



Europe



Your Excellency,

Brussels, 15 April 2015

Rework the EU Package Travel Directive before it is too late.

The key stakeholders in the European travel and tourism sector (**ETTSA**, the European Technology and Travel Services Association, **IATA**, the International Air Transport Association, **ERA**, the European Regions Airline Association, **IAAPA** the International Association of Amusement Parks and Attractions, and **VIR**, “Verband Internet Reisevertrieb” representing the online travel sector in Germany) are jointly calling on you to postpone a final vote and further review the impact of the current revision of the Package Travel Directive. As worded, the revised text will significantly affect consumers both by reducing their choice and by introducing a lot of confusion, will be detrimental to innovation and growth in the travel industry, and will jeopardize the European Digital Single market. This is certainly not what Europe is envisaging with the promotion of “smarter and better regulation”.

The Package Travel Directive, as currently proposed for revision, is an extremely ineffective, confusing and even (for Member States) unenforceable piece of legislation that will add no tangible additional consumer protection. In fact, the lack of clarity and the confusion created by the proposed text, by misleading consumers, will significantly affect citizens’ trust in the online market place. Moreover the proposed text is at odds with the Data Protection Directive (95/46/EC) and proposed Data Protection Regulation, making it impossible to implement.

If the Trialogue partners do not change the parameters defining ‘packages’ and ‘assisted travel arrangements’ and their related obligations, businesses and consumers who use the online instruments that have revolutionized e-commerce in Europe will fall victim to a particularly harmful legislation. Because the current proposal adds unwarranted costs to the travel and tourism sector in additional administration, red-tape and unnecessary new insurance premiums, the revised Directive seriously risks forcing companies to remove travel products such as targeted consumer discounted offers that have enabled millions of travelers in Europe to make bookings cheaply and easily online. In fact, it will deprive consumers of flexible ways of booking travel outside the traditional tour operator packages. In this context it is important to note that the proposed revision in its initial form aimed at including protection for the dynamic packages (packages put together by the traveler on the website of the travel agent/supplier). This

new protection which already significantly widens the scope of the new Directive is welcomed by the industry. Including travel products sold on different websites which are only linked for marketing purposes – **even without any transfers of data** - is the problematic element. See [annex 1](#) for some examples illustrating the confusion.

Travel and Tourism Industry employment in Europe is over 10 million and the sector contributes over 10 per cent of GDP. If unchanged, the revised Directive will effectively reduce the travel sector's investment in innovation and strangle its new digital business models. This is seriously at odds with the European Commission's stated objectives of achieving a well-functioning digital single market with sensible future-oriented legislation.

In this context we would like to refer to European Commissioner Oettinger's speech in Hannover this Wednesday where he states: "*We are in the middle of a true revolution—the fourth industrial revolution... This revolution is digital and it is high on the political agenda*". "*We need a digital European market which allows new business models to flourish, start-ups to grow and industry to innovate and compete on a global scale.*" "*The use of digital technologies leads to radical and disruptive changes in business models including well-established industries*". "*Our challenge is to ensure that all industrial sectors make the best use of new technologies and manage their transition towards higher value digitised products and processes, commonly known as "Industry 4.0"*".

National, regional and local tourism organisations spend millions of Euros each year promoting destinations and all there is to see and do. Even the online marketing by the national tourism authorities would be in scope of the ATA's (see for example the screenshots of *VisitBritain*, *I amsterdam* or *Germany.travel* in [annex 2](#)), adding new insolvency requirements onto Tourism authorities. These marketing efforts are important because of the tremendous economic impact that travels and tourism brings to the local economy. Online travel marketing initiatives that are the subject of this proposed directive are ultimately designed to encourage tourists to spend more once they decide to visit a destination – to stay at a hotel, book a tour, hire a car or visit an attraction. As proposed, this regulation will discourage not only innovation, but spending by tourists.

We therefore urge you to take the necessary time to rework the text substantially to properly protect innovation and choice for EU citizens and visitors to the EU, as there is a real risk of the revised rules throttling one of Europe's fastest growing, innovative and dynamic markets.

Yours sincerely,

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