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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on multimodal booking and repealing Regulation (EC) No 80/2009 - First Presidency compromise proposal

Delegations will find attached the first Presidency compromise proposal on multimodal booking and repealing Regulation (EC) No 80/2009.

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on multimodal booking and repealing Regulation (EC) No 80/2009 (Text with EEA relevance)

2026/0113(COD)
DRAFT [IE Presidency 1st Compromise proposal]
10-09-2026 at 21h57

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	VS.EC	Council Mandate
Formula		
1		2026/0113 (COD)
Document Stage		
2		Proposal for a
Document Type		
3		REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
Document Purpose		
4		on multimodal booking and repealing Regulation (EC) No 80/2009
EEA Relevance		
5		(Text with EEA relevance)
Formula		
6		THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Citation 1		
7		Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 (1), point (d), and Article 100 (2) thereof,
Citation 2		
8		Having regard to the proposal from the European Commission,

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Citation 3		
9		After transmission of the draft legislative act to the national parliaments,
Citation 4		
10		Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C [...], [...], p. [...].
Citation 5		
11		Having regard to the opinion of the Committee of the Regions[1], _____ 1. OJ C [...], [...], p. [...].
Citation 6		
12		Acting in accordance with the ordinary legislative procedure,
Formula		
13		Whereas:
Recital 1		
14		(1) Multimodal transport has the potential to enhance the sustainability and efficiency of the Union transport system and in turn support the objectives of the European Green Deal[1], of the Sustainable and Smart Mobility Strategy[2] and of Regulation (EU) 2021/1119 of the European Parliament and of the Council[3], mandating that Member States reduce net greenhouse gas (GHG) emissions by at least 55% by 2030 (compared to 1990 levels), by 90% by 2040, and achieve climate neutrality by 2050. For passenger transport, the shift towards a multimodal transport system could be supported by business-to-business (B2B) and business-to-consumer (B2C) multimodal digital mobility service (MDMS) providers, making it easier for end users and business users to find, compare, combine and buy suitable transport products for their journey. Those B2B and B2C MDMS providers run services providing traffic and travel information for long-distance travel (such as schedules, tariffs and service availability) and allowing distribution of tickets, either directly or via re-linking, for two or more transport operators in at least one transport mode. _____ 1. Communication from the Commission 'The European Green Deal', COM(2019) 640 final of 11.12.2019. 2. Communication from the Commission 'Sustainable and Smart Mobility Strategy – putting European transport on track for the future', COM(2020) 789 final of 09.12.2020. 3. Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/1119/oj).

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Recital 2		
15		(2) To support fair competition and innovation, common rules should be established to ensure a level playing field in the ticket distribution market, in particular regarding the visibility, accessibility and distribution of long-distance and regional transport services offered within the Union. Those rules should ensure that end users and business users are able to purchase the most appropriate travel option, including journeys combining services across one or more transport modes or provided by multiple transport operators.
Recital 3		
16		(3) Regulation (EC) No 80/2009 of the European Parliament and of the Council[1] aims to ensure fair and unbiased conditions for air carriers and rail carriers in computerised reservation systems (CRSs), which in turn safeguards consumer interests. In the light of ongoing technological and market developments, it is essential to extend these principles of fairness and impartiality to emerging business models that perform functions comparable to those of CRSs. _____ 1. 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 (OJ L 35, 4.2.2009, p. 47, ELI: http://data.europa.eu/eli/reg/2009/80/oj).
Recital 4		
17		(4) To ensure equal treatment of all carriers, providers of business-to-business multimodal digital mobility services should fall within the scope of this Regulation if business users can access their services and transport products from the Union, i.e. when the point of sale is in the Union. They should also fall within the scope of this Regulation even if the point of sale is outside of the Union but the transport product's underlying transport service is provided, wholly or partially, within the territory of the Union.
Recital 5		
18		(5) The obligations imposed on MDMS providers under this Regulation should be without prejudice to Regulation (EU) XXX (RTR) of the European Parliament and of the Council.
Recital 6		
19		(6) The obligations imposed on MDMS providers under this Regulation should be without prejudice to Regulations (EU) 2022/2065[1] and (EU) 2022/1925[2] of the European Parliament and of the Council. In particular, by establishing an obligation of neutral display of transport products or the combination of transport products for B2B and B2C MDMS according to specific ranking criteria, this Regulation aims only to complement, but not to affect, any of the obligations imposed on intermediary service providers under Regulation (EU) 2022/2065, including online platforms and online search engines within the meaning of Regulation (EU) 2022/2065, in the Union. Similarly, the obligations imposed on B2C MDMS providers with significant market presence and B2B MDMS providers aim to complement Regulation (EU) 2022/1925, as this Regulation applies similar requirements to services which, despite being outside the scope of Regulation (EU) 2022/1925, may nonetheless still be indispensable for business-users or end-users.

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		1. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1, ELI: http://data.europa.eu/eli/reg/2022/2065/oj). 2. Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) (OJ L 265, 12.10.2022, p. 1, ELI: http://data.europa.eu/eli/reg/2022/1925/oj).
Recital 7		
20		(7) Since a transport product offered by a transport operator at least partially under a code share arrangement or an interlining agreement aims to increase connectivity for operator's own passengers, transport products offered under such agreements should be considered transport products of the marketing transport operator only and not a transport product of two or more transport operators.
Recital 8		
21		(8) B2C MDMS providers may account for a significant share of the total value or volume of tickets sold at Union or national level, in one or several transport modes, and therefore constitute a predominant point of access for end users. Such a position may result from a strong or established presence in the underlying transport markets, leading to strong incentives to promote some transport products, to the detriment of competitors. That strategic position vis-à-vis end users may enable those B2C MDMS providers to influence access to the online ticket distribution market, including by limiting opportunities for new entrants or by imposing unjustified contractual conditions affecting participating transport operators. Such conditions may include the introduction of disproportionately high distribution fees or unfair data processing and information sharing practices. Given their central role, those B2C MDMS providers should be designated as providers with significant market presence for each of the relevant transport modes, and in the relevant geographical area where that is the case. Designated MDMS providers should therefore be subject to additional rules necessary to ensure fair competition, transparency and non-discriminatory cooperation with transport operators. Meta-search engines (MSEs) only re-linking transport products are not directly selling transport products and therefore do not hold a significant market presence for distribution.
Recital 9		
22		(9) Websites or applications of transport operators which only offer the operator's own transport products or those of operators belonging to their own group do not constitute an MDMS as they do not offer transport products of competitors. As such, they are clearly identifiable to consumers. Furthermore, those websites do not offer similar services to those provided by an MDMS, such as aggregation and comparison of competitors' transport products. Unlike MDMS, online search engines, as defined in Article 2, point (5), of Regulation (EU) 2019/1150 of the European Parliament and of the Council[1], allow users to input queries in order to perform searches of, in principle, all websites, or all websites in a particular language, including, but not limited to websites where transport products are sold. The sole fact that an online search engine returns results that include transport products should not be sufficient to consider it as a B2C MDMS. 1. Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57, ELI: http://data.europa.eu/eli/reg/2019/1150/oj).

