



## General Assembly

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### Report of the Secretary-General

#### Part I: Programme of work

#### (d) Draft UNWTO Convention on the Protection of Tourists and Tourism Service Providers

##### I. Introduction

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1. The present document follows the previous reports made to the 19th and 20th sessions of the General Assembly and to the 89th, 90th, 93rd, 94th, 95th and 100th 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 and tourism service providers. It further refers to the Executive Council decision CE/DEC/11/(LXXXIX) taken during the 89th Executive Council session, requesting that the UNWTO Secretary-General establish an ad hoc working group able “to define the scope and level of the proposed legal instrument”.

2. In this regard, the UNWTO Executive Council during its 95th session (Belgrade, Serbia, 27-29 May 2013) requested the UNWTO Working Group on the Protection of Tourists and Tourism Service Providers to continue the elaboration of the draft text of the Convention taking into account the results of consultations made with Member States, particularly through the Regional Commissions’ meetings, and to send a report on its progress to the General Assembly.

3. The UNWTO Executive Council during its 100th session (Rovinj, Croatia, 27-29 May 2015) considered the text of the UNWTO 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 draft text and to report on future necessary steps.

4. The present report summarizes the recent activities in this field since the last session of the General Assembly. Likewise, the last version of the draft text Convention is in the document CE/100/3(d) which is linked to in footnote no. 1 below.

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<sup>1</sup> See document CE/100/3(d) Annex V at:  
[http://dtxqt4w60xqpw.cloudfront.net/sites/all/files/pdf/ce100\\_03\\_d\\_implementation\\_pow\\_2014-15\\_en.pdf](http://dtxqt4w60xqpw.cloudfront.net/sites/all/files/pdf/ce100_03_d_implementation_pow_2014-15_en.pdf)



## **II. Activities towards the adoption of an international convention on tourists and tourism service providers**

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5. The Executive Council was assured by the Secretary-General in the 94th Executive Council session (CE/DEC/5(XCIV)) that the Convention would be complementary to other instruments that are being elaborated by regional institutions, such as the European Union, among others. Following this mandate, UNWTO continued to cooperate with other international organizations in order to avoid inconsistencies and possible duplication of efforts, as well as to minimize conflicts in related rules and regulations. In this sense, a bilateral consultation took place at the UNWTO Headquarters on 10 September 2014 between IATA representatives and the UNWTO Secretariat, where IATA presented a set of core principles on consumer protection in areas linked to air transport matters. In addition, a bilateral consultation took place on 12 September 2014 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 of the revised Package Travel Directive. Finally, the UNWTO Secretariat also participated in the IFTTA International World Conference (International Forum of Travel and Tourism Advocates) held in Dublin, in October 2014, in order to update and exchange knowledge on consumer protection.

6. The sixth meeting of the Working Group was held at the UNWTO Headquarters on 28 November 2014. The Working Group continued the debate on the fourth draft text of the Convention and agreed on some amendments. It is important to point out that it was also agreed to minimize discussion of the Annex of the Convention related to Package Travel issues and to not to come to any firm decision on this Annex until the approval of the new European Package Travel Directive, which will most likely not be presented to the European Parliament before October 2015.

7. Subsequently, in January 2015 the fifth draft text of the Convention was sent by the Secretariat to all Members of the Working Group including all comments and suggestions agreed on during the last meeting. Later, the UNWTO Secretariat collected and compiled all the comments received by Members of the Working Group in order to elaborate the sixth draft text of the Convention. This new version of the Convention will be presented for discussion during the next meeting of the Working Group.

8. Likewise, in March 2015 the UNWTO Secretariat sent a letter to the European Commission (Head of Unit on Consumer and Marketing Law, DG Justice) in order to ask for official confirmation of the European Union's competences on any issue covered by the draft Convention. This is a matter which is significantly important to clarify beforehand with the European Union since European Member States will ask for clarification before ratifying any Annexes of the Convention.

9. Since the Convention will not be finalized for the 21th session of the General Assembly and with the aim of not delaying this project unnecessarily, the Secretariat has received proposals from Member States suggesting that, whenever the draft text of Convention is finalized and approved by the Working Group and depending on the requests received by Member States, the UNWTO Secretariat may organize an international treaty conference in order to present the Convention to States and regional economic integration organizations for its discussion and acceptance. Finally, the Convention will also be presented to the 22nd session of the General Assembly for its approval.

## **III. Actions to be taken by the General Assembly**

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10. The General Assembly is invited:

- (a) To welcome the activities of the Working Group in the field of tourist protection;

- (b) To take note of the present report on the progress in the elaboration of the draft text of the Convention on the Protection of Tourists and Tourism Service Providers together with the last version of the said draft text of the Convention;
- (c) To entrust the Secretary-General to continue with the elaboration of the Convention; and
- (d) To request the Secretary-General to present the final text of the Convention to the next General Assembly for its approval and to inform about any other related matters that may arise in relation to this Convention and/or the protection of tourists and tourism service providers.