

KEY EU ISSUES FOR GBTA

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ISSUE AND IMPACT FOR GBTA	GBTA POSITION	CURRENT STATUS	NEXT STEPS	GBTA ACTIVITIES
<p>1. Covid-19 recovery</p> <p>To limit the spread of COVID-19, EU Member States – and over 200 countries worldwide – have closed their borders and imposed strict travel restrictions.</p> <p>From flight suspensions to border closures, the massive shutdown has cost countries billions of travel dollars, airlines are running out of money and millions of people have lost their jobs — turning the travel industry into one of the largest casualties of the coronavirus outbreak.</p> <p>The re-opening measures are also problematic as there is little harmonization across EU Member States, for instance with different rules related to quarantine and controls over international passengers.</p>	<ul style="list-style-type: none"> GBTA has been advocating for relief measures for the travel sector at EU level, especially in air transport, including a waiver from current airport slot rules. Travel will allow people and companies to reconnect after the crisis and will help the EU's and global economies to resurrect. GBTA is also urging all 27 EU Member States governments to lift travel restrictions in a coordinated way, implement harmonised health and safety protocols, and carefully reflect before deciding whether all arrivals need to self-isolate. 	<ul style="list-style-type: none"> On 19 March, the European Commission decided to relax State Aid rules, laying down the conditions for EU Member States to bail out their national airlines. On 30 March, the EU decided to suspend the airport slot requirements until 24 October 2020 – providing relief to airlines and reassurance that they will not lose their slots if they do not use them. A summary report supporting the further extension of the waiver until 27 March 2021 was published. On 13 May, the European Commission released guidelines to help Member States gradually lift travel restrictions and recommended extending travel restrictions for non-EU nationals. In August 2020, the German Presidency of the EU produced a non-paper proposing an EU harmonised approach to internal border restrictions. The Presidency proposes to agree on which data set to use, on joint epidemiological criteria, and to harmonise containment measures in force. In September 2020, the European Commission presented a new proposal for a set of common criteria and measures to limit unilateral travel restrictions within the EU. 	<ul style="list-style-type: none"> The EU's external border remains closed to third countries save for a handful of countries. The list is reviewed every two weeks by the EU Council. Between October-December 2020, the Commission is expected to present a legislative proposal to extend the EU slot rules waiver and cover the Winter 2020/2021 season. Stakeholders can input to the public consultation until 28 September. 	<p>In April, GBTA successfully advocated for an extension of the airport slot waiver until October.</p> <p>In May and June, GBTA brought business travel to the attention of the German Presidency of the EU and of the EU Transport Commissioner, calling for proportionate measures which would restore confidence and help travel resurrect the economy.</p> <p>In May, GBTA joined the European Tourism Manifesto (ETM), a broad-based alliance advocating for dedicated support to the travel & tourism sector and urging resumption of travel in/to Europe in a coordinated manner.</p> <p>In July, GBTA called for boosting testing capabilities as an alternative to blanket travel restrictions and with a view to safely resume travel.</p> <p>In August, GBTA released a statement urging for enhanced transatlantic cooperation to restore safe travels.</p> <p>In September, GBTA co-signed a statement by ETM urging EU governments to agree on harmonized travel restrictions.</p>

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<p>2. Aviation emissions</p> <p>The main policy tool for the EU to mitigate emissions from aviation is the EU Emissions Trading Scheme (ETS) for aviation. Its scope has been limited to the EU airspace. At global level, the CORSIA scheme established by ICAO would cap airline emissions at an average of 2019 and 2020 levels, and by 2027 carriers emitting more than that would have to buy carbon offsets. The pilot phase will run from 2021 to 2023 and will cover flights between 65 states from 2021 (including all EU Member States, the US and China amongst others). As of 2027-2035, CORSIA will be mandatory for all big emitting states (except least developed countries).</p> <p>In parallel to offsetting schemes, the flight shaming movement is getting traction in Europe. Several EU governments are also putting pressure on the EU to adopt a tax on kerosene fuel at EU level.</p>	<ul style="list-style-type: none"> • GBTA opposes any tax on emissions or on aviation fuel based on the following arguments: • Further taxing aviation is not the right answer to address air emissions - it will limit companies' ability to do business and disproportionately damage economies relying on air travel • Additional taxes will also stifle the innovative strides to make flying greener • Because addressing air emissions should be a joint global effort, offsetting is a better way forward than taxation 	<p><i>CORSIA/ICAO</i></p> <ul style="list-style-type: none"> • In 2017, the EU published its proposal to continue exempting intercontinental flights from the EU ETS for aviation until CORSIA enters into force. • In March 2020, the ICAO Council approved a set of eligible emissions units complying with offsetting requirements in the 2021-2023 pilot phase of CORSIA from six programmes. The voluntary phase will kick off 1 January 2021. • The European Commission is working on an impact assessment on the best ways to implement CORSIA and on a 2030 Climate Target, which includes an aviation perspective for the upcoming proposals as announced in the EU Green Deal. • In the context of COVID-19, the European Commission released a proposal for a Council Decision on the reference period intended to be used for measuring growth of CO2 emissions, to take account of the consequences of the COVID-19 pandemic on CORSIA. • ICAO agreed in June to amend the CORISA reduction baseline from the current average of 2019/2020 CO2-emissions from international flights to a 2019-only level <p><i>EU-wide aviation tax</i> The European Commission published the inception impact assessment (IIA) of the revision of the Energy Tax Directive.</p>	<p><i>CORSIA/ICAO</i></p> <ul style="list-style-type: none"> • Countries intending to participate in the scheme must notify ICAO by June 2020. The European Commission will coordinate the notification process on behalf of EU Member States. • At EU level, CORSIA will be implemented via an amendment to the EU ETS Directive by June 2021, as per the Commission's roadmap. Concerned Stakeholders will be consulted in Q4 2020. <p><i>EU-wide aviation tax</i></p> <ul style="list-style-type: none"> • A public consultation on the Energy Taxation Directive is open until 14 October 2020. • The revision of the Energy Taxation Directive is expected in the second quarter of 2021. • The comprehensive Strategy for Sustainable and Smart Mobility and a legislative proposal on sustainable aviation fuels in the last quarter of 2020. 	<ul style="list-style-type: none"> • A letter was issued to all finance and transport attachés of Member States in Brussels in September-October 2019. • GBTA started reaching out to Brussels-based media outlets to voice the concerns of the industry. • Another letter was addressed to Members of the European Parliament in January 2020 to voice GBTA's concerns • GBTA agreed with Airlines for Europe (A4E) to explore alternative measures to counter aviation taxes. • GBTA was in process of preparing an engagement round with decision-makers in Brussels end of March, but it was forced to cancel due to COVID-19 outbreak. • GBTA is in the process of submitting a response to the public consultation on the upcoming EU Strategy on Sustainable and Smart Mobility.

