

Air transport services: Code of Conduct for computerised reservation systems

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The Committee on Transport and Tourism adopted a report drafted by Timothy **KIRKHOPE** (EPP-ED, UK) and made several amendments, in the 1st reading of codecision, to the proposal for a regulation of the European Parliament and of the Council on a Code of Conduct for computerised reservation systems.

The main amendments are as follows :

Definitions of parent carrier, control and participation in the capital: carriers who are the parent of a CRS must provide all the same information to other CRSs as they do to their own CRS. The text adopted by the committee revises the key definitions of 'parent carrier' and 'control' to limit the influence of airlines over CRSs, but also to make an exception for accidental investments not conferring ownership rights in the CRS. The definition of "parent carrier" is extended to ensure the influence of carriers as a consequence of capital holdings in system vendors is duly taken into account. The committee considers that it is legitimate to conclude that the benefits airlines expect from owning CRSs have more to do with "competition" gains rather than with costs. The risk of abuse is particularly high when a dominant airline participates in a dominant CRS. It would be hard to indicate a threshold over which the risk of discrimination may be presumed. Parent carriers should not have undue influence on the CRS provider. Therefore stricter rules in regards to parent carriers are required to ensure fairness and transparency.

The committee also specifies that a simple economic investment in a CRS should not define an airline or rail operator as a "parent carrier". Only if such an investment is coupled with the acquisition of ownership rights shall an airline or rail operator be considered a "parent carrier". This means that instances of accidental investment which do not confer the possibility of influence over the running of the system vendor, are taken into account.

Investigation of discriminatory treatment: the Commission shall monitor the application of the discriminatory or non-equivalent treatment of Community air carriers by system vendors in third countries. At the request of a Member State or on its own initiative, the Commission shall investigate potential cases of discrimination against EU carriers in CRSs of third countries. Where such discrimination is found, before taking a decision, the Commission shall inform the Member States and interested parties and seek their comments, including by holding a meeting of relevant experts from the Member States.

Marketing Information Data Tapes and Data protection: MEPs voted to allow airlines to make agreements with travel agents to use the agents' booking and sales data for their core operations such as sales and marketing.

Members added a clause stating that a competing CRS may not refuse to store data concerning timetables, fares and available seats in respect of transport services offered by a carrier associated with other CRSs under the same conditions as those accorded to its other customers and subscribers on any of the markets.

On **personal data**, the committee stated that personal data collected in the course of the activities of a CRS for the purpose of making reservations or issuing tickets for transport products shall only be processed in a way compatible with these purposes. The CRS shall separate personal data required for

PNR or for commercial use as defined in the 'mixed data notion' from any other information about passengers available in the system. Such personal data must not be made available to other entities unless the person or organisation concerned agrees explicitly in written form.

Audit: Members inserted a new clause on audit. Any system vendor in which an air carrier or a rail-transport operator participates in its capital shall, on a three-yearly basis and, in addition, upon request from the Commission, submit an independently audited report detailing its ownership structure and governance model. Costs related to the audited report shall be borne by the system vendor.

A price is an inclusive price: the price shown in the principal display of the CRS should effectively be the price the customer pays. Members state that where prices are shown in the principal display, and/or where a ranking based on prices is chosen, prices shall be inclusive of the fares and of all applicable taxes, charges, surcharges and fees to be paid to the air carrier or rail-transport operator, and which are unavoidable and foreseeable at the time when shown on the display.

Train options for short flights: for air journeys of up to 90 minutes, the committee voted to include a requirement that where travel options are ranked, the best ranked alternative train services, including connecting services, must be featured on the first screen of the principal display. Where travel options serving the same departure and arrival cities are offered with connecting flights or the combination of scheduled air and rail services on the CRS, at least the best ranked option by scheduled air and rail service shall be featured on the first screen of the principle display.

Report: the Commission shall report to the Parliament and to the Council on a biannual basis with a report on the application of Article 8 with regards to equivalent treatment in third countries and shall propose any appropriate measure in order to alleviate discriminatory conditions, including the conclusion or modification of bilateral air transport agreements between the EC and third countries.

CO2 emissions: a new recital states that CRS should in future contain easily understandable information about the CO2 emissions and fuel consumption of the flight. This could be shown via average fuel consumption data per person/litre/100km and average CO2 emissions per person/g/km, and could be compared with data of the best alternative train/bus connection for journeys of less than five hours.