

## **Summary**

The European Parliament's work on the visa code proposal continued, with the LIBE and TRAN committees discussing the amendments tabled to their draft report and opinion, respectively.

IAAPA attended the Operators' Forum plenary meeting, which discussed the Commission's draft non-paper on good practices to support the protection of public spaces. This document includes suggestions such as undertaking a risk assessment; development of security and crisis communication plans; organizing training programmes for staff, including insider threats awareness; and conducting security exercises. IAAPA will be working in 2019 to develop its own sectoral guidance for members.

Elsewhere, IAAPA also attended the European Tourism Day, which this year focussed on the importance of collaboration between all actors (public, private, all levels of Government) to promote tourism, as well as the need for tourism to be on a sustainable basis. Also on tourism, the European Parliament included a dedicated funding line of €300 million in its position on the next 7-year EU budget.

On the New Deal for Consumers, the lead committee (JURI) published its proposed amendments, while opinion committees IMCO and TRAN adopted their opinions on the proposal. The IMCO vote on the omnibus proposal has been postponed to 22<sup>nd</sup> January.

On the Brexit front, an Withdrawal Agreement was reached between the EU and UK negotiators. Member State heads of governments have also endorsed this deal, which will now go through the UK Parliament in December.

Finally, political agreement was reached on the Accessibility Act file. The Act aims at making key products and services more accessible to people with disabilities. This included ticketing and check-in machines; ATMs and other payment terminals; PCs and operating systems; smartphones; tablets and TV equipment; consumer banking services; e-books and dedicated software; e-commerce; air, bus, rail and waterborne passenger transport services, including real-time travel information. Formal adoption is expected in early 2019.

## **Tourism**

### **European Visa Code work advances in LIBE and TRAN Committees**

Source: Parliamentary monitoring – November 2018

Discussions on Establishing a Community Code on Visas (Visa Code), which stipulates the conditions for issuing visas for the purpose of short stays and the airport transit, have advanced both in the LIBE and the TRAN Committees.

**In the LIBE Committee**, the rapporteur, Juan Fernando López Aguilar (S&D, Spain), presented the current positions of the political groups, which tabled a total of 174 [amendments](#) to his [draft report](#).

He explained that the Humanitarian Visas were taken out of the Visa Code proposal and will constitute a separate document of recommendations to the European Commission. It appears that an agreement has been found on facilitating the issuing of visas for business people, artists, sportsmen and tourists, through the improvement of the “cascading system” proposed by the Commission. A compromise might also be possible on the readmission provision, as all parties agree there should be some positive incentives put in place for third countries cooperating with the EU on the readmission of illegal immigrants.

Moreover, the ALDE group proposed an evaluation by the Commission on introducing digital visas, one year after the entry into force of the Visa Code regulation. This was supported by the Rapporteur. However, there are still some major disagreements on the migratory and security risks that visa holders might pose to the EU, on the need for a travel medical insurance and on the visa fee.

**The TRAN Committee** discussed the 85 [amendments](#) tabled to the [draft opinion](#) by István Ujhelyi (S&D, HU).

The Rapporteur said he started working on compromises, which are supported by the EPP. He explained his proposals to increase the period of validity of multiple entry visas up to 10 years for qualified legitimate travellers, and for using a percentage of the visa fee to support the EU tourism strategy. Overall, all parties welcomed the emphasis on promoting tourism in the EU, through facilitating the access to the Schengen area for tourism and business travel. There was also strong support for the creation of digital visas by 2025.

Votes in both Committees will take place on 3 December.

*The Visa Code proposal's expressed goal is the facilitation of tourism in the EU. It shows a clear wish for the EU to benefit from the global increase in tourism and, if it goes through, it is expected to increase tourism in the EU, which would be beneficial for the amusement parks and attractions sector in Europe.*

*However, it is worth noting that there is a risk that, if the Parliament pushes too far towards visa liberalization, Member States might reject the proposal, as was the case in 2014, when a similar proposal was eventually withdrawn.*

## **IAAPA attends Operators' Forum plenary meeting**

Source: Event attendance 26.11.2018

On 26<sup>th</sup> November, IAAPA attended the European Commission Operators' Forum plenary session in Brussels. By way of reminder, the Operators' Forum is bringing together the public and private sectors to discuss security issues (terrorism), identify areas for improvement and draft recommendations on how to address them. IAAPA has attended the Forum's sub-groups on mass events and hospitality, during which we delivered a presentation using the Tomorrow Land music festival as a case study, as well as shared the sector's comments on security issues.

