

Nru. 105

27. 4. 2001

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli Ċensu Galea, M.P., Ministru ghat-Trasport u Komunikazzjoni, u moqri ghall-Ewwel darba fis-Seduta tat-2 ta' April, 2001.

ATT biex jipprovdi dwar kodiċi ta' kondotta ghal sistema ta' riservazzjoni komputerizzata.

RICHARD J. CAUCHI

Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Ċensu Galea, M.P., Minister for Transport and Communications, and read the First time at the Sitting of the 2nd April, 2001.

AN ACT to provide for a code of conduct for computerised reservation systems.

RICHARD J. CAUCHI

Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT biex jipprovdi dwar Kodiċi ta' Kondotta ghal Sistema ta' Riservazzjoni Komputerizzata

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġejj:-

1. (1) It-titolu ta' dan l-Att hu l-Att ta' l-2001 dwar Kodiċi ta' Kondotta ghal Sistema ta' Riservazzjoni Komputerizzata. Titolu u bidu
fis-schh.

(2) Dan l-Att għandu jibda jsehh f'dik id-data li l-Ministru responsabbli għall-Avjazzjoni Ċivili jista' b'avviż fil-Gazzetta jistabbilixxi, u jistgħu jiġu hekk stabbiliti dati differenti għal għanijiet differenti u għal provvedimenti differenti ta' dan l-Att.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tkunx Tifsir.
tehtieg xort'ohra -

"abbonat" tfisser persuna, minbarra konsumatur, jew impriża, minbarra trasportatur parteċipanti, li tuża sistema ta' riservazzjoni komputerizzata taht xi kuntratt jew arrangament finanzjarju iehor ma' bejjiegħ ta' sistema. Għandu jitqies li jkun jeżisti arrangament finanzjarju meta jsir hlas speċifiku għas-servizzi tal-bejjiegħ ta' sistema jew meta jinxtara prodott tat-trasport bl-ajru;

"awment fil-valur ta' servizz" tfisser prodott jew sevizz offrut minn bejjiegħ ta' sistema f'ismu nnifsu lill-abbonati, flimkien ma' sistema ta' riservazzjoni komputerizzata, minbarra faċilitajiet ta' distribuzzjoni;

"bejjiegħ ta' sistema" tfisser kull entità u l-filjali tagħha li tkun responsabbli għat-thaddim jew it-tqegħid fis-suq ta' sistema ta'

riservazzjoni komputerizzata;

"biljett" tfisser dokument validu li jaghti jedd ghal trasport, jew xi ekwivalenti f'ghamla mhux tal-karta, inkluza dik elettronika, mahruġ jew awtorizzat mit-trasportatur jew mill-aġent awtorizzat tiegħu;

"Bord" tfisser il-Bord ghal Sistema ta' Riservazzjoni Komputerizzata mwaqqaf taht l-artikolu 19;

"Direttur" tfisser id-Direttur ta' l-Avjazzjoni Ċivili u tinkludi, sal-limitu ta' l-awtorità mogħtija, kull min ikun awtorizzat għaldaqstant mid-Direttur;

"faċilitajiet ta' distribuzzjoni" tfisser il-faċilitajiet ipprovduti minn bejjiegh ta' sistema għall-provdiment ta' informazzjoni dwar l-iskedi tat-trasportaturi bl-ajru, id-disponibbiltà, it-tariffi u servizzi relatati u sabiex isiru riservazzjonijiet u, jew il-hruġ ta' biljetti, u għal kull servizz ieħor relatat;

"hin tal-vjaġġ traskors" tfisser id-differenza bejn id-differenza fil-hin tat-tluq skedat u l-hin tal-wasla skedat;

"konsumatur" tfisser kull min ikun qed ifittex informazzjoni dwar jew li jkollu l-hsieb li jixtri prodott tat-trasport bl-ajru għall-użu privat tiegħu;

"kontroll effettiv" tfisser relazzjoni li tinholoq bi drittijiet, kuntratti jew b'kull mezz ieħor li, sew separatament jew konguntemment u fil-qies tal-konsiderazzjonijiet ta' fatt jew ta' ligi involuti, jikkonferixxu l-possibilità li direttament jew indirettament tiġi eserċitata influwenza deċiżiva fuq impriża, partikolarment -

(a) bid-dritt li jintuza l-attiv ta' impriża kollu kemm hu jew parti minnu; u

(b) bid-drittijiet jew kuntratti li jikkonferixxu influwenza deċiżiva fuq l-ghamla, l-ivvotar jew id-deċiżjonijiet tal-korpi ta' xi impriża jew xort'ohra jikkonferixxu influwenza deċiżiva fuq it-tmexxija tan-negozju ta' l-impriża;

"Ministru" tfisser il-Ministru responsabbli għall-Avjazzjoni Ċivili, u tinkludi, sal-limitu ta' l-awtorità mogħtija, kull uffiċjal li jkun awtorizzat minnu, bil-miktub, sabiex jaġixxi minflok għal xi wiehed mill-ghanijiet ta' dan l-Att;

"prodott tat-trasport bl-ajru" tinkludi prodotti relatati mat-trasport bl-ajru sew mhux iggruppati sew iggruppati;

"prodott tat-trasport bl-ajru iggruppat" tfisser kombinazzjoni rranġata bil-quddiem ta' prodott tat-trasport bl-ajru mhux iggruppat flimkien ma' servizzi oħra mhux anċillari għat-trasport bl-ajru, offruti għall-bejgħ u, jew, mibjugħ bi prezz inkluziv;

"prodott tat-trasport bl-ajru mhux iggruppat" tfisser it-trasport bl-ajru ta' passiġġier bejn żewġ ajruporti, inkluzi servizzi anċillari relatati u benefiċċji addizzjonali offruti għall-bejgħ u, jew, mibjugħin bhala parti integrali ta' dak il-prodott;

"prodott tat-trasport bit-tren" tinkludi sew prodotti tat-trasport bit-tren mhux iggruppati sew dawk iggruppati;

"prodott tat-trasport bit-tren iggruppat" tfisser kombinazzjoni rranġata bil-quddiem ta' prodott tat-trasport bit-tren mhux iggruppat flimkien ma' servizzi oħra mhux anċillari għat-trasport bl-ajru, offruti għall-bejgħ jew mibjugħ bi prezz inkluziv;

"prodott tat-trasport bit-tren mhux iggruppat" tfisser it-trasport ta' passiġġier bejn żewġ stazzjonijiet bit-tren, inkluzi servizzi anċillari relatati u benefiċċji addizzjonali offruti għall-bejgħ jew mibjugħin bhala parti integrali ta' dak il-prodott;

"riservazzjoni dupliċi" tfisser sitwazzjoni li toriġina meta żewġ riservazzjonijiet jew iktar isiru għall-istess passiġġier meta jkun ċar li l-passiġġier aktarx li ma jkunx jista' juża iktar minn waħda;

"servizz ta' l-ajru skedat" tfisser serje ta' titjiriet li lkoll ikollhom dawn il-karatteristiċi li ġejjin:

(a) isiru minn ajruplani għat-trasport ta' passiġġieri jew taġ' passiġġieri u merkanzija u, jew il-valiġġa tal-posta għal rimunerazzjoni, b'dak il-mod li waqt kull titjira jkun hemm disponibbli postijiet biex jinxtrow minn konsumaturi individwali, sew direttament minghand it-trasportatur bl-ajru jew minghand l-aġenti awtorizzati tiegħu;

(b) ikunu mħaddma b'mod li jservu t-traffiku bejn l-istess żewġ punti jew iktar, kemm -

(i) skond pjan pubblikat ta' hinijiet; kemm

(ii) b'titjiriet li jkunu daqstant regolari jew frekwenti li jikkostitwixxu serje sistematika rikonoxxibbli;

"sistema ta' riservazzjoni komputerizzata" tfisser sistema komputerizzata li jkun fiha informazzjoni dwar, fost l-oħrajn, dawn l-affarijiet li ġejjin tat-trasportaturi bl-ajru -

- (a) skedi;
- (b) disponibbiltà;
- (c) tariffi; u
- (d) servizzi relatati;

sew bi jew minghajr faċilitajiet li bihom -

- (a) jistghu jsiru r-riservazzjonijiet; jew
- (b) jistghu jinharġu biljetti,

daqstant li x'uhud minn jew dawn is-servizzi kollha jintgħamlu disponibbli għall-abbonati;

"tariffa" tfisser il-hlas li għandu jsir għal prodotti tat-trasport bl-ajru mhux iggruppati u l-kondizzjonijiet li taħthom ikun japplika dan il-hlas;

"trasportatur parteċipanti" tfisser trasportatur bl-ajru li jkollu ftehim ma bejjiegh ta' sistema għad-distribuzzjoni ta' prodotti tat-trasport bl-ajru permezz ta' sistema ta' riservazzjoni komputerrizzata. Sakemm trasportatur prinċipali juża l-faċilitajiet tas-sistema tiegħu nnifsu ta' riservazzjoni komputerrizzata li taqa' taħt dan l-Att, dan għandu jitqies bħala trasportatur parteċipanti;

"trasportatur prinċipali" tfisser dak it-trasportatur bl-ajru li direttament jew indirettament, wahdu jew konguntemment ma' oħrajn, ikun proprjetarju jew ikun effettivament jikkontrolla bejjiegh ta' sistema, u tinkludi lil kull trasportatur bl-ajru li jkun proprjetarju tiegħu jew li jkun effettivament jikkontrolla;

"wiri prinċipali" tfisser il-wiri newtru komprensiv ta' *data* dwar is-servizzi ta' l-ajru bejn gruppi ta' żewġt ibliet, f'perjodu ta' żmien speċifikat.

Mgħieba ta' bejjiegha ta' sistema.

3. (1) Bejjiegh ta' sistema għandu jkollu l-abbiltà, f'ismu proprju bħala enti differenti mit-trasportatur prinċipali, li jkollu dittijiet u obligazzjonijiet ta' kull xorta, li jagħmel kuntratti, fost l-oħrajn, ma' trasportaturi prinċipali, trasportaturi parteċipanti u abbonati, jew li jwettaq xi atti legali oħra u li jharrek u jigi mharrek.

(2) Bejjiegh ta' sistema għandu, bla hsara għal kull esigenza teknika li ma tkunx fil-kontroll ta' dak il-bejjiegh ta' sistema, jippermetti lil kull trasportatur bl-ajru li jipparteċipa, fuq bażi egwali u mhux diskriminatorja, fil-faċilitajiet ta' distribuzzjoni tiegħu fil-

kapaċità disponibbli tas-sistema inkwistjoni.

(3) (a) Bejjiegh ta' sistema ma ghandux -

(i) jimponi kondizzjonijiet mhux raġonevoli għal xi kuntratt ma' trasportatur parteċipanti;

(ii) jesigi li jiġu aċċettati kondizzjonijiet supplimentari li, bix-xorta tagħhom stess jew bil-konswetudni kummerċjali, ma jkollhom ebda konnessjoni mal-parteċipazzjoni fis-sistema ta' riservazzjoni komputerrizzata tiegħu u huwa għandu japplika l-istess kondizzjonijiet għall-istess livell ta' servizz.

(b) Bejjiegh ta' sistema m'ghandux jagħmilha kondizzjoni ta' parteċipazzjoni fis-sistema ta' riservazzjoni komputerrizzata tiegħu illi trasportatur parteċipanti ma jistax ikun fl-istess waqt parteċipant f'xi sistema oħra.

