



Slovenia – Preferred Destination of ECTAA

Review of ECTAA's activities and achievements for
period November 2015 – November 2016

Work programme for 2017

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Introduction – Foreword of the President

Dear Board Members,
Dear Members,

As we are nearing the end of the year, it's time again to reflect on what regulatory changes have impacted the trade this year and how ECTAA has helped to positively shape this regulatory environment.

Most importantly is the transposition of the Package Travel Directive. Many Member States have embarked on this difficult task, as the directive is far from being clear and simple. Challenges are expected as regards to the implementation of the most problematic provisions and ECTAA is assisting its Members in getting the best possible results.

In 2016, two major legal instruments have been adopted, namely the Passenger Name Record Directive and the Data Protection Package. In the later, ECTAA contributed to a positive outcome as the designation of a Data Protection Officer will be on a voluntary basis, which is a relief for the travel sector, mostly composed of SMEs. The worst has been averted in the PNR Directive, where obligations to collect and transfer PNR data would be extended to travel agents and tour operators. However, the danger remains as Member States have the possibility to do so when transposing the Directive into national legislation. That is something to watch out for travel agents and tour operators!

This year also saw the publication of several legislative proposals aiming at strengthening the digital single market such as a proposal to tackle online discriminatory practices and a proposal to improve enforcement of the existing consumer protection and transport legislations. The latter is of particular interest for the travel industry, as it will hopefully improve the level playing field.

Other EU legislative initiatives are still ongoing, such as the revision of the Schengen visa code and the revision of the air passenger rights. The latter is still blocked in Council, but the Commission has published guidelines to ensure a better application of the existing regulation. ECTAA has participated to the elaboration of the guidelines.

ECTAA has also two legal actions pending in 2016, one concerning the Lufthansa Distribution Cost Charge, which infringes EU legislation, and another concerning the defunct airline Malev to enforce the agreement signed with IATA to refund to passengers moneys of unflown tickets. ECTAA hopes that the cases will come to fruition in 2017.

ECTAA has been closely involved with IATA on its NewGen ISS project. ECTAA was part of a resolution drafting working group, joined two other working groups on Easy Pay and RHC. Thanks to ECTAA's efforts the adoption of the agent's credit limit RHC has now been postponed until a new workable formula is found. Further work is being undertaken with a view to reform the Resolution 890, which restricts the forms of payment to the BSP.

I invite you to read the enclosed Activity Report, which summarises the most important developments and ECTAA's activities in the various dossiers. I take this opportunity to thank all Members for their active contribution to the ECTAA work and the ECTAA staff, which are working hard to defend the interests of our industry.

Merike Hallik
President

Brussels/Brussels, November 2016

Chapter I: Activity Report 2015-2016

1. CONSUMER AND INTERNAL MARKET POLICIES

1.1. Implementation of the new Package Travel Directive

Issue: In November 2015, Directive 2015/2302 on Package Travel and Linked Travel Arrangements was published. Member States must implement the directive into national law by January 2018.

ECTAA position / action: ECTAA provides advice and assistance to Members during the implementation process. This includes:

- Ad hoc legal advice and interpretations of the new PTD;
- Coordination and information gathering on the implementation process in EU Member States;
- Analysis of the national implementing legislations;
- Drafting of interpretative documents and model letters on specific issues (e.g. business travel, definition of package and linked travel arrangement, insolvency protection).

Status of project and next steps: ECTAA will continue to assist Members during the transposition process in 2017. Continuation of the data gathering in view of the European Commission's report on online travel in 2019.

1.2. UNWTO Convention on the protection of tourists and tourism service providers

Issue: Since 2012, the United Nations World Tourism Organization has been working on a draft Convention on the protection of tourists and tourism service providers. The initial aim was to focus on providing assistance and repatriation to tourists in case of force majeure situations (e.g. ash cloud). In the subsequent discussions, the scope of the project was enlarged to cover contractual rights in general not linked to force majeure situations.

ECTAA position / action: ECTAA participated to the various meetings of the working group in charge of the drafting of the Convention. ECTAA advocates for maintaining the provisions on liabilities between services providers and intermediaries.

Status of project and next steps: The draft convention has been sent to all State Parties for comments. ECTAA will continue to work on the liability issues.

UNWTO plans to complete the final draft by January 2017 and have the convention signed during the 22nd UNWTO AGM in late 2017. The text will then need ratification by signatory countries.

