



April 2024

## What's happening in Brussels

### **Retrospect on the call of 25 March on the Finnair case**

A call was held on 25 March with the Swedish lawyer Eric Ericsson, who was in charge of the complaint that SRF filed against Finnair with the Swedish competition authorities (SCA). The complaint was filed because Finnair prohibited Online Travel Agents (OTAs) from marketing Finnair tickets online with rebates or price reductions from the fare set by Finnair. The call with Eric Ericsson was open to all ECTAA members and he presented the background of the "Finnair case", which deals at the core with the question whether travel agents are "genuine agents" of airlines as in a principal-agency-relationship.

The SCA came to the preliminary conclusion that Finnair's policy violated article 101 of the Treaty of the Functioning of the European Union, since it had an anti-competitive objective. The SCA decided to close the file without taking any final position in view of commitments that Finnair made to remedy the concerns. Finnair committed to revoke the prohibition on online marketing of rebates or price cuts on Finnair tickets, irrespective of channel. The commitment covers airline tickets for travels to or from Sweden, is valid for five years and a penalty applies should Finnair breach the commitment. The SCA further came to the conclusion that the OTAs are independent undertakings when selling Finnair tickets. The SCA's decision is based on Swedish and EU Competition Law only and the decision has no legal effect on the contractual relation between Finnair and the respective OTA. Following the call, all members were asked to answer three short questions by 26 April. You find the questions [here](#). The results will help the ECTAA Board to elaborate on the next steps to be taken.

## **European Commission Statement of Objections over proposed acquisition of ITA Airways by Lufthansa**

On 25 March the European Commission informed about a Statement of Objections (SO) on the acquisition of stakes of ITA Airways by Lufthansa, as they are "concerned that customers may face increased prices or decreased quality of services after the transaction". The SO is a first result of an in-depth investigation the Commission opened on 23 January. The Commission has until 6 June 2024 to take a final decision and the SO does not prejudice the outcome of the investigation. Lufthansa and the Italian Ministry of Finance and Economy, as the owner of ITA Airways, now have the opportunity to respond to the SO and can put forward remedies to address the concerns. You can find the press release of the European Commission [here](#). ECTAA shares the Commission's concerns and follows the process closely. ECTAA recently published a [joint statement](#) calling for a competitive European airline market.

## **PTD: the Council remains perplexed by the definitions**

The Council Consumer Protection Working Party met again on 16 March and discussed the revision of the Package Travel Directive. Whereas the first meeting focused on limitation of prepayments, the second meeting was dedicated to definitions. During the meeting, Member States raised a lot of questions about the text as nobody could understand the definitions, in particular the 3h-24h deadlines. The Commission did not provide any satisfying answers. It's however not certain that the attachés have a clear view of the real challenges caused by the lack of clarity and there are still risks. The Member States are divided between pro-consumer and pro-tourism groups (as usual), but the dividing line is not clear-cut. Many countries including Germany are in a wait-and-see attitude and quite open. The next meeting is scheduled to take place on 26 April. Member States had to submit comments and suggestions for the next meeting by 5 April. The Council Presidency will consolidate the text on the basis of the responses. If necessary, a new document will be circulated and it is possible that the Working Party will meet weekly as of May.

## **First exchange on passenger mobility package in the European Parliament**

Last week a first exchange on the passenger mobility package took place at the TRAN Committee of the European Parliament. The passenger mobility package consists of the proposals of the European Commission of 29 November 2023 on revised unimodal passenger rights, new multimodal passenger rights

and a revision of the Package Travel Directive (PTD). The European Commission made a short presentation of their proposals to the TRAN MEPs and had an exchange with the rapporteurs and shadows. Ahead of the meeting ECTAA shared its position on the proposals with all TRAN MEPs. It was confirmed that besides this initial "exchange of views" there will be no more work on the files at the European Parliament in this legislative period. Following the European elections in June and once the new EP and Committees have been constituted, we will continue discussions with MEPs.