(ċ) Bejjiegh parteċipanti jista' jtemm il-kuntratt tiegħu ma' bejjiegh ta' sistema billi jagħti dak l-avviż, li jista' jiġi stipulat, biex il-kuntratt ikun jista' jiskadi. F'dak il-kas, bejjiegh ta' sistema ma jkollu ebda jedd li jirkupra xi spejjeż iktar minn dawk direttament relatati mat-terminazzjoni tal-kuntratt:

Iżda ma jista' jiġi stipulat ebda avviż ta' iktar minn sitt xhur, u d-dispożizzjonijiet ta' dan il-paragrafu m'ghandhomx japplikaw jekk il-kuntratt jiġi terminat qabel l-ewwel sena tal-kuntratt:

Iżda wkoll trasportatur parteċipanti jista' jagħtil avviż itwal minn dak li jiġi stipulat.

(4) Jekk bejjiegh ta' sistema jiddeciedi li jagħmel xi titjib mal-facilitajiet ta' distribuzzjoni provduti jew mat-tagħmir użat fil-provdiment tal-facilitajiet, huwa għandu jagħti informazzjoni dwar dan it-titjib u joffrih lil kull trasportatur parteċipanti, inklużi trasportaturi prinċipali, bl-istess heffa u bl-istess pattijiet u kondizzjonijiet, bla hsara għal kull esigienza teknika li ma tkunx fil-kontroll tal-bejjiegh tas-sistema, u b'dak il-mod li ma jistax ikun hemm differenza fiż-żmien bejn il-bidu u t-tmiem ta' proċess ta' produzzjoni għall-implimentazzjoni ta' kull titjib għdid bejn it-trasportaturi prinċipali u dawk parteċipanti.

4. (1) (a) Trasportatur prinċipali ma jistax jiddiskrimina kontra sistema ta' riservazzjoni komputerrizzata li tkun qed tikkompeti billi jirrofta milli jipprovidi lis-sistema l-aħhar imsemmija, meta hekk jintalab u bl-istess heffa, l-istess informazzjoni dwar skedi,

Mgħieba ta' trasportaturi prinċipali.

tariffi u disponibbiltà ghar-rigward tas-servizzi ta' l-ajru tiegħu stess bhalma tkun dik l-informazzjoni li kieku jipprovdi lis-sistema ta' riservazzjoni komputerizzata tiegħu nnifsu jew billi jirrofta milli jiddistribwixxi l-prodotti tat-trasport bl-ajru li jkollu permezz ta' xi sistema ta' riservazzjoni komputerizzata ohra, jew billi jirrofta milli jaççetta jew jikkonferma bl-istess heffa xi riservazzjoni li ssir permezz ta' sistema ta' riservazzjoni komputerizzata li tkun qed tikkompetilu għal xi wiehed mill-prodotti ta' trasport bl-ajru li jkollu li jkunu distribwiti permezz tas-sistema ta' riservazzjoni komputerizzata tiegħu nnifsu. It-trasportatur prinçipali jkun obligat li jaççetta u jikkonferma biss dawk il-prenotazzjonijiet li jkunu skond it-tariffi u l-kondizzjonijiet tiegħu.

(b) It-trasportatur prinçipali ma jkun obligat iħallas ebda spejjeż f'dan ir-rigward hief dawk konnessi mar-riproduzzjoni ta' l-informazzjoni li għandha tiġi pprovduta u għal prenotazzjonijiet li jiġu aççettati. Id-dritt għall-prenotazzjoni li jithallas għal sistema ta' riservazzjoni komputerizzata għal prenotazzjoni aççettata magħmula skond ma hemm f'dan l-artikolu m'għandux jeççedi d-dritt imħallas bl-istess sistema ta' riservazzjoni komputerizzata lil trasportaturi parteçipanti għal xi transazzjoni ekwivalenti.

(c) It-trasportatur prinçipali għandu jkollu jedd jeffettwa kontrolli biex jiżgura li d-dispożizzjonijiet ta' l-artikolu 7(1) jkunu qegħdin jiġu segwiti mis-sistema ta' riservazzjoni komputerizzata.

(2) Id-dispożizzjonijiet ta' dan l-artikolu m'għandhomx japplikaw dwar xi sistema ta' riservazzjoni komputerizzata li tkun instabet, mill-Bord, li tkun kisbet informazzjoni b'mezzi mhux awtorizzati.

5. (1) (a) Trasportaturi parteçipanti u provdituri ohra ta' prodotti tat-trasport bl-ajru għandhom jiżguraw li kull *data* li huma jipprezentaw lil xi sistema ta' riservazzjoni komputerizzata ikunu preçizi, li ma jqarrqux, trasparenti u xejn inqas li jiftehmu minn dawk ipprezentati lil xi sistema ta' riservazzjoni komputerizzata ohra. Dawk id-*data* għandhom ikunu tali li bejjiegh ta' sistema jkun kapaçi jikkonforma ruħu mal-htigiet tal-kriterji skond il-klassifikazzjoni stipulata fl-Ewwel Skeda.

(b) L-intermedjarji m'għandhomx jimmanipulaw *data* li tkun ġiet ipprezentata lilhom b'mod li jwassal għal informazzjoni xejn eżatta, qarrieqa jew diskriminatorja.

(c) Id-dispożizzjonijiet tal-paragrafi (a) u (b) għandhom ikunu, *mutatis mutandis*, japplikaw ukoll għal servizzi bit-

Mġieba ta'
trasportaturi
parteçipanti.

tren dwar *data* li jiġu pprovduti biex jiddaħhlu fil-wiri prinċipali.

(2) (a) Bejjiegh ta' sistema m'għandux jimmanipula l-materjal imsemmi fis-subartikolu (1) b'xi mod li jwassal għall-ghoti ta' informazzjoni xejn eżatta, qarrieqa jew diskriminatorja.

(b) Bejjiegh ta' sistema għandu inserixxi u jipproċessa *data* pprovduta mit-trasportaturi parteċipanti kollha bl-istess attenzjoni u heffa, bla ħsara biss għall-esiġenzi tal-metodu ta' inserzjoni li jintgħażel mit-trasportaturi parteċipanti individwali u ta' kull format li normalment jintuża minn dak il-bejjiegh.

6. (1) Il-faċilitajiet ta' inseriment u, jew, ipproċessar provduti minn bejjiegh ta' sistema għandhom jiġu offruti lil kull trasportatur sew prinċipali sew parteċipanti mingħajr ebda diskriminazzjoni. Meta jkun hemm disponibbli *standards* ta' l-industrija tat-trasport bl-ajru li jkunu ġeneralment aċċettati, il-bejjiegh ta' sistema għandu joffri faċilitajiet li jkunu kompatibbli magħhom.

Dhul u
distribuzzjoni.

(2) Bejjiegh ta' sistema m'għandux jirriserva xi inseriment speċifiku u, jew, ipproċessar jew xi faċilità ta' distribuzzjoni ohra għal xi wiehed jew iktar mit-trasportaturi prinċipali tiegħu.

(3) Bejjiegh ta' sistema għandu jiżgura li l-faċilitajiet ta' distribuzzjoni tiegħu jkunu mifrudin, b'mod ċar u verifikabbli, mill-faċilitajiet privati li trasportatur ikollu ta' inventarju, tmexxija u tqeghid fis-suq. Il-firda tista' ssir sew permezz ta' *software* sew fiżikament b'dak il-mod li kull konnessjoni bejn il-faċilitajiet ta' distribuzzjoni u l-faċilitajiet privati tista' biss tinkiseb permezz ta' *interfaċe* ta' applikazzjoni-għal-applikazzjoni. Irrispettivament mill-metodu tal-firda li jiġi adottat, *interfaċe* bħal dak għandu jkun disponibbli għal kull trasportatur prinċipali u parteċipanti fuq bażi mhux diskriminatorja u għandu jipprovdi egwaljanza ta' trattament dwar kull proċedura, protokoll, *input* u *output*. Meta jkun rilevanti u jkunu disponibbli *standards* ta' l-industrija tat-trasport bl-ajru li jkunu ġeneralment aċċettati, il-bejjiegh ta' sistema għandhom joffru *interfaċes* li jkunu kompatibbli magħhom.

(4) Bejjiegh ta' sistema għandu jiżgura li terzi li jkunu qed joffru xi servizz ta' sistema ta' riservazzjoni komputerizzata għalkollox jew f'parti minnu f'ismu għandhom jikkonformaw mad-dispożizzjonijiet rilevanti ta' dan l-Att.

7. (1) (a) Kull wiri li jiġi ġġenerat minn sistema ta' riservazzjoni komputerizzata għandu jkun ċar u mhux diskriminatorju.

Wiri ta' sistema
ta' riservazzjoni
komputerizzata.

(b) Bejjiegh ta' sistema m'ghandux bil-hsieb jew b'negligenza juri informazzjoni xejn eżatta jew qarrieqa fis-sistema ta' riservazzjoni komputerizzata tiegħu.

(2) (a) Bejjiegh ta' sistema għandu jipprovdi wiri prinċipali wiehed jew iktar għal kull transazzjoni individwali permezz tas-sistema ta' riservazzjoni komputerizzata u għandu jinkludi fih jew fihom id-*data* pprovduti mit-trasportaturi parteċipanti dwar l-iskedi ta' l-ajru, tipi ta' tariffi u disponibilità ta' postijiet b'mod ċar u komprensiv u minghajr ebda diskriminazzjoni jew xaqlib lejn xi naha, partikolarment dwar l-ordni li bih tiġi ppreżentata l-informazzjoni.

(b) Konsumatur ikollu jedd, fuq talba li jagħmel, għal wiri prinċipali limitat jew għal servizzi skedati jew dawk mhux skedati biss.

(ċ) Ma' għandha tiddaħhal ebda diskriminazzjoni bażata fuq ajruporti li jaqdu lill-istess belt fil-kompożizzjoni u l-għażla ta' titjriet għal xi bliet f'par li għandu jiġi inkluż f'wiri prinċipali.

(d) Il-klassifikazzjoni ta' għażliet fit-titjriet f'wiri prinċipali għandha tkun skond ma hemm stipulat fl-Ewwek Skeda.

(e) Il-kriterji li għandhom jintużaw għall-klassifikazzjoni m'għandhomx jiġu bbażati fuq xi fattur direttament jew indirettament relatat ma' l-identità tat-trasportatur u għandhom jiġu applikati fuq bażi mhux diskriminatorja għat-trasportaturi parteċipanti kollha.

(3) Meta bejjiegh ta' sistema jipprovdi informazzjoni dwar it-tariffi, il-wiri għandu jkun wiehed newtrali u mhux diskriminatorju u għandu jkun fih mill-inqas it-tariffi pprovduti għat-titjriet kollha ta' trasportaturi parteċipanti murija fil-wiri prinċipali. Is-sors ta' dik l-informazzjoni għandha tkun aċċettabbli sew għat-trasportatur parteċipanti sew għall-bejjiegh ta' sistema involut.

(4) L-informazzjoni fuq prodotti iggruppati li jkunu jirrigwardaw, fost l-oħrajn, l-organizzatur tal-mawra, id-disponibbiltà u l-prezzijiet, m'għandhiex tidher fil-wiri prinċipali.

(5) Sistema ta' riservazzjoni komputerizzata m'għandhiex titqies li tkun qed tikser id-dispożizzjonijiet ta' dan l-Att sakemm biss din tibdel xi wiri biex jitharsu xi talba jew talbiet speċifiċi ta' konsumatur.