1.3. Proposal for a regulation on geo-blocking

Issue: The Commission published on 25 May 2016 two regulations aiming at strengthening the digital single market: a proposal for a regulation on geo-blocking and another to revise the current Consumer Protection Cooperation (CPC) regulation. The proposal for a regulation on geo-blocking defines specific situations when there can be no justified reasons for geo-blocking or other discriminations based on nationality, residence or location such as the blocking of access to websites and the use of automatic re-routing if the customer has not

given prior consent. The proposal also provides for non-discrimination in payments.

ECTAA position / action: ECTAA is participating to the debates through an industry coalition aiming at ensuring that the geo-blocking proposal is coherent with other legislations. ECTAA also has sector specific requests such as the extension of the scope to all B2B relations. ECTAA is meeting with key stakeholders (European Parliament, Commission and Council) to convey its position.

Status of project and next steps: The proposal is being debated and a first reading should be achieved by mid-2017.

1.4. Revision of the Consumer Protection Cooperation Regulation

Issue: A proposal to revise the Consumer Protection Cooperation Regulation has been published on 25 May 2016, together with the Geo-blocking Regulation proposal. The text is now being discussed by the European Parliament and the European Council.

ECTAA position / action: ECTAA is very critical of the effectiveness of the current enforcement mechanisms, notably in the transport and tourism sector. ECTAA thus fully supports the innovations in the text, notably the widening of the scope to transport and tourism legislation (passenger rights regulations, regulation 1008/2008 on air services, PTD...), a better coordination between National Enforcement Bodies (which can still be improved) and the participation of trade associations in the alert mechanism.

Status of project and next steps: The proposal is being debated and a first reading should be achieved by mid-2017.

2. TRANSPORT

2.1. Air Transport

2.1.1. ECTAA's complaint against Lufthansa Group – Distribution Cost Charge (DCC)

Issues: Following the announcement of Lufthansa to revisit its commercial strategy, the Lufthansa Group airlines decided on 2 June 2015 to include a "Distribution Cost Charge" (DCC) of 16 EUR for every ticket issued by a booking channel using a GDS, as from 1 September 2015.

The new charge is not applied to flight tickets purchased using own booking channels, namely www.LH.com, www.swiss.com, www.austrian.com, www.brusselsairlines.com, as well as the service center and ticket counter at the airports. Travel agencies will be able to book tickets without the DCC, using the online portal at www.LHGroup-agent.com.

ECTAA position / action: ECTAA has filed a complaint with DG MOVE on 23 July 2015, on the grounds that the LH DCC is an infringement of the CRS Code of Conduct as LH -acting as parent carrier- is discriminating against other GDSs by raising a fee, which it does not raise in its own GDS. A similar complaint has been filed by ETTSA on 11 September 2015.

LH, backed by DG COMP, maintains that LH Group is one single carrier and thus does not fit the definition of a CRS, which is "a computerised system containing information about ... of more than one air carrier..."

ECTAA met with Directorate General of DG MOVE on 19 September to insist on the need to have a decision in this case.

ECTAA also met several times with DG COMP to highlight the anticompetitive

behaviour of the LH Group.

In parallel, ECTAA and ETTSA are raising awareness among institutional decision-makers on the effect of the LH DCC on price transparency and consumer's ability to compare prices effectively. This includes:

- Parliamentary questions and parliamentary working breakfast: "New commercial practices by the airline industry – what effect will they have on SMEs?", 12 July
- MEP meetings in June to October 2016
- ECTAA/ETTSA study – module 'Consumer views on booking airline tickets'

At national level, a number of Members have initiated antitrust proceedings against LH DCC, notably in Austria, Switzerland and Germany: The Swiss and Germany competition authorities have rejected/dismissed the complaint/statements of SRV and DRV respectively. The Austrian Court has mandated a study to assess whether LH is dominant.

Status of project and next steps:

Waiting for Commission decision.