The plenary focussed on discussing the Commission's draft non-paper on good practices to support the protection of public spaces. This document includes suggestions such as undertaking a risk assessment; development of security and crisis communication plans; organizing training programmes for staff, including insider threats awareness; and conducting security exercises.

Attendees commented on these proposals and were given a few more days to provide comments in writing. The Commission will then integrate feedback into the document and there will be another round of comments, before the final version is discussed by Member States.

***It is worth noting that the document encourages the development of sectoral guidance materials. IAAPA is already considering drafting such a guidance document during 2019 as a resource for members. We have also set up a meeting with a Commission official working on these issues to discuss our activities.***

## **IAAPA attends European Tourism Day – Parliament adopts funding line for tourism**

Source: Event attendance, 07.11.2018

On 7<sup>th</sup> November IAAPA attended the European Tourism Day. The Day largely reflected the points made during the European Tourism Forum in early October (included in October's report). Speakers stressed the importance of collaboration between all actors (public, private, all levels of Government) to promote tourism, as well as the need for tourism to be on a sustainable basis. MEP Istvan Ujhelyi repeated his often-cited call for a Commissioner for Tourism; for a dedicated funding line for tourism in the EU budget; and for the industry to lobby the institutions on these matters.

Meanwhile, the European Parliament adopted on 14<sup>th</sup> November its position on the next Multi-Annual Financial Framework (EU Budget). The position included a dedicated funding line for sustainable tourism, to the tune of €300 million. This was of course viewed as a success by MEPs who have been campaigning for dedicated funding for tourism, as well as being a clear signal and a strong commitment to the sector.

The Parliament's position will be form the basis of a negotiation with Member States, as the two sides work to finalise the next seven-year Budget. The tourism sector has been encouraged to undertake work to ensure the funding line makes it into the final agreement.

## **General**

### **New Deal for Consumers: JURI publishes amendments and IMCO adopts opinion on collective redress**

Source: Intelligence gathering, European Parliament – November 2018

The JURI Committee has published its amendments to Geoffroy Didier's (EPP, France) draft report on the collective redress proposal. As expected, a number of EPP MEPs have taken the considerations of businesses on board, imposing stricter conditions on qualified entities and on the launching of collective redress actions. Amendments covered the scope of the directive; number of consumers needed to trigger a collective redress procedure; opt-in / opt-out; criteria for qualified entities; what happens for small losses claims; and the loser pays principle. In a subsequent discussion on the proposal, Mr Didier stressed that the Shadow rapporteur meetings are going in the right direction and MEPs are working to create a regime which protects consumer rights while ensuring legal certainty for business. Minimum harmonisation and respect for national legal independence are also key goals. Also this month, the IMCO and TRAN Committees adopted their opinions on the proposal.

Meanwhile, IMCO adopted its opinion on the collective redress proposal, the [final document](#) is now available. The following key provisions were adopted:

- This Directive aims at minimum harmonisation, meaning that Member States can adopt stricter protection.
- The Directive also applies to data subjects in the meaning of the GDPR.
- Criteria for qualified entities:
  - Must be properly constituted and registered.
  - Statute and governance document demonstrate a legitimate interest in consumer law.
  - Governance structure ensures not-for-profit character.
  - Sources of funding are transparent.

- Procedures are in place to address conflicts of interest.
- No structural or financial interrelationship with a third person or organisation that financially benefits of the action by providing legal assistance or financial support.
- Representative actions can be launched in parallel with an action to establish whether a practice constitutes an infringement.
- Loser pays principle applies to all types of representative actions.
- Redress shall be normally allocated to affected consumers.
- Deletion of provisions to conduct a study on air and rail passenger rights.

The opinion was adopted with 18 votes in favour, 10 against and 3 abstentions, a result which does not reflect a very strong endorsement for the opinion.