8. (1) Dawn id-dispożizzjonijiet li ġejjin għandhom jiregolaw id-disponibbiltà ta' informazzjoni, statistika jew ta' xort'ohra, minn bejjiegh ta' sistema mis-sistema ta' riservazzjoni komputerrizzata tiegħu:

Disponibbiltà
ta'
informazzjoni.

(a) informazzjoni li tirrigwarda prenotazzjonijiet individwali identifikabbli għandha tiġi pprovduta fuq bażi egwali u dan biss lit-trasportatur jew trasportaturi bl-ajru li jkunu qeghdin jipparteċipaw fis-servizz kopert u lill-abbonati involuti fil-prenotazzjoni. Informazzjoni taht il-kontroll tas-sistema tal-bejjiegh ta' sistema li tkun tirrigwarda prenotazzjonijiet individwali identifikabbli għandha tiġi arkivjata *off-line* fi żmien tnejn u sebghin sieghamit-tlestija ta' l-ahhar element fil-prenotazzjoni individwali u għandha tinqered fi żmien tliet snin. Id-dhul għal dawk id-*data* għandu, minghajr preġudizzju għal kull poter li għandha l-pulizija jew xi awtorità oħra f'konnessjoni ma' investigazzjonijiet kriminali jew is-sigurtà nazzjonali, jkun permess biss għal raġunijiet li għandhom x'jaqsmu ma' tilwimiet li jirrigwardaw il-hruġ ta' kontijiet;

(b) kull *data* dwar it-tqegħdi fis-suq, prenotazzjonijiet u bejgħ għandhom biss ikunu disponibbli sakemm -

(i) dawk id-*data* jiġu offruti bl-istess heffa u fuq bażi mhux diskriminatorja lit-trasportaturi parteċipanti kollha, inklużi trasportaturi prinċipali;

(ii) dawk id-*data* jistgħu u, fuq talba, għandhom ikopru lil kull trasportatur parteċipanti u, jew abbonat, iżda m'għandhom jinkludu la xi identifikazzjoni, diretta jew indiretta, ta' xi passigġier jew xi utent korporat, u lanqas xi informazzjoni personali dwarhom;

(iii) kull talba għal *data* bħal dawk għandha tiġi trattata bl-istess attenzjoni u heffa bla ħsara għall-metodu ta' trasmissjoni magħżul mit-trasportatur individwali;

(iv) l-informazzjoni ssir disponibbli hekk kif din tintalab lit-trasportaturi parteċipanti u lill-abbonati sew kollha kemm huma sew kif magħżulin dwar is-suq fejn ikunu qeghdin joperaw;

(v) grupp ta' linji ta' l-ajru u, jew abbonati jkollhom jedd jixtru *data* għal ipproċessar komuni.

(2) Bejjiegh ta' sistema m'għandux jagħmel informazzjoni personali dwar xi passigġier disponibbli lil xi oħrajn li ma jkunux

involuti fit-transazzjoni minghajr il-kunsens tal-passiġġier.

(3) Bejjiegh ta' sistema ghandu jiżgura li d-dispożizzjonijiet tas-subartikoli (1) u (2) jitharsu, sew b'mezzi tekniċi u, jew b'salvagwardji adatti, b'dak il-mod li l-informazzjoni pprovduta minn jew magħmula għat-trasportaturi bl-ajru m'ghandu b'ebda mod ikun hemm dhul għaliha minn xi wiehed jew iktar mit-trasportaturi bl-ajru hlief kif permess b'dan l-Att.

Trasportaturi
prinċipali u
pajjiżi li mhux
Malta.

9. (1) L-obbligazzjonijiet ta' bejjiegh ta' sistema taht l-artikoli 3, 5, 6, 7 u 8 m'ghandhomx japplikaw dwar xi trasportatur prinċipali ta' xi pajjiż li mhux Malta sal-limitu li s-sistema ta' riservazzjoni komputerrizzata barra t-territorju ta' Malta ma jkunx joffri lil trasportaturi bl-ajru Maltin trattament ekwivalenti għal dak provdut taht dan l-Att.

(2) L-obbligazzjonijiet ta' trasportaturi prinċipali jew parteċipanti taht l-artikoli 4, 5 u 10 m'ghandhomx japplikaw dwar xi sistema ta' riservazzjoni komputerrizzata kontrollata minn trasportatur bl-ajru ta' xi pajjiż wiehed jew iktar li mhux Malta sal-limitu li, barra mit-territorju ta' Malta, it-trasportatur prinċipali jew parteċipanti ma jingħatax trattament ekwivalenti għal dak provdut taht dan l-Att.

Ebda
kummissjoni,
inċentiv jew
disinċentiv.

10. (1) Trasportatur prinċipali m'ghandux, direttament jew indirettament, jgħaqqad l-użu ta' xi sistema ta' riservazzjoni komputerrizzata speċifika minn abbonat billi jirċievi xi kummissjoni jew xi inċentiv jew disinċentiv iehor għall-bejgħ ta' prodotti tat-trasport bl-ajru disponibbli fuq it-titjiriet tiegħu.

(2) Trasportatur prinċipali m'ghandux, direttament jew indirettament, jehtieg l-użu ta' xi sistema ta' riservazzjoni komputerrizzata speċifika minn abbonat għall-bejgħ jew il-hruġ ta' biljetti għal xi prodotti tat-trasport bl-ajru li jkunu direttament jew indirettament provduti minn dak it-trasportatur prinċipali.

(3) Trasportatur bl-ajru m'ghandux, meta jkun qed jawtorizza lil xi aġent ta' l-ivvjagġar biex ibiegh u johroġ il-biljetti għall-prodotti tat-trasport bl-ajru tat-trasportatur bl-ajru, jimponi xi kondizzjoni, fuq l-aġent ta' l-ivvjagġar, li tkun tmur kontra d-dispożizzjonijiet tas-subartikoli (1) jew (2).

Distribuzzjoni
ta' faċilitajiet.

11. (1) Bejjiegh ta' sistema ghandu jagħmel kull faċilità ta' distribuzzjoni ta' sistema ta' riservazzjoni komputerrizzata disponibbli għal kull abbonat fuq bażi mhux diskriminatorja.

(2) Bejjiegh ta' sistema la ghandu jehtieg li xi abbonat jiffirma kuntratt esklużiv, u lanqas direttament jew indirettament jipprevjeni lil xi abbonat milli jabbona fi, jew milli juża, xi sistema

jew sistemi ohra.

(3) Tkattir u tijib fis-servizz li jiġi offrut lil xi abbonat wiehed għandhom jiġu offruti mill-bejjiegh ta' sistema lill-abbonati kollha fuq bażi mhux diskriminatorja.

(4) (a) Bejjiegh ta' sistema m'għandux iżid kondizzjonijiet irragonevoli ma' xi kuntratt ta' abbonament li jkun jippermetti l-użu tas-sistema ta' riservazzjoni komputerrizzata u, b'mod partikolari, abbonat jista' jtemm il-kuntratt tiegħu ma' bejjiegh ta' sistema billi jagħti dak l-avviż, hekk kif jista' jiġi stipulat, biex il-kuntratt jiskadi. F'dak il-każ, bejjiegh ta' sistema ma jkollux jedd jirkupra iktar mill-ispejjeż direttament relatati mat-terminazzjoni tal-kuntratt:

Iżda ma jista' jiġi stipulat ebda avviż ta' aktar minn tliet xhur, u d-dispożizzjonijiet ta' dan il-paragrafu m'għandhomx japplikaw jekk il-kuntratt jiġi terminat qabel l-ewwel sena tal-kuntratt:

Iżda wkoll abbonat jista' jagħti avviż itwal minn dak stipulat.

(b) Bla hsara għad-dispożizzjonijiet tas-subartikolu (2), il-provvista ta' tagħmir tekniku mill-bejjiegh ta' sistema m'għandhiex tkun suġġetta għal xi wahda mill-kondizzjonijiet stipulati fil-paragrafu (a).

(5) Bejjiegh ta' sistema għandu, f'kull kuntratt ta' abbonat, jipprovdi dwar -

(a) il-wiri prinċipali, b'konformità ma' l-artikolu 7, li jsir dhul għalih għal kull transazzjoni individwali, hliet meta konsumatur ikun qed jitlob informazzjoni għal trasportatur bl-ajru wiehed biss jew fej il-konsumatur jitlob informazzjoni biss għal prodotti tat-trasport bl-ajru iggruppat; u

(b) li l-abbonat ma jimmanipulax materjal fornit b'xi sistema ta' riservazzjoni komputerrizzata b'mod li jwassal għal preżentazzjoni lill-konsumaturi ta' informazzjoni xejn eżatta, qarrieqa jew diskriminatorja.

(6) Bejjiegh ta' sistema ma jistax jimponi obligazzjoni fuq abbonat hliet offerta ta' tagħmir tekniku jew *software*, iżda jista' jehtieg li t-tagħmir u s-*software* li jintużaw għandhom ikunu kompatibbli mas-sistema tiegħu nnifsu.

Obbligazzjonijiet ta' l-abbonati u drittijiet tal-konsumaturi.

12. (1) (a) Fil-każ ta' informazzjoni pprovduta minn sistema ta' riservazzjoni komputerizzata, abbonat għandu juża wiċċ neutrali skond ma hemm fl-artikolu 7(2)(a) u (b) kemm-il darba ma jkunx meħtieġ xi wiċċ ieħor minn konsumatur.

(b) Ebda abbonat m'għandu jimmanipula informazzjoni pprovduta minn sistema ta' riservazzjoni komputerizzata b'mod li jwassal għal preżentazzjoni lil xi konsumatur ta' dik l-informazzjoni b'mod xejn eżatt, qarrieqi jew diskriminatorju.

(ċ) Abbonat għandu jagħmel riservazzjonijiet u johroġ biljetti skond l-informazzjoni li tinsab fis-sistema ta' riservazzjoni komputerizzata li tintuża, jew kif ikun awtorizzat mit-trasportatur inkwistjoni.

(d) Abbonat għandu jgħarraf lil kull konsumatur dwar kull tibdil tul ir-rotta ta' tagħmir, l-għadd ta' waqfiet skedati tul ir-rotta, l-identità tat-trasportatur bl-ajru li attwalment ikun qed jopera t-titjira, u b'kull tibdila ta' ajruport meħtieġa f'xi itinerarju provdut, daqstant li dik l-informazzjoni tkun preżenti fis-sistema ta' riservazzjoni komputerizzata. L-abbonat għandu jgħarraf lill-konsumatur bl-isem u l-indirizz tal-bejgieh ta' sistema, l-għanijiet ta' l-ipproċessar, għal kemm żmien iddum iż-żamma ta' *data* individwali u l-mezzi disponibbli għall-konsumatur biex jeserċita d-drittijiet ta' dhul tiegħu.

(e) Konsumatur ikollu jedd f'kull waqt li jikseb *print-out* tal-wiri tas-sistema ta' riservazzjoni komputerizzata jew li jingħata dhul fil-wiri ta' sistema ta' riservazzjoni komputerizzata parallela li tkun tirrifletti x-xbieha li tkun qegħda tintwera lill-abbonat.

(f) Persuna jkollha jedd li jkollha dhul effettiv, mingħajr ebda hlas, għad-*data* tiegħu innifsu kemm jekk id-*data* tkun maħżuna mis-sistema ta' riservazzjoni komputerizzata kemm jekk mill-abbonat.