2.1.2. Study on the Indirect Air Travel Distribution

Issue:

ETTSA and ECTAA have decided to carry out a study to tackle future challenges for the indirect distribution. The conditions to create a truly competitive market are now being undermined. Travel intermediaries are being successively expelled from the market and their role in the transport value chain is being constantly devaluated. The main purpose of the ECTAA/ETTSA study is to demonstrate that the indirect sales channel has still its place in the distribution value chain. The study contains 6 modules, each focusing on a different aspect of the indirect distribution. Modules 1 and 4 have already been completed. The conclusions are as follows:

Module 1: Consumer views on booking airline tickets, especially in relation to LH DCC (see point 2.1.1 above)

- Consumers understand and appreciate the value of comparison shopping.
- Consumer awareness of airlines' ownership is considerably limited.
- Consumers say that GDS booking surcharges are likely to have a negative impact on their use of the OTA channel.

Module 4: Indirect air travel distribution

- Risk management – credit capping is misguided, no airline bankruptcy protection
- Accreditation – Inefficient and IATA profit centre
- IATA Resolutions – Process, system, rule complex and partly obsolete
- Payments – BSP rules prevent innovation, EasyPay not required
- Conferences' Governance – distribution chain players excluded, Conference structure no longer adds value

ECTAA position / action:

ECTAA and Members have actively contributed to the study.

Status of project and next steps:

The results of the study are being used to raise awareness of political decision-makers (Commission, European Parliament) about the challenges for third-party distributors, also in view of upcoming plans of the Commission to review and possibly update current air transport legislation (e.g. CRS Code of Conduct). The results of module 4 are being used to help push a complete overhaul of the IATA Agency Programme – a meeting with the Director General of IATA is scheduled before the end of 2016.

2.1.3. Revision of Air Passenger Rights legislation

Issue: The European Commission adopted a Regulation proposal in March 2013 revising the Regulation 261/2004 on assistance and compensation in case of denied boarding, cancellations and long delays as well as Regulation 2027/97 as regards luggage incidents. It aims as (i) clarifying grey areas, (ii) extending rights (e.g. rights in case of rescheduling, denied boarding in case of no-show of passenger), (iii) new rights as regards mishandled luggage, including better transparency on luggage allowances, and (iv) better enforcement and complaint-handling procedures.

The Regulation proposal is blocked in Council since May 2015. The Commission has thus decided to elaborate 'Interpretive Guidelines' to provide guidance on the current Regulation.

ECTAA position / action: ECTAA participated to the drafting exercise of the Interpretive Guidelines. ECTAA managed to clarify that while passengers can make claims under the Regulation 261/2004 or the Package Travel Directive (PTD), they cannot make a 261/2004 claim to the organiser. However, the other references to PTD remain vague and do not provide any added value to the travellers.

Status of project and next steps: The Interpretative Guidelines have been published in June 2016.

2.1.4. MALEV court case

Issue: On 3 February 2012 the Hungarian airline Malev ceased operations and was suspended in the BSP. Following the signature of a Refund Processing Agreement with Malev & Dr. Jenő Varga, IATA instructed travel agents to remit all the money due on Malev tickets not (entirely) flown, which would be held by IATA in an escrow account and subsequently refunded to travel agents. However, in September 2012 the Russian bank VEB asserted rights to the assets withheld by IATA – the Agreement has since been suspended.

ECTAA position / action: In August 2015 ECTAA and ANVR filed a legal action against IATA in front of a Court in Amsterdam for failure to comply with the Refund Processing Agreement. An administrative hearing took place 3 February 2016. There have been some delays in the proceedings due to the fact that IATA has decided to summon the creditor VEB and Malev & liquidator to join the proceedings, in order to protect itself from possible subsequent claims from them. The three parties have not shown up for court hearings set in July.

Status of project and next steps: The Court will set a hearing in March-April 2017. It is very likely that the magistrate will try to seek a settlement agreement between IATA and travel agents.

2.2. Transport by rail

2.2.1 Industry initiative - Developing a Full Service Model for the distribution of rail tickets

Issue: CER (representing railway undertakings) and ETTSA/ECTAA/GEBTA (representing ticket vendors) have agreed to work together on an industry initiative to identify processes and interfaces required for a 'Full Service Model' (FSM), i.e. identifying all technical requirements for an efficient end-to-end rail distribution and retailing process.

ECTAA position / action: ECTAA and GEBTA have agreed to participate to the FSM initiative to facilitate the booking and issuance of rail tickets by ticket vendors. They are part of the Steering Group.

Status of project FSM will be completed by end of 2016, delivering the design of the IT framework,

and next steps: the technical specifications as well as a user guide to help implement the technical specifications. Next steps include publication of the technical specifications (open source) and determining the governance (updating specifications).

