



# ESHTE | INATEL INTERNATIONAL CONFERENCE

ESTORIL, 8<sup>th</sup> and 9<sup>th</sup> October 2018

## COMPETITION LAW IN TOURISM AND NEW PACKAGE TRAVEL DIRECTIVE

With the support of the Portuguese Bar Association

### October 8<sup>th</sup> – Morning Session

Estoril Higher Institute for Tourism and Hotel Studies (ESHTE)

8:30 **Abertura do secretariado** | Welcoming of the participants

8:45 **Foto de grupo** | Group photo

9:00-9:30 **Sessão de abertura** | Opening session

**Raúl Filipe** | President of ESHTE

**Francisco Mandelino** | President of INATEL

### NEW PACKAGE TRAVEL DIRECTIVE

9:30-11:30 **Chairman: Sheila Sánchez Bergara (ES)** | The Ostelea School of Tourism & Hospitality, University of Lleida

**José Ángel Torres Lana (ES)** | Universitat de les Illes Balears, Subject matter (article 1) and Scope (article 2)

**Vincenzo Franceschelli (IT)** | Università di Milano-Bicocca, Definitions (article 3)

**Pilar Saura (ES)** | Universidad Murcia, Level of harmonisation (article 4)

**Josep Maria Bech Serrat (ES)** | Universitat de Girona, Information obligations and content of the package travel contract (articles 5 to 8)

**Sara Durso (IT)** | Università di Milano-Bicocca, Transfer of the package travel contract to another traveller (article 9)

**Chiara Tincani (IT)** | Università degli Studi di Verona, Alteration of the price (article 10) and Alteration of other package travel contract terms (article 11)

**Lorenzo del Federico (IT)** | Università di Chieti-Pescara, Alteration of the Price and Tax Law profiles

### 11:30 Coffee Break

12:00-13:00 **Chairman: Hermes Navarro (CR)** | Chief of the Tourism Investment Department of the Costa Rica Tourism Institute

**Francesco Torchia (IT)** | Università della Calabria, Termination of the package travel contract and the right of withdrawal before the start of the package (article 12)

**Antonia Paniza (ES)** | Universitat de les Illes Balears, Responsibility for the performance of the package (article 13)

**Michael Wukoschitz (AT)** | President Emeritus of International Forum of Travel and Tourism Advocates, Price reduction and compensation for damages (article 14)

**Patricia Benevides Velasco (ES)** | University of Malaga, Effectiveness and scope of insolvency protection (article 17)

### Almoço | Lunch

### October 8<sup>th</sup> – Afternoon Session

15:00-16:30 **Chairman: Enrique Mota Flores (MEX)** | Universidad del Caribe

**Laurence Jégouzo (FR)** | Directrice adjointe de l'école de droit de la Sorbonne, Mutual recognition of insolvency protection and administrative cooperation (article 18)

**Stephen Mason (UK)** | Senior Partner of Travellaw LLP, Insolvency protection and information requirements for linked travel arrangements (article 19)

**Silvia Feliu (ES)** | Universitat de les Illes Balears, Imperative nature of the Directive (article 23)

**Javier Melgosa Arcos (ES)** | Universidad de Salamanca, Penalties (article 25)

**Marcos Iglesias Caridad (ES)** | Universidad de Salamanca, Tax implications of package travel

**Lea Zuber (HR)** | Implementation of the Directive as well as ongoing preparations for a report on click-through bookings which the Commission has to prepare by the end of 2018 (article 26)

### 16:30 Coffee Break

### COMPETITION LAW IN TOURISM

17:00-19:30 **Chairman: Bartomeu Trias (ES)** | Universitat de les Illes Balears

**Tasman Tam (CN)** | Hong Kong University, NDC & GDS: theories of anti-competitive harm

**Valérie Augros (FR)** | NDC and GDS surcharges from a competition law perspective between airlines and agents

**Alejandro Corral Sastre (ES)** | Universidad CEU-San Pablo de Madrid, Digital tourism: towards a more efficient control of the tourist offer

**Jacqueline Tanti-Dougall (MT)** | University of Malta, Some legal questions about NDC

**Diego Benitez (AR)** | Comparative Law experiences: refusal from service providers

**Joana Socías Camacho (ES)** | Universitat de les Illes Balears, Competition law versus spatial planning in vacation rentals in Spain

**Joaquin Valles (ES)** | Comisión Nacional de los Mercados y la Competencia (CNMC), Regulation of tourist housing in Spain. A critical review from the competition perspective

**Julio Facal (UY)** | Universidade de la Republica de Uruguay, Distribution as a concentration factor and competition rules; one latinoamerican vision

**Andrew Charlton (CH)** | Managing Director at Aviation Advocacy and **Charles Stotler (USA)** | Deputy Director of Air and Space Law at the University of Mississippi, New Generation Booking Systems: Time to Look Again at the Implications

**Jorge Dieguez (ES)** | IATA, NDC: an overview

### October 9<sup>th</sup> – Morning Session

9:00-10:30 **Chairman: José Da Silva Gonçalves (CV)** | Minister for Tourism and Transport of Cabo Verde, vice-president of the UNWTO General Assembly

**Joandre Ferraz (BR)** | Hotels x online travel agencies in Brazil: Competitive Authority's decisions

**Marcelo Oliveira (BR)** | ABAV Nacional, A global and legal overview of travel agent representatives regarding the NDC created by IATA

**Afonso Café (PT)** | Universidade do Algarve, Competitive Challenges on Accommodation Sharing Economy

**Ana Branca Soeiro de Carvalho (PT)** | Instituto Politécnico de Viseu, The competitive effects of parity clauses on online commerce

**João Vidal (PT)** | Universidade do Algarve, The proposed introduction of market-based mechanisms for the use of airport slots and its effects on competition

### 10:30 Coffee Break

11:00-12:30 **Chairman: Enrico Gragnoli (IT)** | Università degli Studi di Parma

**Virgílio Machado (PT)** | Universidade do Algarve, Local tourism accommodation as a service of general interest: the Portuguese case

**Carlos Torres (PT)** | Escola Superior de Hotelaria e Turismo do Estoril, The Regulation (EC) No 80/2009 on a Code of Conduct for computerized reservation systems and its implications on NDC

**Ardyllis Soares (BR)** | Parity clauses as barriers to tourism supply chain competition

**António Osório (CV)** | Regulations on Competition in Air Transport within Africa

### 12:30 Almoço | Lunch

### October 9<sup>th</sup> – 16:00

**Presentation Ceremony of the Book “Sustainable Tourism Law”**