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Recital 10		
23	(10) B2B MDMS providers function as commercial partners of air and rail carriers, travel agents and travel management companies. An important share of airline reservations is made through B2B MDMS providers, making them key gateways for reaching business users and ultimately end users. The strategic position of B2B MDMS providers enables them to influence carriers' access to travel agents and travel management companies and therefore to end users. Given their central role, B2B MDMS providers should be governed by additional obligations necessary to ensure fair competition, transparency and non-discriminatory cooperation.	
Recital 11		
24	(11) B2C MDMS providers designated as having significant market presence within a given Member State for a particular mode of transport should not be exempt from the responsibility of informing the national authorities of other Member States of their significant market presence within those jurisdictions so that they may, if relevant, also be designated in those Member States.	
Recital 12		
25	(12) Where B2C MDMS providers with significant market presence and B2B MDMS providers enter into commercial agreements with transport operators, they should respect certain conditions. In particular, such providers should not make participation to their service subject to exclusivity clauses, or impose restrictions limiting the operator's ability to freely use alternative reservation channels, including their own internet booking platform, direct connect systems or call centres. This is because such practices could create barriers to market entry for competing services and / or transport operators, reduce consumer choice, and ultimately distort the level playing field necessary for a competitive and innovative market environment. Pricing or other general conditions should be considered unfair if they lead to an imbalance of rights and obligations imposed on transport operators or confer an advantage on the B2B MDMS provider or the B2C MDMS provider with significant market presence which is disproportionate to the service provided by the MDMS provider to transport operators. The following benchmarks can serve as a yardstick to determine the fairness of the pricing and other general conditions: prices charged or conditions imposed for the same or similar services by other MDMS providers; prices charged or conditions imposed by the MDMS provider for different related or similar services or to different types of users; prices charged or conditions imposed by the MDMS provider for the same service in different geographic regions; prices charged or conditions imposed by the MDMS provider for the same service that it provides to the transport operator integrated with it. Where a B2C MDMS provider has been designated as B2C MDMS provider with significant market presence at Union level, it should comply with those specific rules across the Union.	

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Recital 13		
26		(13) The obligations imposed on MDMS providers under this Regulation should be without prejudice to Article 101 and Article 102 of the Treaty on Functioning of the European Union (TFEU) and to the application of national competition rules. This Regulation aims to protect a different legal interest from that protected by Union competition rules. The Commission should receive information annually from B2C MDMS providers to monitor the evolution of the ticketing markets and their interaction with transport operators and users. Where developments may result in harm to competition, transport operators or users in any of the transport modes and main segments at national and Union level, or the related ticketing services, the Commission may address them under existing tools, including Articles 101 and 102 TFEU or may consider other action such as coordinating with relevant authorities in the Member States.
Recital 14		
27		(14) It follows that the market processes are often incapable of ensuring fair economic outcomes with regard to MDMS providers. Although Articles 101 and 102 TFEU apply to the conduct of MDMS providers, the scope of those provisions is limited to certain instances of market power, for example dominance on specific markets and of anti-competitive behaviour, and enforcement occurs ex post and requires an extensive investigation of often very complex facts on a case-by-case basis. Moreover, existing Union law does not address, or does not address effectively, the challenges to the effective functioning of the internal market posed by the conduct of MDMS providers that are not necessarily dominant in competition-law terms.
Recital 15		
28		(15) In order to protect the interests of consumers and increase their trust in MDMSs, transport products presented to business users and end users on B2B and B2C MDMSs should be displayed in a manner that ensures no transport operator is unfairly favoured over another transport operator. The provisions regarding the neutral display of final price and travel time outlined in this Regulation should be without prejudice to the application of existing rules on paid advertisement[1]. _____ 1. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (OJ L 149, 11.6.2005, p. 22, ELI: http://data.europa.eu/eli/dir/2005/29/oj).
Recital 16		
29		(16) In accordance with Regulation (EC) No 1008/2008 of the European Parliament and of the Council[1], air carriers fares displayed to the public are to be inclusive of all applicable taxes, and charges, surcharges and fees which are unavoidable and foreseeable at the time of publication. Optional price supplements are to be communicated in a clear, transparent and unambiguous way at the start of any booking process. Air carriers and B2B MDMS providers should ensure that B2C MDMS receive information on fares in such a way that those intermediaries can fulfil their obligations under Article 23 of Regulation (EC) No 1008/2008. When displaying information, B2C MDMS providers are to respect the requirements set out in Directive (EU) 2019/882 of the European Parliament and of the Council[2] and in particular offer audio-visual options.

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		1. Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OJ L 293, 31.10.2008, p. 3, ELI: http://data.europa.eu/eli/reg/2008/1008/oj). 2. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70, ELI: http://data.europa.eu/eli/dir/2019/882/oj).
Recital 17		
30		(17) B2C MDMS providers and B2B MDMS providers should display greenhouse gas and carbon dioxide equivalent emissions' data where such information is supplied by transport operators. Making such data visible to users enhances transparency, enables more informed decision-making and supports the broader objective of promoting environmentally sustainable transport choices. By clearly presenting emissions information, MDMS providers can help raise awareness of the environmental impact of different travel options and encourage a shift towards lower-emission alternatives. Since they do not hold the information themselves, MDMS providers should not be bound by any additional obligations on displaying emissions data and should display the data provided by the transport operators in accordance with the applicable legislation. When sharing emissions' data with MDMS providers, transport operators should comply with the requirements laid down in Regulation (EU) XX/XX (CEEU), including where applicable in accordance with the Commission Implementing Regulation (EU) 2024/3170[1], Article 6 of which provides that airlines are only allowed to display flight emissions in accordance with that Implementing Regulation. 1. Commission Implementing Regulation (EU) 2024/3170 of 18 December 2024 laying down detailed provisions concerning the voluntary environmental labelling scheme for the estimation of the environmental performance of flights, established pursuant to Article 14 of Regulation (EU) 2023/2405 of the European Parliament and of the Council (Flight Emissions Label) (OJ L, 2024/3170, 31.12.2024, ELI: http://data.europa.eu/eli/reg_impl/2024/3170/oj).
Recital 18		
31		(18) The requirements on neutral display should not apply to B2B MDMS providers where their services are used by a transport operator or a group of transport operators at its own offices or sales counters or on websites clearly identified as its own, as there is no risk of one transport operator being favoured over another in such circumstances.
Recital 19		
32		(19) Air carriers from the Union and from third countries should be given equivalent treatment regarding B2B and B2C MDMS services.
Recital 20		
33		(20) Public authorities need data to support the planning of public transport services and the broader mobility system, including the development and evaluation of Sustainable Urban Mobility Plans (SUMPs). MDMS data can help assess the attractiveness of public transport services, verify the adequacy of current offerings (for example, lines, frequencies, timetables, multimodality efficiency), and evaluate infrastructure (for example, bus lanes, cycle tracks). This data can also support the design of new mobility products, packages, and demand studies.

