

DECISION OF THE JOINT COMMITTEE OF THE CENTRAL EUROPEAN FREE TRADE AGREEMENT

No. 6/2024

on Facilitating Trade in Services Supplied by Travel Agencies and Tour Operators

Adopted on 9 October 2024

Preamble

The Joint Committee,

Having regard to Article 40.4 of Annex 1 to the Agreement on Amendment of and Accession to the Central European Free Trade Agreement, done in Bucharest on 19 December 2006 ("CEFTA 2006");

Having regard to the Additional Protocol 6 on Trade in Services ("AP 6");

Having regard to the Ministerial Conclusion of the 14th Joint Committee Meeting that took place in Sarajevo the 16 December 2020 for launching the regulatory cooperation in tourism seeking to address key barriers in this sector, including introducing recognition of licences based on EU rules and practices.

Recognising that the liberalisation of both goods and services in the framework of the Central European Free Trade Agreement shall act as avenue for achieving the objectives of economic development and growth in CEFTA by expanding intra-CEFTA investment and production opportunities;

Desiring to create favourable conditions for the development and diversification of trade between the Parties and for the promotion of commercial and economic co-operation in services;

Underlining the objectives of promoting regulatory harmonisation and approximating the laws, regulations, or administrative provisions of the CEFTA Parties with EU law;

Seeking to develop Common Market modelled after EU acquis, in particular Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2000 on services in the internal market;

Seeking to facilitate supply of services by travel agencies and tour operators offering tourism services in other Parties to promote balanced development of tourism in CEFTA;

Has decided as follows:

**TITLE I
GENERAL PROVISIONS**

Article 1
Purpose

1. This Decision establishes disciplines facilitating the trade in travel agency and tour operator services and ensuring that measures by Parties relating to licensing requirements and procedures for travel agencies and tour operators do not constitute unnecessary barriers to trade in services.

Article 2
Scope and coverage

This Decision shall apply to all measures adopted or maintained by Parties affecting service suppliers of a Party, within the meaning of paragraph 2 of the Article 2 of the Additional Protocol 6, wishing to supply travel agency and tour operator services (CPC 7471):

- (a) from one Party to any other Party;
- (b) in one Party to the service consumer of any other Party;
- (c) by travel agencies and tour operators of one Party, through commercial presence in any other Party;
- (d) by travel agencies and tour operators of one Party, through presence of natural persons of a Party in any other Party.

Article 3
Main definitions

1. For the purposes of this Decision, the following definitions shall apply:
 - (a) 'Travel agency and tour operator services' means the services rendered for passenger travel by travel agencies tour operators, and similar services; travel information, advice, and planning services; services related to arrangement of tours, accommodation, passenger, and baggage transportation; ticket issuance services and other services usual in tourist traffic. These services are supplied on a fee or contract basis. This Decision does not apply to and does not include suppliers who merely offer and/or sell the services of other providers, i.e., travel agencies (organizers) and tour operators.
 - (b) 'Licence' means the permission, formal or implied, to supply a service, resulting from a procedure a person must adhere to aiming to demonstrate compliance with requirements.
 - (c) 'requirement' means any obligation, prohibition, condition, or limit provided for in the laws, regulations, or administrative provisions of the Parties or in administrative practice, the rules of professional bodies, or the collective rules of professional associations or other professional organisations, adopted in the exercise of their legal autonomy;
 - (d) 'natural person' as defined in the Article 1(1)(k) of Additional Protocol 6;
 - (e) "natural person of another Party" as defined in the Article 1(1)(l) of Additional Protocol 6;
 - (f) "natural persons of a Party in any other Party" mentioned in the Article 2 point (d) of this Decision are those persons who are employees or contracted by the travel agency or the tour

operator of the other Party, eligible to supply the relevant services, in accordance with the exemptions provided in the Annex I of of Additional Protocol 6;

- (g) "juridical person" as defined in the Article 1(1)(m) of Additional Protocol 6, and to the extent provided by the laws, regulations or administrative provisions of the Parties;
- (h) 'commercial presence' as defined in Article 1(1)(d) of Additional Protocol 6, and to the extent provided by the laws, regulations or administrative provisions of the Parties;
- (i) 'commercial communication' means any form of communication designed to promote, directly or indirectly, the goods, services or image of an undertaking, organisation or person engaged in commercial, industrial or craft activity or practising a regulated profession.
- (j) 'Joint Committee': The CEFTA Joint Committee;

2. For the purpose of Article 13:

- (a) 'direct and particular risk' means a risk arising directly from the provision of the service by travel agencies and tour operators,
- (b) 'health and safety' means, in relation to a consumer or a third person, the prevention of death or serious personal injury,
- (c) "professional liability insurance or other form of equivalent or comparable financial guarantee" means insurance or other form of financial guarantee taken out by a travel agency or tour operator in respect of potential liabilities to consumers and, where applicable, third parties, arising out of the provision of the service.