(2) Abbonat għandu juża l-faċilitajiet ta' distribuzzjoni ta' sistema ta' riservazzjoni komputerizzata skond it-Tieni Skeda.

Kriterji dwar kif jintalbu d-drittijiet lit-trasportaturi partecipanti.

13. (1) Kull dritt li jintalab jithallas minn trasportatur partecipanti minn bejgieh ta' sistema għandu jkun wieħed mhux diskriminatorju, raġonevolment strutturat u raġonevolment relatat ma' l-ispiża tas-servizz provdut u wżat, u għandu, b'mod partikolari, jkun l-istess għall-istess livell ta' servizz.

(2) Il-hruġ ta' kontijiet għas-servizzi ta' sistema ta'

riservazzjoni komputerizzata ghandhom ikunu sufficjentement dettaljati sabiex it-trasportaturi parteċipanti jkunu jistghu jaraw sewsew liema servizzi jkunu ġew użati u d-drittijiet relatati magghom; bhala minimu, il-kontijiet għal drittijiet dwar il-prenotazzjonijiet ghandhom jinkludu din l-informazzjoni li ġejja għal kull segment:

- (i) tip ta' prenotazzjoni ta' sistema ta' riservazzjoni komputerizzata;
- (ii) isem-il passigġier;
- (iii) pajjiż;
- (iv) kodiċi ta' identifikazzjoni ta' l-aġenzija IATA/ARC;
- (v) kodiċi tal-belt;
- (vi) bliet f'par tas-segment;
- (vii) data tal-prenotazzjoni (data tat-transazzjoni);
- (viii) data tat-titjira;
- (ix) numru tat-titjira;
- (x) kodiċi ta' status (status tal-prenotazzjoni);
- (xi) tip ta' servizz (klassi ta' servizz);
- (xii) min isib post għar-registrazzjoni ta' isem-il passigġier (PNR); u
- (xiii) indikatur tal-prenotazzjoni/thassir.

(3) L-informazzjoni dwar il-hruġ ta' kontijiet ghandha tiġi offruta b'mezz manjetiku jew ta' xort'ohra li normalment tintuża fis-servizzi pprovduti. Id-dritt li għandu jithallas għall-informazzjoni dwar il-hruġ ta' kontijiet pprovduta fil-formola magħzula mit-trasportatur m'għandhiex tkun teċċedi l-ispiza tal-mezz innifsu flimkien ma' l-ispejjeż għat-trasport tiegħu. Trasportatur bl-ajru parteċipanti għandu jiġi offrut il-faċilità li jiġi infurmat meta ssir xi prenotazzjoni hew transazzjoni li dwarha jista' ġintalab xi hlas għal prenotazzjoni. Meta trasportatur jagħzel li jiġi hekk informat, huwa għandu jiġi offrut l-għażla li ma jippermettix xi prenotazzjoni jew transazzjoni bħal dawk, kemm-il darba din l-aħhar wahda ma tkunx

Nru. 105

27. 4. 2001

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli Ċensu Galea, M.P., Ministru ghat-Trasport u Komunikazzjoni, u moqri għall-Ewwel darba fis-Seduta tat-2 ta' April, 2001.

ATT biex jipprovdi dwar kodiċi ta' kondotta għal sistema ta' riservazzjoni komputerizzata.

RICHARD J. CAUCHI

Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Ċensu Galea, M.P., Minister for Transport and Communications, and read the First time at the Sitting of the 2nd April, 2001.

AN ACT to provide for a code of conduct for computerised reservation systems.

RICHARD J. CAUCHI

Clerk of the House of Representatives

tali.

(2) Meta prenotazzjoni ssir direttament minn trasportatur, għandhom japplikaw id-dispożizzjonijiet ta' l-artikolu 12(1)(d) u (f).

15. (1) Bejjiegh ta' sistema għandu jiżgura li s-sistema ta' riservazzjoni komputerizzata tiegħu tkun konformi mal-htigiet tekniċi elenkati fl-artikoli 6 u 8, u li din il-konformità tkun sorveljata minn awditur indipendenti fuq bażi ta' sena kalendarja. Għal dak l-għan, l-awditur għandu jinghata dhul f'kull waqt għal kull programm, proċedura, operazzjoni u salvagwardja li jintużaw fil-*computers* jew sistemi ta' *computer* li biha l-bejjiegh ta' sistema jipprovdli l-faċilitajiet ta' distribuzzjoni tiegħu. Kull bejjiegh ta' sistema għandu jissottometti r-rapport ta' l-awditur tiegħu dwar dak li jkun ispezzjona u r-rizultanzi li kellu lid-Diretur fi żmien erba' xhur minn trmjem is-sena kalendarja inkwistjoni.

Verifika ta' konformità tekniċa ta' sistema ta' riservazzjoni komputerizzata.

(2) Bejjiegh ta' sistema għandu jgħarraf lil trasportaturi parteċipanti u lid-Direttur bl-identità ta' l-awditur mill-inqas tliet xhur qabel il-hatra tiegħu u mill-inqas tliet xhur qabel kull hatra mill-gdid ta' kull sena. Jekk, fi żmien xahar mill-avviż, xi wiehed mit-trasportaturi parteċipanti jogġeżjona għall-abbiltà ta' dak l-awditur li jwettaq il-hidmiet kif ikun meħtieġ li jagħmel taht dan l-artikolu, id-Direttur għandu, fi żmien xahrejn ohra ulterjuri, u wara li jikkonsulta lill-awditur, lill-bejjiegh ta' sistema u lil kull parti ohra li tivvanta interess legittimu, jiddeċiedi jekk l-awditur għandux jiġi sostitwit jew le.

16. (1) Bla hsara għad-dispożizzjonijiet tas-subartikoli (2) sa (5), id-dispożizzjonijiet ta' dan l-Att għandhom japplikaw meta bejjiegh ta' sistema jiddeċiedi li għandu jinkludi servizzi bit-tren fil-wiri prinċipali tas-sistema ta' riservazzjoni komputerizzata.

Applikabbiltà għal prodotti tal-trasport bit-tren.

(2) Meta bejjiegh ta' sistema jiddeċiedi li jinkludi prodotti bit-tren fil-wiri prinċipali tas-sistema ta' riservazzjoni komputerizzata tiegħu, huwa jista' jagħzel li jinkludi biss ċerti kategoriji definiti sew ta' servizzi bit-tren, filwaqt li jirrispetta l-prinċipji elenkati fl-artiklu 3(2).

(3) Operatur tal-trasport bit-tren jitqies li jkun trasportatur parteċipanti jew prinċipali, kif adatt, għall-finijiet ta' dan l-Att, fil-qies li jkollu ftehim ba' bejjiegh ta' sistema għad-distribuzzjoni tal-prodotti tiegħu permezz tal-wiri prinċipali ta' sistema ta' riservazzjoni komputerizzata jew meta s-sistema ta' riservazzjoni tiegħu nnifsu tkun sistema ta' riservazzjoni komputerizzata kif imfisser fl-artikolu 2. Bla hsara għas-subartikolu (4), dawk il-prodotti għandhom jiġu ttrattati bl-istess mod bħalma huma l-prodotti

tat-trasport bl-ajru u għandhom jiġu inkorporati fil-wiri prinċipali skond il-kriterji stipulati fl-Ewwel Skeda.

(4) (a) Meta jkunu qegħdin jiġu applikati r-regoli stipulati fil-paragrafi 1 u 2 ta' l-Ewwel Skeda għal servizzi bit-tren, il-bejjiegh ta' sistema għandu jaġġusta l-prinċipji ta' klassifikazzjoni għall-wiri prinċipali sabiex jittiehed qies kif dovut tal-bżonnijiet tal-konsumaturi li jkunu mgħarrfa b'mod adegwat dwar servizzi bit-tren li jkunu jirrapprezentaw alternattiva kompetitiva għas-servizzi bl-ajru. B'mod partikolari, bejjiegh ta' sistema jista' jikklassifika is-servizzi bit-tren ma' għadd limitat ta' waqfiet qosra ma' servizzi bl-ajru diretti u ta' bla waqfien.

(b) Bejjiegh ta' sistema għandu jiddefinixxi kriterji ċari għall-applikazzjoni tad-dispożizzjonijiet ta' dan l-artikolu għal servizzi bit-tren. Dawk il-kriterji għandhom ikopru il-hin tal-vajaġġ traskors u jkunu jirriflettu l-htieġa li jiġi evitat *screen padding* eċċessiv. Dawk il-kriterji għandhom jingħataw lid-Direttur mill-anqas xahrejn qabel ma jibdeu jiġu applikati.

(5) Għall-finijiet ta' dan l-artikolu, kull riferenza għal "titjiriet" f'dan l-Att għandha titqies bhala li tinkludi referenzi għal "servizzi bit-tren" u referenzi għal "prodotti tat-trasport bl-ajru" għandha titqies li tinkludi referenzi għal "prodotti bit-tren".

Projbizzjoni ta' ċrid għad-drittijiet.

17. Il-benefiċjarji ta' drittijiet li joriginaw taht id-dispożizzjonijiet ta' l-artikoli 3(4), 6, 8 u 15 ma jistgħux jiċċedu għal dawk id-drittijiet permezz ta' xi kuntratt jew ta' xi mezz ieħor.

Proċeduri quddiem il-Bord.

18. (1) Id-Direttur għandu, filwaqt li jaġixxi jew fuq inizjattiva tiegħu nnifsu jew meta jasallu xi lment, jibda proċeduri quddiem il-Bord biex itemm kull kontravvenzjoni tad-dispożizzjonijiet ta' dan l-Att.

(2) L-ilmenti jistgħu jsiru minn persuni kemm naturali kemm legali li jvantaw interess legittimu.

Bord għal Sistema ta' Riservazzjoni Komputerrizzata.

19. (1) Għandu jitwaqqaf Bord għal Sistema ta' Riservazzjoni Komputerrizzata, li jkun magħmul minn imħallef, li jkun president, flimkien ma' żewġ assessuri tekniċi.

(2) Il-president u l-assessuri tekniċi tal-Bord għandhom jinhatru mill-Prim Ministru minn sena għal sena:

Izda l-Prim Ministru jista' jgedded kull hatra minn sena għal sena u jista' jordna, kulmeta jagħmel xi hatra ġdida, li l-president jew assessur li jkun qed itemm il-kariga jibqa' joqgħod fuq il-Bord għar-rigward ta' kull kwistjoni li jkun diġà beda jittratta qabel it-

terminazzjoni tal-kariga tiegħu sakemm dik il-kwistjoni tiġi ezawrita.

(3) Il-Prim Ministru jista' wkoll jagħmel kull htra neċessarja għall-fini li jissurroga lill-president jew lil xi assessur tal-Bord fil-każ li ma jkunx kapaċi, għal xi raġuni, li jwettaq il-funzjoniet tiegħu f'xi każ jew każijiet partikolari.

(4) Il-president jew xi assessur tal-Bord ma jkunx kompetenti li jisma jew jittratta xi kwistjoni li fiha huwa jkollu xi interess dirett jew indirett.

(5) L-assessuri tekniċi tal-Bord għandhom, qabel ma jassumu l-kariga tagħhom, jieħdu gurament quddiem l-Avukat Ġenerali li jkun jiddikjara li jkunu se jeżaminaw u jiddeċiedu kull kwistjoni mibgħuta lilhom taht id-dispożizzjonijiet ta' dan l-Att b'ekwità u imparzjalità.

