

Regulation (EC) No 80/2009 of the European Parliament and of the Council of 14 January 2009 on a Code of Conduct for computerised reservation systems and repealing Council Regulation (EEC) No 2299/89 (Text with EEA relevance)

REGULATION (EC) No 80/2009 OF THE  
EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 14 January 2009

on a Code of Conduct for computerised reservation systems  
and repealing Council Regulation (EEC) No 2299/89

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 71 and 80(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee<sup>(1)</sup>,

After consulting the Committee of the Regions,

Having regard to the opinion of the European Data Protection Supervisor<sup>(2)</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>(3)</sup>,

Whereas:

- (1) Council Regulation (EEC) No 2299/89 of 24 July 1989 on a code of conduct for computerised reservation systems<sup>(4)</sup> has made a major contribution to ensuring fair and unbiased conditions for air carriers in a computerised reservation system (hereinafter CRS), thereby protecting the interests of consumers.
- (2) An important share of airline reservations is still made through CRSs.
- (3) Technological and market developments allow for a substantial simplification of the legislative framework by giving more flexibility to system vendors and air carriers to negotiate booking fees and fare content. This should allow them to adapt in a flexible way to the needs and requests of travel agents and consumers and to distribute more efficiently their transport products.
- (4) In the present market context it remains necessary nonetheless to maintain certain provisions on CRSs, in so far as they contain transport products, in order to prevent abuse of competition and to ensure the supply of neutral information to consumers.
- (5) The refusal by parent carriers to provide the same information on schedules, fares and availability to systems other than their own and to accept bookings made by those systems can seriously distort competition between CRSs.

- (6) It is necessary to maintain effective competition between participating carriers and parent carriers and ensure respect for the principle of non-discrimination among air carriers irrespective of their participation in the CRS.
- (7) In order to ensure transparent and comparable terms of competition in the market, parent carriers should be subject to specific rules.
- (8) System vendors should clearly separate the CRSs from any airline's internal or any other kind of reservation system and should refrain from reserving distribution facilities to their parent carriers, in order to avoid that a parent carrier could have privileged access to the CRSs.
- (9) In order to protect consumers' interests, it is necessary to present an unbiased initial display to users of a CRS and to ensure that information on all participating carriers is equally accessible in order not to favour one participating carrier over another.
- (10) The use of an unbiased display increases the transparency of transport products and services offered by participating carriers and enhances consumer confidence.
- (11) System vendors should ensure that CRS marketing data is available to all participating carriers without discrimination, and transport providers should not be able to use such data in order to unduly influence the choice of the travel agent or the choice of the consumer.
- (12) Agreements between subscribers and the system vendor on the Marketing Information Data Tapes (MIDT) could include a compensation scheme in favour of subscribers.
- (13) The provision of information on rail and rail-air services on the CRS displays should be facilitated.
- (14) According to Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (recast)<sup>(5)</sup>, air carriers must publish their fares inclusive of all applicable taxes, and charges, surcharges and fees which are unavoidable and foreseeable. CRS displays should provide information on fares inclusive of the same price categories to ensure that travel agents can communicate that information to their clients.
- (15) Information on bus services for air-transport products or rail-transport products incorporated alongside air transport products should, in the future, be featured in the principal display of CRSs.
- (16) CRSs should be encouraged to provide, in the future, easily understandable information about CO<sub>2</sub> emissions and the fuel consumption of the flight. This could be shown through average fuel consumption data per person in litre/100 km and average CO<sub>2</sub> emissions per person in g/km, and could be compared with data of the best alternative train/bus connection for journeys of less than five hours.
- (17) Air carriers from the Community and from third countries should be afforded equivalent treatment with regard to CRS services.
- (18) In order to ensure the correct application of this Regulation, the Commission should have appropriate enforcement powers, including the possibility to investigate

infringements, whether on its own initiative or on the basis of a complaint, to order the undertakings concerned to bring such infringements to an end, and to impose fines.

- (19) The Commission should regularly monitor the application of this Regulation and in particular its effectiveness in preventing anti-competitive and discriminatory practices in the market for distribution of travel services through CRSs, notably given the presence of carriers with close links to system vendors.
- (20) This Regulation is without prejudice to the application of Articles 81 and 82 of the Treaty. This Regulation is complementary to general rules on competition which remain fully applicable to abuse of competition such as antitrust violations or abuses of a dominant position.
- (21) The protection of individuals with regard to the processing of personal data is governed by Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data<sup>(6)</sup>. The provisions of this Regulation particularise and complement Directive 95/46/EC with regard to the activities of a CRS.
- (22) Regulation (EEC) No 2299/89 should be repealed,

HAVE ADOPTED THIS REGULATION:

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**Status:** This is the original version (as it was originally adopted).

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- (1) [OJ C 224, 30.8.2008, p. 57.](#)
- (2) [OJ C 233, 11.9.2008, p. 1.](#)
- (3) Opinion of the European Parliament of 4 September 2008 (not yet published in the Official Journal) and Council Decision of 16 December 2008.
- (4) [OJ L 220, 29.7.1989, p. 1.](#)
- (5) [OJ L 293, 31.10.2008, p. 3.](#)
- (6) [OJ L 281, 23.11.1995, p. 31.](#)