TITLE II SERVICES SUPPLIED BY TRAVEL AGENCIES AND TOUR OPERATORS THROUGH COMMERCIAL PRESENCE

Article 4

Main principles for licencing travel agencies and tour operators

1. Parties, in the light of paragraph 5 of the Article 10 of the Additional Protocol 6, shall subject supply of travel agency and tour operator services to licence only when following conditions are met:
 - (a) that the travel agency and tour operator of one Party is is able to supply services under conditions defined by the laws, regulations or administrative provisions of the Party in which provides services;
 - (b) the licence does not discriminate against the supplier in question, and they are based on objective and transparent criteria;
 - (b) the need for a licence is justified by legitimate policy objectives;

- (c) the objective pursued cannot be attained by means of a less restrictive measure, in particular because an a posteriori inspection would take place too late to be genuinely effective.

Article 5

**Criteria for licencing of
travel agencies and tour operators**

1. Licences shall be granted based on criteria which preclude the Parties from exercising their power of assessment in an arbitrary manner.
2. The criteria referred to in paragraph 1 shall be:
 - (a) non-discriminatory;
 - (b) justified by legitimate policy objectives;
 - (c) not more burdensome than necessary to ensure the quality of the service proportionate to that public interest objective;
 - (d) clear and unambiguous;
 - (e) based on objective and transparent criteria, such as competence and the ability to supply the service;
 - (f) made public in advance;
 - (g) transparent and accessible.
3. The licence of a travel agency or a tour operator shall enable the supply of services by travel agency or a tour operator throughout the Party, except where a limitation of the licence is justified by legitimate policy objective.
4. The licence of the travel agency or the tour operator shall be granted as soon as the registration of the commercial presence is completed, in the light of an appropriate examination if the conditions for licence have been met.
5. Except in the case of the granting of a licence, any decision from any Party, including refusal or withdrawal of a licence, shall be fully reasoned and shall be open to an appeal procedure in that Party.

Article 6

Duration of licence of travel agencies and tour operators

1. A licence granted to a travel agency, or a tour operator shall not be for a limited period, except where:
 - (a) the licence is being automatically renewed or is subject only to the continued fulfilment of the requirements;
 - (b) the number of available licences is limited to meet legitimate policy objectives;

- (c) a limited licence period can be justified to meet legitimate policy objectives.
2. Paragraph 1 shall not concern the maximum period before the end of which the supplier must commence his activity after receiving licence.
 3. This Article shall be without prejudice to the Parties' ability to revoke licences of travel agencies and tour operators, when the criteria for licence are no longer met.

Article 7

Licence procedures for travel agencies and tour operators

1. Parties shall ensure that procedures for licencing of travel agencies and tour operators shall not be in themselves a restriction on the supply of the respective services.
2. Licences of travel agencies and tour operators and relevant formalities shall be clear, made public in advance and be such as to provide the applicants with a guarantee that their application will be dealt with objectively and impartially.
3. Procedures and formalities related to licences of travel agencies and tour operators shall not be dissuasive and shall not unduly complicate or delay the provision of the respective services. They shall be easily accessible and any charges which the applicants may incur from their application shall be reasonable and proportionate to the cost of the licencing procedures in question and shall not exceed the cost of the procedures.
4. Procedures and formalities related to licences of travel agencies and tour operators shall provide applicants with a guarantee that their application will be processed as quickly as possible and, in any event, within a reasonable period which is fixed and made public in advance. The period shall run only from the time when all documentation has been submitted. When justified by the complexity of the issue, the time period may be extended once by the Party, for a limited time. The extension and its duration shall be duly motivated and shall be notified to the applicant before the original period has expired.
5. Failing a response within the time period set or extended in accordance with paragraph 3, licence shall be deemed to have been granted, except in the case where the application of the supplier is not submitted in accordance with the legal framework applicable by the respective Party, including the cases where the application is not submitted in the predetermined application form, as well as when any required supporting document is missing. Different arrangements may nevertheless be put in place, where justified by legitimate policy objectives.
6. The applicant shall be notified by the Party in writing, by electronic means or by public announcement, of the receipt of the application. The notification shall specify the following:
 - (a) the period referred to in paragraph 4;
 - (b) the available means of redress;
 - (c) where applicable, a statement that in the absence of a response within the period specified, the licence shall be deemed to have been granted, under the conditions from paragraph 5 of this Article.

