



## **WORLDWIDE AIR TRANSPORT CONFERENCE (ATCONF/6)**

### **SIXTH MEETING**

**Montréal, 18 to 22 March 2013**

**Agenda Item 2: Examination of Key Issues and Related Regulatory Framework**

**Agenda Item 2.3: Consumer protection**

### **A TOURISM PERSPECTIVE ON CONSUMER PROTECTION**

(Presented by the World Tourism Organization (UNWTO))

#### **EXECUTIVE SUMMARY**

This paper introduces the recent activities of UNWTO on tourists/consumers protection with a special accent on the elaboration process of the UNWTO draft convention on the protection of tourists and tourism service providers. It also refers to the ICAO Secretariat papers on consumer protection (ATConf/6-WP/5 and ATConf/6-WP/15) and the cooperation between ICAO and UNWTO in this field. UNWTO supports ICAO intension to develop a set of core principles on consumer protection in areas linked to air transport matters (ATConf/6-WP/5, Appendix B) as well as to put more focus on price transparency issues, especially when it comes to the obligation of how air carriers provide tourists with adequate and accurate information.

**Action:** The Conference is invited to agree to the recommendation presented in paragraph 4.

**References:** ATConf/6 reference material is available at [www.icao.int/meetings/atconf6](http://www.icao.int/meetings/atconf6).

## **1. INTRODUCTION**

1.1 According to the decision of the World Tourism Organization (UNWTO) Executive Council at its eighty-ninth session (Kish Island, Iran, 24-26 October 2010) the “*UNWTO working group on the protection of tourists/consumers and travel organizers*” was set up in April 2011. This was a response to the insufficiency of existing binding rules at a global level governing the rights and obligations of tourists/consumers and of travel organizers, a fact so clearly brought to light in April 2010 by the crisis provoked by the eruption of the Icelandic volcano and its tremendous effect on the travel and tourism sector. The working group consists of official expert delegates from Member States of every region, representation of the tourism private sector such as the International Air Transport Association (IATA), the World Association for Professional Tourism Training (AMFORT), the International Hotel & Restaurant Association (IH&RA), the United Federation of Travel Agents' Associations (UFTAA), the World Travel Agents Association Alliance (WTAAA), the Group of National Travel Agents' and Tour Operators' Associations within the EU (ECTAA), the European Guarantee Funds' Association for Travel and Tourism (EGFATT), the Hotels, Restaurants & Cafés in Europe (HOTREC), the World Travel &

Tourism Council (WTTC), the International Automobile Federation (FIA), the Airports Council International (ACI), international organizations such as ICAO, and representatives of the European Commission. In line with the decision of the UNWTO General Assembly (Gyeongju, Republic of Korea, 8-14 October 2011), the working group is in the process of elaborating an international convention on the protection of tourists and tourism service providers.

1.2 The working group has already held five meetings. During the first meeting, in April 2011, a consensus was reached: a) on the need to elaborate a legal document which can provide both guidelines and binding norms; and b) on its scope elements. When defining the scope, the working group agreed on addressing the following key issues, listed in order of their priority: i) providing assistance to, and ensuring the repatriation of, consumers, particularly in cases of *force majeure*; ii) supplying accurate and timely information to tourists including in terms of the handling of bankruptcy situations of travel organizers; and iii) focussing on issues related to accommodation.

## 2. UNWTO CONVENTION ON THE PROTECTION OF TOURISTS AND TOURISM SERVICE PROVIDERS

2.1 Based on the guidelines of the UNWTO Executive Council the working group has elaborated the first draft text of the UNWTO convention on the protection of tourists and tourism service providers. The General part of the draft convention introduces the general principles, the scope elements, the main definitions and the necessary international law related provisions (amendment rules, entry into force, reservations, signature, ratification rules, deposit, etc.). The Annexes of the convention will include standards as binding rules and recommended practices as non-binding rules. Annex I of the draft convention contains the assistance obligations of States Parties in *force majeure* situations indicating clear distinction from private sector's obligations. Annex II deals with package travel issues in detail. It includes *force majeure* situations, minimum liability rules for non-performance and improper performance, and minimum information which should be provided to the tourists before the conclusion of the package travel contract and the minimum content elements of the contract as well. Finally, in case of the insolvency of the service providers minimum rules are established for the protection of tourists (financial security). With the consent of the related stakeholders' organizations, Annex III on accommodation related provisions focuses on mainly information obligations in accordance with the existing regional and global regulatory frameworks.

2.2 Besides the draft text of the convention, the UNWTO Secretariat had already developed the following working documents regarding tourist protection issues which had been debated by the working group:

- a) working document of assistance and repatriation of tourists/consumers in case of *force majeure*;
- b) survey by questionnaire on tourists/consumers protection;
- c) working document on information obligations;
- d) preliminary results of the survey on on tourists/consumers protection;
- e) working document on ranking information elements;
- f) working document on accommodation issues; and

- g) working document on the evaluation of assistance obligations and responsibilities in case of *force majeure*.

2.3 The UNWTO Executive Council during its ninety-fourth session (Campeche, Mexico, 23-25 October 2012) decided to further broaden the scope of discussions and consultations with all Member States, particularly, through the meetings of UNWTO's Regional Commissions. The working group was requested to continue the elaboration of the text of the convention and to send a report on its progress to the ninety-fifth session. After proper consultation and at the appropriate time, a draft will be submitted to the Executive Council and the General Assembly (the later is held biennially, next meeting 24-29 August 2013 in Victoria Falls, Zambia and Zimbabwe). The World Committee on Tourism Ethics, the body responsible for promoting and monitoring the implementation of the UNWTO Global Code of Ethics for Tourism, during its eleventh meeting (Rome, Italy, 12-13 July 2012) reiterated its support for UNWTO's preparation of an international legal instrument on the protection of tourists/consumers and tourism enterprises.

2.4 UNWTO reiterates its intention of not infringing on existing legal structures, either at the global or regional levels. On the subject of air transport, ICAO, ACI and IATA expressed their willingness to cooperate closely with UNWTO.

### 3. CONCLUSIONS

3.1 Noting these efforts and developments, UNWTO believes there is a need for further strengthening the cooperation between ICAO and UNWTO on tourists/consumers protection activities. The close working relationship should be maintained via the UNWTO working group's activities, bilateral negotiations, etc. in order avoid inconsistencies and possible duplication of efforts, as well as to minimize conflict in related rules and regulations.

3.2 UNWTO supports the development of a set of core principles dealing with air passengers' rights and protection at a global level under the form of the indicative framework proposed in Appendix B of ATConf/6-WP/5. UNWTO agrees that price transparency issues should be taken into consideration by the elaboration of these international guidelines.

### 4. RECOMMENDATION

4.1 The Conference is invited to agree on the need to continue and further strengthen the cooperation between ICAO and UNWTO on tourists/consumers protection activities in order to avoid inconsistencies and possible duplication of efforts, as well as to minimize conflict in related rules and regulations.