



Executive Council

Ninety-fifth session
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Report of the Secretary-General

Part I: Current situation and activities

(c) Protection of tourists/consumers and travel organizers

I. Introduction

1. The present document follows the previous reports made to the 90th, 93rd and 94th sessions of the Executive Council and to the 19th session of the General Assembly 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”*.

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 organizers¹ 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. The present report summarizes the recent activities in this field since the last session of the Executive Council. The latest version of the draft convention is enclosed to this report as Annex for further comments and consideration by the Executive Council.

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

3. 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 is in the process of collecting and compiling all the comments of the

¹ See Annex 1: Composition of the working group.



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—is enclosed to this report for the further consideration and comments by the UNWTO Regional Commissions (see Annex 2).

4. In line with the decision of the Executive Council, a report including the draft convention (see Annex 2) was sent to the Regional Commissions' meetings (March-May 2013) in order to gain direct feedback and comments from the Member States. 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.

5. 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.

6. 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.

7. 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.

III. Actions to be taken by the Executive Council

8. The Executive Council is requested:

(a) To take note of the present report;

(b) To consider the text of the Draft Convention on the protection of tourists and tourism service providers and provide guidance and advice on the preparation of the final version of the text.

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

COMPOSITION**MEMBER STATES****AFRICA**

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

AMERICAS

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

EAST ASIA AND THE PACIFIC

China	Mr. Tang Zhi Officer, Policy and Legal Department China National Tourism Administration-CNTA
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EUROPE

France	Ms. Sandrine Jaumier Deputy Head of Competitiveness and Tourism Activity Development Ministry of Economy, Finance and Industry
Germany	Dr. Marion Weber Head of Tourism Policy Department Federal Ministry of Economics and Technology
Hungary	Ms. Andrea Nemes Directorate General Tourism and Catering Department Ministry for National Economy
Italy	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 Verlaeckaert
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
UNWTO Legal Advisor