7. In the case of an incomplete application, the applicant shall be informed as quickly as possible of the need to supply any additional documentation, as well as of any possible effects on the period referred to in paragraph 4.
8. When a request is rejected because it fails to comply with the required procedures or formalities, the applicant shall be informed of the rejection as quickly as possible.

Article 8

Prohibited duplication of licencing requirements for travel agencies and tour operators

1. Travel agencies and tour operators for applicants seeking access to a market of a Party through commercial presence shall be subject to the laws, regulations, or administrative provisions of that Party, including matters related to issuance of a licence.
2. The conditions for granting licence through commercial presence to travel agencies and tour operators that are already licenced in a Party, shall not duplicate requirements and controls which are already met in any other Party. These requirements shall be same, equivalent, or essentially comparable as regards their purpose. The Contact Points of Services referred to in Article 9 of the Additional Protocol 6 and the supplier shall assist the Party by providing any necessary information regarding those requirements.
3. If access to or provision of services of travel agency or tour operator in a any other party Party is contingent upon possession of licence, that Party shall permit the commercial presence of a travel agency or a tour operator after the completion of the licencing procedure, without duplicating requirements and controls already subject of a licencing procedure in any another Party.

Article 9

Documentation and formalities

1. Where any Party decides on an application for licence or registration for the commercial presence of a travel agency or a tour operator by virtue of this Title, that Party may demand the documents and certificates already issued by any other Party.
The Parties, bodies and other legal persons shall guarantee the confidentiality of the information which they receive.
2. Where Parties require a travel agency or a tour operator to supply a certificate, attestation or any other document proving that a requirement has been satisfied, they shall accept any document issued by any Party relevant to the licencing of travel agencies which serves an equivalent purpose or from which it is clear that the requirement in question has been satisfied. They may not require a document from another Party to be produced in its original form, or as a certified copy or as a certified translation, save where such a requirement is justified by legitimate policy objectives, including public order and security. Nevertheless, Parties may require non-certified translations of documents in one of their official languages.
3. In the event of justified doubts, a Party may require from any other Party confirmation of the authenticity of the attestations and evidence of the licence that is already issued in that Party or any proof of the registration, if such a licence is not required for the provision of these specific services in that Party. Until the confirmation of authenticity of the other party arrives, the deadlines from Article 7, paragraph 4 of this decision do not run.

Article 10

**Prohibited requirements for supply of services
by travel agency or tour operator in a Party**

1. Parties shall not make supply of services by travel agencies and tour operators subject to compliance with any of the following:
 - (a) discriminatory requirements directly or indirectly related to where the service supplier is from, in the case of companies, the location of the registered office, including in particular: requirements for the supplier, his staff, persons holding the share capital or members of the suppliers' management or supervisory bodies to be natural persons of a Party;
 - (b) a requirement that the services supplier, his staff, persons holding the share capital or members of the services supplier's management or supervisory bodies be natural person of a Party;
 - (c) a prohibition on having additional commercial presence in other Parties or on being entered in the registers or enrolled with professional bodies or associations of other Parties;
 - (d) quantitative or geographical restrictions, in particular the form of limits fixed according to population or of a minimum geographical distance between suppliers;
 - (e) an obligation on a supplier to take a specific legal form; In case where Party's law, regulation and administrative provisions restricts scope of the activity of certain legal form in a way which effectively disables supplier of rendering the service as defined in Article 1 (a) this restriction will not be prohibited.
 - (f) requirements fixing a minimum number of employees, except from those who are needed for the supply of services by travel agencies or tour operators. In case there is a requirement for minimum number of employees this number should be justified by legitimate policy objectives;
 - (g) fixed minimum and/or maximum fees of the services provided by the travel agencies and tour operators with which the supplier must comply;
 - (h) the direct or indirect involvement of competing operators, including within consultative bodies, in the granting of licences or in the adoption of other decisions of the Parties, with the exception of professional bodies and associations or other organisations delegated by Parties; this prohibition shall not concern the consultation of organisations, such as chambers of commerce or social partners, on matters other than individual applications for licence, or a consultation of the public at large;
 - (i) an obligation to provide or participate in a financial guarantee or to take out insurance only from a provider or body established in the Party, unless otherwise envisaged in the relevant Party's laws, regulation, and administrative provisions in the area of financial and related services (CPC 71). This shall not affect the possibility for Party to require insurance or financial guarantees as such, nor shall it affect requirements relating to the participation in a collective compensation fund, for instance for members of professional bodies or organisations;
 - (j) an obligation to have been pre-registered, for a given period, in the registers in the Party or to have previously exercised the activity for a given period in the Party.

