

May 2023

What's happening in Brussels

Commission initiative - Better protection for passengers and their rights

The Commission is working intensively on “**reimbursement of air passengers in case of a booking via an intermediary ticket vendor**” as part of their “**better protection for passengers and their rights**” initiative. There seems to be still a lack of understanding on money flows for refunds when intermediaries are involved. In a call with the Commission and several stakeholders last week, IATA presented some arguments why, in normal times, they see no problem for intermediaries to reimburse customers first even when an airline has not yet paid to the intermediary. Their main argument was that intermediaries could tap into a large liquidity resulting from generous remittance cycles following the issuance of flight tickets. All distribution stakeholders rejected this position, but felt that their arguments were not sufficiently presented and/or acknowledged in the call. A document with very well substantiated arguments was provided as a follow-up explaining in detail why intermediaries cannot carry the risk and burden of pre-financing any reimbursements. We have also asked for another meeting with the Commission to explain our arguments further.

Transfer of travellers' data – Spanish government prolongs the grace period

As informed in previous newsletters, the [Spanish Royal Decree 933/2021](#) on the collection of a large amount of data from tourists booking accommodation and/or car rental services in Spain, directly or via an intermediary, should enter into force on 2 January 2023. Thanks to the efforts of ACAVe and other member organisations towards their respective governments, which notably have sent the model letter drafted by ECTAA to their national data protection authorities to challenge the legality of the data collection imposed by this decree, the Spanish government decided in April to prolong the grace period of the Royal decree until “at least” to 31 January 2024. This decision is however not satisfactory, and members need to keep on challenging the Decree. Members are thus kindly invited to contact their national data protection authorities to inquire about the consequences this decree will have on their respective markets and on the personal data of the tourists sent to Spain. Please find the [mail](#) and the [draft letter](#) sent on 31 March 2023. In parallel, ECTAA briefly met Mrs Rosana Morillo Rodríguez, who is heading the Spanish administration in charge of tourism, to reiterate on the concerns of the industry. ECTAA also made an official request for access to the report elaborated by the Commission in 2021 on the draft Decree submitted by the Spanish government in 2020.

Package Travel Directive revision postponed - Commission still reviewing options

After an announcement that the proposal for a revision of the PTD would be published in July without its 'sister' regulation proposal on better protection of passengers, it seems that its publication has been pushed back to September, making it hard to be discussed under the current legislature. In the meantime, the European Commission is multiplying contacts to get additional data and finalise its impact assessment. DG JUST, in charge of PTD, has sent ECTAA a new questionnaire to discuss 3 new scenarios and asked input for a cost benefit analysis. One scenario is related to the limitation of prepayments and the two others are about B2B refunds.

1. Regarding the limitation of prepayment, the Commission envisages now a limitation to 20% at booking and 80% at the earliest 28 days before departure for the whole EU, but with the flexibility for package organisers to request higher prepayment if this is justified (in particular where the organiser has to prepay to service providers more than 20% of the total package price or to cover their own administrative costs relating to the composition and booking of the package). The limitation of prepayments would not apply to the distribution chain (i.e. to service providers performing a service within the framework of a package). This is so far the least burdening option presented by the European Commission regarding their limitation of prepayment scenarios. However, there are remaining issues that are not answered, such as payment by instalments and the impact on low-income families and the perennity of package travel gift boxes. Moreover, as the level of harmonisation is not discussed, it is not confirmed that Member States will not be able to impose more drastic rules.

Regarding refund in a B2B environment, the two scenarios envisaged are:

2. Where a package travel contract is terminated due to unavoidable and extraordinary circumstances under the PTD, service providers would be obliged to refund to the organiser all prepayments for services within a maximum of 7 days from the moment the organiser informed them that the package has been cancelled. This rule would apply even if their service was or could have been provided (e.g. the flight took place or the hotel was open).

3. Where a package travel contract has been terminated due to unavoidable and extraordinary circumstances under the PTD, service providers would be obliged to refund to the organiser all prepayments for services within a maximum of 7 days from the moment the organiser informed them that the package has been cancelled. This explicit right would apply only where the package was cancelled and the relevant service was not or could not be performed.