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Recital 21		
34		(21) In order to achieve the objective of this Regulation to establish common Union rules for B2C MDMS providers with significant market presence at national or Union level, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to amend the thresholds for the designation of B2C MDMS providers with significant market presence at national or Union's level. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. 1. OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinstit/2016/512/oj.
Recital 22		
35		(22) Implementing powers should be conferred on the Commission to designate B2C MDMS providers with significant market presence in the Union and, in case of discrimination in the third country, require B2B MDMS providers operating in the Union to treat air carriers from that third country in a manner that is equivalent to the treatment of Union air carriers in that third country. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[1]. 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/reg/2011/182/oj).
Recital 23		
36		(23) Where a provider designated as a B2C MDMS provider with significant market presence in one or several Member States is designated as B2C MDMS provider with significant market power at Union level, the Member States where the B2C MDMS provider was designated as having a significant market remains competent to enforce this Regulation against that B2C MDMS provider for the period preceding its designation as B2C MDMS provider with significant market power at Union level.
Recital 24		
37		(24) The objective of this Regulation, namely to establish common rules for B2B and B2C MDMS providers in relation to transport products offered or used in the Union, cannot be adequately met by Member States acting alone. This is due to the cross-border nature of digital mobility services and the need to ensure interoperability, consistency, and legal certainty across national markets. To avoid market fragmentation and ensure a level playing field for transport operators and MDMS providers across the Union, action at Union level is necessary. As a result, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

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Recital 25		
38		(25) Due to market and technological changes some provisions of Regulation (EC) No 80/2009 are no longer relevant, while some provisions remain relevant but are no longer fit for purpose and need to be updated. The specific rules for parent carriers are no longer relevant as airlines have fully divested their CRS ownership. Consequently, the associated auditing and reporting requirements regarding their ownership and structure should also be repealed, since they are intrinsically linked to those rules. The provisions on the protection of personal data are now consistently enforced across the Union under the rules of Regulation (EU) 2016/679 of the European Parliament and of the Council[1]. Section 6 of Regulation (EC) No 80/2009 on infringements and penalties is superseded by the rules set out in this Regulation. The other remaining provisions of Regulation (EC) No 80/2009 should be retained, as they continue to be relevant and updated to reflect market and technological changes in order to ensure a level playing field between all providers performing similar functions in business-to-business digital reservation services. In particular, the rules on the use of a neutral display should be updated to offer all providers greater flexibility for ranking transport products in accordance with new technological developments. Regulation (EC) No 80/2009 should therefore be repealed and the relevant provisions incorporated into this Regulation, _____ 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679).
Formula		
39		HAVE ADOPTED THIS REGULATION:
Chapter 1		
40		Chapter 1 Subject matter, scope and definitions
Article 1		
41		Article 1 Subject matter
Article 1, first paragraph		
42		This Regulation establishes a framework to facilitate multimodal and multi-operator passenger mobility through the deployment and use of business-to-consumer multimodal digital mobility services and business-to-business **multimodal** digital mobility services.

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Article 1, second paragraph		
43	It lays down common rules for cooperation that ensure a level playing field for providers of multimodal digital mobility services, business users of such services, as well as the transport operators providing the underlying transport service. It also sets out rules on information to be provided by those providers to business users, end users and public transport authorities.	
Article 2		
44		Article 2 Scope
Article 2(1)		
45	(1) This Regulation applies to:	
Article 2(1), point (a)		
46	(a) providers of business-to-consumer multimodal digital mobility services when they offer transport products to end users in the Union, for journeys within, to or from the Union, except for transport services whose principal purpose is to meet the transport needs of an urban centre or conurbation, including a cross-border conurbation, or to meet the transport needs between such a centre or conurbation and the surrounding area;	
Article 2(1), point (b)		
47	(b) providers of business-to-business multimodal digital mobility services when they offer transport products to business users in the Union, or when the transport product's underlying transport service is provided, wholly or partially, within the territory of the Union;	
Article 2(1), point (c)		
48	(c) transport operators when they have a commercial agreement with one of the providers referred to in points (a) and (b).	
Article 2(2)		
49	(2) This Regulation does not apply to online search engines as defined in Article 2, point (5), of Regulation (EU) 2019/1150.	
Article 2(3)		
50	(3) The obligations set out in this Regulation do not apply to:	
Article 2(3), point (a)		
51	(a) B2C MDMS providers which are small or medium-sized enterprises as defined in Article 2 of the Annex to Commission Recommendation 2003/361/EC[1];	

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	1. Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36, ELI: http://data.europa.eu/eli/reco/2003/361/oj).	
Article 2(3), point (b)		
52	(b) B2B MDMS providers which are small or medium-sized enterprises as defined in Article 2 of the Annex to Recommendation 2003/361/EC.	
Article 2(4)		
53	(4) This Regulation is without prejudice to Articles 101 and 102 of the Treaty on the Functioning of the European Union (TFEU) and to the application of national competition rules.	
Article 2(5)		
54	(5) This Regulation is without prejudice to the application of Regulation (EU) XX (RTR) and of other Union legal acts regulating the provision of information society services.	
Article 3		
55	Article 3 Definitions	
Article 3, first paragraph		
56	For the purposes of this Regulation, the following definitions apply:	
Article 3, first paragraph, point (1)		
57	(1) ‘information society service’ means a service as defined in Article 1(1), point (b), of Directive (EU) 2015/1535 of the European Parliament and of the Council;	
Article 3, first paragraph, point (2)		
58	(2) ‘business-to-consumer multimodal digital mobility service’ or ‘B2C MDMS’ means an information society service which meets all of the following conditions:	
Article 3, first paragraph, point (2)(a)		
59	(a) it provides end users with traffic and travel information, such as schedules, service availability and fares for transport products;	
Article 3, first paragraph, point (2)(b)		

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60		(b) it distributes online transport products or relinks transport products, with any transport product offered at least partially under a code share arrangement or an interlining agreement being considered as a transport product of the marketing operator only~~, from two or more transport operators in the same mode, unless those transport operators are part of the same~~ group ~~of transport operators~~;
Article 3, first paragraph, point (2)(ba)		
60a		**(ba) it distributes online transport products or relinks transport products from two or more transport operators in the same mode, unless those transport operators are part of the same group of transport operators;**
Article 3, first paragraph, point (3), first subparagraph		
61		(3) 'business-to-business multimodal digital mobility service' or 'B2B MDMS' ~~means~~**is** a service provided through IT systems to business users ~~by an entity~~ which ~~provides traffic and travel information, such as schedules, service availability and fares for transport products, with any transport product offered at least partially under a code share arrangement or an interlining agreement being considered as a transport product~~**meets all** of the ~~marketing operator only, and with or without the facility to make a reservation or issue tickets on behalf of a client, of two or more transport operators, in the same transport mode, unless those transport operators are part of the same group of transport operators;~~**following criteria:**
Article 3, first paragraph, point (3), second subparagraph		
61a		**(a) it provides traffic and travel information, such as schedules, service availability and fares for transport products, with any transport product offered at least partially under a code share arrangement or an interlining agreement being considered as a transport product of the marketing operator only,**
Article 3, first paragraph, point (3), third subparagraph		
61b		**(b) it provides the service with or without the facility to make a reservation or issue tickets on behalf of a client, of two or more transport operators, in the same transport mode, unless those transport operators are part of the same group of transport operators;**
Article 3, first paragraph, point (4)		
62		(4) 'journey' means the end-to-end carriage of passengers, which can include multiple legs and is carried out by one or more operators, using one or more modes of transport;
Article 3, first paragraph, point (5)		
63		(5) 'transport service' means the carriage of passengers by air, rail, bus, coach or waterborne vessel, available to the public and operated according to a published timetable between a point of departure and a point of arrival;