(6) Il-president tal-Bord ikollu, bil-ghan li jigbor il-provi u li jistabilixxi l-fatti li jkollhom x'jaqsmu ma' xi kwistjoni li tinsab quddiem il-Bord, dawk is-setgħat kollha li huma bil-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili vestiti fil-Qorti Ċivili, Prim'Awla, għal xi kwistjoni bħal dik li jkollu quddiemu.

(7) Bla hsara għal kull regolament magħmul taht l-artikolu 21, il-Bord għandu jirregola l-proċedura tiegħu nnifsu.

(8) Il-Prim Ministru għandu jahtar uffiċjal pubbliku biex jagħmilha ta' segretarju tal-Bord.

20. (1) Deċiżjoni tal-Bord tkun waħda finali u vinkolanti.

Reviżjoni ta' deċiżjonijiet.

(2) Minkejja d-dispożizzjonijiet tas-subartikolu(1), il-Bord jista', meta jingieb għall-attenzjoni tiegħu xi fatt ġdid, jirrevedi deċiżjoni mogħtija minnu:

Iżda -

(a) ir-rikors għar-reviżjoni għandu jiġi pprezentat bil-miktub quddiem il-Bord fi żmien għoxrin jum tax-xogħol mid-data meta d-deċiżjoni titwassal lill-impriża jew assoċjazzjoni ta' impriži; u

(b) reviżjoni tad-deċiżjoni m'għandha f'ebda każ iddahhal lill-Bord f'xi responsabbiltà għal xi danni li setgħu gew sofferti minhabba fl-ewwel deċiżjoni.

21. Il-Ministru jista', minn żmien għal żmien, jagħmel u, meta jkun hekk għamel, jibdel jew jirrevoka regolamenti ġeneralment sabiex jagħti seħħ lil xi waħda mid-dispożizzjonijiet ta' dn l-Att u

Sejgħa ta' għemil ta' regolamntii.

partikolarment sabiex jipprovdi dwar il-proċedura quddiem il-Bord, ir-responsabbiltà ta' xi wahda mill-partijiet għar-rigward ta' l-ispejjeż minfuqa dwar dik il-proċedura u sabiex jippreskrivi kull haġa li għandha tiġi preskritta taht dan l-Att.

Għoti ta' informazzjoni lill-Bord.

22. (1) Fit-twettiq tad-dmirijiet lillu mogħtija b'dan l-Att, il-Bord jista' jikseb kull informazzjoni neċessarja minn impriži u minn kull assoċjazzjoni ta' impriži.

(2) Il-Bord jista' jistabbilixxi skadenza ta' mhux inqas minn xahar għat-twassil ta' l-informazzjoni mitluba.

(3) Fit-talba tiegħu l-Bord għandu jiddikjara xi tkun il-baži legali u l-għan tat-talba kif ukoll il-penali, li jistgħu jiġu imposti skond l-artikolu 23(1), għall-provvista ta' informazzjoni mhux korretta.

(4) Is-sidien ta' l-impriži jew ir-rappreżentanti tagħhom u, fil-każ ta' persuna legali jew ta' kumpanniji, ditti jew assoċjazzjonijiet li ma jkollhomx personalità ġuridika, il-persuna awtorizzata li tirrappreżenthom bil-liġi jew bir-regoli tagħhom, għandha tkun dovuta tissupplixxi l-informazzjoni meħtieġa.

(5) Impriži u assoċjazzjonijiet ta' impriži għandhom jissottomettu ruħhom għal investigazzjonijiet li jiġu ordnati b'deċiżjoni tal-Bord. Id-deċiżjoni għandha tispeċifika l-mertu u l-fini ta' l-investigazzjoni, tistabbilixxi d-data meta jkollha tibda u tindika l-penali li jistgħu jiġu imposti skond l-artikolu 23(1).

Penali amministrattivi.

23. (1) Il-Bord jistajjimoni penali dixxiplinarji, fuq impriži jew assoċjazzjonijiet ta' impriži, ta' mhux inqas minn erba' mitt lira iżda mhux iktar minn għoxrin elf lira meta l-impriži jew assoċjazzjonijiet ta' impriži, sew bil-ħsieb sew b'negligenza -

(a) jissupplixxu informazzjoni mhux korretta b'risposta għal talba magħmula skond ma hemm fl-artikolu 22, jew ma jissupplixxu ebda informazzjoni fiż-żmien stabbilit; jew

(b) jipproduċu kotba jew *records* oħra tan-negozju f'għamla mhux kompleta waqt l-investigazzjonijiet, jew jirroftaw milli joqogħdu għal investigazzjoni skond ma hemm fl-artikolu 22(5).

(2) Il-Bord jista' jimponi penali dixxiplinarji fuq bejjiegh ta' sistema, trasportaturi prinċipali, trasportaturi parteċipanti u, jew abbonati għal kontravvenzjonijiet tad-dispożizzjonijiet ta' dan l-Att sa massimu ta' għaxra fil-mija mid-dhul annwali għal dik l-attività

rilevanti ta' l-impriza inkwistjoni. Meta jkun qed jiġi stabbilit x'ikun l-ammont tal-piena, għandha titqiessew il-gravità sew id-dewmien tal-kontravvenzjoni.

(3) Deċiżjonijiet li jimponu penali dixxiplinarji, skond ma hemm fid-dispożizzjonijiet tas-subartikoli (1) u (2), ma jkunux ta' xorta penali, u kull penali bħal dik għandha tkun tista' tiġi rkuprata bħala dejn ċivili mid-Direttur b'azzjoni quddiem il-qorti ta' ġurisdizzjoni ċivili kompetenti.

(4) It-trasportaturi, sew jekk huma trasportaturi prinċipali jew parteċipanti, abbonati u bejgiegħa ta' sistema jkunu sugġetti għall-ġurisdizzjoni u l-proċeduri tal-Bord, u l-penali amministrattivi li jiġu imposti minnu.

L-EWWEL SKEDA

Kriterji ta' Klassifikazzjoni ta' Wiri Prinċipali għal Titjiriet* li joffru Prodotti tat-Trasport bl-Ajru mhux Iggruppati

(Artikoli 5, 7 u 16)

1. Klassifikazzjoni ta' għazliet ta' titjira f'wiri prinċipali, għall-gurnata jew granet mitlubin, għandha tkun fl-ordni li ġej kemm-il darba ma jiġix mitlub xort'oħra minn konsumatur għal xi transazzjoni individwali:
 - (i) kull titjira diretta bla waqfien bejn bliet f'par inkwistjoni;
 - (ii) kull titjira diretta oħra, li ma tkunx tinvolvi bdil ta' ajruplan jew tren, bejn il-bliet f'par inkwistjoni;
 - (iii) titjiriet ta' konnessjoni.
2. Konsumatur għandu mill-anqas jingħata l-possibiltà li jkollu, meta hekk jitlob, wiri prinċipali klassifikat bil-hin tat-tluq jew tal-wasla u/jew hin tal-vjaġġ traskors. Kemm-il darba ma jiġix hekk mitlub minn konsumatur, wiri prinċipali għandu jkun klassifikat skond il-hin tat-tluq għal grupp (i) u hin tal-vjaġġ traskors għal gruppi (ii) u (iii).
3. Meta bejgiegħ ta' sistema jagħzel li juri informazzjoni għal xi bliet f'par dwar l-iskedi jew it-tariffi ta' trasportaturi mhux

* Kull riferenza għal "titjiriet" f'din l-Iskeda hija skond l-artikolu 16(6) ta' l-Att.

parteċipanti, iżda mhux neċessarjament kull trasportatur bhal dak, dik l-informazzjoni għandha tintwera b'mod eżatt, mhux qarrieqi u mhux diskriminatorju bejn it-trasportaturi murija.

4. Jekk, sa fejn ikun jaf il-bejjiegh ta' sistema, l-informazzjoni dwar l-għadd ta' servizzi bl-ajru skedati diretti u l-identità tat-trasportaturi bl-ajru inkwistjoni ma jkunux komprensivi, dan għandu jkun dikjarat b'mod ċar fuq il-wiri rilevanti.
5. Titjiriet li ma jkunux servizzi ta' l-ajru skedati għandhom ikunu identifikati ċar.
6. Titjiriet li jkunu jnvolvu waqfiet tul ir-rotta għandhom jigu identifikati ċar.
7. Meta titjiriet ikunu operati minn trasportatur bl-ajru li ma jkunx it-trasportatur bl-ajru identifikat bil-kodiċi ta' identifikazzjoni ta' trasportatur, l-operatur attwali tat-titjira għandu jkun identifikat sew. Din il-htieġa għandha tkun applikata għal kull każ, hliet għal arrangamenti *ad hoc* għal żmien qasir.
8. Bejjiegh ta' sistema m'għandux juża l-ispazju ta' l-iskrin f'wiri prinċipali b'mod li jagħti wirja eċċessiva għal għażla ta' vvjaġġar waħda partikolari jew li tkun turi għażliet ta' vvjaġġar li ma jkunux realistiċi.
9. Hliet kif hemm provdut fil-paragrafu 10, dawn id-dispożizzjonijiet li ġejjin għandhom ikunu japplikaw:
 - (a) għal servizzi diretti, ebda titjira m'għandha tidher iktar minn darba f'wiri prinċipali;
 - (b) għal servizzi multi-settorjali li jkunu jnvolvu bdil ta' l-ajruplan, ebda kombinazzjoni ta' titjiriet ma tista' tidher iktar minn darba f'wiri prinċipali;
 - (ċ) titjiriet li jnvolvu l-bdil ta' ajruplan għandhom jigu ttrattati u jidhru bhala titjiriet ta' konnessjoni, b'linja waħda għal kull segment ta' ajruplan. Madankollu, meta t-titjiriet ikunu operati mill-istess trasportatur bl-istess numru tat-titjira u meta trasportatur ikun jehtieġ kupun tat-titjira wieħed biss u riservazzjoni waħda biss, sistema ta' riservazzjoni komputerrizzata għandha tohroġ kupun wieħed biss u għanda titlob hlas għal riservazzjoni waħda biss.
10. (1) Meta trasportaturi ikollhom xi arrangament ta' *joint-venture* jew xi arrangament kontrattwali iehor bejniethom li jkun jehtieġ li xi tnejn jew iktar minnhom jassumu responsabbiltà

separata għall-offerta u l-bejgħ ta' prodotti tat-trasport bl-ajru fuq titjira jew kombinazzjoni ta' titjiriet, il-frazzjiet "titjira" (għal servizzi diretti) u "kombinazzjoni ta' titjiriet" (għal servizzi multi-settorjali) fil-paragrafu 9 għandhom jiġu interpretati bħala li jippermettu lil kull wieħed mit-trasportaturi inkwistjoni, sa massimu ta' tnejn, li jkollhom wiri separat billi jintuza l-kodiċi ta' identifikazzjoni ta' trasportatur individwali.

- (2) Meta jkun hemm iktar minn żewġ trasportaturi involuti, it-tismija taz-żewġ trasportaturi li jkollhom jedd li jutilizzaw l-eċċezzjoni li hemm provdut dwarha fis-subparagrafu (1) għandha tkun xi haġa li tinteressa lit-trasportatur li attwalment ikun qed jopera t-titjira. Fin-nuqqas ta' informazzjoni mit-trasportatur li jkun qed jopera li tkun biżżejjed biex tidentifika liż-żewġ trasportaturi li jkunu se jissemmew, hu bejjiegħ ta' sistema li għandu jsemmi lit-trasportaturi fuq bażi mhux diskriminatorja.