3. IATA

3.1 New Generation of IATA Settlement Systems – NewGen ISS

Issue: NewGen ISS is a project to reform the IATA agency accreditation and settlement system. It contains four components:

- Agency Accreditation Models: (i) Multi-Country Accreditation, (ii) Standard Accreditation, (iii) Light Accreditation with no cash facility using EasyPay or consumer credit cards
- Risk Management: Remittance Holding Capacity (RHC) or agent's credit capping
- IATA EasyPay (pay-as-you-go)
- Global Default Insurance (GDI) = alternative financial security to bank guaranty or individual default insurance.

ECTAA position / action: ECTAA defends the following position:

- Passenger Agency Programme needs to be reviewed thoroughly, including joint governance, airline financial failure protection, and opening up the BSP to new forms of payment including the agent's credit card;
- Multi-Country Accreditation may be good, but depends on financial criteria, requirements for financial guarantees, application of RHC;
- Remittance Holding Capacity RHC is a credit capping - consider alternatives including on monitoring of ticketing activity or thoroughly reviewing RHC so only a small %age of agents are affected;
- IATA EasyPay should be an open payment standard. It should allow forms of payment available on the market including agent's virtual credit cards. It should not impose further costs on agents and need to be accepted by GDS and airlines for ticketing purposes. EasyPay requires a repeal of the existing Resolution 890;
- Global default insurance – possible competition concerns where IATA sets criteria for insurance providers and at the same time offers a competing product.

ECTAA has actively defended this position:

- ECTAA participated to the Resolution drafting working group in 2015/2016 and was able to reflect the agents' views on a number of issues;
- ECTAA/WTAAA contribution to PAPGJC meetings on 22-23 June during which it was decided to create two working groups on RHC and payment methods. The groups have to make proposals by March 2017;
- ECTAA/WTAAA presentation to PAConf, on 19 September 2016 before the adoption of Resolution 8xx. As result the adoption of the section on RHC was postponed;
- ECTAA contributed to the IATA WGs on RHC and payment methods and participated to meetings in July, October and December 2016.

Status and next steps: ECTAA & WTAAA will meet with the Director General of IATA on 13 December to discuss the reform of the agency programme and present the study undertaken by ECTAA and ET TSA (see point 2.1.2 above);

- The PAPGJC will meet in February and June 2017;
- PACConf is due to meet in September 2017 to finalize the adoption of Resolution 8xx.

3.2. Review of ADM process

Issue: Recognizing that the number of Agency Debit Memos (ADMs) increased considerably over recent years, an ADM working group consisting of agents, airlines and GDS was established. The scope of the group, inspired by what was done by ARC in the US, was to establish principles aiming at reducing the number of ADMs raised.

ECTAA position / action: ECTAA has been advocating for a review of ADM process for a long time. ECTAA contributed to the four meetings held in 2015 and 2016.

Status of project and next steps: The conclusions of the working group, including a number of proposals will be presented.

3.3. One Order

Issue: A new resolution (PSC resolution 797) was adopted by the Passenger Services Conference in October 2016, with a view to establishing a standard for a set of technical messages that will define a number of systems interactions.

Status of project and next steps: ECTAA will closely monitor the technical developments around this new Resolution, which - combined with NDC - is likely to change significantly the transactions environment between agents and airlines.

3.4. Review of the BSP Manual for Agents

Issue: The BSP manual for agents had not been reviewed for a number of years and was in great part obsolete. An IATA working group was established to review the BSP Manual for Agents.

ECTAA position / action: ECTAA had requested a revision of the BSP manual.

Status of project and next steps: A first conference call took place on 24 November. The intention is to have a new draft ready by April/May 2017 in view of a possible adoption by PACConf in September 2017. ECTAA will be closely involved in the working group which will hold several conference call meetings over the coming months.

4. FISCAL MATTERS

4.1. TOMS study

Issue: The Commission has published a call for tender for a study on the review of the special VAT scheme for travel agents and options for reform (TOMS). The objectives of the study are:

- analyse the implementation and application of TOMS,
- provide an in-depth economic analysis of the travel industry,
- evaluate the functioning of the current VAT rules provided for under the special scheme for travel agents, notably taking into account a digital environment and a VAT regime based on the destination principle, identifying and quantifying potential distortions of competition,
- identify, assess and compare options for reform both under the current place of supply rules and under place of supply rules based on the destination principle.