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Article 3, first paragraph, point (6)		
64	(6) ‘transport product’ means a tailored transport service linked to a fare;	
Article 3, first paragraph, point (7)		
65	(7) ‘ticket’ means valid evidence of the purchase of a transport product;	
Article 3, first paragraph, point (8)		
66	(8) ‘transport operator’ means any carrier that provides transport services or organises transport services on the basis of a cooperation agreement with carriers that are licensed to provide transport services on Union territory;	
Article 3, first paragraph, point (9)		
67	(9) ‘group of transport operators’ means at least two transport operators that together form part of the same undertaking within the meaning of Article 101 TFEU;	
Article 3, first paragraph, point (10)		
68	(10) ‘business user’ means any natural or legal person acting in a commercial or professional capacity using a B2B MDMS, including via subscription, under a commercial agreement with the provider of that B2B MDMS, for the purpose of reserving transport products on behalf of a client;	
Article 3, first paragraph, point (11)		
69	(11) ‘end user’ means any natural or legal person using a B2C MDMS;	
Article 3, first paragraph, point (12)		
70	(12) ‘client’ means any natural or legal person who is a customer of the business user for the purpose of purchasing a transport product;	
Article 3, first paragraph, point (13)		
71	(13) ‘re-linking’ means the redirection of an end user to the relevant online mobility websites or applications where the availability of one or more displayed transport products can be checked and the transport products selected by the end user can be purchased;	
Article 3, first paragraph, point (14)		
72	(14) ‘remuneration’ means a booking fee or any other financial compensation paid by the transport operator for the services provided by a B2C MDMS provider or B2B MDMS provider;	

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Article 3, first paragraph, point (15)		
73	(15) ‘fare’ means the amount that the end user, or the client, has to pay for the transport product, in accordance with any conditions applicable to the transport product, such as mandatory seat reservations, and related auxiliary services, such as luggage transfer;	
Article 3, first paragraph, point (16)		
74	(16) ‘final price’ means the amount that the end user, or the client, pays when purchasing a transport product and which includes the fare and all charges, applicable taxes, surcharges and booking fees, which are unavoidable and foreseeable at the time when the price is shown on the display;	
Article 3, first paragraph, point (17)		
75	(17) ‘public transport authority’ means any public authority in a Member State responsible for the traffic management or the planning or management of a given transport network or transport service falling within its jurisdiction;	
Article 3, first paragraph, point (18)		
76	(18) ‘distribution facilities’ means features made available by a B2B MDMS provider for providing information on transport operators’ schedules, service availability, fares and related services, for making reservations, for issuing tickets, for any other related services.	
Article 3, first paragraph, point (18a)		
76a		**(18a) ‘main establishment’ means the place of the central administration in the Union of a B2C MDMS provider, B2B MDMS provider or transport operator, unless the decisions on the entity’s commercial activities are taken in another establishment of the entity, in which case that other establishment shall be considered the main establishment.**
Chapter 2		
77		Chapter 2 B2C MDMS providers with significant market presence and B2B MDMS providers
Article 4		
78		Article 4 Designation of B2C MDMS providers with significant market presence
Article 4(1)		
79	1. B2C MDMS providers shall, each year, inform the Commission and the Member State of their establishment, of the number and value of tickets sold per transport mode per year per Member State.	
Article 4(2)		

PUBLIC

	VS.EC	Council Mandate
80		2. A B2C MDMS provider shall be designated as a B2C MDMS provider with significant market presence at Union level for each transport mode in which it meets the thresholds laid down in point 1 of Annex I. To that end, a B2C MDMS provider that meets those thresholds shall, for each transport mode concerned, notify that fact to the Commission. A designation pursuant to this paragraph shall take precedence over any designation concerning the same transport mode at national level.
Article 4(3)		
81		3. A B2C MDMS provider shall be designated as a B2C MDMS provider with significant market presence at national level for each transport mode in which it meets the thresholds laid down in point 2 of Annex I. To that end, B2C MDMS providers that meet those thresholds shall, for each transport mode concerned, notify that fact to the national enforcement body of the Member State in which they have met those thresholds.
Article 4(4)		
82		4. By way of derogation from the obligation in paragraph 3 of this Article to notify national enforcement bodies when it meets the thresholds laid down in point 2 of Annex I, a B2C MDMS provider that meets the thresholds laid down in both points 1 and 2 of Annex I, shall, for each transport mode concerned, notify only the Commission of that fact.
Article 4(5)		
83		5. B2C MDMS providers shall submit all the notifications and information referred to in paragraphs 1 to 4 of this Article by 31 January of the year following the financial year for which the thresholds laid down in Annex I are assessed. By way of derogation from the obligation in paragraphs 2 and 3 of this Article to notify either the Commission or the relevant national enforcement bodies when it meets the thresholds laid down in either points 1 or 2 of Annex I, a B2C MDMS provider that has been designated in accordance with either of those paragraphs shall not be obliged to submit any subsequent notification for the modes of transport concerned unless the thresholds laid down in Annex I are modified in accordance with paragraph 9 of this Article.
Article 4(6)		
84		6. For the purposes of assessing whether they meet the thresholds laid down in points 1 and 2 of Annex I, B2C MDMS providers shall take into account all ticket sales of all of their subsidiaries.
Article 4(7), first subparagraph		
85		7. The designating authority shall adopt a decision designating a B2C MDMS provider as having significant market presence when they meet the thresholds laid down in points 1 or 2 of Annex I. The Commission shall adopt designation decisions by means of implementing acts. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 17(2).