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<p>3. Brexit</p> <p>The UK notified the EU on 29 March 2017 of its intention to leave the EU, initiating a 3-year long process of negotiation around sensitive issues such as the financial settlement, citizens' rights and Northern Ireland.</p> <p><u>Transition period</u>: the EU/UK agreed to keep applying current rules to the UK until 31 December 2020 with an extension until 2022 if needed.</p> <p><u>Gibraltar</u>: In the Brexit deal agreed by the UK and the EU, Spain will maintain its veto right over the British overseas territory.</p> <p><u>Future relationship</u></p> <ul style="list-style-type: none"> A political declaration on the framework of the future EU-UK relationship was agreed in November 2018 stating an air transport agreement will be negotiated and visa-free travel will apply (on condition of reciprocity) EU Member States published an indicative presentation on options for the future EU/UK aviation deal. 	<p>GBTA calls upon EU and UK negotiators to reach an agreement on the future relationship between the EU and the UK that minimises disruptions and costs for business travellers.</p>	<ul style="list-style-type: none"> After the UK and European Parliament approved the deal, the UK withdrew from the European Union on Friday, 31 January 2020. Until 31 December 2020, a transitional period applies. Status quo will apply but the UK does not have a seat at the table from now on to discuss future rules and regulations. The EU published its draft legal text (the starting point for negotiating the Agreement on the New Partnership with the United Kingdom) on 18 March 2020. The UK published its own draft legal texts (with a sectoral approach) only on 19 May. <p><i>Connectivity and movement of people</i></p> <p>Both parties are aiming for a bilateral aviation agreement, which would include provisions for smooth air traffic management and would avoid trade distortions. However, the UK wants to leave the European Aviation Safety Agency after 2020, despite the aviation industry urging the UK government not to do so. Data protection, governance framework and the issue of Gibraltar are likely to remain contentious points in the negotiations on the future agreement for aviation.</p>	<p>Known milestones:</p> <ul style="list-style-type: none"> Second half of October 2020: deadline indicated by the parties involved to agree on a deal November 26 – end of window for a trade deal to have been negotiated, checked, translated, and presented to the European Parliament in order to be ratified by the end of 2020, according to EU officials. 	<ul style="list-style-type: none"> To date, GBTA has published a series of blog posts asking to minimise disruption on business travellers GBTA also organised a podcast on Brexit negotiations, which included interviews with MEP Daniel Dalton (UK, ECR) and R. Patten (Grayling). GBTA published a guidance note highlighting the negative impact a no-deal Brexit would have on business travel and providing recommendations to members. GBTA European Partners were briefed on Brexit developments at the Munich Convention in November 2019

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<p>4. Portable Document A1</p> <p>Since Regulation (EC) 883/2004 came into force in May 2010, employers must prove the social security affiliation of their employees in the EU by means of an A1 document if they carry out cross-border activities. In some EU Member States, this also applies to participation in internal meetings, congresses and trade fairs or attendance at training events in their country. The information provided to the competent insurance institution and the issue of the document lead to a high administrative burden for both the company and the controlling authorities.</p> <p>In December 2016, as part of its Labour Mobility Package, the European Commission proposed to reform the relevant EU Regulations on the coordination of social security systems. This review is an opportunity to exclude business trips from the scope of the regulation. This will help avoid unnecessary administrative burden in the future, both for companies and for the controlling authorities.</p> <p>The overall social security coordination dossier faced strong oppositions in the European Parliament and was not voted in plenary before the May 2019 elections. This was because of strong opposition from right wing groups.</p>	<p>GBTA wants to simplify the conditions of issue for A1 forms, by introducing an exception/waiver for short-duration business trips lasting less than 14 days</p>	<p>In 2018, the European Parliament's Employment and Social Affairs Committee adopted an amendment to exempt business travel from A1 requirements, defining "business trip" as "a temporary activity related to the business interests of the employer, not including the provision of services or the delivery of goods, such as attending internal and external business meetings, attending conferences and seminars, negotiating business deals, undertaking sales or marketing activities, performing internal or client audits, exploring business opportunities, or attending and receiving training."</p> <p>The work on amending Regulations No 883/2004 1998 and 987/2009 resumed in September for the 2019 – 2024 parliamentary term. The Committee for Employment is responsible for the file, but key MEPs have changed.