ECTAA position or action While TOMS is a welcome simplification scheme for travel agents, the provisions are outdated and create a lot of distortions of competition. ECTAA has been calling for a review of the TOMS for many years. Finally, the Commission has accepted to carry out a study and assess options for reform.

Status and next steps The Commission is expected to award the contract for the study before the end of 2016. The ECTAA Fiscal Committee will seek to contribute to the study (8 months).

4.1. Place of supply of intermediary services

Issue: There are currently discussions in the VAT Committee (regroups Commission and Member States) whether and when online intermediary services could be considered as electronically supplied services rather than intermediary services, which would mean that for B2C supplies the place of supply would shift from where the underlying services are deemed to be supplied to where the customer is established.

ECTAA position or action ECTAA is monitoring these developments, as a shift of the place of supply to where the customer is established could present considerable practical difficulties for online travel agents, who cannot determine the place of residence of the customers.

Status and next steps The Commission plans to draft guidelines to make clear what constitutes intermediation and what not.

5. JUSTICE AND HOME AFFAIRS

5.1. PNR Directive

Issue: The EU PNR Directive was adopted in April 2016 and is in the process of being transposed into national legislation of Member States.

The most critical elements in the transposition include the following:

- **Obligation for travel agents and tour operators to transfer passenger data:** Such obligation was removed from the scope of the directive. However, Member States have the possibility to extend the PNR transfer requirements to travel agents and tour operators under national legislation. France and Belgium expressed their intention to implement such obligations at national level.
- **Scope of the directive:** The scope is limited to extra-EU flights, but Member States have the possibility to cover intra-EU flights in their national legislation.

Another issue that has arisen in relation to the PNR Directive is the possible extension of PNR transfer requirements to other modes of transport. This is notably envisaged in Belgium, but raises many practical difficulties.

ECTAA position / action: ECTAA successfully managed to remove the obligations for travel agents and tour operators to collect and transfer PNR data.

Status of project and next steps: ECTAA coordinates with Members on the transposition of the directive to ensure that this does not come back through national legislation.

5.2. Data protection

Issue: The Data Protection Package (Directive and Regulation) was adopted on 14 April 2016. In addition, on 2 February 2016 the European Commission and the U.S. Government reached a political agreement on a new framework for transatlantic exchanges of personal data for commercial purposes, called EU-U.S. Privacy Shield. The latter reflects the requirements set out by the European Court of Justice in its ruling on 6 October 2015, which declared the old Safe Harbour framework invalid. The Commission presented the draft adequacy decision on 29 February 2016. On 12 July 2016 the Commission finalised the adoption procedure.

ECTAA position / action: One of ECTAA's concerns was the reinforcement of the obligations related to the Data Protection Officer (DPO), as proposed by the Parliament. In 2014, ECTAA voiced the concerns of the industry about the obligation for SMEs to designate a DPO. ECTAA recommended maintaining the designation of the DPO on voluntary basis. This was retained in the final text.

Status of project and next steps: The regulation will enter into force 20 days after its publication in the EU Official Journal. Its provisions will be directly applicable in all Member States two years after this date. Member States will have two years to transpose the provisions of the directive into national law. ECTAA will assist Members in their transposition work.

5.3. Visa package

Issue: On 1 April 2014 the European Commission adopted a visa package consisting of two Regulation proposals. The first Regulation proposal includes a number of amendments to the existing Regulation establishing the visa code. The objective of the amendments is to make travel easier for legitimate travelers and simplify

the legal framework.

The second Regulation proposal establishes a new type of visa called 'touring visa' for travelers touring Europe and thus staying longer than the 90 days in any 180 day period foreseen by the Schengen short-stay visa. The aim of the Regulation is to facilitate travel of tourists, live performing artists, researchers, students, etc. that have a legitimate interest for travelling within the Schengen area for longer than allowed under the short-term Schengen visa.

ECTAA position / action:

ECTAA has strongly welcomed the visa package. Together with NET, the Network for the European Private Sector in Tourism, ECTAA pushes for the speedy adoption of the visa code recast. NET insists that facilitation of the entry of legitimate travellers in Europe by easing the current administrative procedures would help Europe to continue being the world's number one tourist destination

Status of project and next steps:

The recast of the visa code is currently in trilogue discussions (Council and EP). Progress is slow, as the European Parliament is keen to introduce humanitarian visas into the code, while Member States do not consider the code to be the appropriate legal instrument.