### **EP adopts position on EUCountEmission**

On Wednesday 10 April, the European Parliament adopted its [position](#) on the 'EU count emission' proposal, which includes a common methodology for transport companies to calculate their greenhouse gas (GHG) emissions. The EP has decided to extend the scope of the Regulation to data intermediaries, such as those offering multimodal digital mobility services, when they calculate information on greenhouse gas emissions of transport services. Data intermediaries which only disclose information on those emissions should be bound by relevant rules related to the communication and transparency of the disclosed greenhouse gas emissions data, to ensure comparability of those data on the market and across transport modes. Moreover, data intermediaries should be obliged to incorporate the information visibly on each search result and to include emissions ranking as a default sorting option, whereby the most environmentally friendly option would be displayed first, as well as an easy comparison between different modal choices. To note, the Regulation does not make greenhouse gas emissions reporting mandatory. However, if organisations intend to calculate and publish such information, they will need to adhere to the prescribed rules.

### **Council improves Green Claims proposal**

While the European Parliament has already adopted its position on the Green Claims proposal, the Council is still working on a compromise text. Similarly to the EP, the Council is introducing a much needed simplified procedure, wherein the trader demonstrates compliance with certain substantiation requirements via self-declaration. The aim is to reduce administrative burdens. This simplified procedure would be available, among other, for explicit environmental claims regarding environmental characteristics certified by an environmental label as well as explicit environmental claims that are listed in the implementing acts to be adopted by the Commission and that relate to a single environmental impact, such as claims about reusability, recyclability, etc. The Council is also providing clarification on retailers' obligations of substantiation when replicating traders' environmental claims and that no further verification of claims are needed for certified products or traders under

an environmental labelling scheme that is in conformity with the Directive. However, the Council tightens the rules around the substantiation of environmental claims.

## **Bulgaria and Romania join the Schengen area starting with air and sea borders**

On 31 March 2024, Bulgaria and Romania have become Schengen members: the Schengen rules apply in both Member States including on issuing Schengen visas and controls at the internal air and sea borders have been lifted. After a 13-year wait, Bulgaria and Romania have thus partially joined the Schengen area of free movement. But Schengen rules are not yet applicable to land borders. The Council will need to take a decision to establish a date for the lifting of checks at internal land borders between Bulgaria, Romania and the other Schengen countries. Please see more information [here](#).

## **VAT platform rules: more complexity but clarity for travel agents**

The Council is working on a compromise text that would introduce many opt-out possibilities for Member States from the Deemed Supplier Regime (DSR, making the platform responsible for VAT if the underlying services have not been taxed). This will bring additional complexity for platforms, who will have to know whether accommodation services fall within the definition of short-term accommodation rentals (STAR), the criteria of which are determined at Member State level, and whether there is an opt-out for STAR providers that are taxable persons benefiting from the VAT scheme for small enterprises (VAT exemption if under a certain threshold). But on the positive side, the Council took on board ECTAA's request for additional clarifications on the interaction between the DSR and the special scheme for travel agents. The current text clarifies that supplies falling under the special scheme cannot be included in the DSR. The Council is keen to conclude the discussions on this file as soon as possible.

# Sustainability Corner

## **Travel and tourism industry unites to tackle climate change**

10 travel and tourism associations, including ECTAA, have signed a [joint declaration 'EU Tourism: Resilience in the Climate Crisis Era'](#), in which the signatories commit to actions towards more sustainable travel and tourism.

The joint declaration serves as a roadmap to foster collaboration and help tourism reach its sustainability goals. Commitments include work towards decarbonisation, implementation of comprehensive climate action plans, supporting SMEs, etc. The declaration is a starting point for solutions on sustainable and resilient travel businesses and destinations. The initiative was launched in Rhodes, Greece, which last summer suffered devastating wildfires underscored by escalating temperatures linked to climate change. This aligns with ECTAA's work undertaken in the frame of the Glasgow Declaration signed in 2021, recognising the urgency of climate action and working on 5 shared pathways: measure, decarbonise, collaborate, regenerate and finance. More information available [here](#).