</p>	<ul style="list-style-type: none"> • The European Parliament, the Council and the Commission have engaged in trilogues (the interinstitutional negotiation phase). It is expected that this will last many months as many issues in the social security coordination dossiers remain politically sensitive for Member States and MEPs alike, and the EU East-West cleavage remains wide. At this stage there are no indications on where and when a compromise may be found. • Intelligence gathered during the February engagement round signaled persistent disagreement between political groups in the Parliament and among Governments in the Council. The provisions for A1 document issuance are one of the contentious points. The European Commission is not intervening to break the deadlock. • As per VDR further outreach, there seems to be an agreement in principle in the European Parliament to exempt business trips 	<ul style="list-style-type: none"> • Through VDR, GBTA met with two MEPs in November 2019. GBTA reports that the A1 document reform is a topic being raised in the European Parliament by many stakeholders and that some MEPs are willing to help improve the current framework. • GBTA, through VDR's president and managing director, met gain with key MEPs and their staff on 17 February. • Monitoring and intelligence gathering activities will continue throughout the negotiation process

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<p>5. EU-US visa reciprocity</p> <p>According to an EU law, the third countries that benefit from a visa exemption to travel to the EU have to ensure reciprocity for all EU citizens. If a third country fails to ensure visa free travel for citizens of a certain EU country, this country can notify it to the European Commission.</p> <p>In 2014, Bulgaria, Croatia, Cyprus, Poland and Romania notified to the European Commission US's failure to implement reciprocity.</p> <p>Canada lifted visa requirements for Bulgarian and Romanian citizens as of 1 December 2017.</p> <p>Despite political cooperation with the US in the past years, they still have not fully implemented reciprocity. On top of this, the US is currently implementing changes to its own visa waiver programme, limiting its application to certain travelers.</p> <p>The European Commission could take the decision to suspend the visa exemption applied to US citizens temporarily, for a period of 12 months.</p>	<ul style="list-style-type: none"> GBTA strongly discourages European policy makers from considering a suspension of its visa exemption to US & Canadian citizens A suspension, even temporary, would have a negative impact on business travel, which accounted for an estimated \$1.2 trillion dollars in global spending last year. 	<ul style="list-style-type: none"> On 19 December 2018 the European Commission adopted a Communication reporting on the progress achieved in the EU-US visa reciprocity. On 24 January 2019, the Civil Liberties Committee of the European Parliament (LIBE) asked for a Delegated Act suspending visa free travel to at least be published and discussed (not adopted per se) in order to increase pressure on the US to allow the remaining EU states to enter the Visa Waiver Program. Poland was admitted to the Visa Waiver Program in October 2019. In February 2020, the US Government reiterated to a delegation of the European Parliament that the remaining 4 countries still need to put in place appropriate security measures, notably in relation to the automated processing of national PNR data The European Commission reported on progress made on visa reciprocity on 23 March 2020. The Commission still considers that an act suspending the exemption from visa requirement for US nationals would be counterproductive and would not serve to achieve the objective of visa-free travel for all EU citizens. 	<ul style="list-style-type: none"> The European Commission is committed not to suspend visa-free travel for US citizens and to seek a diplomatic solution, albeit among trade frictions. In the unlikely case the European Commission acts on suspending visa-free travel, the European Parliament and the EU Ministers will have 4 months to say whether they object or accept (extended for another 2 months if requested). Stakeholders might be given the possibility to provide input during a 4-week period. At the EU-US Justice and Home Affairs ministerial videoconference, which took place on 28 May, the participants reassessed the progress achieved in attaining visa reciprocity, which remains a priority topic of European-American cooperation. <p>No development was signaled on these files between June and August 2020</p>	<ul style="list-style-type: none"> GBTA sent Issue Brief in 2017 on visa reciprocity to the JURI Committee ahead of its vote on the LIBE Committee's request to bring a case to the ECJ. In October 2018 and March 2019 GBTA met with the US mission representative to the EU Phillip Linderman and offered support in dealing with potential increased pressure from the European Parliament on the European Commission to publish the Delegated Act. In March 2019 GBTA also met with 3 representatives of the concerned Member States (Poland, Croatia and Bulgaria). All three visa attachés agreed that the best way forward is a diplomatic approach. None of them would like to see the visa-free travel to be suspended for US nationals.