TITLE III
TEMPORARY SUPPLY OF SERVICES BY TRAVEL AGENCY OR TOUR OPERATOR OF ONE PARTY
THROUGH PRESENCE OF NATURAL PERSONS OF A PARTY IN ANY OTHER PARTY

Article 11

Principle of services temporary supplied by travel agencies and tour operators through presence of natural persons of a Party in any other Party

1. The provisions of this title shall only apply where a travel agency or a tour operator of one Party supplies temporary services through presence of natural persons of a Party in any other Party according to Article 8 of the Additional Protocol 6.
2. Parties shall respect the right of travel agencies and tour operators to temporary supply services through movement of natural persons according to commitments in the Additional Protocol 6, in accordance with the exemption provided under Annex I of Additional Protocol 6.
3. Parties shall not make temporary supply of the service of a travel agency or tour operator subject to compliance with any requirements which do not respect the following principles:
 - (a) non-discrimination: the requirement may be neither directly nor indirectly discriminatory with regard to whether supplier is a natural person of another Party or, in the case of juridical persons, with regard to the Party in which they supply services through commercial presence;
 - (b) necessity: the requirement must be justified for reasons of public policy, public security, public health or the protection of the environment;
 - (c) proportionality: the requirements should not be more burdensome than necessary to ensure the quality of the service; the requirements must be suitable for attaining the objective pursued and must not go beyond what is necessary to attain that objective.
4. Parties may not restrict the temporary supply of services by travel agencies and tour operators of one Party, through presence of natural persons of a Party in any another Party by imposing any of the following requirements:
 - (a) an obligation on the travel agency or the tour operator to supply services through commercial presence in the Party;
 - (b) an obligation on the travel agency or the tour operator to obtain a licence from the Party including entry in a register or registration with a professional body or association in the Party;
 - (c) a ban for travel agencies or the tour operators on setting up a certain form or type of infrastructure in the Party, including an office or chambers, which the supplier needs in order to supply the services in question;
 - (d) the application of specific contractual arrangements between the supplier and the consumer which prevent or restrict service supply by natural persons;
 - (e) requirements, except for those necessary for health and safety at work, which affect the use of equipment and material which are an integral part of the service supplied;

- (f) restrictions on the freedom to supply the services referred to in Article 1 of Annex II to this decision.
5. The Parties to which the travel agency or tour operator supply temporary their services according to this Article and Article 8 of the Additional Protocol 6 shall not be prevented from imposing requirements with regard to the provision of the specific service activity, where they are justified for reasons of public policy, public security, public health, or the protection of the environment and in accordance with paragraph 1.

Article 12

**Prior declaration for temporary supply of services
of travel agency and tour operator in any other Party**

1. A Party may require from the travel agency or tour operator licenced or legally supplying services in other Parties according to this Article and Article 8 of the Additional Protocol 6, seeking to supply temporary service in that Party to submit a written prior declaration about the data of the natural person of a Party who will supply the relevant services of travel agencies and tour operators in the other Party. Such declaration shall be submitted each time the service supplier intends to supply services in that Party.
2. The submission of the prior declaration referred in paragraph 1 of this Article by the respective supplier should take place within a reasonable time before the temporary supply of service in the other Party in accordance with the Model in Annex to this Decision; the content and information required through the Annex is not obligatory but optimal. Parties may amend the template in Annex to this Decision, in compliance with their laws, regulations and administrative provisions.
3. The prior declaration is submitted by electronic means directly to the other Party.
4. The above prior declaration shall state the details of the identity of the applicant, contact details and information about the place, time, and the duration of the service in the other Party. The Paarty may require declaration to be accompanied by:
 - (a) Certificate of the Party where the travel agency or tour operator supply services through commercial presence, that the person is legally supplies the respective services and that has not been banned, even temporarily from the supply of services of travel agency or tour operator at the time of issuance of this certificate;
 - (b) Information on professional liability insurance or guarantee for the protection of the consumers of the services in question and, as the case may be, against third parties, relevant to the supply of the specific services and
 - (c) Information on use of infrastructure in the other Party, to the extent which is necessary for the supply of the specific temporary service.
5. In case a Party requires a prior declaration described in paragraph 1 of this Article, it shall inform other Parties through Contact Points.
6. In case a Party that receives a prior declaration receives confirmation from the other Party that the interested travel agency or tour operator is not legally supplying services in the other Party, or the licence is revoked for any reason they can deny the supply of services.