PUBLIC

	VS.EC	Council Mandate
Article 4(7), second subparagraph		
86		The designating authority shall take its decision on the basis of the information submitted by the B2C MDMS provider in accordance with paragraphs 1, 2 or 3 of this Article or any other information available to it. The B2C MDMS provider shall communicate to the designating authority, upon its request and within a reasonable timeframe, and in any case within two months, any additional information needed for the purpose of the assessment of its significant market presence. B2C MDMS providers which do not submit the requested information within the established timeframe may be designated, without undue delay, based on any other information available to the designating authority.
Article 4(7), third subparagraph		
87		The designating authority shall adopt that decision within six months from the notification referred to in paragraphs 2 and 3 of this Article or, where applicable, after an assessment concluding that the B2C MDMS provider meets the thresholds laid down in Annex I, and in any case at the latest by 1 November of the year following the financial year in which the thresholds laid down in Annex I are met.
Article 4(7), fourth subparagraph		
88		National enforcement bodies shall notify oftheir decisions, designating a B2C MDMS provider as having significant market presence to the Commission within one month from the adoption of the decision. The Commission shall, without undue delay, publish on a dedicated webpage and keep up to date a list of the B2C MDMS providers designated at national and Union level.
Article 4(8)		
89		8. The designating authority shall terminate the designation if, during an uninterrupted period of one **financial** year, the B2C MDMS provider has not met the thresholds laid down in points 1 and 2 of Annex I, for the transport mode in which it has been designated. The rules laid down in paragraphs 1 to 7 of this Article shall apply mutatis mutandis to the termination of designation.
Article 4(9)		
90		9. The Commission is empowered to adopt delegated acts in accordance with Article 16 concerning the amendment of the thresholds laid down in Annex I, in order to adapt the thresholds to changes in the B2C MDMS market.
Article 5		
91		Article 5 Conditions for commercial agreements between transport operators and B2C MDMS providers with significant market presence or B2B MDMS providers
Article 5(1)		
92		1. B2C MDMS providers shall comply with the rules laid down in this Article in relation to the transport mode for which they have been designated pursuant to Article 4(2) and (3) and in the Member States to which that designation relates.

PUBLIC

	VS.EC	Council Mandate
Article 5(2)		
93		2. ~~When concluding commercial agreements with transport operators,~~**If** B2C MDMS providers designated as having significant market presence in the transport mode concerned, and B2B MDMS providers, **conclude commercial agreements with transport operators, MDMS providers** shall:
Article 5(2), point (a)		
94		(a) provide guarantees to ensure that commercially sensitive data shared by transport operators are not disclosed, including to other transport operators using the same MDMS, or to transport operators vertically integrated with the B2C MDMS provider, or to other B2B MDMS providers;
Article 5(2), point (b)		
95		(b) not attach any unfair conditions or exclusivity clauses to the commercial agreement that would, intentionally or otherwise:
Article 5(2), point (b)(i)		
96		(i) hinder or prevent transport operators from concluding commercial agreements with other B2C MDMS providers or B2B MDMS providers for the effective use of their services;
Article 5(2), point (b)(ii)		
97		(ii) require the acceptance of any supplementary conditions that, by their nature or according to commercial usage, would not be necessary for the distribution or re-linking of transport products;
Article 5(2), point (b)(iii)		
98		(iii) make it a condition that a participating transport operator is forbidden at the same time from using another system or that a participating transport operator is forbidden from freely using alternative reservation systems such as its own direct connect system, internet booking system and call centres;
Article 5(2), point (c)		
99		(c) ensure that ~~where remuneration for the services of the B2C MDMS provider or the B2B MDMS provider is agreed with the transport operator,~~ remuneration levels are based on fair, reasonable and non-discriminatory criteria.
Article 5(3)		
100		3. B2B MDMS providers shall:
Article 5(3), point (a)		

PUBLIC

	VS.EC	Council Mandate
101	(a) not reserve any specific loading or processing procedures, any other distribution facilities or any changes to those procedures or facilities, for certain transport operators;	
Article 5(3), point (b)		
102	(b) provide the same information to all participating transport operators about changes to their distribution facilities, loading procedures and processing procedures;	
Article 5(3), point (c)		
103	(c) ensure that their distribution facilities are separated in a clear and verifiable manner from any transport operator's private inventory, management facilities and marketing facilities.	
Article 6		
104		Article 6 Conditions for commercial agreements between B2B MDMS providers and business users
Article 6(1)		
105	1. Commercial agreements between B2B MDMS providers and business users shall not intentionally or otherwise:	
Article 6(1), point (a)		
106	(a) hinder or prevent a business user from subscribing to or using effectively any other similar system;	
Article 6(1), point (b)		
107	(b) require the acceptance of additional conditions which are not necessary for the subscription to the B2B MDMS;	
Article 6(1), point (c)		
108	(c) impose an obligation to accept specific technical equipment or software;	
Article 6(1), point (d)		
109	(d) impose any other unfair or unjustified conditions.	

PUBLIC

	VS.EC	Council Mandate
Article 6(2)		
110		2. Where a business user is a small enterprise within the meaning of Article 2(2) of the Annex to Recommendation 2003/361/EC it may terminate its commercial agreement with a B2B MDMS provider any time after the first year of that agreement. To that end, it shall give written notice, which shall not exceed three months. In such a case, a B2B MDMS provider shall not be entitled to recover more than the administrative costs directly related to the termination of the commercial agreement.
Chapter 3		
111		Chapter 3 General obligations of B2C MDMS and B2B MDMS providers in relation to the display and exchange of information
Article 7		
112		Article 7 Neutral display and ranking criteria
Article 7(1)		
113		1. When displaying transport products or a combination of transport products, B2C MDMS providers and B2B MDMS providers shall load and process data provided by transport operators with equal care and in a timely manner.
Article 7(2)		
114		2. When B2C MDMS providers and B2B MDMS providers display transport products or a combination of transport products, they shall do so in a neutral and comprehensive manner, without discrimination or bias.
Article 7(3)		
115		3. Transport operators shall ensure that the data submitted to B2C MDMS providers and B2B MDMS providers is accurate, up to date and **reliable, and** allows the provider to comply with the rules set out in this Article.
Article 7(4)		
116		4. B2C MDMS providers and B2B MDMS providers shall apply the criteria referred to in paragraph 5 to rank the transport products and combinations of transport products on a non-discriminatory basis to all transport operators. Those criteria shall not be based on any factor directly or indirectly related to the transport operator's identity, unless explicitly required by the end user or business user. B2C MDMS providers and B2B MDMS providers shall display transport products and combinations of transport products in such a way that the end user or business user is not misled, and can easily access them, the display criteria are clearly indicated, and the rules set out in this Article are met.

PUBLIC

	VS.EC	Council Mandate
Article 7(5)		
117	5. When displaying transport products or a combination of transport products, B2C MDMS providers and B2B MDMS providers shall by default rank the transport products or combinations of transport products based on one or more of the following criteria:	
Article 7(5), point (a)		
118	(a) final price;	
Article 7(5), point (b)		
119	(b) travel time;	
Article 7(5), point (c)		
120	(c) **emissions expressed in** greenhouse gas (GHG) **or CO2e** emissions;	
Article 7(5), point (d)		
121		*deleted*
Article 7(5), point (e)		
122	*(e)* products including a single-leg transport service ranked by departure time;	
Article 7(5), point (f)		
123	(f) products including stops and available subsequent connecting transport services, ranked by departure time and total travel time;	
Article 7(5), point (g)		
124	(g) accessible transport services for persons with disabilities or reduced mobility.	
Article 7(6)		
125	6. B2C MDMS providers and B2B MDMS providers shall always present final prices to end users or business users when displaying transport products or a combination of transport products. For air services, those shall be presented in accordance with Article 23 of Regulation (EC) No 1008/2008.	

