



## General Assembly

Twentieth session

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Madrid, 17 July 2013

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### Report of the Secretary-General

#### Part I: Programme of work

#### (b) Implementation of the general programme of work for 2012-2013

#### Addendum

#### Annex on the Convention on the Protection of tourists/consumers and travel organizers

#### I. Introduction

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1. The present document follows the previous reports made to the 19th session of the General Assembly and to the 90th, 93<sup>rd</sup>, 94<sup>th</sup> and 95<sup>th</sup> sessions of the Executive Council on the same issue, recalling the insufficiency of existing binding rules at the global level governing the rights and obligations of tourists/consumers and tourism enterprises. It further refers to the corresponding decision, requesting that the UNWTO Secretary-General establish an ad hoc working group able “to define the scope and level of the proposed legal instrument” (see Annex 1).
2. The UNWTO Executive Council during its 94th session (Campeche, Mexico, 23-25 October 2012) requested the UNWTO working group on the protection of tourists/consumers and travel organizers to continue the elaboration of the text of the convention and to send a report on its progress to the ninety-fifth session. The Executive Council also decided to further broaden the scope of discussions and consultations with all Member States, particularly, through the Regional Commissions’ meetings.
3. The UNWTO Executive Council during its 95<sup>th</sup> session (Belgrade, Serbia, 27-29 May 2013) considered the text of the Draft Convention<sup>1</sup> on the protection of tourists and tourism service providers and entrusted the Secretary-General to advise the Working Group to continue the elaboration of the text of the Convention taking into account the results of such consultations and to report on its progress to the General Assembly.
4. The present report summarizes the recent activities in this field since the last session of the General Assembly.

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<sup>1</sup> See document CE/95/3(I)(c) and annexes at: <http://lmd.unwto.org/en/event/executive-council-ninety-fifth-session>



## **II. Activities towards the adoption of an international convention on tourist/consumer protection**

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5. The fifth meeting of the working group was held on the occasion of the World Travel Market in November 2012 in London. The working group continued the debate on the third draft text of the convention and agreed on some amendments. However, due to time constraints and the significant number of interventions, the working group was not able to discuss every proposal and remark. Therefore, the UNWTO Secretariat has collected and compiled all the comments of the Members of the working group in order to present and debate them during its next meeting. The latest version of the draft text—including the adopted modifications of the last meeting—was submitted to the UNWTO Regional Commissions for their consideration.

6. In line with the decision of the Executive Council, a report including the draft convention was sent to the Regional Commissions' meetings (March-May 2013) in order to gain direct feedback and comments from the Member States. No significant objection or disappointment was expressed during these Regional Meetings. The outcomes of the Regional Commissions' discussions will be presented to the working group and will be taken into account by the further elaboration process of the convention.

7. The World Committee on Tourism Ethics as the body responsible for promoting and monitoring the implementation of the UNWTO Global Code of Ethics for Tourism, during its twelfth meeting in March 2013 in Madrid, debated the latest version of the draft convention and was invited to provide any additional comments in writing to the UNWTO Secretariat. The committee did not make any reservations on the draft convention.

8. The UNWTO continues to cooperate with ICAO and other international organizations in order to avoid inconsistencies and possible duplication of efforts, as well as to minimize conflict in related rules and regulations. A consumer protection item was on the agenda of the Sixth Worldwide Air Transport Conference organized by ICAO in March 2013, where the UNWTO was represented in order to introduce the latest activities in this field and discuss common key issues. The UNWTO supported ICAO's intention to develop a set of core principles on consumer protection in areas linked to air transport, as well as to put more focus on price transparency issues, especially on those related to the obligation of air carriers to provide tourists with adequate and accurate information. The Conference was invited to agree on the continuation and strengthening of the cooperation between ICAO and the UNWTO in this field.

9. The Executive Council was assured during its last session that the convention will be complementary to other instruments that are being elaborated by regional institutions, such as the European Union, among others. Following this mandate, the working group agreed during its last meeting in November 2012 that until the revision process of the Package Travel Directive is completed the UNWTO draft text will not include specific new issues tackled by the European draft. Furthermore, a bilateral consultation took place on 5 February 2013 between the European Commission and the UNWTO Secretariat aimed at discussing certain provisions of the draft text in order to ensure consistency with the upcoming proposal for the revised Directive. The UNWTO expressed its special support to the European Commission on continuing the revision process of the Package Travel Directive and modernizing the current regulatory framework taking into account the recent technological changes in the travel market.