TITLE IV
QUALITY OF SERVICES SUPPLIED BY TRAVEL AGENCY AND TOUR OPERATOR

Article 13

Professional liability insurance or other form of equivalent or comparable financial guarantee

1. Parties may ensure that travel agencies and tour operators whose services present a direct and particular risk to the health or safety of the consumer or a third person, or to the financial security of the consumer, subscribe to professional liability insurance appropriate to the nature and extent of the risk, or provide another form of equivalent or comparable financial guarantee which is equivalent or essentially comparable as regards its purpose.
2. When a travel agency or a tour operator from a Party supply services through commercial presence in any other Party, Parties may not require additional professional liability insurance or other form of equivalent or comparable financial guarantee from the supplier if he is already covered in the other Party by a guarantee which is equivalent, or essentially comparable as regards its purpose and the cover it provides in terms of the insured risk, the insured sum or a ceiling for the guarantee and possible exclusions from the cover. Where equivalence is only partial, Parties may require a supplementary guarantee to cover those aspects not already covered in the other Party. The Parties will act in the manner described above, unless otherwise provided by the laws, regulations and administrative provisions of the relevant Party.
3. When a party requires travel agencies or tour operators that supply services through a commercial presence in any other party to take out professional liability insurance or to provide other guarantees, that party accepts as sufficient proof of such insurance issued by credit institutions and insurance companies with registered office in the other party, unless otherwise provided by laws, regulations and administrative provisions of the relevant party in the field of insurance, finance as well as related services (CPC 71).

Article 14

Commercial communications by the travel agencies and tour operators

1. Parties shall remove all total prohibitions on commercial communications by the travel agencies and tour operators.
2. Parties shall ensure that commercial communications by the travel agencies and tour operators comply with professional rules, which relate, in particular, to the independence, dignity, and integrity of the profession, as well as to professional secrecy, in a manner consistent with the specific nature of the specific service. Professional rules on commercial communications shall be non-discriminatory, justified by an overriding reason relating to the public interest and proportionate.

Article 15

Multidisciplinary activities

Parties shall ensure that travel agencies and tour operators are not made subject to requirements which oblige them to exercise a given specific activity exclusively or which restrict the exercise jointly or in partnership of different activities.

TITLE V
ADMINISTRATIVE COOPERATION AND RESPONSIBILITY FOR IMPLEMENTATION

Article 16

Mutual assistance of Parties - general obligations

1. Parties shall give each other through the Contact Point of Services relevant assistance and shall put in place measures for effective cooperation with one another, aiming to ensure the supervision of suppliers and the services they supply.
2. The Contact Points of Services of each Party shall work in close collaboration and shall provide assistance to each other to facilitate application of this Decision. They shall ensure the confidentiality of the information which they exchange.
3. Information requests shall be duly motivated, in particular by specifying the reason for the request. Information exchanged shall be used only in respect of the matter for which it was requested.
4. In the event of receiving a request for assistance through the Contact Points of Services of any Party, Parties shall ensure that travel agencies and tour operators with commercial presence therein provide their Contact Points of Services with all the information necessary for supervising their activities in compliance with their laws, regulations and administrative provisions.
5. In the event of difficulty in meeting a request for information, the Party in question shall rapidly through the Contact Point of Services inform the requesting Contact Point of Services of the other Party with a view to finding a solution.

Article 17

General obligations for the Parties where the travel agencies or tour operator supply services through commercial presence

1. With respect to travel agencies and tour operators supplying services in through presence of natural persons of a Party in another Party, according to paragraph 2 point d of the Additional Protocol 6, the Party of its commercial presence shall supply information through its Contact Point of Services on travel agencies and tour operators when requested to do so by the other Party and, in particular, confirmation that a travel agency or a tour operators supply services through commercial presence there and, to its knowledge, is not exercising his activities in an unlawful manner.
2. The Party of the commercial presence shall undertake the checks, inspections and investigations requested by the other Party and shall inform through its Contact Point of Services the latter of the results and of the measures taken. In so doing, the Parties shall act to the extent permitted by the powers vested in them in their Party. The Parties can decide on the most appropriate measures to be taken in each individual case to meet the request by the other Party.
3. Upon gaining actual knowledge of any conduct or specific acts by a travel agency or a tour operator supplying services through commercial presence in a Party which supplies services in

other Party, that, to its knowledge, could cause serious damage to the health or safety of persons or to the environment, the Party where the commercial presence of the supplier is shall inform through its Contact Point of Services all other Parties' Contact Point of Services the shortest possible period of time.

Article 18

Supervision by the Party where a travel agency or a tour operator supplies services through commercial presence in the event of supplying services in any other Party

1. With respect to cases not covered by Article 19 (1), the Parties of the commercial presence of a travel agency or a tour operator shall ensure that compliance with its requirements is supervised in conformity with the powers of supervision provided for in its laws, regulations, or administrative provisions, in particular through supervisory measures at the place of the commercial presence of the travel agency or tour operator.
2. The Parties of the commercial presence of a travel agency or a tour operator shall not refrain from taking supervisory or enforcement measures on the grounds that the service of a travel agency or a tour operator has been supplied or caused damage in another Party.
3. The obligation laid down in paragraph 1 shall not entail a duty on the part of the Party of the commercial presence of a travel agency or a tour operator to carry out factual checks and controls in the Party where the service is supplied. Such checks and controls shall be carried out by the Party where the travel agency or the tour operator is temporarily supplying services at the request of the Party of its commercial presence, in accordance with Article 19.