The touring visa proposal is meeting a lot of resistance by Member States and MEPs and may risk to be abandoned.

5.4. Visa reciprocity

Issue:

Commission adopted a Communication in April 2016 on the state of play as regards the situation of non-reciprocity with certain third countries in the area of visa policy (US, Canada and Brunei requiring visa from some EU nationals). Failure of these countries to ensure full visa reciprocity for all EU nationals requires the Commission to adopt a delegated act suspending for 12 months the visa waiver for nationals of those third countries. The Commission invited the European Parliament and the Council to take a position on that.

ECTAA position / action:

NET, which is the Network for the European Private Sector in Tourism, is monitoring this very closely, as the suspension of visa waiver for US and Canadian citizens could have a disastrous impact on Europe's inbound tourism.

Status of project and next steps:

The Commission will continue efforts with the US and Canada with a view to lifting the remaining visa requirements and will report again on developments before the end of 2016.

5.5. European travel authorisation ETIAS

Issue:

On 16 November, the Commission has adopted a proposal introducing a European electronic travel authorisation, which is equivalent to the US ETSA or the Australian ETA. The travel authorisation is designed to determine the eligibility of visa-exempt nationals to travel to the Schengen Area and to check if such travel poses a security or migration risk. The application will be done online against a fee of 5€.

Some MEPs propose to raise the fee and allocate some of the money collected to a European fund for the promotion of Europe in third country tourism sources markets.

ECTAA position / action:

As part of NET, ECTAA is advocating a system that is efficient, simple, inexpensive, adequate and proportionate: it should not hamper the experience of visitors, nor deter those considering a European holiday. It must also be properly communicated to Europe's tourism origin markets and allow for a phased-in implementation.

Status of project

ECTAA will be carefully monitoring the development in this dossier in the Council

and next steps: and EP, to ensure the adoption of an efficient and inexpensive travel authorisation system.

6. ENTERPRISE POLICY AND TOURISM

6.1. 2018 EU-China Tourism Year

Issue: The EU and China have signed a cooperation agreement to promote travel and tourism between EU and China in 2018. Similar agreements have been signed by China with the US (2016) and Australia (2017). The Commission is working on a draft programme of events & activities to be developed under this cooperation agreement. Tourism stakeholders have been invited to contribute, for example by organising familiarisation trips, focus on China at annual conferences, at trade fairs, etc.

ECTAA position or action ECTAA welcomes the 2018 EU-China Tourism Year as a unique opportunity to increase mutual travel trade. This is also an opportunity to discuss and push for better travel facilitation (conclusion of visa facilitation agreement with China), better connectivity (conclusion of an EU-China aviation agreement), access to the domestic market of travel services, etc.

Status of project and next steps: ECTAA to assess internally how to contribute to this initiative.

6.2. Coach tourism – coach access fees in Italy

Issue: Bus and coach operators pay exorbitant bus access fees (up to 400 € per day) in order to enter into the centre of many Italian tourist cities such as Florence, Pisa, Rome and Venice. These access fees have a strong economic impact not only on Italian and foreign bus and coach operators, but also on the tourist sector as a whole. IRU -the global industry association for road transport, including coach transport - has lodged in 2015 a complaint with the European Commission about entry fees for coaches into Italian cities. The Commission has ascertained that these entry fees constitute barriers to the free provision of coach tourism services and must now decide whether these can be deemed proportionate i.e. appropriate, measured and necessary.

ECTAA position / action: ECTAA has been asked by IRU to provide additional input to the complaint, notably how these charges affect coach tour operators' working practices, how this compares with other countries and the existence of cases where transporting clients by coach is no longer viable.

Status of project and next steps: The complaint is ongoing.