Elsewhere, at a European Consumer Organisation (BEUC) event on collective redress, speaking on behalf of Mr Didier, his Assistant Tetiana Kudria commented that the goal is for a plenary vote in February or March, depending on when the Council reaches a general approach. Mr Didier is apparently eager to have at least one trilogue before the elections. This clearly suggests that there is no ambition to finish this proposal before the European Elections.

On the consumer law omnibus proposal (enforcement and modernisation of EU consumer protection rules), the lead Parliamentary Committee on Internal Market and Consumer Protection (IMCO), will be postponing its vote for 22<sup>nd</sup> January 2019.

### **Brexit Withdrawal Agreement reached**

Source: European Commission, UK Government – 27.11.2018

The EU and the UK have reached a Withdrawal Agreement, which provides the basis the legal basis for the UK's departure from the EU. The document, originally agreed on 14<sup>th</sup> November, has been formally adopted by the European Council (heads of state and government) on the 25<sup>th</sup> November.

The 585 page draft [Withdrawal Agreement](#) provides the legal basis for the UK's is accompanied by a much shorter, legally non-binding outline of the [political declaration](#) setting out the framework for the future relationship.

The Commission has produced a detailed [summary](#) of what is in the Withdrawal Agreement and the [Protocol](#) on Northern Ireland. The main decisions are:

- **Irish backstop:** The EU has accepted the UK's proposal for a single customs territory between the EU and UK if no permanent alternative is found to prevent a hard border in Ireland. The UK has had to concede that it cannot unilaterally leave the backstop and it can only be removed by joint decision.

- **Transition period:** if both sides agree, they can request before 1 July 2020 a one-off extension of the transition period beyond 31 December 2020. At present there is no limit on how long this could be. This would require a separate financial settlement. The UK would only participate in EU programmes on the same rules as other 3<sup>rd</sup> countries.
- **Governance:** Disputes will be settled by a Joint Committee, or if no solution is found, referred to a 5-man arbitration panel made up of independent judges who will make decisions by mutual consent. Any issues relating to EU law will still be subject to the ECJ.
- **Level playing field:** To address fear of undercutting by UK business, the UK has committed to a level playing field on state aid, competition taxation, environment and labour & social standards. These will be enforced by the Joint Committee
- **Good faith:** Article 184, or the so-called good faith clause, ensures both sides will use their best endeavours to negotiate a future relationship. This is seen as a means of ensuring the UK is not locked into the Irish backstop for ever.

#### Next steps

- **Early December:** House of Commons holds “meaningful vote” on the Withdrawal Agreement (Theresa May expected to publish long-awaited immigration bill just before)
- **Early 2019:** House of Commons vote on Withdrawal and Implementation Bill (WAIB) which puts agreements into UK law
- **12-13 March:** European Parliament vote whether to give consent (non-binding resolution giving detailed reaction to Agreement likely in December/January)
- **29 March:** UK due to leave EU
- **1 July 2020:** UK can request extension to transition period beyond 30 December 2020

#### **Accessibility Act – political agreement reached**

Source: European Parliament – 09.11.2018

An informal agreement has been reached on the European Accessibility Act between the European Parliament and Council of the EU. As you may recall, informal negotiations (so-called trilogues) have been ongoing since March of this year. The goal of the Act is to make key products and services more accessible to people with disabilities. This included ticketing and check-in machines; ATMs and other payment terminals; PCs and operating systems; smartphones; tablets and TV equipment; consumer banking services; e-books and dedicated software; e-commerce; air, bus, rail and waterborne passenger transport services, including real-time travel information.

The Act did not include adaptations to buildings, such as access ramps, but it has now been agreed that the infrastructure surrounding the services covered is

expected to become progressively more accessible. The agreed text notes that accessibility requirements vary across Member States, so the Act will encourage them to make the built environment "continuously and progressively more accessible" to disabled persons by aligning these diverging requirements as much as possible. The European Commission will assess the situation five years after the application of this Directive.

#### Next steps

The provisional agreement now needs to be confirmed by the EU member states' ambassadors (COREPER) and by Parliament's Internal Market Committee. The draft directive will then be put to a final vote by the full Parliament in an upcoming plenary session and submitted for approval to the EU Council of Ministers.

***Improving accessibility of the built environment does not appear to be mandatory at this stage and it seems that the text seeks to encourage overall improvements, rather than mandate them.***

#### EU events

- Nothing of interest