

Regulation (EC) No 80/2009 of the European Parliament and of the Council of
14 January 2009 on a Code of Conduct for computerised reservation systems
and repealing Council Regulation (EEC) No 2299/89 (Text with EEA relevance)

SECTION 2

RULES OF CONDUCT FOR SYSTEM VENDORS

Article 3

Relationship with transport providers

- 1 A system vendor shall not:
 - a attach unfair and/or unjustified conditions to any contract with a participating carrier or require the acceptance of supplementary conditions which, by their nature or according to commercial usage, have no connection with participation in its CRS;
 - b make it a condition of participation in its CRS that a participating carrier may not at the same time be a participant in another system or that a participating carrier may not freely use alternative reservation systems such as its own Internet booking system and call centres.
- 2 A system vendor shall load and process data provided by participating carriers with equal care and timeliness, subject only to the constraints of the loading method selected by individual participating carriers.
- 3 A system vendor shall publicly disclose, unless this is otherwise made public, the existence and extent of a direct or indirect capital holding of an air carrier or rail-transport operator in a system vendor, or of a system vendor in an air carrier or rail-transport operator.

Article 4

Distribution facilities

- 1 A system vendor shall not reserve any specific loading and/or processing procedure, any other distribution facility, or any changes to these, for one or more participating carriers, including its parent carrier(s). The system vendor shall provide information about changes to its distribution facilities and loading/processing procedures to all participating carriers.
- 2 A system vendor shall ensure that its distribution facilities are separated, at least by means of software and in a clear and verifiable manner, from any carrier's private inventory and management and marketing facilities.

Article 5

Displays

- 1 A system vendor shall provide a principal display or displays for each individual transaction through its CRS and shall include therein the data provided by participating carriers in a neutral and comprehensive manner and without discrimination or bias. Criteria to be used

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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. The principal display(s) shall not mislead the user, shall be easily accessible and shall respect the rules set out in Annex I.

2 In the case of information provided by a CRS to the consumer, a subscriber shall use a neutral display in accordance with paragraph 1 unless another display is required to meet a preference indicated by a consumer.

3 Flights operated by air carriers subject to an operating ban pursuant to Regulation (EC) No 2111/2005 of the European Parliament and of the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier⁽¹⁾ must be clearly and specifically identified in the display.

4 The system vendor shall introduce a specific symbol in the CRS display which shall be identifiable by the users for the purposes of the information on the identity of the operating air carrier provided for under Article 11 of Regulation (EC) No 2111/2005.

5 This Article shall not apply to a CRS used by an air carrier, or rail-transport operator, or a group of air carriers, or of rail-transport operators, in its or their own office or offices and sales counters or on their own websites clearly identified as such.

Article 6

Relationship with subscribers

1 A system vendor shall not attach unfair and/or unjustified conditions to a contract with a subscriber, such as preventing a subscriber from subscribing to or using any other system or systems, requiring the acceptance of supplementary conditions which have no connection with subscription in its CRS, or imposing an obligation to accept an offer of technical equipment or software.

2 Where a subscriber is an autonomous enterprise that employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million, it may terminate its contract with a system vendor by giving notice, which need not exceed three months, to expire not before the end of the first year of that contract. 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.

Article 7

Marketing Information Data Tapes ('MIDT')

1 Any marketing, booking and sales data may be made available by system vendors provided that such data are offered with equal timeliness and on a non-discriminatory basis to all participating carriers, including parent carriers. Data may and, on request, shall cover all participating carriers and/or subscribers.

2 Participating carriers shall not use such data in order to influence the choice of the subscriber.

3 Where such data result from the use of the distribution facilities of a CRS by a subscriber established in the Community, they shall include no identification either directly or

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indirectly of that subscriber unless the subscriber and the system vendor agree on the conditions for the appropriate use of such data. This applies equally to the supply of such data by the system vendors to any other party for use by this party other than for billing settlement.

4 Agreements between subscriber(s) and system vendor(s) on the MIDT shall be made available to the public.

Article 8

Equivalent treatment in third countries

1 Without prejudice to international agreements to which the Community or the Member States are parties, where the treatment of Community air carriers by a system vendor operating in a third country is not equivalent to the treatment of the third country participating carriers with regard to any matter contained in this Regulation, the Commission may require all system vendors operating in the Community to treat air carriers of that third country in a manner that is equivalent to the treatment of Community air carriers in that third country.

2 The Commission shall monitor the application of the discriminatory or non-equivalent treatment of Community air carriers by system vendors in third countries. At the request of a Member State or on its own initiative, the Commission shall investigate potential cases of discrimination against Community air carriers in CRSs of third countries. Where such discrimination is found, before taking a decision, the Commission shall inform the Member States and interested parties and seek their comments, including by holding a meeting of relevant experts from the Member States.

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- (1) [OJ L 344, 27.12.2005, p. 15.](#)

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Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by virtue of S.I. 2018/1080, reg. 15 (as inserted) by [S.I. 2019/687 reg. 4\(4\)](#)