PUBLIC

	VS.EC	Council Mandate
Article 7(7)		
126	7. B2C MDMS providers and B2B MDMS providers shall always allow end users and business users to rank transport products or a combination of transport products on the basis of GHG emissions or CO_2 equivalent emissions.	
Article 7(8)		
127	8. B2C MDMS providers and B2B MDMS providers shall enable end users and business users to ~~use or combine any~~**filter results using any or a combination** of the criteria listed in paragraph 5, points (a) to (g), in any order.	
Article 7(9)		
128	9. B2C MDMS providers and B2B MDMS providers shall display a transport product only once within a given search result. By way of derogation, in case of code-share arrangements, each of the two code-share transport operators shall be allowed to ask for the relevant transport products to be displayed as their own service, using their own individual carrier designator code. Where more than two transport operators participate in a code-share agreement, identification of the two carriers for the purposes of the display shall fall within the responsibility of the transport operator that actually operates the journey.	
Article 7(10)		
129	10. When displaying transport products or a combination of transport products, B2C MDMS providers and B2B MDMS providers may use other ranking criteria in addition to those laid down in paragraph 5, if explicitly requested by the end user or client of the business user. When displaying final prices, B2B MDMS providers shall communicate any optional price supplements to business users in a clear and transparent manner.	
Article 7(11)		
130	11. B2C MDMS providers may accept direct or indirect payment from transport operators in order to display those operators prominently. Such 'paid prominence' shall not be one of the default ranking criteria and shall only be available upon request by the end user. The offers to which that criterion has been applied shall be clearly displayed with the indication "choice of" or "sponsored content". The effects of the payment on the ranking shall be transparently described.	
Article 7(12)		
131	12. 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[1] shall be clearly and specifically identified by B2C MDMS providers and B2B MDMS providers when they display transport products. The B2C MDMS providers and B2B MDMS providers shall include a specific symbol when they display transport products which shall inform end users and business users of the identity of the operating air carrier as provided for in Article 11 of Regulation (EC) 2111/2005.	

PUBLIC

	VS.EC	Council Mandate
	1. 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, and repealing Article 9 of Directive 2004/36/EC (OJ L 344, 27.12.2005, p. 15, ELI: http://data.europa.eu/eli/reg/2005/2111/oj).	
Article 7(13)		
132	13. This Article shall not apply to B2B MDMS used by a transport operator or a group of transport operators at its own offices or sales counters, or on direct distribution websites clearly identified as its own.[1] _____ 1. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70, ELI: http://data.europa.eu/eli/dir/2019/882/oj).	
Article 8		
133	Article 8 Marketing information data	
Article 8(1)		
134	1. If any marketing, booking or sales data is provided by a B2C MDMS provider or a B2B MDMS provider at the request of one transport operator, **operator with which it has concluded a commercial agreement,** it shall also be made available in a timely manner to all **other** transport operators with whom that provider has concluded a commercial agreement. That data may, and on the transport operator's request, shall, cover all transport operators and business users with whom that provider has concluded a commercial agreement. Only anonymised and aggregated data may be made available.	
Article 8(2)		
135	2. Transport operators shall not use the data referred to in paragraph 1 in order to identify and influence the choice of the end user or business user.	
Article 8(3)		
136	3. Where the data referred to in paragraph 1 results from the use by a business user established in the Union of the distribution facilities of a B2B MDMS provider, it shall not identify the business user unless that business user agrees on the conditions for making appropriate use of that data with the B2B MDMS provider. The same shall apply to the sharing of such data by the B2B MDMS provider with any other party for use by that party for reasons other than billing settlement.	
Article 9		
137	Article 9 Information on greenhouse gas emissions and carbon dioxide equivalent emissions	

PUBLIC

	VS.EC	Council Mandate
Article 9(1)		
138		1. MDMS providers shall display clear, transparent and accessible information on the GHG emissions or CO_2 equivalent emissions, as applicable, of transport products, wherever such information is made available by transport operators. That information shall be displayed as provided by the transport operator, in accordance with Regulation (EU) XXX of the European Parliament and of the Council CEEU, including where applicable in accordance with Implementing Regulation (EU) 2024/3170.
Article 9(2)		
139		2. If the information referred to in paragraph 1 is not available for all transport products included in a combination of transport products, the B2C MDMS provider or B2B MDMS provider shall specify which transport products the information relates to and explicitly indicate which transport products lack information on GHG emissions or CO_2 equivalent emissions.
Article 9(3)		
140		3. When ranking transport products or a combination of transport products on the basis of GHG emissions or CO_2 equivalent emissions, B2C MDMS providers or B2B MDMS providers shall display the transport products or combination of transport products for which such information is not available at the end of the ranking. Where information is only partially available for a part of the journey, B2C MDMS providers or B2B MDMS providers shall display that product in the ranking order lower than the display of transport products or a combination of transport products for which all information is available.
Article 10		
141		Article 10 Sharing of data with public transport authorities
Article 10(1)		
142		1. Upon request of a public transport authority, and provided that they offer transport products within the territory under the responsibility of that authority, B2C MDMS providers shall transmit passenger volumes data in each transport mode covered by the MDMS. Such data shall be used exclusively to improve the effectiveness of public transport policies and sustainable mobility policies falling under the responsibility of that authority. The data shall be aggregated and anonymised. B2C MDMS providers shall only be required to share data already in their possession and shall not be obliged to produce new data in response to a request from a public transport authority.
Article 10(2)		
143		2. Requests referred to in paragraph 1 shall clearly indicate the specific objective of transport policies or sustainable mobility policies for which the data is needed. The public transport authority shall not use the data for any other purpose than to support the design, implementation and evaluation of public transport policies. The public transport authority shall not use or share the requested data for commercial purposes.

PUBLIC

	VS.EC	Council Mandate
Article 10(3)		
144	3. Public transport authorities shall cover the costs reasonably incurred by the B2C MDMS provider for providing the data requested by that authority.	
Article 11		
145		Article 11 Equivalent treatment of air carriers in third countries
Article 11(1)		
146	1. Without prejudice to international agreements to which the Union or Member States are parties, where a B2B MDMS provider operating in a third country does not treat Union air carriers and carriers from that third country to whom it provides services in an equivalent way with regard to any of the matters covered by this Regulation, the Commission may require, by means of an implementing act adopted in accordance with the procedure referred to in Article 17(2), all B2B MDMS providers operating in the Union to treat air carriers from that third country in a manner that is equivalent to the treatment of Union air carriers in that third country.	
Article 11(2)		
147	2. For the purposes of paragraph 1, the Commission shall monitor discriminatory or non-equivalent treatment of Union air carriers by B2B MDMS providers in third countries. At the request of a Member State or on its own initiative, the Commission shall investigate potential cases of discrimination against Union air carriers in B2B MDMS in third countries. Before taking a decision in accordance with paragraph 1, the Commission shall inform the interested parties.	
Chapter 4		
148		Chapter 4 Implementation and enforcement
Article 12		
149		Article 12 National enforcement bodies
Article 12(1)		
150	1. Member States shall designate a national enforcement body to be responsible for the enforcement of this Regulation. Member States shall ensure that their national enforcement body has all the necessary administrative and financial resources and has the necessary expertise to adequately carry out the tasks under this Regulation. 2.	