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<p>6. Visa liberalization</p> <p><i>Visa Code</i> Within a Communication on adapting the EU common visa policy to new challenges, the European Commission published a proposal to revise the procedural rules to obtain short-term Schengen visas on 14 March 2018.</p> <p><i>Digitalization of visa processing</i> The European Commission indicated that it will launch a feasibility study on how the visa application process can be fully digitalized.</p> <p><i>VIS (Visa Information System) revision</i> The European Commission also published a proposal to review the Visa Information System (VIS) to ensure full interoperability with other EU databases and to introduce biometrics (fingerprints) into EU external borders management.</p>	<ul style="list-style-type: none"> GBTA is in favor of measures which will enhance travel facilitation, but visa fee increase should be proportionate and only cover the operating cost of the system(s). Demonstrate that these measures will not undermine EU security, in light of European migration tensions and terrorism threats. 	<p><i>Visa Code</i> The new EU Visa Code was published in the Official Journal (OJ) of the European Union on 12 July 2019 and entered into force on 12 January 2020. It reviews rules on short-term stay Schengen visas (up to 90 days in any 180-day period):</p> <ol style="list-style-type: none"> The application fee is increased to 80€ with possible reductions for children, students and researchers. Bona fide frequent travelers will be issued multiple entry visas for longer periods. Applications will have to be submitted between 6 months (instead of 3 months) and 15 days before the intended journey. <p><i>Digitalization of visa processing</i></p> <ul style="list-style-type: none"> The European Commission published a feasibility study on how the visa application process can be fully digitalized <p><i>VIS (Visa Information System) revision</i></p> <ul style="list-style-type: none"> On 19 December 2018 the Council adopted general approach. On 13 March 2019 the European Parliament's plenary session its position on VIS making sure that the collection of biometric data respects data privacy safeguards. 	<p><i>Visa Code</i></p> <ul style="list-style-type: none"> Some practical aspects concerning the implementation of the new Visa Code will be dealt with by means of delegated legislation. <p><i>Digitalization of visa processing</i></p> <ul style="list-style-type: none"> No legislative action was planned by the European Commission in 2020 <p><i>VIS (Visa Information System) revision</i></p> <ul style="list-style-type: none"> The inter-institutional discussions between the Parliament and the Council restarted in September 2019 but no progress has been made since. <p>No progress was signaled on these files between June and August 2020</p>	<ul style="list-style-type: none"> GBTA was invited to participate in a stakeholders' consultation meeting organized by the European Commission on the EU's common visa policy on 20 November 2017. GBTA could not attend, but submitted a position paper in February 2018 in response to the Commission's public consultation. A blog post on the revision of the Visa Code was published on 22 March 2018 recapping GBTA's recommendations to the Commission. GBTA was invited again to participate in the stakeholders' consultation on digitalization of visa processing on 30 October 2018. GBTA submitted its answers to the European Commission at the end of November 2018.

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<p>7. International competition in air transport</p> <p>As a follow-up to its European Aviation Strategy, the European Commission has opened negotiations for bilateral “Open Skies” agreements with third countries (including fair competition clauses, and third countries’ ownership in EU airlines)</p> <p>In June 2017, the European Commission also published a proposal to safeguard air transport competition, to ensure fair competition between EU and third countries’ air carriers. It introduces the possibility for the European Commission to take action, should certain practices by third countries’ airlines break EU competitiveness rules.</p> <p>The European Commission also published guidelines on ownership and control of EU airlines, to allow EU airlines to better access foreign investment.</p> <p>The EU is continuing to negotiate “open-skies” agreements with some third countries to further liberalise international air traffic. The negotiations on EU-United Arab Emirates (UAE) agreement reached a deadlock in Jan 2019 based on insurmountable differences between EU and UAE.</p>	<ul style="list-style-type: none"> • GBTA supports a swift conclusion of additional “Open Skies” agreements as they increase choice for travelers • Cautious approach to EU proposal on safeguarding competition in air transport as some of the measures proposed – if adopted and implemented – could raise tensions with third countries and their airlines and reduce passengers’ choice. 	<p><i>Safeguarding competition in air transport</i></p> <ul style="list-style-type: none"> • The new Regulation was published in the Official Journal of the EU and entered into force in November 2019. It now allows allow the Commission to open investigation into anti-competitive practices and sanction airlines (financially or operationally). The Commission will however not be able to suspend third country airlines’ air traffic rights. <p><i>Open Skies agreements</i></p> <ul style="list-style-type: none"> • On 4 March 2019, the Commission signed EU-Qatar open sky agreement, giving Qatar unlimited access to the EU, except for 5 countries (FR, IT, DE, NL, BE) which will fully open up their markets only by winter 2024-2025. • On 20 May 2019 the EU signed a horizontal aviation agreement with China which will allow all EU airlines to fly to China from any EU Member State. • The negotiations on EU-United Arab Emirates (UAE) agreement reached a deadlock in Jan 2019 	<p><i>Open Skies agreements</i></p> <ul style="list-style-type: none"> • EU-China: will enter into force once all ratification procedures are completed. • EU-Qatar: concluded, will enter into force once signed and ratified according to each party’s internal procedures. • EU-ASEAN was expected to be concluded by October 2019. The progress in the negotiations depends on EU success in adding a fair competition clause. • EU-Oman talks commenced in 2019 and a third round was scheduled to take place in November 2019. <p>No progress was signaled on these files between June and August 2020</p>	<ul style="list-style-type: none"> • Watching brief and monitoring of EU discussions. • January 2016: positive answer from Transport Commissioner Bulc’s Cabinet to GBTA’s letter to welcoming the Aviation Strategy. • Meetings between GBTA and the Slovakian, Maltese and French transport representatives to the EU took place in September 2016. • GBTA met with Joshua Salsby (Member of Commissioner Bulc’s Cabinet in charge of aviation) in October 2018 and it was agreed that GBTA sends its manifesto for the next European Commission when available.