The secretariat also had a preliminary discussion with the European Commission DG JUST and held a Legal Committee to assess these scenarios.

A response is being prepared.

New rail passenger rights come into force on 7 June 2023

The [Regulation 2021/782](#) coming into force on 7 June introduces new rights for rail passengers, as summarized [here](#). Among other, it includes a new obligation for carriers qualifying as a 'sole undertaking' to offer their rail services as a through-ticket, which offers a more comprehensive protection for passengers against missed connections when travel is disrupted. Carriers will also have to provide real-time travel information to passengers. The Regulation contains new provisions for ticket vendors, as summarized in the document [here](#). They will have to provide passengers information as listed in the annexes, including where possible on-journey information on disruptions and delays. They will also have to inform passengers whether tickets they hold constitute a through ticket. Failure to do so would make the ticket vendor liable for granting passenger rights in case of travel disruptions.

The Rest of the World

World Aviation Festival – ECTAA cooperation

For the second year in a row, ECTAA is cooperating with Terrapin for the World Aviation Festival in 2023. The WAF will take place from 26-28 September in Lisbon/Portugal. On 26 September ECTAA will organize two sessions at the Summit Day. Executives from ECTAA member associations as well as TMCs and Travel Agents may be granted complimentary VIP passes, but please be aware that OTAs/Metasearch do not qualify! Executives from ECTAA member associations, TMCs or Travel Agencies that are interested to get a complimentary VIP pass – please send an email to cmoeller@ectaa.org to receive a dedicated link.

Anyone else not qualifying for a complimentary VIP pass (OTAs, Metasearch, non-executive staff etc.) can book their ticket with the 25% discount code "ECTAA25" here - TERRAPINN.COM/WAF/ECTAA

ECTAA Insights

Semi-annual meeting in Riga on 8-9 June 2023

ECTAA is pleased to hold its 126th semi-annual meeting in Riga on 8-9 June,

kindly hosted by **ALTA**. It is the first semi-annual meeting taking place in Latvia. The Business meeting will start off with a session on multimodal transport and its impact on the travel ecosystem in presence of guest speakers from Rail Baltica, airBaltic as well as the European Commission and GBTA. This will be followed by a work session on the role and actions of associations as regards communication and creation of destination and business environment. On Friday, a keynote speech on the impact of geopolitical tensions/risks on travel and tourism will be given by the head of the NATO StratComm office and representatives from the Ukrainian travel and tourism industry will present the current situation and discuss possible areas of collaboration. As a close, the statutory Board of Directors and General Assembly meetings will take place on Friday afternoon.

Thanks to the support of **LIAA**, the Investment and Development Agency of Latvia, a free post meeting tour will be organised around and in Riga until Sunday 11 June morning. For more information, please contact the secretariat: adhooop@ectaa.org

Partnerships with destinations

As part of the agreement signed with the Deputy Ministry of Tourism for Cyprus, six webinars on Cyprus were organised by ECTAA with the support of MUISZ, ABTTA, ANAT, ACCKA, FTO and PIT. Cyprus is more than just warm sandy beaches and endless views of glittering blue waters of the island. The aim of the webinars was to share with travel agents and tour operators insider tips and advice to provide a detailed picture of Cyprus to their customers. Experts from Cyprus gave the inside track on tourism offerings related to Gastronomy, Wine Routes, Culture, Sports & Training, Health & Wellness, Family Activities to a total of 90 travel companies.

In addition, ECTAA and LIAA signed a cooperation agreement to help implementing the national tourism development policy and improving the competitiveness of Latvian tourism industry. The cooperation will take different forms, among other the organisation of a post-meeting tour after the semi-annual meeting in Riga. Both the organisational and financial parts of this tour have been taken over by LIAA. While we are eager to discover Riga, LIAA is circulating its [Summer newsletter](#). ECTAA will circulate additional newsletter in the coming months.

If you are interested to help promoting your country as a destination, please do not hesitate to contact the secretariat.