

Subject: Revision of Regulation 2299/89 establishing a Code of Conduct for Computerised Reservation Systems (CRS)

Dear Mr. Calleja,

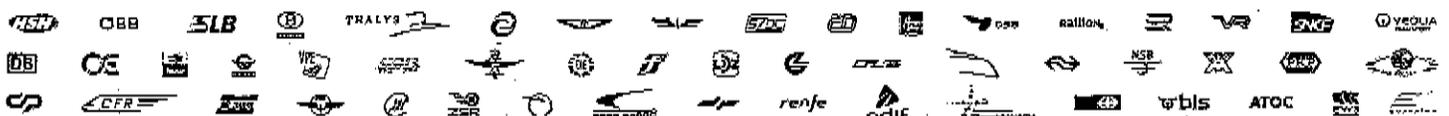
This letter addresses the Commission's invitation expressed during the meeting held on last 2 May to the stakeholders, to present further comments, remarks and opinions in preparation for the revision of the Code of Conduct for CRS.

CER has followed the discussions during the consultation and agrees with the Commission on the problematic application of some Regulation 2299/89 provisions to rail services, in case these services are included in a CRS display.

In particular, CER agrees with the Commission (as punctually explained in the point 8 of the Commission's consultation paper) that the current rule of non-discriminatory fees paradoxically results in a discrimination of rail products against air products, because imposing the same fee on railway bookings as on airline bookings does not allow railway undertakings to negotiate with the CRSs fees better related to the ticket price. Therefore, CER supports a revision of Regulation 2299/89 providing greater pricing flexibility to rail services.

As far as art.6 on the marketing information data tapes (MIDT) is concerned, CER believes that this provision, also applicable to rail services, gives to the airlines an unfair competitive advantage over the railway undertakings because allows CRSs to sell really detailed marketing information otherwise not available to a competing mode of transport.

COMMUNITY OF EUROPEAN RAILWAY AND INFRASTRUCTURE COMPANIES - COMMUNAUTÉ EUROPÉENNE DU RAIL ET DES COMPAGNIES D'INFRASTRUCTURE - GEMEINSCHAFT DER EUROPÄISCHEN BAHNEN UND INFRASTRUKTURGESELLSCHAFTEN



CER deems that the Code of Conduct revision does give the Commission the opportunity to amend some provisions whose application, under discussion within the air sector, seems even more so without a real justification in the rail transport, extraneous to any discriminatory behaviours arising from a shareholding in a Global Distribution System (GDS).

I hope that you take these few comments into account in drawing up the revision of the Regulation 2299/89.

Best Regards,


Johannes Lüdewig
CER Executive Director