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<p>8. Airlines ticketing and distribution practices</p> <p><i>Lufthansa case</i> As of September 2015, the Lufthansa Group imposed a 16€ surcharge on tickets that were not bought through its airlines' own reservation systems. British Airways and Iberia followed up with a similar measure in November 2017.</p> <p>In response to this surcharge, four organisations, including ETSA, ECTAA and VDR filed a complaint to the European Commission arguing that Lufthansa was in breach of EU's CSR Code of Conduct by imposing a surcharge to bookings not made through its own website. June 2018, the European Commission answered that it does not intend to follow-up as the competition rules for booking portals could be amended in the future.</p> <p><i>EU's evaluation of current rules</i> In this context, the European Commission conducted an evaluation of EU rules governing airline ticket distribution (Regulation 1008/2008 on common rules for the operation of air services), in particular the provisions on price transparency.</p> <p>The European Commission is also assessing, via an external contractor (Ricardo), the efficiency of EU Regulation 80/2009 on a Code of Conduct for computerized reservation systems (CRSs). This Regulation covers global distribution systems for air tickets across the EU. It notably mentions that carriers owning CRS systems should not discriminate in favor of their own CRS.</p>	<ul style="list-style-type: none"> GBTA supports EU legislation that stimulates innovation, competition and ensures the transparency of airlines fares. 	<ul style="list-style-type: none"> The European Commission opened a first public consultation in December 2018 on the CRS Code of Conduct. On 23 November 2018, the European Commission launched a formal investigation into GDSs (Amadeus, Sabre) to find out whether they have restricted the ability of airlines and travel agents to use alternative providers of ticket distribution services. On 24 May 2019, ECTAA (supported by ETSA) filed another complaint against IATA for failing to modernize the air tickets distribution programs. On 23 January 2020, the Commission published an evaluation of the CRS Code of Conduct, assessing to what extent the Code has prevented the abuse of market power, ensured market efficiency and protected consumer interests. It questions whether the objectives are still relevant and whether it remains fit for purpose. The evaluation does not provide policy recommendations. The Commission has published a roadmap for the revision of Regulation 80/2009 on the CRS Code of Conduct. 	<p><i>Revision of the provision of air services</i></p> <ul style="list-style-type: none"> A legislative proposal to revise Regulation 1008/2008 is still expected to be published in the last quarter of 2020. <p><i>Amadeus and Sabre antitrust</i></p> <ul style="list-style-type: none"> The European Commission was supposed to liaise with the companies for the investigation and decide about potential fines. There is no binding timeline for an antitrust investigation and no information has been published thus far. <p><i>CRS Code of Conduct</i></p> <ul style="list-style-type: none"> An open public consultation is expected to be launched by Q4 2020. Legislative action will be taken indicatively in Q4 2021. 	<ul style="list-style-type: none"> In October 2018, GBTA met with C. Dussart, aviation expert at the European Commission who invited GBTA to submit its concerns to him by the end of 2018. Further, GBTA met with a representative of the European Parliament's TRAN Committee. GBTA was asked to formulate an oral question for the Parliament's motion for a resolution. GBTA submitted a response to the consultation on the evaluation of Regulation 80/2009 CRS Code of Conduct together with inputs from EU partners. GBTA is in the process of providing feedback to the roadmap on the CRS Code of Conduct.
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<p>9. Airport charges</p> <p><i>Revision of the Airport Charges Directive</i></p> <p>At the beginning of April 2018, the European Commission opened a public consultation on the possible revision of the Airport Charges Directive (Directive 2009/12/EC). The consultation received 64 answers, demonstrating a strong interest from stakeholders on this issue.</p> <p>Under the current Directive airport charges are paid by airlines for the use of airport facilities.</p> <p>The consultation focused on topics such as air travel experience (section B), the relevance of the 2009/12/EC Directive and policy options for the future.</p>	<ul style="list-style-type: none"> • Supports a revision of the Airport Charges Regulation that provides for more transparency in the composition of air ticket prices and ensures sound reinvestment of airport charges in airport infrastructure and security systems' enhancement. 	<ul style="list-style-type: none"> • On 7 July, the European Commission published its Evaluation of the Airport Charges Directive. The report identified 2 issues of interest: the risk that the airport charges setting process may indirectly impose additional barriers to entry for other airlines and the fact that the same processes do not consider consumer interests in an effective manner. <p><i>Other initiatives</i></p> <ul style="list-style-type: none"> • In October 2018, Airlines for Europe (A4E) and the International Air Transport Association (IATA) complained about the quasi-monopolies of airports which use their market power to charge airlines extortionate fees. A4E and IATA hired a consultancy which devised a test to determine which airports have significant market power and should be scrutinized by the European Commission. In reaction to that, the airports lobby group ACI-Europe called on the EU not to push airports to lower their charges as this would constrain airport capacity expansion and limit competition. • In parallel, A4E and IATA filed a joint complaint to the Directorate General for Competition of the European Commission over excessive charges at Portuguese airports. 	<ul style="list-style-type: none"> • A proposal revising the Airport Charges Directive is expected in the last quarter of 2020, accompanied by an impact assessment. <p>No further progress was signaled on the file between June and August 2020</p>	<ul style="list-style-type: none"> • Together with the EU Aviation Committee, GBTA prepared a position paper outlining its key concerns about the way the airport charges system works now and how it can negatively impact business travelers and business travel managers. • During 2018 engagement round, GBTA met officers from the European Commission, as well as from the European Parliament, and while aviation issues were broadly discussed during the meetings, airport charges were touched upon only marginally. No concrete actions are foreseen on the GBTA side for the moment.