11. Wiri prinċipali għandu, kulfejn ikun prattiku, jinkludi titjiriet ta' konnessjoni fuq servizzi skedati li jkunu operati minn trasportaturi parteċipanti u li jkunu kostruwiti bl-użu ta' għadd minimu ta' diġa' punti ta' konnessjoni. Bejjiegħ ta' sistema għandu jaċċetta talba minn trasportatur parteċipant biex jinkludi servizz indirett, kemm-il darba l-linja tar-rotta tkun iktar minn 130% tad-distanza taċ-ċirku l-kbir bejn iż-żewġ ajruporti jew kemm-il darba li t-talba tkun twassal għall-esklużjoni ta' servizzi b'hin tal-vjaġġ traskors inqas. M'hemmx għalfejn jintużaw punti ta' konnessjoni b'rotot ta' iktar minn 130%.

IT-TIENI SKEDA

Użu ta' Faċilitajiet ta' Distribuzzjoni minn Abbonati

(Artikoli 12 u 13)

1. Abbonat għandu jzomm *records* preċiżi dwar kull transazzjoni li ssir permezz tas-sistema ta' riservazzjoni komputerrizzata. Dawk ir-*records* għandhom jinkludu numri tat-titjiriet, *designators* ta' prenotazzjonijiet ta' riservazzjonijiet, id-data tal-vjaġġ, hinijiet tat-tluq u tal-wasla, status tas-segmenti, l-ismijiet u l-inizjali tal-passiġġieri bl-indirizzi fejn jistgħu jiġu kkuntattjati u/jew numri tat-telefon u status tal-biljetti mahruġin. Meta jkunu qegħdin jipprenotaw jew jikkancellaw l-ispazju, l-abbonat għandu jiżgura li d-*designator* tar-riservazzjoni li jkun qed jintuza jkun

jikkorrispondi għat-tariffa mħallsa mill-passiġġier.

2. Abbonat m'għandux deliberatament jagħmel riservazzjonijiet doppji għall-istess passiġġier, Meta spazju konfermat ma jkun disponibbli, l-passiġġier jista', b'għazla tiegħu nnifsu, jitqiegħed fuq lista ta' stennija għal dik it-titjira (jekk dik il-lista tkun disponibbli) u jiġi konfermat fuq titjira alternattiva.
3. Meta passiġġier jikkancella riservazzjoni, l-abbonat għandu minnufih jirrilaxxa dak l-ispażju.
4. Meta passiġġier jibdel itinerarju, l-abbonat għandu jiżgura li kull spazju u servizz supplimentari jiġu kancellati meta jsiru r-riservazzjonijiet l-godda.
5. Abbonat għandu, meta jkun hekk prattiku, jitlob jew jipproċessa kull riservazzjoni għal xi itinerarju speċifiku u kull bidla sussegwenti permezz ta' l-istess sistema ta' riservazzjoni komputerizzata.
6. Ebda abbonat ma jista' jitlob jew ibiegh spazju ta' xi linja ta' l-ajru kemm-il darba ma jintalabx jagħmel dan minn xi konsumatur.
7. Abbonat għandu jiżgura li biljett jinhareġ skond l-istatus ta' riservazzjoni għal kull segment u skond it-terminu ta' żmien applikabbli. Abbonat m'għandux johroġ biljett li jkun jindika riservazzjoni definittiva u titjira partikolari kemm-il darba ma tkunx waslitlu konferma ta' dik ir-riservazzjoni.

Għanijiet u Ragunijiet

L-għan ta' l-Abbozz hu biex jintroduċi u jgħib fis-sehh kodiċi ta' kondotta li jkollu x'jaqsam ma' sistemi ta' riservazzjoni komputerizzata għat-trasport bl-ajru u bit-tren.

**A BILL
entitled**

An Act to provide for a code of conduct for computerised reservation systems.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

1. (1) The short title of this Act is Code of Conduct for Computerised Reservation Systems Act, 2001. Short title and commencement.

(2) This Act shall come into force on such date as the Minister responsible for Civil Aviation may by notice in the Gazette appoint, and different dates may be so appointed for different purposes and for different provisions of this Act.

2. In this Act, unless the context otherwise requires - Interpretation.

"air transport product" includes both unbundled and bundled air transport products;

"Board" means the Computerised Reservation Systems Board established under article 19;

"bundled air transport product" means a pre-arranged combination of an unbundled air transport product with other services not ancillary to air transport, offered for sale and, or, sold at an inclusive price;

"bundled rail transport product" means a pre-arranged combination of an unbundled rail transport product with other services not ancillary to rail transport, offered for sale or sold at an inclusive price;

"computerized reservation system" means a computerized system containing information with regard to, *inter alia*, air carriers' -

- (a) schedules;
- (b) availability;
- (c) fares; and
- (d) related services;

with or without facilities through which -

- (a) reservations may be made; or
- (b) tickets may be issued,

to the extent that some or all of these services are made available to subscribers;

"consumer" means any person seeking information about or intending to purchase an air transport product for private use;

"Director" means the Director of Civil Aviation and includes, to the extent of the authority given, any person authorised in that behalf by the Director;

"distribution facilities" means facilities provided by a system vendor for the provision of information about air carriers' schedules, availability, fares and related services and for making reservations and, or issuing tickets, and for any other related services;

"duplicate reservation" means a situation which arises when two or more reservations are made for the same passenger when it is evident that the passenger may not be able to use more than one;

"effective control" means a relationship constituted by rights, contracts or any other means which, either separately or jointly and having regard to the considerations of fact or law involved, confer the possibility of directly or indirectly exercising a decisive influence on an undertaking, in particular by the -

- (a) right to use all or part of the assets of an undertaking; and
- (b) rights or contracts which confer a decisive influence on the composition, voting or decisions of the bodies of an undertaking or otherwise confer a decisive influence on the

running of the business of the undertaking;

"elapsed journey time" means the time difference between scheduled departure and arrival time;

"fare" means the price to be paid for unbundled air transport products and the conditions under which this price applies;

"Minister" means the Minister responsible for Civil Aviation, and includes, to the extent of the authority given, any officer authorised by him, in writing, to act in that behalf for any of the purposes of this Act;

"parent carrier" means any air carrier which directly or indirectly, alone or jointly with others, owns or effectively controls a system vendor, and includes any air carrier which it owns or effectively controls;

"participating carrier" means an air carrier which has an agreement with a system vendor for the distribution of air transport products through a computerized reservation system. To the extent that a parent carrier uses the facilities of its own computerized reservation system covered by this Act, it shall be considered a participating carrier;

"principal display" means a comprehensive neutral display of data concerning air services between city-pairs, within a specified time period;

"rail transport product" includes both unbundled and bundled rail transport products;

"service enhancement" means any product or service offered by a system vendor on its own behalf to subscribers, in conjunction with a computerized reservation system, other than distribution facilities;

"scheduled air service" means a series of flights all possessing the following characteristics:

(a) performed by aircraft for the transport of passengers or passengers and cargo and, or, mail for remuneration, in such a manner that seats are available on each flight for individual purchase by consumers, either directly from the air carrier or from its authorized agents;

(b) operated so as to serve traffic between the same two or more points, either -

(i) according to a published timetable; or

(ii) with flights so regular or frequent that they constitute a recognizably systematic series;

"subscriber" means a person, other than a consumer, or an undertaking, other than a participating carrier, using a computerized reservation system under contract or other financial arrangement with a system vendor. A financial arrangement shall be deemed to exist where a specific payment is made for the services of the system vendor or where an air transport product is purchased;

"system vendor" means any entity and its affiliates which is responsible for the operation or marketing of a computerized reservation system;

"ticket" means a valid document giving entitlement to transport, or an equivalent in paperless, including electronic, form issued or authorised by the carrier or its authorised agent;

"unbundled air transport product" means the carriage by air of a passenger between two airports, including any related ancillary services and additional benefits offered for sale and, or, sold as an integral part of that product;

"unbundled rail transport product" means the carriage of a passenger between two stations by rail, including any related ancillary services and additional benefits offered for sale or sold as an integral part of that product.

Conduct of
system vendors.

3. (1) A system vendor shall have the capacity, in its own name as a separate entity from the parent carrier, to have rights and obligations of all kinds, to enter into contracts, *inter alia*, with parent carriers, participating carriers and subscribers, or to accomplish other legal acts and to sue and be sued.

(2) A system vendor shall, subject to any technical constraints outside the control of the system vendor, allow any air carrier to participate, on an equal and non-discriminatory basis, in its distribution facilities within the available capacity of the system concerned.

(3) (a) A system vendor shall not -

(i) attach unreasonable conditions to any contract with a participating carrier;

(ii) require the acceptance of supplementary

conditions which, by their nature or according to commercial usage, have no connection with participation in its computerized reservation system and shall apply the same conditions for the same level of service.

(b) A system vendor shall not make it a condition of participation in its computerized reservation system that a participating carrier may not at the same time be a participant in another system.

(c) A participating carrier may terminate its contract with a system vendor by giving such notice, as may be stipulated, for the contract to expire. In such a case, a system vendor shall not be entitled to recover more than the costs directly related to the termination of the contract:

Provided that no notice of more than six months may be stipulated, and that the provisions of this paragraph shall not apply if the contract is terminated before the first year of the contract:

Provided further that a participating carrier may give a longer notice than that stipulated.

(4) If a system vendor decides to add any improvement to the distribution facilities provided or the equipment used in the provision of the facilities, it shall give information on, and offer these improvements to, all participating carriers, including parent carriers, with equal timeliness and on the same terms and conditions, subject to any technical constraints outside the control of the system vendor, and in such a way that there may be no difference in leadtime for the implementation of the new improvements between parent and participating carriers.

4. (1) (a) A parent carrier may not discriminate against a competing computerized reservation system by refusing to provide the latter, on request and with equal timeliness, with the same information on schedules, fares and availability relating to its own air services as that which it provides to its own computerized reservation system or by refusing to distribute its air transport products through another computerized reservation system, or by refusing to accept or to confirm with equal timeliness a reservation made through a competing computerized reservation system for any of its air transport products which are distributed through its own computerized reservation system. The parent carrier shall be obliged to accept and to confirm only those bookings which are in conformity with its fares and conditions.

Conduct of
parent carriers.

(b) The parent carrier shall not be obliged to pay any costs in this connection except those in connection with the reproduction of the information to be provided and for accepted bookings. The booking fee payable to a computerized reservation system for an accepted booking made in accordance with this article shall not exceed the fee charged by the same computerized reservation system to participating carriers for an equivalent transaction.

(c) The parent carrier shall be entitled to carry out controls to ensure that the provisions of article 7(1) are adhered to by the competing computerized reservation system.

(2) The provisions of this article shall not apply in relation to a competing computerized reservation system which has been found, by the Board, to have obtained information by any unauthorised means.

Conduct of participating carriers.

5. (1) (a) Participating carriers and other providers of air transport products shall ensure that the data which they submit to a computerized reservation system are accurate, non-misleading, transparent and no less comprehensive than that submitted to any other computerized reservation system. The data shall be such as to enable a system vendor to meet the requirements of the ranking criteria as set out in the First Schedule.

(b) Intermediaries shall not manipulate data submitted to them in a manner which leads to inaccurate, misleading or discriminatory information.

(c) The provisions of paragraphs (a) and (b) shall, *mutatis mutandis*, also apply to rail services in respect of data provided for inclusion in the principal display.

(2) (a) A system vendor shall not manipulate the material referred to in subarticle (1) in a manner which would lead to the provision of inaccurate, misleading or discriminatory information.