## Travel Industry Ambassador Programme

### **Dmytro Tantsiura, Ambassador**



Some weeks ago ECTAA launched a brand new Travel Industry Ambassador Programme. Workshops and exchanges with the 7 ambassadors already took place. It was high time to unveil who are the members of the travel ambassador programme. This month, we are glad to present [Dmytro Tantsiura](#), CEO of Albatros Travel.

He is the proud parent of two wonderful children— a 14-year-old son and a 9-year-old daughter. His life outside of work is filled with diverse interests,





including playing football and volleyball, chess, photography, music, and salsa. These hobbies reflect his "CAN DO" attitude and workaholic nature, both of which have been instrumental in his professional journey. He was always looking for ways to represent Ukraine with ambitious and engaging projects, alongside inspiring challenges to be involved in. By being sufficiently motivated and interested, he aims to become a true ambassador and a driver of Ukrainian tourism, as well as to do his best to perform excellent operations beyond expectations to show maximum efficiency. At Albatros Travel, as CEO and co-founder, he is responsible for managing global operations, facilitating internal office communications, developing educational programs for staff, optimizing business processes, sales and marketing strategies, and developing products.



### **Mize - Industry partner to increase booking profits with Big Data**

[Mize](#) has joined this month the ECTAA Travel Industry Partner Programme. This partnership showcases our innovation driven and customer-centric way of thinking solutions in travel.

We are committed to leveraging this collaboration to offer insights and solutions that advance the travel industry. Together, we anticipate shaping a future where technology and innovation create ever better experiences for travellers.

## **Publications**

### **UN Tourism - Useful dashboard for tourism insights**

The [UN Tourism Data Dashboard](#) provides statistics and insights on key indicators for inbound and outbound tourism at the global, regional and national levels. Data covers tourist arrivals, tourism receipts, tourism share of exports and contribution to GDP, source markets, seasonality, domestic tourism and data on accommodation and employment. It shows for example that the EU welcomed 520 million tourists in 2023, representing 40% of total international travellers.

The [UNWTO/IATA Destination Tracker - Easy Travel](#) is the first global

dashboard on Air Travel Restrictions and Health-related Travel Requirements at the destination. Available for free, it provides information and insights on the current status regarding air travel restrictions and measures in place at destinations worldwide.

## Events

### Celebrating 5 years of EU Tourism Policy at the European Parliament

On 3 April ECTAA and HOTREC organised an event at the European Parliament to mark the end of mandate of the EP Tourism Taskforce. This was an opportunity to reflect on the European Parliament's efforts in supporting the tourism sector, especially through initiatives of the Tourism Task Force. A lot of specific topics have been discussed in the Tourism Task Force, such as sustainable tourism, competitiveness of the sector, importance of connectivity, the Transition Pathway for Tourism, etc. Looking forward, MEPs Josianne Cutajar and Istvan Ujhelyi emphasized the importance of prioritizing tourism in future agenda of the new institutions and echoed the EP's call for a sustainable tourism strategy and dedicated budget for tourism.



## Save the Date

**16-18 April:** Actuary / Perseuss conference, Malta  
**26 April:** Council's Consumer Protection Working Party on PTD  
**22-23 May:** Airline & Travel Payments Summit 2024, London  
**29-31 May:** ASTA Travel Convention 2024, Dallas/USA  
**11-12 June:** IATA PAPGJC and PAConf, Geneva  
**13-14 June:** 128th ECTAA semi-annual meeting, Braşov/Romania  
**16-17 September:** IATA PAPGJC, Geneva

**8-10 October:** World Aviation Festival, Amsterdam  
**24-25 October (TBC):** 129th ECTAA semi-annual meeting, Sofia/Bulgaria

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