

# **Passenger Rights: Strengthening Enforcement and Improving Multimodal Journeys through New Rights**

18 November

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**eu travel tech**

# The European association of travel platforms

eu travel tech was established in 2009 as a dedicated organization to represent and promote the interests of travel technology companies in the EU.

We work collaboratively with industry stakeholders and policymakers towards the common goal of fostering a consumer-driven, innovative, and competitive travel and tourism industry that embraces digitization, transparency, and sustainability.

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**Regulation on enforcement of passenger rights:**

**Where do ticket intermediaries sit?**

- 1. Ticket intermediaries are a well-regulated industry.**
- 2. The relationship between transport operators and intermediaries can be complex**
- 3. Airlines have significant control over critical aspects of the booking and refund process, including the handling of consumer funds.**

**Ticket intermediaries:  
a well-regulated  
industry**

**Comprehensive consumer protection framework**

Consumer Rights Directive

Unfair Commercial Practices Directive

Package Travel Directive

Air Services Regulation

Passenger Rights Regulations

CRSs Code of Conduct

**They all apply to all tickets, regardless of whether they are booked directly with transport operators or through intermediaries.**

## Airlines and intermediaries: A complex relationship

### Partners and competitors:

- OTAs help airlines reach more customers
- OTAs and airlines compete for the same customers on the air ticket distribution market.

### Intermediaries can be viewed as threats by airlines:

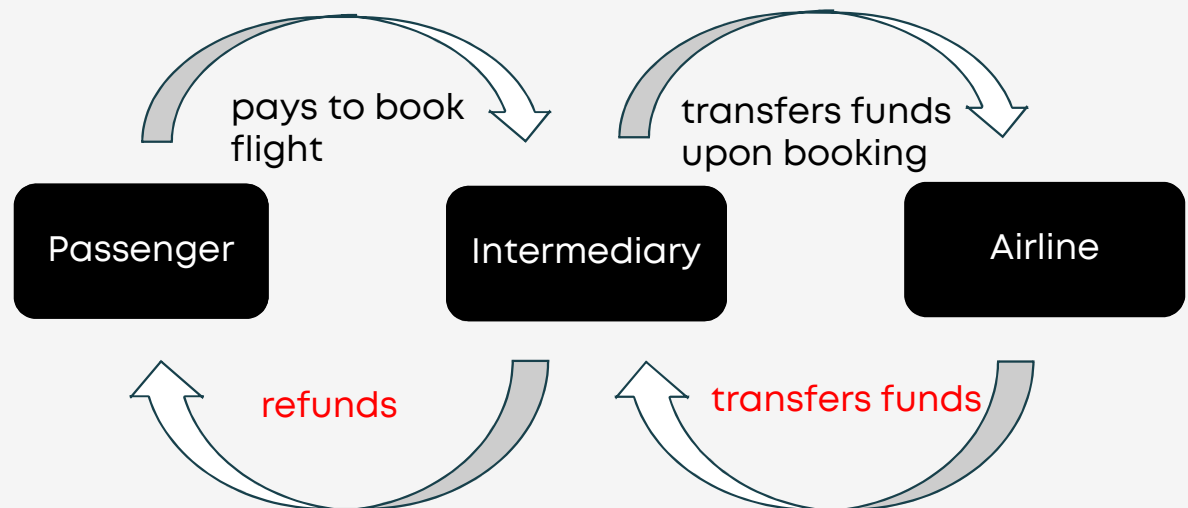
By enabling travelers to compare options, they expose airlines to direct comparison with competitors, putting competitive pressure on pricing.

16:30 - 20:05 London (LTN) - Madrid (MAD) easyJet	2h 35m (Direct)	€184 Return per traveller
17:25 - 20:55 London (LGW) - Madrid (MAD) Air Europa	2h 30m (Direct)	2 left at €194 Return per traveller
20:05 - 09:15 <sup>+1</sup> London (LHR) - Madrid (MAD) Swiss International Air Lines	12h 10m (1 stop) 8h 5m in Zürich (ZRH)	€204 Return per traveller
20:05 - 10:15 <sup>+1</sup> London (LCY) - Madrid (MAD) KLM operated by KLM Cityhopper and KLM	13h 10m (1 stop) 9h 25m in Amsterdam (AMS)	4 left at €204 Return per traveller
17:50 - 23:25 London (LHR) - Madrid (MAD) Brussels Airlines	4h 35m (1 stop) 1h in Brussels (BRU)	€205 Return per traveller