7. STANDARDS

7.1. ISO standard on accessible tourism

<i>Issue:</i>	ISO has decided to start a new standardisation work item on accessible tourism. The aim is to (i) provide inventory of existing standards, recommendations, requirements (mapping phase) and (ii) suggest both general and concrete recommendations and requirements for all segments of the value chain and related services. The standard is targeted at a very wide range of stakeholders, including travel agents and tour operators, and covers a very large scope, such as accessible tourism policies and strategies, travel planning, information and communication (incl. booking), all accessibility issues In relation to transport, urban and rural development, natural and built environment, etc.
<i>ECTAA position / action:</i>	ECTAA has concerns about the wide scope and target group of the proposed standard. The development of an accessible tourism standard risks not taking into account, or even contradicting much of the existing legislation and guidance which is in place to assist and protect people with reduced mobility or disabilities.
<i>Status of project and next steps:</i>	A first meeting of the working group is scheduled for February 2017, to which ECTAA will participate as an Observer.

7.2. European Accessibility Act

<i>Issue:</i>	The Commission has adopted a proposal for a European Accessibility Act (EAA), which aims to improve the functioning of the internal market for accessible products and services by removing barriers created by divergent national legislation. The EAA determines a number of products and services which must be accessible to persons with disabilities. These include e-commerce websites, thus also the websites of travel agents.
<i>ECTAA position / action:</i>	Concerns were expressed about the need to retrofit existing websites to meet the common accessibility requirements, which can be very costly.
<i>Status of project and next steps:</i>	Council and EP are reviewing the legislative proposal.

8. DESTINATION AND SUSTAINABILITY ISSUES

ECTAA has a Committee that is dedicated to issues arising in relation to outbound tourism (destination), inbound tourism as well as sustainable tourism. These include:

8.1. Outbound tourism

<i>Issue:</i>	<ul style="list-style-type: none">• Evolution of outbound market (booking trends: main destinations, issues arising)• Review of key destination issues, e.g. new tourism taxes, visa requirements, hotel capacity shortages, etc.• Relations with destinations, e.g. Minister for Tourism, NTO, tourism organisations
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8.2. Sustainable tourism

- Issue:*
- Best practice sharing, e.g. carbon management calculator for tour operators, Travelife for tour operators and hotels
 - Health and safety issues, e.g. reporting of legionnaire's disease, impact and progress of zika virus
 - Human rights in tourism
 - Fight against the commercial exploitation of children in tourism

8.3. Incoming Tourism

- Issue:*
- Evolution of inbound market (booking trends: source markets, issues arising)
 - Barriers to tourism, e.g. coach access fees
 - EU promotion of Europe in third country source markets
 - Travel facilitation

9. CONSULTATIONS & SURVEYS

ECTAA reviewed and, where relevant, contributed to a number of consultation and studies launched by the European Commission on the following specific subjects:

- Consultation on the regulation of professions: proportionality and Member States' National Action Plans
- Consultation on panorama exception
- Public consultation on the ePrivacy Directive
- Public consultation on Fitness Check of EU consumer and marketing law
- Public consultation on a mandatory Transparency Register
- Sector consultation on draft Interpretative Guidelines on Air Passenger Rights
- Public consultation on rail passenger rights
- Public consultation on geo-blocking
- Public consultation on enhancement of the social legislation in road transport
- Informal consultation on skills development in the tourism sector
- Survey on the ex-post evaluation of Regulation 392/2009 on the Liability of Carriers of Passengers by Sea

ECTAA also circulated a number of questionnaires, in most cases on behalf of Members, on specific subjects:

- Questionnaire on Art 18 of the New PTD: central contact point
- Questionnaire on loss of enjoyment
- Questionnaire on liability system in the event of a lack of performance of a service as part of a package
- Questionnaire on Multi-Level Marketing (MLM)
- Questionnaire on possibility for tourism professionals in the different source markets to take advantage of the business potential of the EURO 2016
- Questionnaire on liability insurance / guarantee funds covering cases of acts of terrorism

Other topics monitored and where ad hoc advices are provided to Members:

- Alternative dispute resolution/ Online dispute resolution

- Consumer acquis
- Fitness Check of EU Consumer and Marketing law
- EU Contract Law
- Recognition of professional qualification
- Services directive
- Directive aimed at enhancing cybersecurity

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Chapter II: The Working Programme for 2017

The working programme for 2017 will include the following (the list is indicative and not limitative – the issues highlighted will be priorities in the working programme):