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<p>10. Sharing Economy & Online platforms</p> <p><i>Sharing economy</i> On 2 June 2016, the European Commission published its guidance on the collaborative economy. The guidance does not introduce new legislation but rather provides advice on how current EU law should apply to the sharing economy. It does not touch upon issues around employment and leaves this issue to Member States.</p> <p>In June 2017, the European Parliament adopted a non-binding report on the European Commission’s guidance, highlighting the need to ensure consumer protection, workers’ rights, tax obligations and fair competition.</p> <p>In December 2019 the European Court of Justice ruled that Airbnb is an information society service and that the E-commerce Directive would apply, instead of general property rules.</p> <p><i>Online platforms</i> On 26 April 2018 the European Commission published its platform-to-business (P2B) proposal. It introduces additional transparency requirements for platforms, like Amazon, Booking or the Apple store in their relationship with their business users. Platforms will also have to disclose their main ranking parameters to their end users.</p> <p>With high probability (would require legal judgment) GDSs fall within the scope of the P2B Regulation.</p>	<ul style="list-style-type: none"> Sharing economy is attractive to business travelers. However, the issue of managing the risk of these flexible options is imperative, especially as employers have a duty of care to their employees. 	<p><i>Online platforms</i></p> <ul style="list-style-type: none"> The European regulators reached a final agreement in February 2019 on new rules governing platform-to-business relations, which are less severe against online platforms than expected. Platforms will not have to disclose their algorithms and will maintain their right to impose rate parity on providers of goods and services. The new P2B Regulation was adopted on 20 June 2019 and started to apply on 12 July 2020. <p><i>Digital Services Act</i></p> <ul style="list-style-type: none"> The Committee on the Internal Market and Consumer Protection (IMCO) published a draft report with recommendations to the Commission on a Digital Services Act in April 2020. Lawmakers are of the view that the Act should build on the P2B Regulation now in force and include stronger rules on transparency and information obligations as well as a legal instrument aimed at larger gatekeeper platform to keep the market open and increase competitiveness. Amendments to the report are available here. Members of the Transport Committee called on the competent authorities to keep vigilant and avoid the emergence of monopolies in the travel and tourism platform market, by monitoring abusive practices such as abusive preferencing and self-preferencing on online search engines, which can lead to unfair pricing and shopping bias. A public consultation on the DSA was open until 8 September. 	<p><i>Digital Services Act</i></p> <ul style="list-style-type: none"> The vote on the EP IMCO Report is expected to take place on 28 September and the adoption in plenary is foreseen for October 2020. The European Commission will publish its proposal for a Digital Services Act in Q4 2020, which will likely include liability and safety provisions for digital platforms, services, and products. 	<ul style="list-style-type: none"> Watching brief and monitoring of EU and Member States’ discussions. During the 2018 engagement round in Brussels, GBTA met EHHA (European Holiday Home Association) who were interested in knowing more about GBTA’s global hotel standards requirements to explore the potential the shared accommodation market could have to business travelers.

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<p>11. EES and ETIAS</p> <p><u>EES (expected to be operational in the first quarter of 2022):</u> On 6 April 2016, the European Commission published a legislative proposal to establish an Entry/Exit System (EES), by amending the Schengen Borders Code to integrate the technical changes needed for the Entry/Exit System.</p> <p>Concretely, the EES will replace the system of mutual stamping of passports and will introduce the possibility for automated border controls. The scope of the EES includes all third country nationals visiting the Schengen area for a short stay, both visa-required and visa-exempt travellers.</p> <p>The EES was published in the Official Journal on 9 December 2017.</p> <p><u>ETIAS (expected to be operational in the last quarter of 2022):</u> On 16 November 2016, the European Commission released a proposal to establish an EU-ESTA system (called ETIAS) that would oblige visa-exempt non-EU nationals to apply for an online authorisation to enter the EU Schengen area.</p> <p>The ETIAS regulation was published in the Official Journal on 19 September 2018 and entered into force on 9 October 2018. It was finally agreed that this authorisation would be valid for 3 years, including multiple entries on the EU territory, and cost 7 euros.</p>	<ul style="list-style-type: none"> • In favor of newly proposed measures which will enhance travel facilitation and security. • Ensure that the EU-ESTA system is balanced and does not impose unsustainable burden on business travelers. • Demonstrate that these measures will not undermine EU security and show that GBTA is not operating in a vacuum and takes note of the current European migration crisis and terrorism threats. 	