Article 19

Supervision by the Party where the service is supplied in the event of supply of services a travel agency or a tour operator in any other Parties

1. With respect to requirements which may be imposed pursuant to paragraphs 4 and 5 of Article 11, the Party where the service is supplied is responsible for the supervision of the activity of the travel agency or the tour operator. The Party where the services of a travel agency or a tour operator are supplied:
 - (a) shall take all measures necessary to ensure the supplier complies with those requirements as regards the access to and the exercise of the activity;
 - (b) shall carry out the checks, inspections, and investigations necessary to supervise the service supplied.
2. With respect to requirements other than those referred to in paragraph 1, where a travel agency or a tour operator moves to another Party through presence of natural person of a Party, according to Article 8 of the Additional Protocol 6, to supply a service without having commercial presence there, the Party shall participate in the supervision of the supplier in accordance with paragraphs 3 and 4 of this Article.
3. At the request of Party of the commercial presence of a travel agency or a tour operator, the Parties where the services of a travel agency or a tour operator are supplied shall carry out any checks, inspections, and investigations necessary for ensuring the effective supervision by the Party of its commercial presence. The Parties may decide on the most appropriate measures to

be taken in each individual case in order to meet the request by the Party of its commercial presence.

4. On their own initiative, the Party where the services of a travel agency or a tour operator are supplied may conduct checks, inspections, and investigations on the spot, provided that those checks, inspections, or investigations are not discriminatory, are not motivated by the fact that the supplier has its commercial presence in any other Party and are proportionate.

Article 20

Alert mechanism

1. Where a Party becomes aware of serious specific acts or circumstances relating to a service activity of a travel agency or a tour operator that could cause serious damage to the health or safety of persons or to the environment in the Party or in other Parties, that Party shall inform the Contact Point of Services of the Party of its commercial presence and the other Parties' Contact Point of Services concerned within the shortest possible period of time.

Article 21

Access to information

1. The Parties shall ensure that the following information is exchanged through the Contact Points for Services, referred to in Article 9 of the Additional Protocol 6 and available to the public:
 - (a) contact details of the Parties' relevant authorities which are responsible for travel agencies and tour operators;
 - (b) the licencing requirements and procedures for the supply of services by travel agencies and tour operators in the Party, including all related documents to be submitted by the respective suppliers to the Parties;
 - (c) details on how to appeal, under the laws, regulations, and administrative provisions of the Party, to the decisions adopted in relation to this Decision;
 - (d) In case a prior declaration is required, all relevant data, including deadlines, address, and the specific form of the prior declaration for the supply of services by travel agencies according to Article 8 of the Additional Protocol 6, and according to the model of the declaration for the supply of these services by a travel agency or a tour operator under Annex.
2. The Contact Point of Services of all Parties shall ensure that the information referred to in paragraph 1 is provided in a clear and comprehensive way for users, that it is easily accessible remotely and by electronic means and that it is kept up to date.

TITLE VI

OTHER PROVISIONS

Article 22

Reports

1. The Parties shall, every year, send a report to the CEFTA Body in charge of trade in services on the application of this Decision. In addition to general observations, the report shall contain a statistical information on the supply of services by travel agencies and tour operators of one Party,

through presence of natural persons of a Party in any other Party, in line with Title III and Addition Protocol 6 (Article 2, point d) and information on the supply of services by travel agencies and tour operators of one Party, through commercial presence in any other Party (Article 2, point c). The report will also include a description of the main problems arising from the application of this Decision.

2. Every three years the CEFTA Secretariat shall publish a report on the implementation of this Decision. The Parties shall provide all necessary information for the preparation of that report.

Article 23

Derogation clause

If, for the application of one of the provisions of this Decision, a Party encounters major difficulty in a particular area, the CEFTA Body in charge of trade in services shall examine those difficulties in collaboration with the Party concerned.

Where appropriate, the Joint Committee, acting on the recommendation of the CEFTA Body in charge of Trade in Services, may permit the Party in question to derogate from the relevant provision for a limited period of time.

Article 24

Transposition

The Parties shall bring into force the laws, regulations, and administrative provisions necessary to comply with this Decision not later than two years after the adoption of this Decision.

Article 25

Annexes

Annex I and II are an integral part of this Decision.