(b) A system vendor shall load and process data provided by all participating carriers with equal care and timeliness, subject only to the constraints of the loading method selected by individual participating carriers and to the standard formats used by the said vendor.

Access and distribution.

6. (1) Loading and, or, processing facilities provided by a system vendor shall be offered to all parent and participating carriers without discrimination. Where relevant and generally accepted air transport industry standards are available, system vendors shall offer

facilities compatible with the same.

(2) A system vendor shall not reserve any specific loading and, or, processing procedure or any other distribution facility for one or more of its parent carriers.

(3) A system vendor shall ensure that its distribution facilities are separated, in a clear and verifiable manner, from any carrier's private inventory and management and marketing facilities. Separation may be established either by means of software or physically in such a way that any connection between the distribution facilities and the private facilities may only be achieved by means of an application-to-application interface. Irrespective of the method of separation adopted, any such interface shall be made available to all parent and participating carriers on a non-discriminatory basis and shall provide equality of treatment in respect of procedures, protocols, inputs and outputs. Where relevant and generally accepted air transport industry standards are available, system vendors shall offer interfaces compatible with them.

(4) The system vendor shall ensure that any third parties providing computerized reservation system services in whole or in part on its behalf comply with the relevant provisions of this Act.

7. (1) (a) Displays generated by a computerized reservation system shall be clear and non-discriminatory.

Computerized
reservation
system displays.

(b) A system vendor shall not intentionally or negligently display inaccurate or misleading information in its computerized reservation system.

(2) (a) A system vendor shall provide a principal display or displays for each individual transaction through its computerized reservation system and shall include therein the data provided by participating carriers on flight schedules, fare types and seat availability in a clear and comprehensive manner and without discrimination or bias, in particular as regards the order in which information is presented.

(b) A consumer shall be entitled to have, on request, a principal display limited to either scheduled or non-scheduled services only.

(c) No discrimination on the basis of airports serving the same city shall be exercised in constructing and selecting flights for a given city-pair for inclusion in a principal display.

(d) Ranking of flight options in a principal display shall

be as set out in the First Schedule.

(e) Criteria to be used for ranking shall not be based on any factor directly or indirectly relating to carrier identity and shall be applied on a non-discriminatory basis to all participating carriers.

(3) Where a system vendor provides information on fares, the display shall be neutral and non-discriminatory and shall contain at least the fares provided for all flights of participating carriers shown in the principal display. The source of such information must be acceptable to the participating carrier and system vendor concerned.

(4) Information on bundled products regarding, *inter alia*, the tour organizer, availability and prices, shall not be featured in the principal display.

(5) A computerized reservation system shall not be considered to be in breach of the provisions of this Act to the extent that it changes a display in order to meet the specific request or requests of a consumer.

Availability of information.

8. (1) The following provisions shall govern the availability of information, statistical or otherwise, by a system vendor from its computerized reservation system:

(a) information concerning identifiable individual bookings shall be provided on an equal basis and only to the air carrier or carriers participating in the service covered and to the subscribers involved in the booking. Information under the control of the system vendor concerning identifiable individual bookings shall be archived off-line within seventy-two hours of the completion of the last element in the individual booking and destroyed within three years. Access to such data shall, without prejudice to any power of the police or other authority in connection with criminal investigations or national security, be allowed only for reasons relating to disputes concerning billing;

(b) any marketing, booking and sales data shall only be made available on the basis that -

(i) such data are offered with equal timeliness and on a non-discriminatory basis to all participating carriers, including parent carriers;

(ii) such data may and, on request, shall cover all participating carriers and, or subscribers, but shall include no identification, either directly or indirectly, of, or personal information on, a passenger or a corporate user;

(iii) all requests for such data are treated with equal care and timeliness subject to the transmission method selected by the individual carrier;

(iv) information is made available on request to participating carriers and subscribers both globally and selectively with regard to the market in which they operate;

(v) a group of airlines and, or subscribers is entitled to purchase data for common processing.

(2) A system vendor shall not make personal information concerning a passenger available to others not involved in the transaction without the consent of the passenger.

(3) A system vendor shall ensure that the provisions of subarticles (1) and (2) are complied with, by technical means and, or appropriate safeguards, in such a way that information provided by or created for air carriers shall in no way be accessed by one or more of the parent carriers except as permitted by this Act.

9. (1) The obligations of a system vendor under articles 3, 5, 6, 7 and 8 shall not apply in respect of a parent carrier of a country other than Malta to the extent that its computerized reservation system outside the territory of Malta does not offer Maltese air carriers equivalent treatment to that provided under this Act.

Parent carriers
and countries
other than
Malta.

(2) The obligations of parent or participating carriers under articles 4, 5 and 10 shall not apply in respect of a computerized reservation system controlled by an air carrier of one or more countries other than Malta to the extent that, outside the territory of Malta, the parent or participating carrier is not accorded equivalent treatment to that provided under this Act.

10. (1) A parent carrier shall not, directly or indirectly, link the use of any specific computerized reservation system by a subscriber with the receipt of any commission or other incentive or disincentive for the sale of air transport products available on its flights.

No commission,
incentive or
disincentive.

(2) A parent carrier shall not, directly or indirectly, require the use of any specific computerized reservation system by a subscriber for the sale or issue of tickets for any air transport products directly or indirectly provided by the said parent carrier.

(3) An air carrier shall not, when authorizing a travel agent to sell and issue tickets for the air carrier's air transport products,

impose any condition, on the travel agent, which runs counter to the provisions of subarticles (1) or (2).

Distribution of facilities.

11. (1) A system vendor shall make any of the distribution facilities of a computerized reservation system available to any subscriber on a non-discriminatory basis.

(2) A system vendor shall not require a subscriber to sign an exclusive contract, nor directly or indirectly prevent a subscriber from subscribing to, or using, any other system or systems.

(3) A service enhancement offered to any one subscriber shall be offered by the system vendor to all subscribers on a non-discriminatory basis.

(4) (a) A system vendor shall not attach unreasonable conditions to any subscriber contract allowing for the use of its computerized reservation system and, in particular, a subscriber may terminate its contract with a system vendor by giving such notice, as may be stipulated, for the contract to expire. In such a case, a system vendor shall not be entitled to recover more than the costs directly related to the termination of the contract:

Provided that no notice of more than three months may be stipulated, and that the provisions of this paragraph shall not apply if the contract is terminated before the first year of the contract:

Provided further that a subscriber may give a longer notice than that stipulated.

(b) Subject to the provisions of subarticle (2), the supply of technical equipment by the system vendor shall not be subject to any of the conditions set out in paragraph (a).

(5) A system vendor shall, in each subscriber contract, make provision for -

(a) the principal display, in conformity with article 7, to be accessed for each individual transaction, except where a consumer requests information for only one air carrier or where the consumer requests information only for bundled air transport products; and

(b) the subscriber not to manipulate material supplied by computerized reservation systems in a manner which would lead to inaccurate, misleading or discriminatory presentation of information to consumers.

(6) A system vendor may not impose an obligation on a subscriber to accept an offer of technical equipment or software, but may require that equipment and software used be compatible with its own system.

12. (1) (a) In the case of information provided by a computerized reservation system, a subscriber shall use a neutral display in accordance with article 7(2)(a) and (b) unless another display is required to meet a preference indicated by a consumer.

Subscribers' obligations and consumers' rights.

(b) No subscriber shall manipulate information provided by a computerized reservation system in a manner that leads to inaccurate, misleading or discriminatory presentation of that information to any consumer.

(c) A subscriber shall make reservations and issue tickets in accordance with the information contained in the computerized reservation system used; or as authorised by the carrier concerned.

(d) A subscriber shall inform every consumer of any en route changes of equipment, the number of scheduled en route stops, the identity of the air carrier actually operating the flight, and of any changes of airport required in any itinerary provided, to the extent that that information is present in the computerized reservation system. The subscriber shall inform the consumer of the name and address of the system vendor, the purposes of the processing, the duration of the retention of individual data and the means available to the consumer to exercise his access rights.

(e) A consumer shall be entitled at any time to have a print-out of the computerized reservation system display or to be given access to a parallel computerized reservation system display reflecting the image that is being displayed to the subscriber.

(f) A person shall be entitled to have effective access, free of charge, to his own data regardless of whether the data is stored by the computerized reservation system or by the subscriber.

(2) A subscriber shall use the distribution facilities of a computerized reservation system in accordance with the Second Schedule.

13. (1) Any fee charged to a participating carrier by a system vendor shall be non-discriminatory, reasonably structured and reasonably related to the cost of the service provided and used, and shall, in particular, be the same for the same level of service.

Fee charging criteria to participating carriers.

(2) The billing for the services of a computerized reservation system shall be sufficiently detailed to allow the participating carriers to see exactly which services have been used and the fees therefor; as a minimum, booking fee bills shall include the following information for each segment:

- (i) type of computerized reservation system booking;
- (ii) passenger name;
- (iii) country;
- (iv) IATA/ARC agency identification code;
- (v) city-code;
- (vi) city pair of segment;
- (vii) booking date (transaction date);
- (viii) flight date;
- (ix) flight number;
- (x) status code (booking status);
- (xi) service type (class of service);
- (xii) passenger name record (PNR) locator; and
- (xiii) booking/cancellation indicator.

(3) The billing information shall be offered on magnetic or other media normally used in the services provided. The fee to be charged for the billing information provided in the form chosen by the carrier shall not exceed the cost of the medium itself together with its transportation costs. A participating air carrier shall be offered the facility of being informed when any booking or transaction is made for which a booking fee may be charged. Where a carrier elects to be so informed, it shall be offered the option of disallowing any such booking or transaction, unless the latter has already been accepted. In the event of such a disallowance, the air carrier shall not be charged for that booking or transaction.

(4) Any fee for equipment rental or other service charged to a subscriber by a system vendor shall be non-discriminatory, reasonably structured and reasonably related to the cost of the service

provided and used, and shall, in particular, be the same for the same level of service. Productivity benefits awarded to subscribers by system vendors in the form of discount on rental charges or commission payments shall be deemed to be distribution costs of the system vendors and shall be based on ticketed segments. Without prejudice to paragraph 5 of the Second Schedule, when the system vendor does not know whether a ticket has been issued or not, then that system vendor shall be entitled to rely upon notification of the ticket number from the subscriber. The billing for the services of a computerized reservation system shall be sufficiently detailed to allow subscribers to see exactly which services have been used and what fees have been charged therefor.

(5) A system vendor shall, on request, provide interested parties, including consumers, with details of current procedures, fees and system facilities, including interfaces, editing and display criteria used. The processing of individual data shall be free of charge for consumers to whom that information refers. This provision shall not, however, require a system vendor to disclose proprietary information such as software.

(6) Any changes to fee levels, conditions or facilities offered and the basis therefor shall be communicated to all participating carriers and subscribers on a non-discriminatory basis.

14. (1) The provisions of article 7, article 11(5) and the Schedules shall not apply to a computerized reservation system used by an air carrier or a group of air carriers:

Use of computerized reservation system by carriers in their own office, etc.

(a) in its own office or offices and sales counters clearly identified as such; or

(b) to provide information and, or distribution facilities accessible through a public telecommunications network, clearly and continuously identifying the information provider or providers as such.

(2) Where booking is performed directly by an air carrier, the provisions of article 12(1)(d) and (f) shall apply.