<ul style="list-style-type: none"> • The Commission is drafting implementing acts for both EES and ETIAS: <ul style="list-style-type: none"> - EES: 4 implementing acts are expected to be adopted in 2020 (of 14 in total) - ETIAS: 3 delegated acts are pending adoption; 4 are near completion, the 3 remaining acts will be put forward later in 2020 (of 13 in total); 8 implementing acts are pending adoption, 8 are expected to be ready in the coming months (of 16 in total). <p>Entry/Exit System (EES)</p> <ul style="list-style-type: none"> • eu-LISA is finalizing the technical specifications - the development of EES will start within weeks. <p>EU Travel Information & Authorisation System (ETIAS)</p> <ul style="list-style-type: none"> • eu-LISA's ad hoc Working Group for Air Carriers met in December 2019 and in March 2020. • eu-LISA is finalising the tender procedure and plans to start the development of the system at the end of September or the beginning of October. • eu-LISA will start the actual development of the ETIAS system in the second quarter of 2020. • State of preparation: <ul style="list-style-type: none"> - Europol's report - Frontex's report - eu-LISA's third report 	<ul style="list-style-type: none"> • EES is expected to be available for member states for testing at the end of 2020 and enter operation in February 2022. • ETIAS is also expected to be operational at the end of 2022. • The Commission is expecting to have a stable text for the EES and ETIAS Implementing Regulations by mid-2020 and will hold consultations with carrier representatives. • The work on Visa Information System Network is progressing according to the plan and it is expected to be finalized by the end of June 2020. <p>Although being slowed down by the consequences of the pandemic, the technical and implementation work is progressing, and the European Commission remains committed to respect the agreed timeline.</p>	<ul style="list-style-type: none"> • The letter co-signed by EU partners in December 2016 expressed GBTA's support for a balanced ETIAS. GBTA's issue brief on ETIAS was sent to all relevant Committees in the European Parliament. On 27-28 September 2017, GBTA met with key Member States and MEPs to explain concerns over the fee waivers and increase. • During discussions between the European Parliament and EU countries, GBTA called for a balanced legislation. • GBTA published a blog post welcoming the final agreement in April 2018.

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<p>12. EU PNR & PNR agreements with third countries In December 2015, the European Parliament committee on civil liberties finally gave its blessing to the reviewed EU PNR. The agreement reached allows “unmasked” data to be stored for a maximum of 6 months, and for a further 4.5 years in disguised format, with certain law enforcement authorities allowed to decrypt if necessary. Internal EU and charter flights will be included in the EU PNR system. The text was published in the Official Journal of the EU.</p> <p>PNR Agreements with third countries In parallel, the EU has signed PNR agreements with the US (in 2012) and with Canada (in June 2014). The agreement with Canada has not yet entered into force as it requires the European Parliament's consent. In 2014, the European Parliament asked the European Court of Justice to check its conformity with the EU Charter of Fundamental Rights, therefore preventing the entry into force of the agreement.</p>	<p>The facilitation of security checks is positive for business travelers. The electronic processing of data in advance of the arrival of passengers largely expedites security and border control checks, since the risk assessment process is done before arrival.</p>	<p><i>EU PNR</i></p> <ul style="list-style-type: none"> • An evaluation report on the PNR Directive was published on 24 July. The findings are positive and reconfirm the effectiveness of the directive. No amendments are deemed necessary at this stage. • A roadmap was equally published on the scope & the issues to be tackled on an upcoming Communication on PNR. Feedback was open until 11 September. ICAO adopted new PNR standards at the beginning of July. <p><i>PNR Agreements with 3rd countries</i></p> <ul style="list-style-type: none"> • Following the ECJ's ruling on 26 July 2017 stating that the EU-Canada PNR lacks privacy safeguards, EU leaders authorized the European Commission to revise the agreement. • In April 2018, the European Parliament and European data authorities called for the European Commission to revise the US and Australia PNR agreements. In this context, the US pushed for a global PNR data gathering standard at the ICAO conference in December 2018 in Montreal. • During the EU-US Justice and Home Affairs Ministerial meeting in December 2019, the parties reiterated the importance of the PNR agreement. The EU and the US confirmed the intention to establish ICAO standards to encourage rapid and effective implementation of Resolution 2396 of the UN Security Council for the use of PNR to combat terrorist travel. 	<p>EU PNR:</p> <ul style="list-style-type: none"> • A new Communication on “The external dimension of the EU policy on Passenger Name Records” is expected in Q1 2021. <p>PNR Agreement with the UK</p> <ul style="list-style-type: none"> • The EU negotiating directives foresee that arrangements should be established for timely, effective, efficient, and reciprocal exchanges of Passenger Name Records (PNR). Arrangements need to be made for exchanges between EU27 Member States' and UK Passenger Information Units and for transfers of PNR data by air carriers to the UK authorities for flights between the United Kingdom and EU27 Member States. <p><i>PNR Agreements with Canada and the US</i></p> <ul style="list-style-type: none"> • Negotiations on the new EU-Canada PNR were concluded at the EU-Canada summit in July 2019. The agreement is currently being finalized. <p><i>EU-Japan PNR</i></p> <ul style="list-style-type: none"> • On 4 February 2020, the Council authorised the opening of negotiations between the EU and Japan for a PNR agreement, which will be conducted by the European Commission. 	<ul style="list-style-type: none"> • Watching brief of EU discussions & of impact of EU PNR on GBTA members. • The letter co-signed by partners and sent to stakeholders in December 2016 highlighted the importance of PNR agreements to guarantee the safety of air travel.