Article 26

Final provisions

1. This Decision is subject to ratification, acceptance, or approval in accordance with the requirements foreseen by laws, regulations, and administrative provisions of the Parties. The instruments of ratification, acceptance or approval shall be deposited with the Depository.
2. This Decision shall enter into force on the thirtieth day upon depositing of the third instrument of ratification, acceptance or approval.
3. For each Party depositing its instrument of ratification, acceptance or approval after the date of the deposit of the third instrument of ratification, acceptance or approval, this Decision shall enter into force on the thirtieth day upon that Party depositing its instrument of ratification, acceptance or approval.
4. If its legal requirements allow, a Party may apply this Decision provisionally until that Party has deposited its instrument of ratification, acceptance or approval in accordance with paragraph 1. Any provisional application of this Decision shall be notified to the Depository.

This Decision was adopted by all CEFTA Parties in the presence of their representatives, except by Albania, which made a reservation regarding the fulfilment of its domestic legal requirements for the adoption of this Decision. This Decision shall be considered as adopted on 9 October 2024 once Albania has confirmed to the Depositary that its domestic legal requirements for the adoption of this Decision have been fulfilled and shall enter into force in line with Article 26(2) of this Decision.

Done in Belgrade, on 9 October 2024, in a single authentic copy in the English language, which shall be deposited with the Depositary of the CEFTA 2006, which shall transmit certified copies to all CEFTA Parties.

ANNEX I

**Template of prior declaration for temporary supply of services of travel agency and tour operator
in any other Party, according to Title III of this Decision**

**MODEL OF DECLARATION FOR THE TEMPORARY SUPPLY OF SERVICES
BY A TRAVEL AGENCY OR A TOUR OPERATOR IN ANY OTHER PARTY**

The following prior declaration should be submitted signed and scanned, by electronic means to the other Party.

The content of the prior declaration may be amended in compliance with the laws, regulations, and administrative provisions of each Party; the following is a template that Parties may use:

TO: *Receiving Party*

A. Personal Information

1. Surname:
2. Name:
3. Patronymic:
4. CEFTA Party:
4. Identification document:

B. Contact Information*

1. Telephone - landline / mobile:
2. Fax:
3. Email address:

C. Professional Information

1. Party where the supplier has its commercial presence:
2. Occupation / Activity I practice in the Party of lawful establishment (and for which I have the legal qualifications):
3. Occupation / Activity that I wish to practice temporarily and occasionally in (*Receiving Party*):

D. Elements of insurance coverage for professional liability: (optional)

1. Name of insurance company:
2. Insurance contract number:
3. The amount of my insurance coverage is:

E. Other required information

A) This is the first time I supply services on a temporary and occasional basis, according Article 8 of the Addition Protocol 6 in ... (*receiving Party*) and I intend to practice it during the calendar year, for the time period space, in (address)

Or

B) I have supplied services in the past and specifically in the calendar year, for the period, in (place), my situation has not change, which results from my already submitted supporting documents and this statement is subject to annual renewal.

I enclose the following required accompanied documents¹

A) Copy of the identification document;

B) Translated and original certificate of the Party where has its commercial presence, that I am legally supplying services of a travel agency or a tour operator there and that I have not been banned, even temporarily, from exercising these activities at the time the licence is issued. In the event that no such licence is provided for the specific activity by a Party, I shall provide proof of my involvement with the specific activity issued by the Party, which I declare that I will provide before supplying services in the other Party;

C) Equivalent / corresponding document of the criminal record issued by the Party its commercial presence, from which it appears that the person concerned has not been irrevocably convicted of the following offenses: imprisonment for espionage, dissemination of false news, rape, seduction, exploitation of prostitution, human trafficking, theft, robbery, extortion, fraud, smuggling, breach of drug regulations.

IMPORTANT NOTICE:

In case of a juridical person:

a) supporting documents, A) and C) are submitted in the name of the legal representative of the travel agency or tour operator;

(b) the remaining details of the application are submitted in the name of the juridical person and they adapt to its nature.

**Optional information*

¹ The following accompanied documents are submitted once with the declaration for the temporary provision of services of travel agencies and tour operators. In case of repetition of the activity, only the temporary service declaration is submitted without the additional supporting documents accompanying it, unless there has been a change in the status of the supplier in question.

All supporting documents that must be submitted must be written in the official language of the receiving Party. Certificates and licences issued by any other Party are accompanied by a simple translation into the official language of the receiving Party. If a Party does not issue the required supporting documents/certificates or they do not cover all issues, these shall be replaced by a solemn declaration by the person concerned, which shall be made before relevant administrative authority, notary or judicial authority, stating that the requested documents/certificates are not issued by the Party. The above-mentioned documents shall be issued the latest three months before its submission to the receiving Party.

