations of travel agents and tour operators of 25 Member States, of the candidate countries and of Norway and Switzerland.

GEBTA, the Guild of European Business Travel Agents, represents the interests of travel management companies in Germany, Italy, the Netherlands, Portugal, Spain, Ireland and the United Kingdom.

All together, ECTAA and GEBTA represent the interests of about 80 000 businesses in Europe.

As a preliminary comment, although we understand that the draft guidelines do not define which Commission initiatives need to be accompanied by an impact assessment, we underline that impact assessment should be carried out for the preparation of every legislative proposal, because any binding legal act has a practical impact and therefore requires to be previously assessed. The objective is to avoid the adoption of legislative proposals which are not adapted to the sector(s) and industries to which they apply.

1. Do the Guidelines explain sufficiently the logic of the steps to be followed in the impact assessment process (problem definition, objectives, policy options, assessment of impacts, comparison of options, monitoring and evaluation)?

EU Competence

We recommend taking special care in verifying EU's right to act and the justification for EU action. Referring to the negative example of EU initiatives in relation to the introduction of collective redress, we consider that special analysis should be integrated in the impact assessment process in cases of doubt concerning the legislative competence of the EU.

Gathering information for the impact assessment work

We appreciate that the draft guidelines refer to the use of external experts to gather data. We consider indeed that it is indispensable to rely on accurate and recent data in order to carry out a relevant analysis. We however note that the draft guidelines only refer to scientific and technical expertise. We consider that groups, networks or other facilities should be developed to obtain economical expertise, considering that economic data is crucial for a significant proportion of legislative proposals.

Definition of options

The draft guidelines indicate that the scope of the impact assessment can be influenced by previous political choices. While we understand that such approach encourages policy continuity, we recommend that the choice of options considered in the impact assessment be effectively open to innovative approaches.

For instance, in the case of the recent proposal to revise the 1989 Regulation on computerised reservation systems for air transport, which were the exclusive way to book air transport back in 1989, the context has completely changed since 1989 with the development of air transport bookings on Internet. In the impact assessment, this development was taken into consideration to the limited extent that it has created alternative booking channels. However, the impact assessment considered policy options limited to the scope of computerised reservation systems, like the 1989 Regulation. It did not consider any policy option dealing with the dramatic changes that Internet has caused to computerised reservation systems, to economic relationships in the air transport distribution and to consumers' choice.

Access and Transparency

We suggest that the opinion of the Impact Assessment Board (IAB) and any report commissioned from an external expert in the framework of the impact assessment be published on the policy pages of the European Commission's website together with the legislative proposal, as well as in Pre-lex and EUR-lex and be forward to the European Parliament and the Council.

We suggest the impact assessment always be written and published in English, and some times possibly be translated into German and / or French.

2. Do the Guidelines preserve the proper balance between economic, social and environmental impacts that is required in the integrated and balanced approach to impact assessment?

Concerning impacts specifically affecting SMEs, in addition to the aspects developed under point 5.4.3 of the draft guidelines, we consider that another aspect should be taken in to consideration; when recourse to more market mechanism is considered as a policy option, it should be taken into account that SMEs have more limited bargaining power than larger companies. This can have a significant impact in markets controlled by a limited number of large players.

3. Do the Guidelines cover sufficiently the specific aspects of these impacts?

Concerning the assessment of economic impacts, we strongly recommend that in addition to classic economic behaviour, impact assessment takes into consideration the patterns developed in certain sectors. For instance in the sector of air transport, airlines previously enjoyed monopole on their home Market, protected traffic rights and the possibility to coordinate at international level. In spite of the progressing liberalisation of air transport in the Internal Market, a number of airlines still have monopolistic, protective or collective economic patterns. They are regularly subject to European competition law measures and it is observed that cuts in airlines' costs are sometimes not reflected in the end price of air transport. Such observations are crucial to assess the real impact of air transport legislation.

4. Do the Guidelines cover a sufficiently broad range of analytical methods, and are these methods treated in sufficient detail?

5. Do the Guidelines indicate sufficiently clearly how input from experts and stakeholders should be collected during the preparatory stage based on the Commission's Minimum Standards for Consultation?

Concerning the definition of the target groups to determine who the stakeholders are, we raise your attention on the inclusion of intermediaries between suppliers and consumers. For instance in the air transport sector, while it is obvious to consider airlines and passengers as interested parties, travel agents and tour operators should also be included in the target group, because they are confronted with all the issues encountered by passengers, and whereas they have specific needs in order to apply certain air transport measures.

According to the draft guidelines, the time for consultation of stakeholders is minimum eight weeks for written public consultations. We consider that for long or complex consultations, the minimum period should be 12 weeks. Such delay is necessary to enable European Federations to organise consultation through the various level of representations (national, local, company), to provide sufficient time to answer for companies, which understandably give priority to their economic activity and can only respond as a side activity, and to compile all answers into one contribution.

Moreover, the minimum period should be extended when the consultation takes place during traditional holiday periods in Europe. We suggest an extension of 1 week if the time for consultation covers the Christmas period and an extension of 2 weeks when it covers the summer holiday period.

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