PUBLIC

	VS.EC	Council Mandate
Article 12(2)		
151		2. Each Member State shall notify the Commission of the identity of the national enforcement body it has designated in accordance with paragraph 1 and specify the tasks and responsibilities of that body. The national enforcement body shall publish the information about its tasks and responsibilities on its webpage. The Commission shall publish a list of those bodies on a dedicated webpage and keep it up to date.
Article 12(3)		
152		3. The national enforcement body of the Member State in which the main establishment of the B2C MDMS provider **or B2B MDMS provider** is located shall have the power to enforce this Regulation in relation to that ~~B2C MDMS~~ provider.
Article 12(4)		
153		4. By way of derogation from paragraph 3, and on the basis of a duly reasoned request from the national enforcement body of a Member State where the B2C MDMS provider has been designated as having significant market presence, the power to enforce the obligations laid down in Article 5(2) shall, for the purposes laid down in that request, be transferred to that national enforcement body by the national enforcement body of the Member State in which the main establishment of that B2C MDMS provider is located.
Article 12(5)		
154		5. The national enforcement body of the Member State in which the main establishment of the ~~B2B MDMS provider and of the~~ transport operator~~, respectively,~~ is located shall have the exclusive power to enforce this Regulation in relation to that ~~B2B MDMS provider and that~~ transport operator.
Article 12(6)		
155		6. Where a B2C MDMS provider or a B2B MDMS provider does not have any establishment in the Union, any national enforcement body shall be competent to enforce this Regulation in relation to that provider.
Article 12(7)		
156		7. Member States shall ensure that their national enforcement body is independent in terms of its organisation, funding, legal structure, and decision-making procedures from any transport operator, B2C MDMS provider, B2B MDMS provider, business user or public transport authority.
Article 13		
157		Article 13 Tasks of national enforcement bodies

PUBLIC

	VS.EC	Council Mandate
Article 13(1)		
158	1. Member States shall ensure the tasks and responsibilities of the national enforcement body are clearly defined and cover at least the following:	
Article 13(1), point (a)		
159	(a) promoting awareness of the rights and obligations laid down in this Regulation;	
Article 13(1), point (b)		
160	(b) designating B2C MDMS providers with significant market presence in accordance with Article 4;	
Article 13(1), point (c)		
161	(c) monitoring compliance with this Regulation and taking measures to ensure its correct implementation;	
Article 13(1), point (d)		
162	(d) handling complaints of alleged breaches of this Regulation**, in accordance with Article 14**;	
Article 13(1), point (e)		
163	(e) imposing penalties laid down in accordance with Article 15, where the national enforcement body established that the provisions of this Regulation have been breached**, unless Member States decide to confer the responsibility of imposing penalties on another competent authority**;	
Article 13(1), point (f)		
164	(f) cooperating with national enforcement bodies of other Member States and with the Commission to ensure the coherent enforcement of this Regulation, mutual assistance in market monitoring tasks, enforcement, designation process and complaint handling, including through the exchange of relevant information by electronic means while duly respecting the confidentiality of commercially sensitive data.	
Article 13(2)		
165	2. National enforcement bodies shall enforce this Regulation in close cooperation with one another.	
Article 13(3)		
166	3. Where a national enforcement body requests information from a national enforcement body in another Member State in order to carry out its tasks or responsibilities, that information shall be provided without undue delay and, in any event, within one month from receipt of the request. In complex cases, the national enforcement body to whom the request is addressed may extend that deadline to a maximum of three months from receipt of the request.	

PUBLIC

	VS.EC	Council Mandate
Article 13(4)		
167		4. The national enforcement bodies shall set up and cooperate through a network that convenes regularly and at least once a year, to exchange information in particular on their monitoring, enforcement and implementation work, decision-making principles, and administrative practices. The Commission shall be a member, coordinate and support the work of the network and make recommendations to the network, as appropriate. It shall ensure active cooperation of the appropriate regulatory bodies.
Article 14		
168		Article 14 Complaints
Article 14(1)		
169		1. B2C MDMS providers, B2B MDMS providers or business users shall have the right to lodge a complaint ~~alleging a breach of this Regulation~~ with the national enforcement body of the Member State where they are established ~~alleging~~**if they allege** a breach of this Regulation~~, or if they~~ **or** believe **that** they have been unfairly treated, discriminated against or are in any other way aggrieved.
Article 14(2)		
170		2. Public transport authorities may lodge a complaint alleging a breach of Article 10 with the national enforcement body of their Member State.
Article 14(3)		
171		3. Transport operators shall have the right to lodge ~~complaints alleging a breach of this Regulation~~**a complaint** with the national enforcement body of the Member State in which their licence to operate on Union territory has been granted~~, or~~ if they **allege a breach of this Regulation or** believe **that** they have been unfairly treated, discriminated against or are in any way other way aggrieved.
Article 14(4)		
172		4. When they are not located or established in the Union, B2C MDMS providers, B2B MDMS providers and business users, as well as a transport operators whose license was granted by a third country shall have the right to lodge a complaint alleging a breach of this Regulation with the competent national enforcement body of the Member State in which the other party allegedly committing the infringement is established, or which granted its operating licence, or in whose territory the transport services concerned, or a part of those services, were provided.
Article 14(5)		
173		5. Where a complaint cannot be lodged in accordance with the rules established in paragraphs 1 to 4, the complaint **by B2C MDMS providers, B2B MDMS providers or business users** may be lodged with the national enforcement body of any Member State.

PUBLIC

	VS.EC	Council Mandate
Article 14(6)		
174	6. The national enforcement body receiving a complaint pursuant to paragraphs 1 to 5 of this Article shall assess the complaint and, where appropriate, transmit it to the competent national enforcement body of the Member State in accordance with Article 12(1).	
Article 14(7), first subparagraph		
175	7. National enforcement bodies shall refuse to handle a complaint if another complaint on the same subject between the same parties has already been lodged with another national enforcement body or an effective remedy has been sought before a national court of a Member State.	
Article 14(7), second subparagraph		
176	National enforcement bodies handling a complaint shall inform the national enforcement bodies of the Member States:	
Article 14(7), second subparagraph, point (a)		
177	(a) in which the B2C MDMS provider or B2B MDMS provider that is subject to the complaint is established;	
Article 14(7), second subparagraph, point (b)		
178	(b) which granted the operating licence of the transport operator that is subject to the complaint;	
Article 14(7), second subparagraph, point (c)		
179	(c) in whose territory the transport services were provided.	
Article 14(7), third subparagraph		
180	The national enforcement body handling a complaint may also request relevant information from the national enforcement bodies referred to in the first subparagraph and shall take it into account before taking a decision in relation to the complaint.	
Article 14(8)		
181	8. On [Publication Office, insert the date of entry into force of this Regulation +2 years], and every two years thereafter, national enforcement bodies shall publish activity reports with statistics including the issues which most frequently gave rise to complaints and information on penalties imposed for breaches of this Regulation. The reports shall not disclose commercially sensitive data. The reports shall be published on the website of the respective national enforcement body by 30 June of the calendar year following the end of the reference period.	
Article 15		
182	Penalties	Article 15