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<p>13. Privacy Shield</p> <p>The Safe Harbor Agreement had been the overarching legal framework governing transatlantic data transfers since 2000. It was annulled in October 2015 by the European Court of Justice (ECJ). The decision sparked an outcry from ICT sectors across the globe, the (former) Obama administration and even lawmakers in the EU institutions and national capitals.</p> <p>The Privacy Shield, was concluded on 2 February 2016, as a replacement for the Safe Harbor agreement, which provided a legal basis for commercial transfer of personal data from the EU to the U.S.</p> <p>It introduces a number of changes:</p> <ul style="list-style-type: none"> • Wider scope (Privacy Shield covers all EU residents, not just citizens). • Stronger review mechanisms (an annual joint review is foreseen) • Federal oversight (U.S Department of Commerce to take responsibility for ensuring US companies' privacy policies adhere to Privacy Shield requirements) <p>The text was officially published in the Official Journal of the EU on 12 July 2016.</p> <p><i>US federal privacy rules</i></p> <ul style="list-style-type: none"> • The European Commission submitted comments to the consultation of the US Department of Commerce on potential US federal privacy rules. The results were published on 13 November 2018. 	<ul style="list-style-type: none"> • GBTA welcomes that the EU and the US have found a solution for companies to continue exchanging data across the Atlantic. 	<ul style="list-style-type: none"> • The third annual joint review of the EU-U.S. Privacy Shield Framework took place on 12-13 September 2019. • The European Commission published its third report on the functioning of the Privacy Shield on 23 October. This concluded the 2019 review process. • An EU Parliament delegation discussed the EU-US Privacy Shield deal with US authorities in February 2020, noting persistent deficiencies in the framework. • A judgement of the European Court of Justice (Schrems II case) of 16 July 2020 declared that the Privacy Shield framework is no longer a valid mechanism to transfer personal data from the European Union to the United States. • The Court's invalidation of the Privacy Shield was based on several factors: the primacy of US law enforcement requirements over those of the Privacy Shield, the lack of necessary limitations and safeguards on the power of the authorities under US law, the lack of an effective remedy in the US by EU data subjects and general deficiencies in the Privacy Shield Ombudsman mechanism. 	<ul style="list-style-type: none"> • The EU and the US will likely go back to the drawing table and negotiate an agreement to replace the Privacy Shield. However, no agreement seems likely in the short term, taking also into consideration the upcoming U.S. elections in November. Hence, for the time being, both the European Data Protection Board (EDPB) and the 27 Data Protection Authorities (DPAs) will continue to provide guidance to companies to mitigate possible disruptions of EU-US data flows. 	<ul style="list-style-type: none"> • Watching brief and monitoring of EU and national discussions. • Refer to the relevant DPA and to the EDPB for further guidance.

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<p>14. Single European Sky 2+</p> <p>The SES 2+ is the third consecutive reform of the Single European Sky launched in 2013. The SES' objective is to reform the air traffic management, to handle rising passenger numbers, improve sustainable air traffic growth and overall achieve more efficiency and more environment friendly conditions.</p> <p>In particular, the SES 2+ reform sought to:</p> <ul style="list-style-type: none"> • Increase in capacity to reduce delays • Improve safety by a factor of 10 • Enable a 10% reduction in the effect flights have on the environment • Provide ATM services to the airspace users at a cost of at least 50% less <p>In parallel, the European Commission has launched a public-private project SESAR which focuses on providing the EU with a high performing ATM infrastructure by 2030.</p> <p>In October 2016, the European Commission published the results from the public consultation on the SES Performance and Charging Schemes, which set binding performance targets on Member States at local and regional level on safety, flight efficiency, delay and modernization.</p>	<ul style="list-style-type: none"> • Support to Single European Sky reforms as a way to improve ATM in Europe and make it more efficient, to create shorter flight paths, streamline air traffic and ultimately reduce CO2 emissions from aviation. • GBTA also seeks to ensure the highest possible degree of interoperability between NextGen and SESAR. 	<ul style="list-style-type: none"> • The European Parliament found a supportive internal position on the SES 2+. • On 15 April 2019, a European Commission expert group published a report with recommendations for the current Commission on the implementation of SES2+. Digitalization of ATM and re-structuring of the EU airspace shall be at the core of the future reforms. • On 11 September 2019, 21 EU aviation and workers associations signed a joint declaration committing to a set of concrete actions to finally and fully implement the SES. • Completing the Single European Sky, including the revised SES II+, is deemed important in the December 2019 Transport Council Conclusions as it would help reduce emissions in the range of 6-10 % by ensuring shorter flights, more direct routes and a more effective ATM network. The Commission has signalled that improving the ATM infrastructure and completing the SES will be a priority during this mandate, despite not including a specific proposal in its Work Programme. • The Council Aviation Working Party heard a presentation by the Commission on the reform of SES on 16 July. 	<ul style="list-style-type: none"> • The European Commission is expected to publish a legislative proposal by the end of the year. • The Transport Committee of the European Parliament is calling on the European Commission to present a revised legislative proposal by December 2020. 	<ul style="list-style-type: none"> • Watching brief of EU & ICAO discussions. • These topics were discussed during meetings on 30 March 2017 with Joshua Salsby, member of Transport Commissioner Bulc's cabinet and Ms. Markus-Moosen, Estonian Counsellor for aviation without any realistic hopes to unblock the SES files. • During the 2018 engagement round in Brussels, GBTA discussed SES 2+ with Christophe Dussart (in charge of aviation policy at the European Commission). GBTA was invited to submit its inputs on SES2+ to Mr. Castelleti (SES policy expert at the European Commission).