

Air transport services: Code of Conduct for computerised reservation systems

2007/0243(COD) - 14/01/2009 - Final act

PURPOSE: to modernise and simplify the Code of Conduct for Computerised Reservation Systems (CRS) and to reinforce competition between CRS providers.

LEGISLATIVE ACT: Regulation (EC) No 80/2009 of the European Parliament and of the Council on a Code of Conduct for computerised reservation systems and repealing Council Regulation (EEC) No 2299/89.

CONTENT: having reached agreement with the Parliament at first reading, the Council adopted a Regulation introducing a code of conduct for computerised reservation systems.

The code of conduct for computerised reservation systems was established in 1989 (Regulation No 2299/89), at a time when airline ticket reservations were generally made using computerised reservation systems most of which were operated and controlled by air carriers.

The Regulation is intended to simplify the existing code of conduct and strengthen competition between suppliers of computerised reservation systems. It shall apply to: (i) any CRS, in so far as it contains air-transport products, when offered for use or used in the Community; (ii) rail-transport products, which are incorporated alongside air-transport products into the principal display of a CRS when offered for use or used in the Community.

At the same time, basic safeguards against potential competitive abuses should be maintained, to ensure the provision of neutral information to consumers. The Regulation also ensures that rail services which are integrated into an air transport computerised reservation system are given a non-discriminatory treatment in that system.

In terms of displays, the Regulation stipulates that a system vendor shall provide a principal display or displays for each individual transaction through its CRS and shall include therein the data provided by participating carriers **in a neutral and comprehensive manner and without discrimination or bias**. Criteria to be used for ranking shall not be based on any factor directly or indirectly relating to carrier identity and shall be applied on a non-discriminatory basis to all participating carriers. The principal display(s) **shall not mislead the user** and shall be easily accessible.

Moreover, flights operated by **air carriers subject to an operating ban** pursuant to Regulation (EC) No 2111/2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier must be clearly and specifically identified in the display. To this end, the system vendor shall introduce a specific symbol in the CRS display which shall be identifiable by the users.

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. Flights involving stops en route must be clearly identified.

Furthermore, where **travel options** are ranked, and where train services for the same city-pair are offered on the CRS, at least the best ranked train service or air-rail service shall be featured on the first screen of the principal display.

The Commission may require all system vendors operating in the Community **to treat air carriers of that third country in a manner that is equivalent** to the treatment of Community air carriers in that third country. 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 Community air 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.

The Commission shall, on a regular basis, **monitor the application of this Regulation**, if necessary with the assistance of specific audits. It shall, in particular, examine the effectiveness of this Regulation in ensuring non-discrimination and fair competition in the market for CRS services.

The Commission shall, when appropriate, report to the European Parliament and to the Council with regards to equivalent treatment in third countries and shall propose any appropriate measure in order to alleviate discriminatory conditions.

By 29 March 2013, the Commission shall draw up a **report** on the application of this Regulation which shall assess the need to maintain, amend or repeal this Regulation.

ENTRY INTO FORCE: 29/03/2009.