PUBLIC

	VS.EC	Council Mandate
Article 15(1)		
183	1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation. Those penalties shall be effective, proportionate, dissuasive and non-discriminatory.	
Article 15(2)		
184	2. Member States shall notify the Commission of those rules and measures by [date of application of the Regulation] and shall notify it without delay of any amendments to them.	
Article 16		
185	Article 16 Exercise of the delegation	
Article 16(1)		
186	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	
Article 16(2)		
187	2. The power to adopt delegated acts as referred to in Article 4 (10) shall be conferred on the Commission for a period of five years from [date of entry into force of this act]. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	
Article 16(3)		
188	3. The delegation of power may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power set out in that decision. It shall take effect the day following its publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	
Article 16(4)		
189	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	
Article 16(5)		
190	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	

PUBLIC

	VS.EC	Council Mandate
Article 16(6)		
191		6. A delegated act adopted pursuant to Article 4 (10) shall enter into force only if no objection has been raised either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.
Article 17		
192		Article 17 Committee procedure
Article 17(1)		
193		1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
Article 17(2)		
194		2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.
Chapter 5		
195		Chapter 5 Final provisions
Article 18		
196		Article 18 Review and report
Article 18, first paragraph		
197		By [dd/mm/20yy - five years after the date of application of this Regulation], the Commission shall evaluate the implementation of this Regulation and submit a report to the European Parliament and the Council on its main findings.
Article 18, second paragraph		
198		The report shall, where necessary, be accompanied by appropriate legislative proposals.

PUBLIC

	VS.EC	Council Mandate
Article 19		
199		Article 19 Repeal
Article 19(1)		
200		1. Regulation (EC) No 80/2009 is repealed.
Article 19(2)		
201		2. References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.
Article 20		
202		Article 20 Entry into force
Article 20, first paragraph		
203		This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.
Article 20, second paragraph		
204		It shall apply from [DATE XX months after the date of entry into force of this Regulation]**, with the exception of Article 9 which shall apply from 2 December 2030**.
Article 20, third paragraph		
205		This Regulation shall be binding in its entirety and directly applicable in all Member States.
Formula		
206		Done at Brussels,
Formula		
207		For the European Parliament
Formula		
208		The President
Formula		

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	VS.EC	Council Mandate
209	For the Council	
Formula		
210	The President[...]	
Annex I		
211	Annex I	
Annex I, first paragraph		
212	Thresholds for the designation of B2C MDMS providers with significant market presence	
Annex I, point 1.		
213	1. A B2C MDMS provider shall be considered to have a significant market presence in the Union if it has sold in the Union during the last financial year, for one of the transport modes in which it provides distribution services, at least:	
Annex I, point 1.(a)		
214	(a) for air transport, 53.5 million products or products whose total value was of 6 394;	
Annex I, point 1.(b)		
215	(b) for rail transport, 203 million rail products or products whose total value was 3 832 million EUR;	
Annex I, point 1.(c)		
216	(c) for bus and coach transport, 318 million products or products whose total value was 18 071 million EUR;	
Annex I, point 1.(d)		
217	(d) for waterborne transport, 45 million products or products whose total value was 792 million EUR.	
Annex I, point 2.		
218	2. A B2C MDMS provider shall be considered to have a significant market presence in a Member State if it has reached in that Member State, within the last financial year, for one of the transport modes in which it provides distribution services one of the two thresholds set out in Table 1.	
Annex I, point 2., Table 1		
219	Table 1	

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Annex II		
220	Annex II	
Annex II, first paragraph		
221	Correlation table for the repeal of g Regulation (EC) No 80/2009	
Annex II, Table 2		
222	Table 2	

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Member States			Rail transport products		Bus and coach transport products		Waterborne transport products	
	Transport products sold annually (in)	Value of transport products sold annually (in millions of EUR)	Transport products sold annually (in)	Value of transport products sold annually (in millions of EUR)	Transport products sold annually (in)	Value of transport products sold annually (in millions of EUR)	Transport products sold annually (in)	Value of transport products sold annually (in millions of EUR)
Austria	3.51	419.09	21.0	360.4	7.05	400.54	0.00	0.00
Belgium	3.31	395.16	20.5	636.4	1.80	102.26	0.30	5.22
Bulgaria	1.04	123.80	1.7	22.5	11.35	644.84	0.00	0.00
Croatia	1.19	141.63	2.2	21.8	7.60	431.78	11.20	194.73
Cyprus	1.28	152.91	0.00	0.00	2.70	153.40	0.00	0.00
Czechia	1.86	222.62	10.2	188	34.75	1947.28	0.00	0.00
Denmark	3.65	436.05	10.9	165.1	14.00	795.39	13.20	229.50
Estonia	0.29	34.17	0.8	12.4	4.70	267.02	4.25	73.89
Finland	2.00	239.10	5.4	52.5	11.45	650.52	5.20	90.41
France	20.58	2458.53	98.8	2392.1	75.85	4309.33	6.50	113.01
Germany	23.01	2747.83	205.2	3201.1	173.20	9840.15	9.80	170.39
Greece	7.96	951.29	1.3	38.3	34.30	1948.71	22.70	394.67
Hungary	1.77	211.66	22.5	359.4	48.50	2755.47	0.00	0.00
Ireland	4.32	516.44	5.8	95.6	10.10	573.82	0.90	15.65
Italy	22.09	2638.22	57.1	1142.8	128.45	7297.73	30.85	536.37
Latvia	0.65	77.43	1.4	9.4	4.05	230.10	0.30	5.22
Lithuania	0.65	77.52	0.5	17.4	9.70	551.09	0.00	0.00

Luxemburg	0.36	42.69	1.5	58.2	0.85	48.29	0.00	0.00
Malta	0.76	91.03	0.00	0.00	0.00	0.00	4.95	86.06
	8.22	981.28	23.1	1140.4	8.45	480.08	0.85	14.78
Poland	5.93	708.01	25.4	352.9	127.40	7238.08	1.15	19.99
Portugal	7.08	845.82	13.1	205.6	25.80	1465.80	0.55	9.56
Romania	2.31	276.39	5.5	101.8	44.90	2550.94	0.00	0.00
Slovakia	0.29	35.19	2.3	40.8	7.10	403.38	0.00	0.00
Slovenia	0.16	18.77	1.4	42.8	6.95	394.86	0.00	0.00
Spain	31.76	3793.07	56.5	1174.7	135.60	7703.95	10.95	190.38
Sweden	3.42	408.15	15.3	193.9	15.85	900.50	13.05	226.89

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Regulation (EC) No 80/2009	This Regulation
Article 1	Articles 1 and 2
Article 2	Article 3
Article 3	Article 5
Article 4	Article 5 (3)
Article 5	Article 7
Article 6	Article 6
Article 7	Article 8
Article 8	Article 11
Article 9	Article 7 (2)
Article 10	/
Article 11	/
Article 12	/
Article 13	Articles 12 and 13
Article 14	Articles 12 and 13
Article 15	Article 14
Article 16	Article 12
Article 17	/
Article 18	Article 17

Article 19	Article 19
Annex I	Article 7
Annex II	Annex II

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