**Airlines are in control of passenger money:**

**there can be no refund by intermediaries without transfer of funds by airlines**

**Ticket booking flow**  
**Ticket refund flow\***



\* When refund is requested through intermediary

**Regulation on  
enforcement of  
passenger rights:**

**eu travel tech positions**

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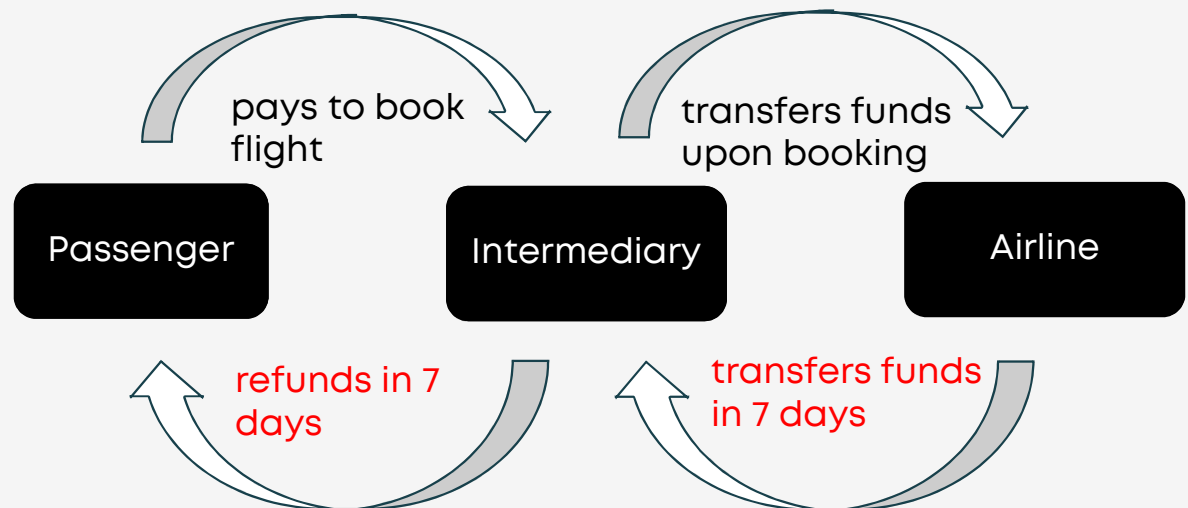
- 1. Opportunity: 7+7 refund process**
- 2. Risk: facilitating anticompetitive practices**
- 3. Missed opportunities**

## 7+7 refund process

*Article 8a(5)*

The obligation to refund by intermediaries shall kick in only once they have received funds from airlines. In addition, it is important that the airline ensures that all the relevant information is attached to the refund.

### Ticket booking flow Ticket refund flow\*



\* When refund is requested through intermediary



**Obligations of intermediaries towards airlines can facilitate anticompetitive practices**

1. Article 8a(4): Requirement for the **airline to state publicly**, in a clear, comprehensible and easily accessible manner, **whether it agrees to process reimbursements through intermediaries**, and with which intermediaries it accepts to do so.
2. Article 14a(2): Requirement for the **intermediary to provide the contact details of the passenger and the booking details to the air carrier**.
3. Article 14a(4): Requirement for the **intermediary to inform the air carrier at the time of booking about the fact that it has booked the ticket as an intermediary**.

**The risk? Interfering with the competitive dynamics between airlines and intermediaries in the air ticket distribution market.**

## Regulation 261/2004: many issues remain

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Other salient issues could have been addressed by the proposal:

1. **Airline insolvency protection:** Passengers should be protected in case of an airline's insolvency, not at all uncommon in the airline sector, without the need to purchase a specific insurance against such events.
2. **Alignment with the Package Travel Directive (PTD):** Under the PTD travellers are able to cancel their package free of charge in case of extraordinary and unavoidable circumstances. The same should be the case for standalone air tickets.
3. **Name correction fees:** Many airlines charge passengers for name correction while the GDPR mandates that the data subject has a right to rectify his/her data.
4. **Intermediaries' access to data:** In order to ensure a coherent and equitable framework for passenger rights across all transport modes, it is essential to impose similar obligations on air carriers as those already required of railway companies under Article 10 of the Rail Passenger Rights Regulation (RPR).
5. **Use of vouchers and other tools by airlines:** Some carriers fail to offer passengers a clear and unambiguous choice between cash reimbursement and alternative forms of compensation. In many cases, passengers are automatically reimbursed in travel vouchers or credits, often without their explicit consent.

# Thank you!

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