ANNEX II
**Protection and rights of consumers of services supplied
by travel agencies and tour operators**

Article 1

Prohibited restrictions

1. Parties may not impose on any consumer of services supplied by travel agencies and tour operators, requirements which restrict the use of a service supplied by a travel agency or tour operator which has commercial presence in another Party, in particular the following requirements:
 - (a) an obligation to obtain licence from or to make a declaration to their Party;
 - (b) discriminatory limits on the grant of financial assistance by reason of the fact that the travel agency or the tour operator has its commercial presence in another Party or by reason of the location of the place at which the service is supplied.

Article 2

Principle of non-discrimination

1. Parties shall ensure that the consumer of services supplied by travel agencies and tour operators with commercial presence in a Party is not made subject to discriminatory requirements because they are natural or juridical persons of another Party.
2. Parties shall ensure that the general conditions to supply services of a travel agency or a tour operator, which are made available to the public at large by the supplier, do not contain discriminatory provisions related to consumer being natural person of another Party, but without precluding the possibility of providing for differences in the conditions of access where those differences are directly justified by objective criteria.

Article 3

Assistance for consumers

1. Parties shall ensure that consumers of services supplied by travel agencies and tour operators of a Party can obtain, in their Party of residence, the following information:
 - (a) general information on the requirements applicable in other Party relating to access to, and supply of service activities of a travel agency and a tour operator, in particular those relating to consumer protection and
 - (b) general information on the means of redress available in the case of a dispute between the specific service supplier and a consumer of its services.

Article 4

Principles of the information on suppliers of travel agency and tour operator services

1. Parties shall ensure that travel agencies and tour operators with commercial presence in a Party make the following information available to the consumer of the relevant services:
 - (a) the name of the supplier, his legal status and form, the geographic address at which he has his commercial presence or the establishment and details enabling him to be contacted rapidly and communicated with directly and, as the case may be, by electronic means;
 - (b) where the travel agency or the tour operator is registered in a trade or other similar public register of a Party, the name of that register and the supplier's registration number, or equivalent means of identification in that register;

- (c) where the activity of the travel agency or the tour operator is subject to a licence, the particulars of the licence and relevant Party;
 - (d) where the travel agency or tour operator supply services which are subject to VAT, the identification tax number, or any relevant number provided in the tax regulatory framework of the Party;
 - (e) any professional body or similar institution with which the travel agency or the tour operator is registered;
 - (f) the general conditions and clauses, if any, used by the travel agency or the tour operator;
 - (g) the existence of contractual clauses, if any, used by the travel agency or the tour operator concerning the law, regulation and administrative provision applicable to the contract and/or the competent courts;
 - (h) the existence of an after-sales guarantee, if any;
 - (i) the price of the service, where a price is pre-determined by the travel agency and the tour operator for a given type of service;
 - (j) the main features of the services supplied by travel agencies and tour operators, if not already apparent from the context;
 - (k) the insurance or guarantees referred to in Article 13 of the Decision, and in particular the contact details of the insurer or guarantor and the coverage.
2. Parties shall ensure that the information referred to in paragraph 1, according to the travel agency's and tour operator's preference:
- (a) is supplied by the supplier on his own initiative;
 - (b) is easily accessible to the consumer at the place where the relevant services are supplied or the contract concluded;
 - (c) can be easily accessed by the consumer electronically by means of an address supplied by the supplier;
 - (d) appears in any information documents provided to the consumer by the supplier which set out a detailed description of the service he supplies.
3. Parties shall ensure that, at the consumer's request, travel agencies and tour operators supply the following additional information:
- (a) where the price is not pre-determined by the travel agency or the tour operator for a given type of service, the price of the service or, if an exact price cannot be given, the method for calculating the price so that it can be checked by the consumer, or a sufficiently detailed estimate;
 - (b) information on their multidisciplinary activities and partnerships which are directly linked to the service in question and on the measures taken to avoid conflicts of interest. That information shall be included in any information document in which suppliers give a detailed description of their services;
 - (c) any codes of conduct to which the travel agencies and tour operators are subject and the address at which these codes may be consulted by electronic means, specifying the language version available;
 - (d) where a travel agency or a tour operator is subject to a code of conduct, or member of a trade association or professional body which provides for recourse to a non-judicial means of dispute settlement, information in this respect. The specific supplier shall specify how to access detailed information on the characteristics of, and conditions for, the use of non-judicial means of dispute settlement.
4. Parties shall ensure that the information which a travel agency and a tour operator must provide in accordance with this Annex is made available or communicated in a clear and unambiguous manner,

and in good time before conclusion of the contract or, where there is no written contract, before the respective services are supplied.

5. The information requirements laid down in this Annex are in addition to requirements already provided for the regulatory framework of the Parties and do not prevent Parties from imposing additional information requirements applicable to travel agencies and tour operators with their commercial presence therein.