15. (1) The system vendor shall ensure that its computerized reservation system complies with the technical requirements listed in articles 6 and 8, and that this compliance is monitored by an independent auditor on a calendar year basis. For that purpose, the auditor shall be granted access at all times to any programmes, procedures, operations and safeguards used on the computers or computer systems through which the system vendor provides its distribution facilities. Each system vendor shall submit

Auditing of technical compliance of computerized reservation system.

its auditor's report on his inspection and findings to the Director within four months of the end of the calendar year under review.

(2) The system vendor shall inform participating carriers and the Director of the identity of the auditor at least three months before his appointment and at least three months before each annual reappointment. If, within one month of notification, any of the participating carriers objects to the capability of the auditor to carry out the tasks as required under this article, the Director shall, within a further two months, and after consultation with the auditor, the system vendor and any other party claiming a legitimate interest, decide whether or not the auditor is to be replaced.

Applicability to rail transport products.

16. (1) Subject to the provisions of subarticles (2) to (5), the provisions of this Act apply where a system vendor decides to include rail services in the principal display of its computerized reservation system.

(2) Where a system vendor decides to include rail products in the principal display of its computerized reservation system, it may choose to include only certain well-defined categories of rail services, while respecting the principles stated in article 3(2).

(3) A rail transport operator shall be deemed to be a participating or parent carrier, as appropriate, for the purposes of this Act, insofar as it has an agreement with a system vendor for the distribution of its products through the principal display of a computerized reservation system or where its own reservation system is a computerized reservation system as defined in article 2. Subject to subarticle (4), those products shall be treated in the same manner as air transport products and shall be incorporated in the principal display in accordance with the criteria set out in the First Schedule.

(4) (a) When applying the rules laid down in paragraphs 1 and 2 of the First Schedule to rail services, the system vendor shall adjust the ranking principles for the principal display in order to take due account of the needs of consumers to be adequately informed of rail services that represent a competitive alternative to the air services. In particular, system vendors may rank rail services with a limited number of short stops with non-stop direct air services.

(b) System vendors shall define clear criteria for the application of the provisions of this article to rail services. Such criteria shall cover elapsed journey time and reflect the need to avoid excessive screen padding. Those criteria shall be submitted to the Director at least two months before their application.

(5) For the purposes of this article, all references to "flights" in this Act shall be deemed to include references to "rail services" and references to "air transport products" shall be deemed to include references to "rail products".

17. The beneficiaries of rights arising under the provisions articles 3(4), 6, 8 and 15 may not renounce to those rights by contractual or any other means.

Prohibition of renunciation to rights.

18. (1) The Director shall, acting either on his own initiative or on receipt of a complaint, initiate proceedings before the Board to terminate any infringement of the provisions of this Act.

Procedures before the Board.

(2) Complaints may be submitted by natural or legal persons who claim a legitimate interest.

19. (1) There shall be established a Computerised Reservation Systems Board, which shall consist of a judge, as chairman, sitting with two technical assessors.

Computerised Reservation Systems Board.

(2) The chairman and the technical assessors of the Board shall be appointed by the Prime Minister from year to year:

Provided that the Prime Minister may renew any appointment from year to year and he may direct, on making any new appointment, that the outgoing chairman or assessor shall continue to sit on the Board in respect of any matter whereof he has already taken cognizance before the termination of his appointment until such matter is disposed of.

(3) The Prime Minister may also make any necessary appointments for the purpose of surrogating the chairman or any assessor of the Board in the event of his being, for any reason, unable to carry out his functions with respect to any particular case or cases.

(4) The chairman or any assessor of the Board shall not be competent to take cognizance of or deal with any matter in which he has a direct or an indirect interest.

(5) The technical assessors of the Board shall, before entering upon their office, take before the Attorney General an oath to the effect that they shall examine and decide any matter referred to them under the provisions of this Act with equity and impartiality.

(6) The chairman of the Board shall have, for the purpose of collecting the evidence and establishing the facts relating to any matter before the Board, all such powers as are by the Code of Organisation and Civil Procedure vested in the Civil Court, First Hall,

for the like purpose in relation to any matter before it.

(7) Subject to any regulations made under article 21, the Board shall regulate its own procedure.

(8) The Prime Minister shall appoint a public officer to act as secretary to the Board.

Review of decisions.

20. (1) Any decision of the Board shall be final and binding.

(2) Notwithstanding the provisions of subarticle (1), the Board may, on a new fact being brought to its notice, review a decision given by it:

Provided that -

(a) the application for review is lodged in writing with the Board within twenty days from the date on which the decision is communicated to the undertaking or association of undertakings; and

(b) a review of the decision shall in no case involve the Board in any liability for any damages which may have been sustained in consequence of the first decision.

Power to make regulations.

21. The Minister may, from time to time, make and, when made, alter or revoke regulations generally for giving effect to any of the provisions of this Act and particularly for making provision regarding the procedure before the Board, the liability of any of the parties in respect of the expenses incurred in connection therewith and to prescribe anything that is to be prescribed under this Act.

Supply of information to the Board.

22. (1) In carrying out the duties assigned to it by this Act, the Board may obtain all necessary information from undertakings and from any association of undertakings.

(2) The Board may fix a time limit of not less than one month for the communication of the information requested.

(3) In its request the Board shall state the legal basis and purpose of the request and also the penalties, which may be imposed in accordance with article 23(1), for the supply of incorrect information.

(4) The owners of the undertakings or their representatives and, in the case of a legal person or of companies, firms or associations not having legal personality, the person authorised to

represent them by law or by their rules, shall be bound to supply the information requested.

(5) Undertakings and associations of undertakings shall submit to investigations ordered by a decision of the Board. The decision shall specify the subject matter and the purpose of the investigation, appoint the date on which it is to begin and indicate the penalties which may be imposed in accordance with article 23(1).

23. (1) The Board may impose disciplinary penalties, on undertakings or associations of undertakings, of not less than four hundred liri but not exceeding twenty thousand liri where the undertakings or associations of undertakings, whether intentionally or negligently -

Disciplinary penalties.

(a) supply incorrect information in response to a request made pursuant to article 22, or do not supply information within the time limit fixed; or

(b) produce books or other business records in incomplete form during investigations, or refuse to submit to an investigation pursuant to article 22(5).

(2) The Board may impose disciplinary penalties on system vendors, parent carriers, participating carriers and, or subscribers for infringements of the provisions of this Act up to a maximum of ten per cent of the annual turnover for the relevant activity of the undertaking concerned. In fixing the amount of the penalty, regard shall be had both to the seriousness and to the duration of the infringement.

(3) Decisions imposing disciplinary penalties, pursuant to the provisions of subarticles (1) and (2), shall not be of a penal nature, and any such penalties shall be recoverable as a civil debt by the Director by action before the competent court of civil jurisdiction.

(4) Carriers, whether they are parent or participating carriers, subscribers and system vendors shall be subject to the jurisdiction and the procedures of, and the administrative penalties imposed by, the Board.

FIRST SCHEDULE

**Principal Display Ranking Criteria for Flights*
offering Unbundled Air Transport Products**

(Articles 5, 7 and 16)

1. Ranking of flight options in a principal display, for the day or days requested, shall be in the following order unless requested in a different way by a consumer for an individual transaction:
 - (i) all non-stop direct flights between the city-pairs concerned;
 - (ii) all other direct flights, not involving a change of aircraft or train, between the city-pairs concerned;
 - (iii) connecting flights.
2. A consumer shall at least be afforded the possibility of having, on request, a principal display ranked by departure or arrival time and/or elapsed journey time. Unless otherwise requested by a consumer, a principal display shall be ranked by departure time for group (i) and elapsed journey time for groups (ii) and (iii).
3. Where a system vendor chooses to display information for any city-pair in relation to the schedules or fares of non-participating carriers, but not necessarily all such carriers, such information shall be displayed in an accurate, non-misleading and non-discriminatory manner between carriers displayed.
4. If, to the system vendor's knowledge, information on the number of direct scheduled air services and the identity of the air carriers concerned is not comprehensive, this shall be clearly stated on the relevant display.
5. Flights other than scheduled air services shall be clearly identified.
6. Flights involving stops en route shall be clearly identified.
7. Where flights are operated by an air carrier which is not the air carrier identified by the carrier designator code, the actual operator of the flight shall be clearly identified. This requirement shall apply in all cases, except for short-term *ad hoc*

* All references to "flights" in this Schedule are in accordance with article 16(6) of the Act.

arrangements.

8. A system vendor shall not use the screen space in a principal display in a manner which gives excessive exposure to one particular travel option or which displays unrealistic travel options.
9. Except as provided for in paragraph 10, the following provisions shall apply:
 - (a) for direct services, no flight may be featured more than once in a principal display;
 - (b) for multi-sector services involving a change of aircraft, no combination of flights may be featured more than once in a principal display;
 - (c) flights involving a change of aircraft shall be treated and displayed as connecting flights, with one line per aircraft segment. Nevertheless, where the flights are operated by the same carrier with the same flight number and where a carrier requires only one flight coupon and one reservation, a computerized reservation system should issue only one coupon and shall charge for only one reservation.
10. (1) Where participating carriers have joint-venture or other contractual arrangements requiring two or more of them to assume separate responsibility for the offer and sale of air transport products on a flight or combination of flights, the terms "flight" (for direct services) and "combination of flights" (for multi-sector services) in paragraph 9 shall be interpreted as allowing each of the carriers concerned, up to a maximum of two, to have a separate display using its individual carrier designator code.
 - (2) Where more than two carriers are involved, designation of the two carriers entitled to avail themselves of the exception provided for in sub-paragraph (1) shall be a matter for the carrier actually operating the flight. In the absence of information from the operating carrier sufficient to identify the two carriers to be designated, a system vendor shall designate the carriers on a non-discriminatory basis.
11. A principal display shall, wherever practicable, include connecting flights on scheduled services which are operated by participating carriers and are constructed by using a minimum number of nine connecting points. A system vendor shall accept a

request by a participating carrier to include an indirect service, unless the routing is in excess of 130% of the great circle distance between the two airports or unless that would lead to the exclusion of services with a shorter elapsed journey time. Connecting points with routings in excess of 130% need not be used.

SECOND SCHEDULE
Use of Distribution Facilities by Subscribers

(Articles 12 and 13)

1. A subscriber shall keep accurate records covering all transactions concluded through the computerized reservation system. Those records shall include flight numbers, reservations booking designators, date of travel, departure and arrival times, status of segments, names and initials of passengers with their contact addresses and/or telephone numbers and ticketing status. When booking or cancelling space, the subscriber shall ensure that the reservation designator being used corresponds to the fare paid by the passenger.
2. A subscriber shall not deliberately make duplicate reservations for the same passenger. Where confirmed space is not available, the passenger may, at his choice, be wait-listed on that flight (if wait-list is available) and confirmed on an alternative flight.
3. When a passenger cancels a reservation, the subscriber shall immediately release that space.
4. When a passenger changes an itinerary, the subscriber shall ensure that all space and supplementary services are cancelled when the new reservations are made.
5. A subscriber shall, where practicable, request or process all reservations for a specific itinerary and all subsequent changes through the same computerized reservation system.
6. No subscriber may request or sell airline space unless requested to do so by a consumer.
7. A subscriber shall ensure that a ticket is issued in accordance with the reservation status of each segment and in accordance with the applicable time limit. A subscriber shall not issue a ticket indicating a definite reservation and a particular flight unless

confirmation of that reservation has been received.

Objects and reasons

The objects of the Bill are to introduce and enforce a code of conduct in connection with computerised reservation systems for air and rail transport.