10. The next meeting of the Working Group should take place during next fall.

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**Annex 1. Working group on the protection of tourists/consumers and travel organizers**


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**MEMBER STATES****AFRICA**

<b>Kenya</b>	Dr. Nelson Githinji Tourism Secretary Ministry of Tourism
<b>Morocco</b>	Mr. Mohamed Alami Hassani Head of the Cooperation Division Ministry of Tourism and Handicrafts
<b>South Africa</b>	Ms. Anemé Malan Deputy Director-General International Tourism Management

**AMERICAS**

<b>Brazil</b>	Mr. Italo Mendes Director of the Structuring, Coordination & Tourism Planning Department Ministry of Tourism
<b>Costa Rica</b>	Mr. Hermes Navarro de Valle Chief of Tourism Investment Costa Rican Tourism Board

**EAST ASIA AND THE PACIFIC**

<b>China</b>	Mr. Tang Zhi Officer, Policy and Legal Department China National Tourism Administration-CNTA
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**EUROPE**

<b>France</b>	Ms. Sandrine Jaumier Deputy Head of Competitiveness and Tourism Activity Development Ministry of Economy, Finance and Industry
<b>Germany</b>	Dr. Marion Weber Head of Tourism Policy Department Federal Ministry of Economics and Technology
<b>Hungary</b>	Ms. Andrea Nemes Directorate General Tourism and Catering Department Ministry for National Economy
<b>Italy</b>	Mr. Roberto Rocco General Director for Tourism Department of Regional Affairs, Tourism and Sport Presidency of the Council of Ministers

**EUROPE (cont.)**

**Russian Federation**

Mr. Evgeny Pisarevsky  
Deputy Head, Federal Agency for Tourism  
Ministry of Sport, Tourism and Youth Policy

**Spain**

Mr. Miguel Angel Nombela  
Assistant Director General for Cooperation and Tourism  
Competitiveness  
State Secretariat for Tourism  
Ministry of Industry, Energy and Tourism

**Ukraine**

Mrs. Olena Shapovalova  
Chairman  
State Agency of Ukraine for Tourism and Resorts

**MIDDLE EAST**

**Jordan**

*(to be designated)*

**SOUTH ASIA**

**India**

Mr. Parvez Dewan  
Secretary  
Ministry of Tourism

**ASSOCIATE MEMBERS**

**Flemish Community  
of Belgium**

Mr. Koen Verlaeckt  
Secretary-General  
Flemish Department of Foreign Affairs

**AFFILIATE MEMBERS**

**AMFORT (World Association for Professional Training in Tourism)**

Mr. Joan Passolas  
Secretary-General

**FIA (International Automobile Federation)**

Ms. Ortrud Birk  
Director, Operation and Strategy

**HOTREC (European Trade Association of Hotels, Restaurants and Cafés)**

Mr. Kent Nyström  
President

**IATA (International Air Transport Association)**

Mr. Javier Gallego Alonso  
Director of Distribution, IATA Headquarters

**IH&RA (International Hotel & Restaurant Association)**

Mr. Ghassan Aidi  
President

**ISTO (former BITS) (International Social Tourism Organisation)**

Mr. Norberto Tonini  
Former President

**UFTAA (United Federation of Travel Agents' Associations)**

Mrs. Nicole Chome  
Deputy Chief Executive Officer

**INTERNATIONAL ORGANIZATIONS**

**ICAO (International Civil Aviation Organization)**

Mr. Arie Jakob  
Legal Officer, ICAO Headquarters

**European Commission**

Mr. Jens Thommensen  
Legal Officer for Consumer Issues  
Consumer and Marketing Law Department  
Directorate General Justice

**TOURISM SECTOR**

**ACI (Airports Council International)**

Mr. Arturo García-Alonso  
Assistant Director, Facilitation and Airport IT  
ACI World

**ECTAA (European Travel Agents' and Tour Operators' Association)**

Mr. Michel de Blust  
Secretary-General

**EGFATT (European Guarantee Funds' Association for Travel and Tourism)**

Mr. Raoul Nabet  
Chairman

**WTAAA (World Travel Agents Associations Alliance)**

Mr. Peter Barlow  
Chairman

(represented by ECTAA)

**WTTC (World Travel & Tourism Council)**

**COOPERATION**

**BEUC (The European Consumers' Organisation)**

**LEGAL EXPERT**

Mr. Alain Pellet