1. Consumer protection and Internal Market policies

- Package Travel Directive: transposition of the Directive and preparation of the Commission online market report
- E-commerce package:
 - Regulation on geo-blocking
 - Revision of the CPC regulation
 - Guidelines on unfair commercial practices
 - Communication on sharing economy
- Revision of the E-privacy Directive
- Fitness Check of the EU Consumer laws:
 - Directive 2005/29/EC concerning unfair business-to-consumer commercial practices in the internal market (Unfair Commercial Practices Directive);
 - Directive 1999/44/EC on certain aspects of the sale of consumer goods and associated guarantees (Sales and Guarantees Directive);
 - Directive 93/13/EEC on unfair terms in consumer contracts (Unfair Contract Terms Directive).
 - Directive 98/6/EC on consumer protection in the indication of the prices of products offered to consumers (Price Indication Directive);
 - Directive 2006/114/EC concerning misleading and comparative advertising (Misleading and Comparative Advertising Directive);
 - Directive 2009/22/EC on injunctions for the protection of consumers' interests (Injunctions Directive)
- Monitoring collective redress related issues
- Follow-up on recognition of professional qualifications (NAPs, Tour Guide related issues)

2. Transport

- Follow up on ECTAA's complaint against LH concerning the Distribution Cost Charge (DCC)
- Follow-up on Malev case – decision expected in 2017
- Revision of air passenger rights Regulations 261/2004 and 2027/97 – blocked in Council
- Revision of slot allocation Regulation 95/93
- Revision of rail passenger rights Regulation 1371/2007
- Passenger protection against airline bankruptcy
- Preparation of Fitness check of the CRS Code of Conduct foreseen in 2018
- Evaluation of Regulation 1008/2008 on common rules for the operation of air services
- Evaluation of Regulation 2111/2005 on the EU airlines safety list
- Evaluation of Airport Charges Directive 2009/12/EC
- Evaluation of Groundhandling services Directive 96/67/EC
- Regulation on access to public and private transport data - Safeguard and reinforce access to fares and transparency in air ticket distribution
- Border control and data transfer issues (ESTA, APIS, Secure Flight requirements, etc.)
- Legislative and non-legislative initiatives on smart ticketing, multi-modal information and ticketing, information and on-line reservations
- Rail standardization of interfaces and processes (TAP TSI implementation and 'Full Service Model')
- Review of social legislation in road transport (including minimum wage requirements)

3. IATA issues

- Pursuing with the review of the Programme and safeguard of agents' interests in PAPGJC, including RHC
- Monitoring the implementation of New Generation IATA Settlement System - NGISS
- NDC
- One Order
- IATA ADM Working Group
- IATA BSP Manual for agents working group

4. Fiscal matters

- Commission study on the review of the special VAT scheme for travel agents and options for reform
- Infringement proceedings against Germany and Austria for failure to comply with Court ruling
- Implementation of the Communication on the future of the EU VAT system, especially the review of the VAT rates for tourism services and place of supply rules for passenger transport
- VAT guidelines on treatment of online intermediary supplies
- Possible study to assess impact of indirect taxes on EU tourism competitiveness

5. Justice and Home Affairs

- Revision of the EU visa code
- Regulation proposal introducing a touring visa
- Introduction of an European Travel Information and Authorisation System, ETIAS
- EU – US and Canada visa reciprocity
- EU-China visa facilitation agreement
- Implementation of the EU PNR Directive – extension of obligations to travel agents and tour operators
- PNR Agreement with third countries
- Monitoring of work of the European Commission on EU contract law
- Monitoring of modified proposal on Common European Sales Law (Digital Contract Rights)
- Implementation of the Data Protection Directive

6. Tourism

- Planned actions on Commission priorities (e.g. Digitalisation of the tourism SMEs, upgrading skills and competences, joint promotion of Europe as a destination, improvement of governance, etc.)
- Preparation of EU-China 2018 Tourism Year
- Standards (ISO, CEN)
- Possible new accessibility standards and proposal for a European Accessibility Act
- Digital Network Steering Group in Tourism – Sharing economy related activities

7. Industry

- Destination & sustainability issues

8. Relations with other industry partners

- UNWTO, GDSs, WTAAA, NET, AEA-A4E, IACA, Tourism Manifesto, etc.
- Preferred destination partners of ECTAA
- International Members

9. Other

- Monitoring of the TiSA (Trade in Services Agreement) - opening up markets and improving rules in areas such as licensing, financial services, telecoms, e-commerce, maritime transport, and professionals moving abroad temporarily to provide services.

- Monitoring and possible participation to EU call for tenders and proposals